

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-
OAL 16-02

EFFECTIVE DATE:

1. DGS OFFICE OR CLIENT AGENCY Office of Administrative Law (OAL)	POSITION NUMBER (Agency - Unit - Class - Serial) 305-010-5795-XXX
2. UNIT NAME AND CITY LOCATED Sacramento	3. CLASS TITLE Attorney III
4. WORKING HOURS/SCHEDULE TO BE WORKED Monday thru Thursday – 8:00 – 5:00 pm	5. SPECIFIC LOCATION ASSIGNED TO Sacramento
6. PROPOSED INCUMBENT (If known)	7. CURRENT POSITION NUMBER (Agency - Unit - Class - Serial)

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 incumbent reviews and analyzes 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. <i>(Use additional sheet if necessary)</i>
20%	<p>In performing the Essential Functions of OAL, an incumbent is responsible to perform the more complex level of assignments and works with broad discretion and independence. In this role, the incumbent is an expert in the evaluation and determination of administrative rulemaking actions for compliance with the standards set forth Administrative Procedure Act (APA).</p> <p>ESSENTIAL FUNCTIONS</p> <p>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 APA, the incumbent is responsible for the following:</p> <p>Review of Rulemaking Files: 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.</p>

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

SUPERVISOR'S NAME (Print) Debra M. Cornez, Director	SUPERVISOR'S SIGNATURE	DATE
--------------------------------------------------------	------------------------	------

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. <i>(Use additional sheet if necessary)</i>
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 statutes, court decisions, regulations, or other provisions of law.
20%	<p>Reviews the rulemaking record and determines 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.</p> <p>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 incumbent will take into account the totality of the rulemaking record and consider such evidence as facts, studies, and expert opinion.</p>
20%	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 provides 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%	<p>Review of Requests for Determinations and Issuing Determinations: Pursuant to Government Code section 11340.5, subdivision (b), OAL may issue a determination as to whether a state agency's guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule ("challenged rule"), is a regulation as defined in Government Code section 11342.600, that has been issued, used, or enforced in violation of the Administrative Procedure Act. In order to make this determination, a Attorney III will:</p> <p>Reviews the petition submitted to OAL for a determination, and analyzes the challenged rule to determine whether it is a rule or standard of general application. Using legal research skills, reviews and analyzes statutory, decisional, and regulatory law (both state and federal), as well as prior CAL determinations, to determine if the challenged rule implements, interprets, or makes specific the law enforced or administered by a state agency or governs a state agency's procedures, and whether it falls within an exception to the APA rulemaking process. Drafts determinations pursuant to Government Code section 11340.5, subdivision (b), and prepares written recommendations to the CAL Director. Confers and meets with Attorneys of all levels, deputy attorney generals, executive officers or directors, and other state agency personnel on legal issues involving the issuance, use, or enforcement of rules, polices or procedures that meet the definition of regulation that have not been adopted pursuant to the Administrative Procedure Act.</p>

