

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

POSITION DUTY STATEMENT

☐ PROPOSED☒ CURRENT

CDCR INSTITUTION OR HEADQUARTERS PROGRAM Office of Legal Affairs	POSITION NUMBER 065-400-5780-013	MCR / HCR 1
DIVISION / UNIT Employment Advocacy and Prosecution Team Central Intake Unit Central Region	CLASSIFICATION TITLE Attorney IV	
	WORKING TITLE Vertical Advocate	
	TIME BASE / TENURE FT/Perm	CBID R02
	WWG SE	COI Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
LOCATION	INCUMBENT	EFFECTIVE DATE

CDCR'S MISSION and VISION**Mission**

To facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

Vision

We enhance public safety and promote successful community reintegration through education, treatment, and active participation in rehabilitative and restorative justice programs.

CALIFORNIA MODEL

The California Department of Corrections and Rehabilitation (CDCR) and the California Correctional Health Care Services (CCHCS) are proud to partner on the California Model which will transform the correctional landscape for our employees and the incarcerated. The California Model is a systemwide change that leverages national and international best practices to address longstanding challenges related to incarceration and institution working conditions, creating a safe, professional, and satisfying workplace for all staff, as well as rehabilitation for the incarcerated. Additionally, the California Model improves success of the decarcerated through robust re-entry efforts back into to the community.

COMMITMENT TO DIVERSITY, EQUITY, AND INCLUSION

The California Department of Corrections and Rehabilitation (CDCR) and California Correctional Health Care Services (CCHCS) are committed to building and fostering a diverse workplace. We believe cultural diversity, backgrounds, experiences, perspectives, and unique identities should be honored, valued, and supported. We believe all staff should be empowered. CDCR/CCHCS are proud to foster inclusion and representation at all levels of both Departments.

DIVISION OVERVIEW

The Office of Legal Affairs (OLA), Employment Advocacy and Prosecution Team (EAPT) assists in investigations into employee misconduct, advises on disciplinary decisions, and pursues disciplinary actions on behalf of CDCR. In addition, EAPT litigates requests to file charges with the State Personnel Board (SPB), appeals to the SPB, or whistleblower complaints before the SPB, and defends or prosecutes petitions for writs of administrative mandamus before the superior and appellate courts. EAPT works with highly sensitive and confidential information and requires employees to maintain strict confidentiality.

GENERAL STATEMENT

This position is distinguished from other Attorney positions by the expertise, training, and education required to perform the duties. Under the general direction of the Chief Deputy General Counsel (CDGC), Assistant CDGC, or Assistant Chief Counsel (ACC), the EAPT Attorney IV (Vertical Advocate) effectively performs, with a high degree of independence, the most difficult, complex and sensitive legal work on the team, in particular characterized by assignments applying sound investigative principles to high level investigations involving allegations of misconduct within CDCR.

The Vertical Advocate represents the best interests of CDCR throughout the disciplinary process. The incumbent will be involved in prosecuting administrative cases involving matters of the highest degree of difficulty, but with an expectation of the achievement of consistently favorable results. The essential duties and responsibilities of this position are to effectuate an expert level of technical consistency, correctness, and completeness of legal positions taken within CDCR's discipline processes, by way of opinions, letters to appellants, prosecution of administrative actions and appeals. Cases handled by the incumbent include those that pose significant risks to CDCR policy and increase the risk of liability if success is not achieved.

% of time performing duties	Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first.
30%	Provide representation to CDCR in highly complex, difficult, or sensitive matters throughout the employee discipline process in compliance with the requirements of Department Operations Manual, Articles 14 and 22; California Code of Regulations, Titles 2 (SPB Regulations) and 15 (CDCR Regulations); California Evidence Code; relevant Government Code sections, SPB precedential decisions; and case law. Duties include, but are not limited to: reviewing assigned case files; correctly calculating and evaluating or re-evaluating the statutes of limitation; advising hiring authorities regarding the sufficiency of the investigation, whether evidence is sufficient to sustain allegations of misconduct against employees, and the imposition of a penalty for sustained allegations; coordinating with the Employee Relations Officer throughout the disciplinary process; preparing Notices of Adverse Action; attending Skelly hearings; and representing CDCR in proceedings before the SPB.
25%	Provide legal advice to the Office of Internal Affairs (OIA) during the course of the investigation into employee misconduct in highly complex, difficult or sensitive matters, including, without limitation, advising OIA regarding the statute of limitation, providing recommendations regarding the scope of investigations (including documents gathered, witnesses to interview, and questions to be asked of the witness), attending interviews and providing advice to OIA regarding necessary lines of questioning, advising OIA regarding additional investigative work to be completed, and advising OIA regarding the sufficiency of the investigation.
15%	Draft Petitions for Rehearing before the SPB or Petitions for Writ of Administrative Mandamus and represent CDCR in any subsequent appeals before the SPB or in the Superior Courts or other appellate courts.
10%	Serve as a resource, and advise the hiring authorities (e.g. wardens, health care managers, superintendents, etc.) on the most complex, difficult, and sensitive legal matters relating to employment law including advice regarding the maintenance of the level of technical accuracy and consistency necessary for the state-wide administration of CDCR disciplinary policy. Review and analyze new legislation relating to employment laws, and provide advice to CDCR regarding the impact of proposed legislation and regulations on CDCR's disciplinary process. Review and analyze new legal precedents from the appellate courts and SPB and report their significance and application to CDCR attorneys. Serve as a source of information and expertise to the high-level CDCR managers.
10%	Interface and consult with the Office of the Inspector General (OIG), which monitors the CDCR disciplinary processes. Foster a productive working relationship with OIG staff, and address and resolve conflict with OIG staff with limited assistance from supervisory staff.
5%	Serve as a resource for Attorney Is and Attorney IIIs regarding strategy issues, including, investigations, advice to hiring authorities, and appeals pending before the SPB.
5%	Attend mandatory meetings, monthly ACC Case Status Meetings, and mandatory trainings.

