Duty Statement

☐ Current ☒ Proposed

RPA Number:	Classification Title: Attorney	Position Number: 673-110-5778-015
Incumbent Name:	Working Title:	Effective Date: Click or tap to enter a date.
Tenure: Permanent	Time Base: Full-Time	Intermittent Hours Per Month:
Division/Office: Executive Office	Section/Unit: Legal Office	Reporting Location: Sacramento
Supervisor's Name: David Hults	Supervisor's Classification: Assistant Chief Counsel	CBID: R02
Confidential Designation: ☐ Yes ☐ No	Designated Position for Conflict of Interest: ☒ Yes ☐ No	Position Telework Eligible: ☒ Yes ☐ No
Supervision Exercised: ☒ None ☐ Lead		

General Statement

Under the direction of an Assistant Chief Counsel, the Deputy Counsel and Chief Counsel, this position is responsible for providing written and oral legal advice to CARB's executives, management, and staff on legal issues, many of them relating to California's climate change program. The attorney in this position will focus on developing, implementing, and enforcing regulations, including regulations related to climate change programs. This includes developing and drafting regulations and overseeing rulemaking material preparation to ensure regulations can withstand any subsequent legal challenges in both federal and State courts. These assignments will include legal support for the Carbon Capture, Storage, Utilization, and Removal Program, direct control requirements, and related programs.

Competencies

All employees are responsible for understanding and demonstrating the core competencies of collaboration, communication, customer engagement, digital fluency, diversity and inclusion, innovative mindset, interpersonal skills, and resilience.

Position Description

% of Time	Essential Functions
40%	Provide written and oral legal advice, statutory interpretations, and opinions on matters related to the development of regulations and programs, including those related to climate change programs. Assist staff and managers with all phases of the rulemaking process and program development and implementation. Ensure all legal requirements are met in rulemaking and planning processes, including

	California Health and Safety Code provisions applicable to CARB, the California Administrative Procedure Act, California Environmental Quality Act, and the Bagley-Keene Open Meeting Act. Work closely with CARB staff and, as needed, officials from other federal and State government agencies during development of statewide climate strategies, regulations, and programs. Stay current on national and state developments related to areas of assignment, and conduct legal research to provide advice on legal issues related to state and national environmental law and policy.
20%	Work with other attorneys and Enforcement Division staff to investigate compliance with regulations and programs, including the climate change programs. Assist with negotiating and drafting settlement agreements. Assist with analyzing and identifying implementation issues that impede enforcement, and provide advice on drafting amendments to existing regulations or language for new regulations to ensure they can be effectively enforced and survive legal challenges in both federal and State courts.
20%	Assist in developing litigation strategy in any legal challenges to programs worked on, review pleadings and briefs, and coordinate response to any related discovery requests. Work with staff and the Public Records Act coordinator on records requests related to assigned programs. Review for release documents requested under the Public Records Act or through discovery.
10%	Draft, review, and comment on proposed legislation and assist with other legislative matters.

% of Time	Marginal Functions
5%	Represent CARB and appear in interdepartmental and external meetings, hearings, and training seminars. Travel between CARB headquarters and other offices (including Southern California), and occasionally out of state, as required.
5%	Perform other duties and assignments as directed by the Chief Counsel, Deputy Counsel, or Assistant Chief Counsel within the scope of the classification.

Typical Physical Conditions/Demands

This position requires frequent sitting, standing, walking, bending, and reaching. It also requires frequent use of hands, wrists, and fingers for keyboarding and document manipulation. Moving objects weighing up to 25 pounds may be necessary.

Typical Working Conditions

The incumbent works in a smoke-free environment of a high-rise/multi-floor office building in an indoor office or cubicle.

Special Requirements of Position (Check all that apply):

☐ Duties may require pre-employment and routine screenings (background/criminal/fingerprint clearance, drug testing, fingerprinting, physical, etc.).

☐ Duties require participation in the DMV Pull Notice Program.

☐ Performs other duties requiring high physical demand. (Explain below)

☐ Requires repetitive movement of heavy objects and/or operation of heavy machinery or motorized vehicles.

☐ Travel up to _____ percentage

☐ Bilingual Fluency needed in _____(language)

☐ Other-

Supervisor Statement

I certify that this duty statement accurately describes 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:	Date: Date

Employee Statement

I have discussed these duties with my supervisor and have been provided a copy of this duty statement. I certify that I have read, understand, and can perform the duties of this position either with or without reasonable accommodation*.

** Reasonable accommodation is any modification or adjustment made to a job, work environment, or employment practice or process that enables an individual with a disability or medical condition to perform the essential functions of his or her job or to enjoy an equal employment opportunity. (If you believe reasonable accommodation is necessary, check yes. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Reasonable Accommodation Coordinator.)*

Do you need reasonable accommodation to perform the essential functions of this position? ☐ Yes ☐ No		
Employee Name:	Employee Signature:	Date: Date

Definitions/Instructions

RPA Number – RPA number as provided by Position Control

Classification Title – Official classification title as per CalHR

Position Number – Full position number (agency-unit-class-serial, e.g., 673-810-5142-###)

Incumbent Name – Current employee

Working Title – This may differ from the classification title.

