

SACRAMENTOCITY UNIFIED SCHOOL DISTRICT
Position Description

TITLE:	Chief Legal Counsel	CLASSIFICATION:	Non-Represented Management Superintendent's Cabinet, Classified
SERIES:	Chief Officer	FLSA:	Exempt
JOB CLASS CODE:	9870	WORK YEAR:	12 Months
DEPARTMENT:	Superintendent	SALARY:	Range 44 Salary Schedule A-C
REPORTS TO:	Deputy Superintendent	HR APPROVAL: CABINET APPROVAL:	5.4.2023 4.27.2023

BASIC FUNCTION:

Under the direction of the Superintendent, the Chief Labor Counsel governs the successful implementation of the Legal Services Department and serves as both the primary legal/ representative (i.e., general counsel) advisor to the Superintendent and Cabinet members on governance matters.

Advisement and representation of the District in labor, public/government relations and employment matters under collective bargaining agreements including arbitrations, mediations, contract negotiations, review of professional service contracts and other agreements. Will interpret and provide guidance to all Departments in the district regarding Board policies, administrative regulatory compliance, and federal and state laws including, but not limited to, the Education Code, Brown Act, Fair Political Practices, and the Government Code, California Civil Rights Department (CCRD) and the Equal Employment Opportunity Commission (EEOC). They may also provide legal input and insight to student discipline hearing panels regarding student discipline.

They will provide input and possibly conduct investigations, respond to and represent the District to determine legal and factual bases for proceedings that include but are not limited to, PERB, EEOC/CRD, OCR complaints, Department of Labor Standards and Enforcement complaints, and California Commission on Teacher Credentialing.

REPRESENTATIVE DUTIES: (Incumbents may perform any combination of the essential functions shown below [E]. This position description is not intended to be an exhaustive list of all duties, knowledge, or abilities associated with this classification, but is intended to accurately reflect the principle job elements.)

Serve:

Serve as lead District strategist and chief negotiator on labor/bargaining unit agreements/contracts. **E**

Serve as the District liaison between outside legal counsel and District departments; and local, regional, state, and federal agencies as assigned. **E**

Serve as the level three hearing officer for grievances or delegate to another District officer, if appropriate. **E**

Serve as the District's Filing Official/ Officer for Fair Political Practice Commission filings; monitor and maintain the list of the District's designated filers of the Form 700, "Statement of Economic Interest"; and maintain the District's Conflict of Interest Code, BB 9270. **E**

Serves as a highly visible representative of the school district and a participant in all major policy discussions. **E**

Represent:

Represent the Superintendent in relationships with exclusive bargaining units and employee organizations and provide guidance to all District administrative staff members in matters relating to labor relations. **E**

Represent the District before the Public Employment Relations Board and the State and Federal courts on confidential matters.

Represent the District in mediation, arbitration hearings (i.e. - grievance) based on negotiated contracts, settlements meetings, and student/family related alternative dispute resolution proceedings; making recommendations to general counsel and Governing Authority on alternative dispute resolution settlement issues. **E**

Represent the District in employment matters before the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC). **E**

Represent, when assigned, as alternate Compliance Officer for Uniform Complaint Procedure complaints and as an officer for discipline proceedings. **E**

Represent the district on forums with various external parties. **E**

Responsibility:

Manages and supervises the District Legal Office, including the Labor Relations. **E**

Oversee day-to-day handling of legal issues, complaints, and litigation. **E**

Oversee responses to Public Records Act (PRA), Requests for Information (RFI), proposals pursuant to board policy (i.e. – Request for Proposals (RFP's)), and administrative agency requests. **E**

Oversee and perform complex-level duties in investigation, initiation of actions, discovery, document production, depositions, briefing, settlement, trial, and general business law administration. **E**

Accountable for labor and employment litigation before state and federal courts and administrative agencies. **E**

Supervise, evaluate, and hold accountable the performance and professionalism of assigned staff; interview and select employees, and recommend transfers, reassignments, terminations, and disciplinary actions; and plan, coordinate, and arrange for appropriate training of assigned staff. **E**

Manage and collaborate with the HR Department with receipt and processing of subpoenas, summons, pupil records privacy and access. **E**

