

# DUTY STATEMENT



**CURRENT**  
 **PROPOSED**

CIVIL SERVICE CLASSIFICATION Attorney III		WORKING TITLE Attorney III		
PROGRAM NAME Occupational Safety and Health Standards Board			UNIT NAME <a href="#">Click or tap here to enter text.</a>	
ASSIGNED SPECIFIC LOCATION Sacramento			POSITION NUMBER <b>400- 850-5795-002</b>	
BARGAINING UNIT R02	WORK WEEK GROUP SE	BILINGUAL POSITION No	CONFLICT OF INTEREST FILER Yes	BACKGROUND CHECK No

## General Statement

Under the administrative direction of the Executive Officer (EO) and led by the Chief Counsel of the Occupational Safety and Health Standards Board (Board), the incumbent provides advice and counsel to the Board in a variety of subject areas within the responsibility and jurisdiction of the Board.

The incumbent is expected to work with broad discretion and independence to perform the more complex and higher-level work of the Board. As a mid-level attorney, the incumbent is expected to hold both common and uncommon variance hearings as a Board hearing officer; to draft proposed variance decisions for the Board's consideration and possible adoption; to participate in the drafting and review process of regulations being considered by the Board; to monitor legislation and assist with active litigation; to assist in fulfilling public records requests and subpoena responses; to communicate in a professional, respectful and productive manner with members of the Board, stakeholders, colleagues, and the public; to travel as necessary, primarily within the state of California and as assigned; and to demonstrate good judgment and act with high ethical standards.

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

Percentage of Time Spent	Duties <u>Essential Job Functions</u>
40%	On an ongoing basis, work with Board staff to ensure both common and uncommon variance applications are reviewed, to ensure applications meet the Board's regulatory requirements prior to docketing. Serve as hearing officer for the Board in common and uncommon variance matters, as required by the Labor Code and the Board's procedural regulations, on a monthly basis, and ensure that all parties are provided due process under the law. After conclusion of hearings, draft proposed variance decisions, based on law and facts adduced at hearing, for consideration by the Board on a monthly basis, and when needed for uncommon variance matters. Work with the Chief Counsel and other members of the legal unit, to lead the variance hearing process, in accordance with the Board's procedural rules and hearing procedures, as needed. Once familiarity of the Board's procedural rules and hearing procedures is gained, engage in a review of the Board's procedural regulations as well as the regulations of other, similar administrative hearing programs, to identify improvements, including opportunities for updating the regulations to include electronic procedures, streamlining, and

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	<p>simplification.</p> <p><b>25%</b> Research and Advice: Perform legal research, in multiple substantive areas of law, including occupational safety and health, administrative, employment, labor, constitutional, corporate, bankruptcy, criminal, and civil procedure, using the internet, Westlaw, LexisNexis, and other online tools, as well as state libraries and other resources, at the request of the Executive Officer, Board Chair, and Members, to ensure OSHSB leadership has relevant and understandable legal advice when deliberating on a wide variety of issues in its jurisdiction.</p> <p><b>25%</b> Regulations review: Review and provide appropriate feedback on draft occupational safety and health regulations, including identifying, researching, and briefing staff on potential legal issues raised by draft regulations, using online research tools such as West Law and LexisNexis. Research federal standards by monitoring Federal rulemakings and engaging in online research, using tools such as West Law and LexisNexis, to determine if state proposed regulations provide at least equivalent safety and identify potential conflicts of law, on an ongoing and regular basis. Advise staff and the Board on issues related to the Administrative Procedure Act, Labor Code, and other laws and regulations impacting the promulgation of worker health and safety regulations in California.</p> <p><b>5%</b> Public records requests, subpoenas and training: Work with Board staff and the Chief Counsel to ensure that all public records act requests and subpoenas for documents are responded to appropriately and within the requirements of law, including briefing the Chief Counsel and Executive Officer on more complex and sensitive requests. Attend continuing education and training courses, including but not limited to Office of Administrative Law Rulemaking, administrative law judge training, in accordance with the California State Bar and departmental requirements, as assigned to fulfill the operational needs of the Board.</p>
Percentage of Time Spent	Marginal Job Functions
5%	Perform other duties as assigned to fulfill the operational needs of the Board. This includes, but is not limited to serving as backup for other attorneys as well as attending and actively participating in team meetings.

### Conduct, Attendance, and Performance Expectations

The Attorney III is expected to maintain consistent and regular attendance and adhere to departmental policies and procedures regarding attendance, leave and conduct; develop and

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maintain collaborative working relationships with Board, staff and outside parties; review work for accuracy and maintain confidential data; keep EO informed of problems and provide possible solutions; show initiative and take responsibility for their work; exercise good judgment and tact.

### Supervision Received

Under the Direction of the Executive Officer and led by the Chief Counsel.

### Supervision Exercised

None.

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

#### Work Environment

This is a full-time permanent position with the Board, located in a temperature-controlled office environment with artificial lighting in a commercial office building. Incumbent will work at a desk and is required to work extensively on computers as necessary for the drafting of letters, briefs and other documents, and for research, email communication, file review, training and other purposes. Incumbent is expected to handle their own word processing and may be required to assist customers on the phone or in person. This is a full-time, Monday through Friday, position, however, Incumbent is expected to work all hours as necessary to accomplish their assignments, and although will generally average a 40-hour week, longer work hours may occasionally be required. Telework options are available and will be considered.

#### Special Requirements/Other Information

Must be available to work outside normal business hours, including statewide overnight travel, as needed. All employees are responsible for contributing to an inclusive, safe and secure work environment that values diverse cultures, perspectives, and experiences and is free from discrimination.

#### Physical Abilities

The position requires the ability for prolonged work at a computer for extended periods of time and to move and transport office items in a safe manner.

#### Additional Requirements/Expectations

The incumbent is expected to establish and maintain cooperative working relationships with staff at all levels both within and outside the Board to complete work assignments. Requires proficiency with Microsoft Office Suite programs (i.e. Excel, Word, Outlook and PowerPoint), strong writing and editing skills, ability to present ideas, develop solutions and effectively communicate information verbally and in writing and the capacity to work independently and in a team environment.

#### Personal Contacts

The incumbent has daily contact with other staff within the Board and frequent contact with other DIR divisions and units. May also have contact with groups and/or individuals from the public.

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## 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 Diversity and Inclusion Office.*

\_\_\_\_\_  
Employee Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
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

\_\_\_\_\_  
Date

## HUMAN RESOURCES OFFICE APPROVAL

\_\_\_\_\_  
C&P Analyst Initials

\_\_\_\_\_  
Approval Date