

DUTY STATEMENT

DGS OHR 907 (Rev. 09/2022)

 Current Proposed

RPA NUMBER 26856	DGS OFFICE or CLIENT AGENCY Commission on State Mandates	
UNIT NAME	REPORTING LOCATION 980 9th Street, Suite 300 Sacramento, CA 95814	
SCHEDULE (DAYS / HOURS) Monday-Friday/8am-5pm	POSITION NUMBER 356-001-5795-009	CBID R02
CLASS TITLE Attorney III	WORKING TITLE Senior Commission Counsel	
PROPOSED INCUMBENT (IF KNOWN)	EFFECTIVE DATE	

CORE VALUES / MISSION Rank and File Supervisor Specialist Office of Administrative Hearings Client Agency

The Commission on State Mandates was established as a quasi-judicial agency to resolve disputes between state and local government regarding reimbursement for state-mandated local programs, in compliance with article XIII B, section 6 of the California Constitution, to relieve unnecessary congestion of the courts.

Vision

The Commission on State Mandates fairly and impartially resolves complex legal questions in a deliberative and timely manner, using innovation and collaboration.

Values

We value:

- Courtesy and respect
- Fairness, honesty, and ethical behavior
- A safe and healthy work environment for Commission staff
- Cooperation and collaboration
- Personal and professional development of Commission staff
- Practices that are protective of the environment and human health and are energy and resource efficient
- Efficient and high-performing governmental operations
- Transparency, accessibility, and public participation in Commission processes

POSITION CONCEPT

Under general direction of the Chief Legal Counsel, and subject to the policy and administrative review of the Executive Director, the incumbent effectively performs the most difficult and complex assignments, exercising independent legal judgment. The incumbent is accountable for providing quality legal service and recommends sensitive and difficult decisions to the Commission members. The incumbent exercises broad discretion and independence with a minimum of supervision and is expected to be expert in the most complex areas of law within the Commission on State Mandates.

SPECIAL REQUIREMENTS Conflict of Interest Medical Evaluation Background Evaluation Background Evaluation FTB Office Technician (Typing)

Conflict of Interest

This position is designated under the Conflict of Interest Code. The position is responsible for making or participating in the making of governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete Form 700 within 30 days of appointment.

ESSENTIAL FUNCTIONS

PERCENTAGE	DESCRIPTION
35%	Receives assignments of the most complex, sensitive, or high-profile test claims, parameters and guidelines, and incorrect reduction claims based on statutes or executive orders filed by local governments for review of allegations and research on legislative history, statutory construction,

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PERCENTAGE	DESCRIPTION
	and new programs or higher levels of service and costs mandated by the state which may be reimbursable pursuant to state law and court decisions in order to provide legal guidance, recommendations, and proposed decision to the Commission on State Mandates (Commission) and to advise the Chief Legal Counsel and Executive Director using federal and state constitutional, statutory and regulatory authority pertaining to mandate reimbursement and the Commission's decision-making processes.
25%	Handles all facets of complex litigation, including advocacy before reviewing tribunals, and appears on behalf of the Commission and its members in all matters relating to assigned litigation in order to present Commission matters before the courts.
15%	Prepares written opinions, analyses, and proposed decisions in order for the Commission to determine complex, sensitive, or high-profile test claims, parameters and guidelines, and incorrect reduction claims based on statutes or executive orders that are filed by local governments for state reimbursement pursuant to state law and court decisions based on legal review of the administrative record of the test claim.
10%	Presents complex, sensitive, or high-profile test claims, parameters and guidelines and incorrect reduction claims in adversarial hearings with the parties and witnesses in order for the Commission to review, analyze, and determine required reimbursements to local governments for the costs to implement statutes and executive orders, and analyze legal issues raised in argument and testimony.
5%	Represents the Commission and negotiates with opposing counsel to resolve the largest, most complex, and sensitive reimbursement issues facing the State including statewide costs of personnel, capital outlay, consultant contracts, materials and supplies, and indirect costs, incurred by local governments which may involve from millions to hundreds of millions of dollars in order to implement a state-mandated program.
5%	Provides legal advice to the Commission members (Director of Finance, State Controller, State Treasurer, Director of Office of Planning and Research, two local elected officials, and one public member), the Executive Director, and management staff with respect to all Commission matters by presenting and preparing proposed decisions on the most complex legislative or court-remanded reconsiderations of prior decisions, in order for the Commission members or hearing officer to review and analyze the proposed decision and the legal issues raised in argument and testimony with the parties and representatives at the hearing.

MARGINAL FUNCTIONS

PERCENTAGE	DESCRIPTION
5%	Assists in advising and counseling the Commission, Executive Director, and staff members on the legal effect of rules and regulations, statutory law, court decisions, Commission decisions, and other administrative actions; and responds to legal inquiries from the Legislature, state and local agencies, other counsel, and from the public.

WORK ENVIRONMENT AND PHYSICAL REQUIREMENTS

Use of general office equipment in standard office setting with daily use of PC and Microsoft software applications at a workstation. Effectively handle multiple matters and manage caseload with large amounts of documentation and multiple deadlines.

This position is currently eligible for up to 3 days of telework per week and must work at least 2 days in the office

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per week. The employee must reside in California upon appointment.

You are a valued member of the department's team. You are expected to work cooperatively with team members and others to enable the department to provide the highest level of service possible. Your creativity and productivity are encouraged. Your efforts to treat others fairly, honestly and with respect are important to everyone who works with you.

I have discussed with my supervisor and understand the duties of the position and have received a copy of the duty statement.

EMPLOYEE NAME	EMPLOYEE SIGNATURE	DATE SIGNED

I have discussed the duties of the position with the employee and certify the duty statement is an accurate description of the essential functions of the position.

SUPERVISOR NAME	SUPERVISOR SIGNATURE	DATE SIGNED