

## DUTY STATEMENT



☒ **CURRENT**

☐ **PROPOSED**

<b>CIVIL SERVICE CLASSIFICATION</b> Administrative Law Judge		<b>WORKING TITLE</b> Workers' Compensation Judge (WCJ)		
<b>PROGRAM NAME</b> Workers' Compensation Appeals Board			<b>UNIT NAME</b> Reconsideration	
<b>ASSIGNED SPECIFIC LOCATION</b> TBD			<b>POSITION NUMBER</b> 400 – 330-6016-001, 002, 003	
<b>BARGAINING UNIT</b> R-02	<b>WORK WEEK GROUP</b> E	<b>BILINGUAL POSITION</b> No	<b>CONFLICT OF INTEREST FILER</b> Yes	<b>BACKGROUND CHECK</b> No

### General Statement

Under the general direction of the deputy commissioners of the Workers' Compensation Appeals Board Reconsideration Unit (WCAB), a seven member quasi-judicial body, the Workers' Compensation Administrative Law Judge (WCJ) acts as a WCJ for the WCAB. The WCJ independently researches and evaluates cases pending before the WCAB for the purpose of conducting hearings, including status conferences, mediations, settlement conferences, and disciplinary proceedings. The WCJ also writes and researches legal decisions; provides guidance to the Commissioners and Deputy Commissioners and substantive training to attorneys at the WCAB on workers' compensation law and relevant areas outside of workers' compensation law, as well as trial procedures at the district offices; and participates in team / leads team in rule-making.

WCJs are expected to work with broad discretion and independence to perform the most complex, novel, difficult and sensitive legal work of the unit, and to have a high level of experience, strong technical lawyering and judicial skills, and subject matter expertise in one or more areas of the WCAB's responsibility. WCJs may serve as practice team members or leads who use their expertise to train less experienced attorneys and to support the delivery of high quality legal services to the WCAB. Essential functions of this position are to perform competently and with strong technical skills as a WCJ in the specific job duties identified below; to accomplish assigned legal work with minimal supervision and exercising broad discretion, while also taking and following direction from the Deputy Commissioners; to communicate effectively both orally and in writing, as required for the specific job duties, including by consistently producing well-written and compelling legal decisions and other written work product; to appear and perform competently and with a high degree of expertise and professionalism in civil or administrative courts; to communicate in a professional, respectful and productive manner with colleagues and the Commissioners; and to demonstrate good judgment and act with high ethical standards. The role of providing guidance to the WCAB necessitates an in-depth knowledge of the principles and provisions of the Labor Code (and other relevant areas of statutory and decisional law) and regulations pertaining to workers' compensation proceedings, as well as experience in conducting training. This position requires excellent verbal and written communication skills, strong legal research and writing skills, problem resolution skills and a strong ability to reconcile differences amongst disputing parties.

Duties include, but are not limited to the following:

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

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accommodations.

Percentage of Time Spent	Duties <u>Essential Job Functions</u>
40%	<p>Evaluate pending cases before the Reconsideration Unit for potential hearings, including status conferences and/or mediations as recommended by the panel and as assigned by the deputy commissioners. Conduct and facilitate conferences with parties to assist in informal resolution of disputed matters. Prepare for conferences by a thorough review of the evidence and disputed legal issues, including evaluation of the record of proceedings and identification of the relevant facts and legal issues. This includes analysis and research of disputed legal issues to provide the parties with an effective and neutral assessment of the merits of each party's case. Evaluate and recommend the correct framing and narrowing of issues and/or potential settlement and/or provide guidance to parties regarding the terms of settlement agreements. Understands mediation privilege and maintains confidentiality of settlement discussions between the parties as appropriate and respects ethical wall with commissioners and appointed panelists.</p>
25%	<p>Provide legal analysis, advice, representation to the Commissioners and the Deputy Commissioners, and/or write decisions, as a member of a practice area team in one or more of the following subject areas, as assigned, and based on the operational needs of the unit:</p> <p>(1) Evaluate pending arbitration cases before the Reconsideration Unit for potential status conferences and/or mediations as recommended by the panel and as assigned by the deputy commissioners. Conduct and facilitate arbitration conferences with parties to assist in the organization of the arbitration record, including the admitted evidence and the framing of proper stipulations and issues, if necessary. Prepare for conferences by a thorough review of the evidence and disputed legal issues including evaluation of the record of proceedings and identification of the relevant facts and legal issues. This includes analysis and research of disputed legal issues to provide the parties with an effective and neutral assessment of the merits of each party's case. Evaluate and recommend the correct framing and narrowing of issues and/or potential settlement and provide guidance to parties regarding the terms of settlement agreements. Understands mediation privilege and maintains confidentiality of settlement discussions between the parties as appropriate and respects ethical wall with commissioners and appointed panelists.</p> <p>(2) Participate in a rulemaking team, including providing ongoing legislative and rulemaking monitoring and analysis of external conditions that impact the need for WCAB rulemaking, proposing, drafting and editing rules and WCAB forms; conducting legal research and analysis affecting proposed rules; facilitating and attending public hearings; reviewing and responding to public comments and further drafting and editing of rules in response to public comment; and assisting in preparing and submitting the final rules package.</p> <p>(3) Provide expertise and guidance to the commissioners and deputy</p>

