State of California
Department of
Industrial Relations

DUTY STATEMENT

☐ **CURRENT**

☒ **PROPOSED**

CIVIL SERVICE CLASSIFICATION	WORKING TITLE
Attorney III	Staff Attorney for the State Labor Commissioner

PROGRAM NAME	UNIT NAME
Division of Labor Standards Enforcement	Legal

ASSIGNED SPECIFIC LOCATION	POSITION NUMBER
770 E. Shaw Avenue, Fresno, CA 93710	400 – 506-5795-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 works with broad discretion and independence to perform the more complex and sensitive legal work of the Labor Commissioner's Office (LCO). The incumbent will represent the LCO and act as lead counsel for the Wage Claim Adjudication unit, advising the Labor Commissioner and other public agencies, on California employment law. The incumbent is assigned to perform a variety of tasks such as litigation, negotiations, and legislative liaison work, hearings, legal research, and legal opinion writing on cases that may be appealed to the highest courts. May serve as a lead to lower level attorney staff. The incumbent possesses a strong motivation to work on and contribute to labor, employment rights-related matters. This position manages a substantial workload, which may be subject to strict time constraints or involve high-profile cases. The ability to travel is also required for this position.

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

Percentage of Time Spent	Duties **Essential Job Functions**
35%	Provide legal representation to the State Labor Commissioner on matters involving administrative, federal, and state civil law cases concerning various provisions of the Labor Code within their jurisdiction, including through any hearings, trials, writs, appeals, judicial review to the California or United States Supreme Courts. Analyzes difficult, complex and sensitive legal problems, performs fact finding and legal research and prepares legal documents, including reports, memoranda, pleadings, motions, briefs, offensive and defensive discovery, subpoenas, settlement agreements, proposed court orders, orders, proposed legislation and regulations, all of which may include innovative theories and the specialization in wage and employment-related law.
25%	Provide legal analysis, advice, investigative support; serve as a legal subject matter expert to the Labor Commissioner and the Division of Labor Standards Enforcement, in one or more of the following areas, based on assignment and the operational needs of the unit: 1) wage and hour adjudication, administration, civil enforcement; 2) field investigation administration, citation, civil enforcement; 3) licensing and registration administration and enforcement; 4) retaliation investigation, administration, citation, civil enforcement; 5) public works and apprenticeship investigation, administration, citation, enforcement; 6) judgment enforcement; 7) statewide substantive training of personnel and outside

	stakeholders; 8) legislation, rulemaking, regulatory and policy analysis; 9) Public Records Act (PRA), Public Inquiries, PRA response litigation and privacy concerns. May perform peer review of various work products and also serve as lead over lower level attorney staff work assignments, including the tracking of legal questions received from the public, stakeholders, programmatic staff and other agencies, as well as the proposed responses and any necessary approvals.
15%	Prepare and develop legal memoranda, and training material for Division staff and outside stakeholders following annual legislative and case law changes. Conduct specialized, substantive training for program staff and outside stakeholders on enforcement and adjudication process compliance requirements.
10%	Serve as lead or member on a litigation team in representing the Labor Commissioner, the Division, and division chiefs in state and federal civil litigation, involving any of the strategic or substantive areas within the jurisdiction of the LCO. This includes possible challenges to the constitutionality or validity of Labor Code provisions, division practices, and/or enforcement of regulations and may require the need to independently develop and execute portions of cohesive litigation strategy, discovery plans, appellate and legislative courses.
10%	Serve as a hearing officer over administrative hearings in talent agency controversies, citation appeals, debarments and licensing and regulation due process hearings. Hold pre-hearing conferences and certifies official acts; approves stipulations voluntarily entered into by the parties.
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.

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