Effective Date – Day incumbent signed new or revised duty statement.

Tenure – Select from Permanent, Limited-Term, Retired Annuitant, etc.

Time Base – Select from Full-Time, Part-Time, Intermittent, etc.

Intermittent Hours per Month – intermittent hours worked.

Division/Office – Name of division or office name of the position

Section/Unit – Name of section or unit of the position

Reporting Location – where the position reports

Supervisor's Name – Current supervisor

Supervisor's Classification – Current supervisor's classification

CBID – Bargaining Unit of the position. Bargaining Unit numbers can be found here using the CalHR Bargaining Unit Search page.

Confidential Designation – Confidential Designation is for employees with a CBID of E48

Designated Position for Conflict of Interest – Refer to CARB's Conflict of Interest Code or CalEPA's Conflict of Interest Code for designated positions

Position Telework Eligible – Will vary as per the CARB's telework policy.

Supervision Exercised – Contingent upon job needs and duty requirement. For allocation reach out to HR for assistance.

General Statement – Provide a summary of the main purpose and functions of the position as it relates to the Agency, 3-5 sentences.
Example: To provide human resources guidance to the programs of the California Air Resources Board (CARB) and the California Environmental Protection Agency (CalEPA) through providing timely, accurate, and customer service-oriented human resources support.

Competencies – Review definitions of competencies below.

Position Description – Provide a brief overview of the position and its main functions related to the Division.
Example: Under the general direction of the Administrative Services Division (ASD) Chief (CEA Level B), the Human Resources Branch Chief ensures the Department's personnel programs follow laws, regulations, policies, and best practices. Provides direction, guidance, and consultation to the CARB and CalEPA management and executive teams. Performs as subject matter expert to managers and

supervisors on personnel-related matters. Serves as the Department's technical expert for personnel matters and handles the most critical and sensitive human resources matters.

Essential Functions – The fundamental job duties of the position. Essential Functions are recommended to be no higher than 40% nor lower than 10%. Essential Functions are the duties the position exists solely to perform. There are a limited number of employees available to perform these functions and they're typically highly specialized.

Marginal Functions – Other job duties related to the position that are not primary functions (i.e., may be completed/assigned to another employee). Marginal Functions are recommended to be no higher than 10%. **Percentages of Essential and Marginal Functions shall add up to 100%.**

Typical Physical Conditions/Demands – The level and duration of physical exertion generally required to perform the tasks required for the position.
Example: This position requires frequent sitting, standing, walking, bending, and reaching. It also requires frequent use of hands, wrists, and fingers for keyboarding and document manipulation. Moving objects weighing up to 25 pounds may be necessary. Occasionally, you may be exposed to outdoor weather, dust, or noise.

Typical Working Conditions – Refers to the working environment and work schedule. Details about any travel requirements may also be listed here.
Example: The incumbent works in a smoke-free environment on the 19th floor of a high-rise office building in downtown Sacramento in an enclosed, non-windowed office cubicle. The work schedule is Monday through Friday. Mandatory overtime, including evening and weekend work, may be necessary during the year-end closing process or when the department is mission tasked. Travel may be required locally and within the state.

Special Requirements of Position – Check all that apply

Supervisor Statement – Refer to job duties

Employee Statement – Refer to job duties

Supervisors forward the signed copy of the duty statement to their Division HR Liaison to be placed in the employee's Official Personnel File.

Definitions of Competencies

Effective development of the identified Core Competencies fosters the advancement of the following: Collaboration, Communication, Customer Engagement, Digital Fluency, Diversity and Inclusion; Innovative Mindset, Interpersonal Skills, and Resilience.

- **Collaboration –** Develops, maintains, and strengthens relationships while working together to achieve results.
- **Communication –** Listens, writes, and presents ideas, opinions, and information virtually and in person with diverse audiences.
- **Customer Engagement –** Creates a connection with internal and external customers through passive experiences and exceptional service in response to current and future needs.
- **Digital Fluency –** Use technology effectively in the performance of one's job, including integrating and accepting new technology when appropriate.

- **Diversity and Inclusion –** Works effectively in an inclusive workplace where individual differences and perspectives are respected and leveraged to achieve organizational goals.
- **Innovative Mindset –** Demonstrates curiosity, develops new insights, considers creative approaches, and applies novel solutions.
- **Interpersonal Skills –** Interacts positively with courtesy, sensitivity, and respect with various individuals and makes every effort to understand and relate to others; includes managing feelings effectively, expressing oneself appropriately and working with others towards a common goal.
- **Resilience –** Overcomes challenges, performs well, and remains optimistic and committed under pressure and adversity.