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	<p>commissioners and training to the attorneys in the Reconsideration Unit in substantive workers' compensation law and the mechanics and procedures at the district offices. The WCJ is expected to have a high level of subject matter expertise in the areas of workers' compensation law, appellate law and procedure, and administrative law and regulations, and in the mechanics of impartial judicial decision making and advice, unbiased judicial review, and preparation of objective written judicial opinions.</p> <p>(4) Reviews records regarding conduct of non-attorney representatives for potential disciplinary proceedings pursuant to Labor Code section 4907; researches applicable law regarding professional conduct and procedures for proceedings and prepares pleadings; analyzes responses by non-attorney representatives; and participates in disciplinary proceedings.</p>
20%	<p>Serve as an expert legal resource with regard to workers' compensation law and relevant legal areas outside of workers' compensation law, including, but not limited to, the Civil Code, Code of Civil Procedure, Evidence Code, Business and Professions Code, Government Code, federal statutes and cases, and related precedential decisions; policy and procedures of the Appeals Board, and the handling of cases at the trial level. Conducts legal research, analysis and writing on behalf of the Reconsideration Unit as assigned and based on the Unit's operational needs: 1) writes legal decisions of cases pending before the WCAB, according to the outcome requested by panels of Commissioners in response to appeals from trial level decisions issued by workers' compensation administrative law judges; 2) performs in-depth research in workers' compensation law and outside of workers' compensation law, including, but not limited to, the Civil Code, Code of Civil Procedure, Evidence Code, Business and Professions Code, Government Code, federal statutes and cases, and related precedential decisions; and 3) reviews record of proceedings in each case and identifies the relevant facts and issues and determines the appropriate procedural approach, and engages in substantive legal analysis to prepare well written and legally correct decision, which is accessible to the general community.</p>
10%	<p>Prepare periodic summaries of settlement negotiations and status updates for the deputy commissioners. Periodically capture and report statistical data regarding workload. Draft decisions approving settlements on behalf of the Reconsideration Unit and other orders as necessary to facilitate settlement between the parties. May be assigned special research projects in novel areas of workers' compensation law and may consult on rulemaking as needed.</p>
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<b>Percentage of Time Spent</b>	<b>Marginal Job Functions</b>

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5%

Performs other job-related assignments and duties as required based on operational needs of the organization.

### Conduct, Attendance, and Performance Expectations

This position requires the incumbent to communicate effectively orally and in writing with the public and/or other employees; develop and maintain knowledge and skills related to specific tasks, methodologies, materials, tools, and equipment; and complete assignments in a timely and efficient manner. The WCJ is expected to have a high level of experience, specialization and expertise in the areas of workers' compensation law, appellate law and procedure, and administrative law and regulations. The WCJ works with a minimum of supervision, while accepting and following direction from the deputy commissioners.

Must be available on a daily basis to meet as needed with the commissioners and deputies in order to review proposed drafts and decisions, and make modifications as requested or directed.

The WCJ is expected to abide by the Code of Judicial Ethics and Code of Civil Procedure section 641, demonstrate good judgment, and treat others with respect and courtesy. Must maintain regular and acceptable attendance pursuant to the applicable Bargaining Unit 2 MOU, which applies to all Judges, and as the Unit determines is necessary or desirable to meet its business needs.

### Supervision Received

Under the general direction of the Deputy Commissioners.

### Supervision Exercised

Does not supervise but may act in a lead capacity.

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

#### Work Environment

This is a full-time position at the Workers' Compensation Appeals Board, Reconsideration Unit, location TBD.

Employees in this position work at desks, and are required to work extensively on personal computers as necessary for the drafting of legal opinions and other documents, and for research, email communication, file review, training and other purposes. WCJs are expected to perform their own word processing, and secretarial support is generally limited to the finalization and filing process. The position requires little to no contact with the general public, and teleworking per DIR policy is available.

### Special Requirements/Other Information

The WCJ must adhere to the California Code of Judicial Ethics, meet the requirements of Labor Code section 123.5(b), and be a member of the State Bar of California.

### Physical Abilities

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The ability to use a personal computer is essential. Due to DIR policy, the incumbent is provided with one computer and must be able to lift and carry a personal computer back and forth from home to the office, including safeguarding the computer on public transportation.

### Additional Requirements/Expectations

As set forth in the applicable Memorandum of Understanding for Bargaining Unit 2. Bargaining Unit 2 MOU, which applies to all employees/classifications assigned to Work Week Groups E and SE, "employees 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."

### Personal Contacts

The position requires frequent contact with the public including attorneys, injured workers, claims administrators, employers and stakeholders, and regular contact with Appeals Board clerical staff and attorneys, and deputy commissioners, and commissioners.

### 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