STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES

DUTY STATEMENT

GS 907T (REV. 04/02)

SHADED AREA FOR HUMAN RESOURCES ONLY

INSTRUCTIONS: Refer to the Payroll and Personnel Procedures Manual (PPPM) for Duty Statement Instructions.

RPA- **OAL15-03**	EFFECTIVE DATE:

1. DGS OFFICE OR CLIENT AGENCY Office of Administrative Law (OAL)	POSITION NUMBER (Agency - Unit - Class - Serial) 305-010-5778-XXX
2. UNIT NAME AND CITY LOCATED Sacramento	3. CLASS TITLE Attorney
4. WORKING HOURS/SCHEDULE TO BE WORKED 8:00 a.m. to 5:00 p.m.	5. SPECIFIC LOCATION ASSIGNED TO Sacramento
6. PROPOSED INCUMBENT (If known)	7. CURRENT POSITION NUMBER (Agency - Unit - Class - Serial) 305-010-5778-XXX

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.

8. BRIEFLY (1 or 2 sentences) DESCRIBE THE POSITION'S ORGANIZATIONAL SETTING AND MAJOR FUNCTIONS

Under the direction of the Director of the Office of Administrative Law (OAL), the Attorney will review and analyze state agency rulemaking files for compliance with procedures and standards set forth in the Administrative Procedure Act (Gov. Code, sec. 11340 *et seq.*).

9. Percentage of time performing duties	10. 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. *(Use additional sheet if necessary)*
20%	**<u>ESSENTIAL FUNCTIONS</u>** **Review of Rulemaking Files:** It is OAL's statutory responsibility to ensure that proposed regulations are based on statutory authority, necessary to implement that authority, consistent with law, and are clear and unambiguous. In order to perform this legal review of administrative rulemaking actions, submitted by various state agencies to OAL for its review in accordance with the requirements and procedures of the Administrative Procedures Act (APA), a Attorney will: • Reviews and analyzes regulation text proposed by other state agencies for compliance with the Clarity standard of the APA by determining whether the regulation text is written or displayed so that the meaning of the regulation will be easily understood by those persons directly affected by the regulation, does the text use terms generally familiar to those directly affected by the regulation, and upon review of the rulemaking record, determine whether the regulation conflicts with the agency's intended effect of the regulation as described in the rulemaking record.

11. SUPERVISOR'S STATEMENT: ***I HAVE DISCUSSED THE DUTIES OF THE POSITION WITH THE EMPLOYEE***

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

12. EMPLOYEE'S STATEMENT: ***I HAVE DISCUSSED WITH MY SUPERVISOR THE DUTIES OF THE POSITION AND HAVE RECEIVED A COPY OF THE DUTY STATEMENT***

The statements contained in this duty statement reflect general details as necessary to describe the principal functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas to cover absence of relief, to equalize peak work periods or otherwise to balance the workload.

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

DUTY STATEMENT

GS 907T (REV. 1/98)

9. Percentage of time performing duties	10. 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. *(Use additional sheet if necessary)*
20%	• Using legal research skills, reviews and analyzes proposed regulation text for compliance with the Consistency standard of the APA by determining whether the text is in harmony with, and not in conflict with or contradictory to, existing statues, court decisions, regulations or other provisions of law.
20%	• Reviews the rulemaking record and determine whether it contains all documentation required in accordance with the APA to ensure that the agency complied with the procedural requirements of the APA rulemaking process. This includes reviewing petitions, notices, informative digests, statement of reasons, supporting data, factual information, studies or reports, fiscal impact statements, written comments, agency's summary and response to comments, transcripts, recordings, or minutes of public hearings, and any other material the agency is required by law to consider or prepare in connection with the adoption, amendment, or repeal of a regulation.
15%	• Confers and meets with Attorneys of all levels, deputy attorney generals, executive officers or directors, and other state agency personnel on legal issues and procedures involving the adoption process of regulations concerning that agency's specific rulemaking action. Responds orally or in writing, and provide the service where appropriate, to telephone, email or in-person inquires from 1) state agencies requesting consultation and technical assistance regarding the regulatory process for adopting regulations pursuant to the APA, and 2) private and public attorneys, and the public in general, concerning the APA rulemaking process, or the status or history of regulations. These tasks involve in-depth knowledge of the APA, searching the office data base for information and researching regulatory law using the California Code of Regulations history notes, the California Regulatory Code Supplement and the California Regulatory Notice Register for answers to such questions.
10%	• Determines whether the proposed regulation meets the Authority standard by reviewing the statutory and case law provided by the agency that permits or obligates the agency to adopt, amend or repeal a regulation, and determining whether the proposed regulatory action is within the scope of the agency's Authority.
5%	• Determines whether the proposed regulation meets the Necessity standard by reviewing the rulemaking record and determining whether the record of the rulemaking proceeding demonstrates by substantial evidence the need for a regulation to effectuate the purpose of the statute, court decision, or other provision of law that the regulation implements, interprets, or makes specific. The reviewing attorney will take into account the totality of the rulemaking record and consider such evidence as facts, studies, and expert opinion.
5%	• Reviews the regulatory text and determine whether the agency cites to the appropriate statute, court decision, or other provision of law that the agency's regulation is intended to implement, interpret, or make specific, and therefore, meeting the Reference standard. Ensure that the regulation does not serve the same purpose as a state or federal statute or another regulation, thereby meeting the Nonduplication standard, unless the duplication is justified by the agency in the rulemaking record, to prevent the indiscriminate incorporation of statutory language in a regulation.
5%	• Drafts legal opinions, and prepares a written recommendation to the OAL Director for approval or disapproval of proposed regulations.

KNOWLEDGE AND ABILITIES

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.

DESIRABLE QUALIFICATIONS

Excellent research and writing skills; good communication skills; ability to perform difficult and complex legal research, in both state and federal statutes and case law, within statutory timeframes; use basic computer skills, such as word processing, Internet, email; use legal research tools such as Westlaw; able to work independently.

- California rulemaking law
- Legal research methods
- Legal principles and their application
- Scope and character of California statutory law and provisions of the California Constitution
- Principles of administrative and constitutional law
- Trial and hearing procedures and rules of evidence
- Develop legal analytical and research skills for reviewing difficult, complex, and sensitive rulemaking actions by state agencies and quickly master large volumes of materials
- Develop the expertise in the area of law that is being implemented by the rulemaking agency
- Analyze, appraise, and apply legal principles, facts and precedents to legal problems
- Present statements of fact, law, and argument clearly and logically
- Prepare correspondence involving the explanation of legal matters
- Analyze situations accurately and adopt an effective course of action.

ADDITIONAL DESIRABLE QUALIFICATION

The ideal candidate will be someone who enjoys research and writing, and who can quickly acquire an in-depth knowledge of a new area of law and pays attention to details.

SPECIAL PERSONAL CHARACTERISTICS

The Attorney will be required to work closely with a state agency's contact person, thus, excellent communication skills are desirable.

WORK ENVIRONMENT, PHYSICAL OR MENTAL ABILITIES

Able to perform difficult and complex legal research, in both state and federal statutes and case law, and effectively meet statutory deadlines.