



**YOUR EFFORTS WILL MAKE FI\$Cal A SUCCESS  
DUTY STATEMENT**

<b>CLASSIFICATION TITLE</b> Attorney IV	<b>DIVISION NAME</b> Executive Office
<b>WORKING TITLE</b> General Counsel	<b>POSITION NUMBER</b> TBD
<b>EMPLOYEE NAME</b> VACANT	<b>EFFECTIVE DATE</b> 7/15/2016

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

**GENERAL STATEMENT**

Under the general direction of the Director, Department of FI\$Cal, the General Counsel provides advice, counsel, and expert legal services to the Department. The General Counsel oversees all legal aspects of FI\$Cal’s contracts, personnel policies, and designated disciplinary matters. The incumbent consults with and advises Executive staff, Deputy Directors, and Human Resources Office on legal guidance related to IT contract issues/concerns, human resources issues, personnel laws, regulations and policies, and advises and handles the most difficulty disciplinary actions on behalf of the Department.

The incumbent is a specialist in public contracting law and state and federal government procurement law, relating to information technology (IT) procurements. The General Counsel has broad discretion and independence in the performance of duties. The General Counsel must be capable of functioning under pressure in politically sensitive situations and meet strict deadlines on an expedited basis.

**SUPERVISION RECEIVED**

Reports directly to the Director, Department of FI\$Cal.

**SUPERVISION EXERCISED**

None

## **ESSENTIAL FUNCTIONS**

The incumbent must be able to perform the essential functions with or without reasonable accommodation. Specific duties include, but are not limited to, the following:

<b><u>% OF TIME</u></b>	<b><u>ESSENTIAL FUNCTIONS</u></b>
<b>35 %</b>	<ul style="list-style-type: none"><li>• Advise FI\$Cal executives on difficult, complex, and sensitive legal issues and policy matters.</li><li>• Research, review, and interpret and apply laws, court decisions, and other legal authority in the preparation of written legal opinions; prepare legal documents and memoranda; advise FI\$Cal regarding the legal effects of rules, statutory law, proposed regulations and legislations, administrative actions governing the activities of the IT systems procured and/or managed by FI\$Cal.</li><li>• Conduct legal research and analysis on the more complex and specialized contract related areas of law. Provide expert advice and support on diverse and complex legal issues involving human resources and other administrative and departmental programs, including interpreting State and federal statutes and relations in evolving areas of law.</li><li>• Prepare policy issue papers and recommend resolution of major policy issues.</li></ul>
<b>20 %</b>	<ul style="list-style-type: none"><li>• Provide verbal and written legal advice to the Department of FI\$Cal with respect to the more complex and novel issues relating to the work of the department.</li><li>• Research and advise on the more complex contract disputes, including noncompliance with terms and conditions of contracts.</li><li>• Prepare vendor contract termination notices as required</li><li>• Oversee contracting requirements including personal services contracts</li></ul>
<b>20 %</b>	<ul style="list-style-type: none"><li>• Work closely with Human Resources Office and Labor Relations involving complex personnel and employment matters including labor arbitration, unfair labor practice cases before the Public Employment relations Board (PERB), and appeals before the Unemployment Insurance Appeals Boards (UIAB) and other regulatory agencies.</li><li>• Prepare for and participate in matters representing the Department of FI\$Cal before various courts and administrative hearings including, but not limited to the California Department of Human Resources (CalHR), the Workers' Compensation Appeals Board (WCAB), and the State Personnel Board (SPB). Prepare and present adverse actions and rejections during Probation cases before the SPB.</li><li>• Represent the Department of FI\$Cal in absence without leave</li></ul>

	<p>(AWOL) cases before the CalHR.</p> <ul style="list-style-type: none"> <li>• Provide legal support in defense of Cal-OSHA citations and claims before the WCAB.</li> <li>• Analyze and recommend qualification or disqualification for candidates with negative background checks.</li> </ul>
<b>20 %</b>	<ul style="list-style-type: none"> <li>• Analyze and develop strategies on the more complex legal and administrative matters.</li> <li>• Prepare the more complex written legal opinions, correspondence, pleadings, and other legal documents.</li> <li>• Prepare administrative a legal policy to conform to mandate state and federal laws, and control agency mandates.</li> <li>• Draft regulations and notices related to procurement rules, public contract rules, and appeal rights.</li> </ul>
<b>% OF TIME</b>	<b><u>MARGINAL FUNCTIONS</u></b>
<b>5%</b>	<ul style="list-style-type: none"> <li>• Perform other related duties as required to fulfill FI\$Cal's mission, goals and objectives. Additional duties may include, but are not limited to, assisting where needed within the team/unit, which may include special assignments.</li> </ul>

**REQUIRED SKILLS SETS**

**Knowledge of:** Legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; principles of administrative and constitutional law; trial and hearing procedure; and rules of evidence; court procedures; administrative law and the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered or enforced.

**Ability to:** Research; analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence involving the explanation of legal matters; draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals, organizations and maintain the confidence and respect of others; and work effectively under pressure.

**SPECIAL REQUIREMENTS**

The incumbent will use tact and interpersonal skills to develop constructive and cooperative, working relationships with others, e.g., stakeholders, customers, management, peers, etc., to facilitate communication to improve the work environment and increase productivity. **Fingerprinting and background check may be required.**

**WORKING CONDITIONS**

The incumbent will need to be on-site at the Project to carry out their duties. This position requires the ability to work under pressure to meet deadlines. The sensitivity of the Project may require excess hours to be worked to achieve project schedule requirements. The incumbent should be available to travel as needed. The incumbent is expected to perform functions and duties under the guidance of the Project's core values. The incumbent provides back-up, as necessary, to ensure continuity of project activities.

This position requires prolonged sitting in an office-setting environment with the use of a telephone and personal computer. This position requires daily use of a fax, copier, telephone, computer and general office equipment, as needed. This position requires use of a hand-cart to transport documents and/or equipment up to 20 pounds (i.e., laptop computer, projector, reference manuals, solicitation documents, etc.). Due to the nature of the Project, this position requires the ability to handle stress. The incumbent must demonstrate a commitment to maintain a working environment free from discrimination and sexual harassment. The incumbent must maintain regular, consistent, predictable attendance, maintain good working habits and adhere to all policies and procedures.

**SIGNATURES**

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the assigned HR analyst.)

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Employee Signature

Date

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

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Hiring Manager Signature

Date

H/R Analyst \_\_\_\_\_

**Date Revised: 7/15/2016**