Ensures the effective delivery of strategic governance, legal and regulatory compliance, and public/government relations of the District. **E**

Protects and preserves the legal, ethical, and financial stability of the District. **E**

Build/Develop/Provide/Prepare:

Provide briefings to the Superintendent and Superintendent's Cabinet members regarding labor relations and negotiations. **E**

Provides legal advice to the Superintendent, and the District senior leadership team on legal issues, including general public education law, special education law, labor and employment law, litigation and claims, contracts, bids, construction, real property, and charter school law. **E**

Provide summary of proposed agreements to the public prior to the Board entering into tentative agreements with bargaining units. **E**

Build consensus, trust, and buy-in with key internal parties by understanding their issues, and actively taking corrective action with tools, policies, and practices that support the labor strategy as needed. **E**

Develop, implement, and manage cross-functional training with HR, Technology, and Business Services regarding internal and external procedures, timelines, goals, and metrics by using best practice research with the District's goals and objectives to assure smooth and efficient delivery of services. **E**

Prepare legal documents, contracts, policies, notices, rules and regulations, and Board resolutions. **E**

Prepare, negotiate, and review contracts and memoranda of understanding (MOU's). Provide labor updates and legal issues as necessary. **E**

Develop and document best practices and develop databases to use in decision support. **E**

Develop written plan of action to be taken in the event of a work stoppage, concerted work to rule, sick out, strike or threat of strike.

Prepare extensive, frequent, detailed, and accurate bargaining unit reports; and assemble confidential and sensitive information related to labor relations and negotiations. Prepare public updates on collective bargaining. **E**

Conduct effective labor strategies with school site Administrators and diverse communities and cultures to improve initiatives that address student achievement gaps between racial, ethnic, economic groups, and systemic reform efforts. **E**

Coordinate Conflicts of Interest and Lobbyist Filing Compliance. **E**

Conduct research, and analyze data to provide and coordinate recommendations to District personnel, outside legal counsel, investigators, and State agency personnel concerning the resolution of legal issues and conflicts, Board policies, administrative regulations, collective bargaining agreements, the Education Code, Brown Act, Fair Political Practices, Government Code, and other state and federal laws and regulations. **E**

Ethicize general counsel and associated staff to conduct legal unbiased investigations, research, interview (clients and witnesses), gather evidence, and handle other details necessary to provide litigation and trial preparation in all areas of law pertaining to school districts. **E**

Develop special projects and conduct research; attend to administrative details on special matters as assigned; and manage various ongoing projects and legal matters including data collection, preparation of reports, conducting data analyses, and the interpretation of findings. **E**

Maintain confidentiality of all personnel matters; some duties will involve access to confidential information concerning employer-employee relations and negotiations. **E**

Advisement:

Proactively advise and provide technical expertise, information, and assistance to staff. **E**

Provide advisement on civil rights issues related to student speech, student searches, student attire, related discipline, Title IX, Title VII, and equity, and other related issues. **E**

Advise on and prepare responses to complaints and appeals filed by parents and Office of Civil Rights (OCR) and California Department of Education (CDE) investigations. **E**

Advise school sites or provide general counsel on variety of issues including student/family related alternative dispute resolution with issues of child custody conflicts and abuse reporting responsibilities, and withdrawal of consent letters. **E**

Advise and collaborate with Student Support and Health, Youth Development, and Special Education Department on issues of student health and services, including 504 Plan issues, Residency issues, and homeless and foster youth issues. **E**

Advise the Human Resource and Business Services Department on related matters including discipline, investigations, and collective bargaining agreements, Skelly Hearing process for represented and non-represented employees, Notice of Unprofessional Conduct/Notice of Unsatisfactory Performance letters, CRD/EEOC complaints, and ADA related issues. **E**

Provide advisement on Charter School matters, including Petitions, renewals, and Memorandum of Understandings, FUA analysis. **E**

Advise on Business and Facilities Maintenance Department on matters, including contract and bid processes, use of public funds and pupil fees issues, developer fees issues. **E**

Assist in the preparation and development of the department's annual budget; analyze and review budgetary and financial data; and monitor and authorize expenditures in accordance with established guidelines. **E**

Attend:

Attend and provide legal advice and counsel for internal administrative meetings, and other meetings, as needed. **E**

Attend workshops, trainings, conferences, and study legal journals and publications to remain current with the latest revisions to laws and regulations. **E**

Maintain:

Maintain legal library with current law and resources. **E**

Perform related duties as assigned.