SPECIAL REQUIREMENTS

- CDCR does not recognize hostages for bargaining purposes. CDCR has a "NO HOSTAGE" policy and all incarcerated people, visitors, nonemployees, and employees shall be made aware of this.

CONSEQUENCE OF ERROR

- Failure to use sound judgment in the execution of the duties of this position may have far-reaching effects that may damage the credibility of the Department, limit the effectiveness of the legal representation by the Office of Legal Affairs and litigation counsel, and create or increase litigation risk.

To be reviewed and signed by the supervisor and employee:

EMPLOYEE'S STATEMENT:

- I HAVE DISCUSSED THE DUTIES AND RESPONSIBILITIES OF THE POSITION WITH MY SUPERVISOR AND RECEIVED A COPY OF THIS DUTY STATEMENT.

EMPLOYEE'S NAME (Print)

EMPLOYEE'S SIGNATURE

DATE

SUPERVISOR'S STATEMENT:

- *I CERTIFY THIS DUTY STATEMENT REFLECTS CURRENT AND AN ACCURATE DESCRIPTION OF THE ESSENTIAL FUNCTIONS OF THIS POSITION.*
- *I HAVE DISCUSSED THE DUTIES AND RESPONSIBILITIES OF THE POSITION WITH THE EMPLOYEE AND PROVIDED THE EMPLOYEE A COPY OF THIS DUTY STATEMENT.*

SUPERVISOR'S NAME (Print)	SUPERVISOR'S SIGNATURE	DATE

**ATTORNEY, ATTORNEY III, ATTORNEY IV, ATTORNEY V
ESSENTIAL FUNCTIONS**

THE ESSENTIAL FUNCTIONS OF THIS POSITION INCLUDE THE FOLLOWING:

It is expected that the Attorney III, Attorney IV, and Attorney V will be assigned increasingly more difficult work, and need less direct supervision, as experience is gained in the respective classes or as an attorney. The following core essential functions of the Attorney series do not vary with experience:

- Maintain a regular work schedule during normal business hours at an approved worksite; work at least 40 hours per week, on average; work in excess of 40 hours in one week when necessary to complete a special assignment; and be accessible 40 hours per week or more via Department issued cell phone.
- Ability to be supervised by assigned supervisor or manager.
- Travel to and from worksites, correctional institutions and facilities, government offices, courthouses, and training venues, which may require traversing on uneven ground.
- Travel regularly to all parts of the state and travel occasionally outside the state, to include overnight stays.
- Work inside penal institutions and juvenile detention facilities in the presence of incarcerated individuals, wards, and supervised persons.
- Communicate clearly and effectively in writing and in person.
- Use electronic software and databases to thoroughly and efficiently conduct legal research.
- Handle multiple tasks simultaneously and prioritize work, in consultation with the Attorney, Assistant Chief Counsel (ACC), in a fast-paced, high-stress environment.
- Maintain and ensure confidentiality of Departmental information, records, documents, concerns, and issues.
- Perform research and analysis to solve complex legal problems; answer legal questions with clear and logical statements of fact, law, and argument; timely assess and respond to written and verbal communications; provide sound legal advice; exercise rationale and reasonable judgment; and implement effective courses of action in a timely manner.
- Effectively and professionally represent the department in all legal venues, before all legislative bodies, and at all administrative hearings, professional conferences, training seminars, and other meetings.

California Department of Corrections and Rehabilitation
Office of Legal Affairs

**ATTORNEY, ATTORNEY III, ATTORNEY IV, ATTORNEY V
ESSENTIAL FUNCTIONS**

- Work collaboratively with and assist department staff, administrators, supervisors, investigators, and executives, attorneys, ACCs, Chief Deputy General Counsels, and the General Counsel.
- Transport legal files and other objects, which may weigh up to 50 pounds, to locations inside and outside the regular worksite.
- Adhere to the California Rules of Professional Conduct adopted by the State Bar of California, Board of Trustees and approved by the California Supreme Court.
- Maintain active membership in good standing with the State Bar of California.

Employee Name

Signature

Date