State of California
Department of
Industrial Relations
EST. 1927

DUTY STATEMENT

☐ **CURRENT**

☒ **PROPOSED**

CIVIL SERVICE CLASSIFICATION	WORKING TITLE
Attorney III	Staff Attorney

PROGRAM NAME	UNIT NAME
Division of Labor Standards Enforcement	Legal

ASSIGNED SPECIFIC LOCATION	POSITION NUMBER
San Francisco	400 – 503-5795-XXX

BARGAINING UNIT	WORK WEEK GROUP	BILINGUAL POSITION	CONFLICT OF INTEREST FILER	BACKGROUND CHECK
R02	SE	No	Yes	No

General Statement

Under the general direction of an Attorney Supervisor, the incumbent performs complex and sensitive legal work with moderate independence and professional judgment. The incumbent serves as legal counsel and provides litigation support, legal advice, and training in labor and employment-related matters within the jurisdiction of the Labor Commissioner's Office (LCO); including responding to and handling complex California Public Records Act (PRA) requests; supporting the Labor Commissioner's Head Quarters (HQ) Team with reviewing, drafting, and assisting with vendor contracts, communicating with the Director's team; and assisting and advising LCO staff with third-party subpoenas.

Candidates must be able to perform the following essential functions with or without reasonable accommodations.

Percentage of Time Spent	Duties **Essential Job Functions**
40%	Functions as the Custodian of Records designee for the LCO. Responds to and processes PRA requests in compliance with LCO procedures, including PRA requests for LCO investigative files containing sensitive and/or privileged information. Locates and reviews records. Redacts information and segregates records exempt from disclosure under the PRA by conducting complex legal research and analysis of the PRA and related statutes and case law before producing records and/or making records available for inspection and/or copying. Provides information about the status of PRA requests. Serves as lead attorney or a member of a litigation team representing the LCO in state and federal civil litigation involving PRA matters. Independently conduct complex legal analysis, exercises discretion in determining applicable exemptions, and approves redactions. Drafts and files pleadings, conducts discovery, prepares and argues motions, conducts trials, and/or performs appellate work. Provides legal guidance to staff regarding PRA compliance, including advising on complex and sensitive requests. Prepares and presents legal memoranda on new laws and/or developments related to the PRA.
25%	Advises and assists the LCO HQ Team. Negotiates, drafts, reviews, and/or interprets third party vendor contracts, and assists the HQ Team effectively communicate with the Office of the Director's contracts team. Provides other legal support to the Head Quarters Team as may be necessary.

15%	Assists and advises LCO staff in different Regional Offices with third-party subpoenas, including subpoenas for production of records, deposition subpoenas, and/or subpoenas to testify at trial. Reviews subpoenas, communicates with subpoenaing party, negotiates responses to subpoenas, moves to quash subpoenas, and responds to subpoenas. Represents LCO staff who have been subpoenaed to testify at depositions and/or trials.
15%	Serve as a hearing officer in administrative proceedings such as: Talent agency disputes, Citation appeals, Licensing and regulatory due process hearings, and Debarment proceedings. Conduct pre-hearing conferences, certify official acts, and render decisions based on evidence and applicable law.
Percentage of Time Spent	**Marginal Job Functions**
5%	Perform other job-related assignments and duties as required based on operational needs of the organization.

Conduct, Attendance, and Performance Expectations

This position requires a high degree of professionalism, independence, organization and productivity. LCO Attorney IIIs manage a caseload and independently perform work, exercising initiative, judgment and discretion. All attorneys within the LCO are expected to conduct themselves ethically, to behave professionally at all times while representing the Division and Department and to demonstrate good judgment. Conduct shall be respectful and reflective of a professional team environment in accordance with the LCO's mission and vision. According to Bargaining Unit 2 MOU, "[e]mployees are expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities. Employees will normally average forty (40) hours of work per week including paid leave; however, work weeks of a longer duration may occasionally be necessary."

Supervision Received

Under the general direction of an Attorney Supervisor. May receive direction or supervision from an Assistant Chief Counsel.

Supervision Exercised

An Attorney III does not supervise lower level attorney staff, but may act in a lead capacity.

Work Environment, Special Requirements/Other Information, Physical Abilities, Additional Requirements/Expectations, and Personal Contacts

Work Environment

May work in high-rise building in downtown locations.
Must work in office. Workspace is a standard office in a smoke-free environment.

Los Angeles
320 W. Fourth Street,
Suite 450
Los Angeles, CA 90013

Oakland
1515 Clay Street,
Suite 801
Oakland, CA 94612

SF
455 Golden Gate Ave.,
9th Floor, Suite 9628
San Francisco, CA 94102-7002

Sacramento
2031 Howe Avenue,
Suite 100
Sacramento, CA 95825

San Diego
7575 Metropolitan Dr.,
Room 210
San Diego, CA 92108

San Jose
224 Airport Parkway,
Suite 300
San Jose, CA 95110-1022

Special Requirements/Other Information

Active membership in The California State Bar.

Physical Abilities

Must be able to remain stationary at workstation for at least 50% of the workday. Must be able to move or manage office equipment or similar up to 15 pounds.

Additional Requirements/Expectations

The Attorney III is expected to travel via land and air (including overnight travel out of town) and arrange schedules to perform duties and meet the objectives of the program.

Personal Contacts

As needed, an Attorney III will also have contact with the general public, California State and outside legal, program, court and agency staff via phone, email, in person, via presentation, video and mail. Such contact may include general, confidential, sensitive, technical and informative materials.

Employee Acknowledgment

I have read and understand the duties listed above and certify that I possess essential personal qualifications including integrity, initiative, dependability, good judgment, and ability to work cooperatively with others; and a state of health consistent with the ability to perform these assigned duties as described above with or without reasonable accommodation. If you believe a reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for a reasonable accommodation, inform the hiring supervisor who will discuss your concerns with the Medical Management Unit in the Human Resources Office.

Employee Name	Employee Signature	Employee Sign Date

Supervisor Acknowledgment

I certify this duty statement represents a current and accurate description of the essential functions of this position. I have discussed the duties of this position with the employee and provided the employee with a copy of this duty statement.

Supervisor Name	Supervisor Signature	Supervisor Sign Date

HUMAN RESOURCES OFFICE APPROVAL

C&S Analyst Initials

Approval Date