TRAINING, EDUCATION, AND EXPERIENCE:

Any combination equivalent to: Graduation from an accredited school of law and/or Juris Doctor (J.D.) degree from a law school accredited by the American Bar Association, active member in good standing of the State Bar of California, and five years increasingly responsible experience working in a school district or a law firm that provides legal services to school districts or seven (7) years of experience in labor and employment law or similar fields; legal experience in the public sector is highly desirable. Preference will be given for coursework in educational laws and regulations, administrative laws and regulations, labor laws and regulations, or public agency administration.

LICENSES AND OTHER REQUIREMENTS:

California Bar Membership (Active); valid California driver's license; and provide personal automobile and proof of insurance. Eligible for membership in the State Bar of California and admission to practice before the United States District Court for the Northern District of California (preferred).

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF:

- California judicial procedures.
- Computerized case management system(s).
- Investigation techniques and procedures.
- Current District collective bargaining agreements.
- Legal management practices, such as discovery, document production, depositions, briefing, and trial procedures.
- School operational procedures including instructional scheduling, hours, and local procedures.
- Technical aspects of field of specialty.
- Applicable sections of the California Education Code (EDC), other laws, rules, and regulations related to assigned activities.
- Meyers-Milias Brown Act, Fair Labor Standards Act, Government Code and California Education Code and applicable court rulings.
- District organization, operations, policies, procedures, and objectives; applicable sections of the California Education Code and other laws and regulations.
- Bargaining unit agreements, labor relations, and negotiations.
- Any and all state and federal laws and regulations that govern working conditions that are subject to negotiations (such as FMLA, ADA, OSHA, OTETA, CFEHA, Government Codes, California Ed Code, Labor Law, etc.).
- Any and all state and federal laws that govern discipline, dismissal and release of public school employees.
- Research methods and report writing techniques.
- Current economic, political and sociological conditions affecting school districts.
- Current issues and problems of large urban school districts and their communities.
- Budget preparation and control.
- Effective oral and written communication skills.
- Principles and practices of management, supervision, and training.
- Evaluation and development of approaches, strategies, and techniques.
- Operation of a computer, related software, scanners, and standard office equipment.
- Interpersonal skills using tact, patience, and courtesy.
- Health and safety regulations.

ABILITY TO:

- Conduct unbiased investigations.
- Prepare pleadings and briefs.
- Conduct legal research.
- Develop clear and unambiguous contract language.
- Make persuasive oral arguments in administrative hearings, arbitrations or other alternative dispute resolution settings.
- Understand, analyze, and interpret Board policies and regulations, and state and federal laws and regulations.
- Manage multiple priorities simultaneously with highly developed organizational skills and attention to detail.

- Research, analyze, compile, and verify data, and prepare comprehensive narrative and statistical reports.
- Exercise analytical and independent judgment.
- Analyze situations accurately and adopt an effective course of action.
- Plan and organize work to meet schedules and deadlines.
- Work confidentially with discretion.
- Complete work independently with many interruptions.
- Communicate effectively, both orally and in writing.
- Establish and maintain effective working relationships with management, site administrators, staff, and the public.
- Meet schedules and timelines.
- Train and supervise the performance of assigned staff.
- Prepare and deliver presentations and trainings.
- Compose correspondence and written materials independently.
- Operate a computer, related software, scanners, and standard office equipment.
- Lift light objects according to safety regulations.
- Meet state and district standards of professional conduct as outlined in Board Policy.

WORKING CONDITIONS:**SAMPLE ENVIRONMENT:**

Office environment; drive a vehicle to conduct work; constant interruptions.

SAMPLE PHYSICAL ABILITIES:

Hear and speak to make presentations, and exchange information in person and on the telephone; dexterity of hands and fingers to operate a computer keyboard; see to read various documents and reports; view a computer monitor; sit for extended periods of time; bend at the waist, reach overhead, above the shoulders, and horizontally, to retrieve and store files from cabinets and shelves; lift light objects.

SAMPLE HAZARDS:

Occasional contact with dissatisfied or abusive individuals.