



## CITY OF OAKLAND EMPLOYMENT OPPORTUNITY

### WORKER PROTECTION ATTORNEY AFFIRMATIVE LITIGATION, INNOVATION AND ENFORCEMENT DIVISION WORKER PROTECTION UNIT

EXEMPT LIMITED DURATION POSITION

**Salary Range:**

**Worker Protection Attorney:** \$114,423 to \$228,846 annually, depending on experience

**Benefits:** Health, dental, vision, potential telecommuting opportunities, and other competitive benefits

**Location:** City Hall, Oakland, CA (currently a hybrid work schedule)

**Recruitment Opens:** June 26, 2024

**Initial Application Requirements:** Cover letter and resume

**Deadline to Apply:** Open until filled

### THE POSITION

The Office of the City Attorney (“OCA”) seeks a well-qualified individual, as described below, for a new Worker Protection Attorney position, focusing on wage theft in Oakland and helping to establish a Worker Protection Unit in the Affirmative Litigation, Innovation and Enforcement Division. Employment, labor, and/or plaintiff-side litigation experience is preferred for this position. California Bar admission is required.

The ideal candidate for this position will have experience in affirmative litigation, such as worker’s rights, civil rights, consumer, environmental justice, housing justice, tenant protection and/or racial justice cases. Desirable knowledge and experience include a background in: litigation, including complex civil cases in state and/or federal court, writs, and appeals; policy work, including drafting proposed local legislation; community engagement, including working in coalition with nonprofits and community groups; and administrative procedure, including administrative remedies and rule-making. The attorney will work with other litigators and with labor and employment attorneys and other attorneys in the Office.

The Worker Protection Attorney may be supervised on different projects by a Deputy City Attorney V, Special Counsel, Chief Assistant City Attorney and/or the City Attorney. Attorneys in this diverse and exciting Office frequently work collaboratively with other attorneys and other City Departments on a wide variety of issues, and the Worker Protection Attorney may work with other City Attorney and County Counsel offices around the Bay Area, throughout California, and across the country.

The position is a newly-created role funded by a grant through the California Department of Industrial Relations. This is a one-year at-will grant-funded position. The Worker Protection Attorney will work on existing wage theft cases, and develop new wage-theft litigation.

## **Description:**

The Affirmative Litigation, Innovation and Enforcement Division currently includes three affirmative litigation units: (1) the Neighborhood Law Corps (“NLC”), (2) the Community Lawyering & Civil Rights Unit (“CLCR”); and (3) the Housing Justice Initiative (“HJI”). This is a rare opportunity to help shape and establish a new, fourth affirmative litigation unit: the Worker Protection Unit.

The NLC is a longstanding community-facing unit that focuses on core life, health, and safety issues such as tenant protection, substandard housing, and public nuisance. There are four budgeted NLC attorneys; and they typically are relatively new to the practice of law. The NLC was established in 2002.

The Community Lawyering and Civil Rights Unit is dedicated to advancing systemic rights and opportunities for historically and currently marginalized communities in Oakland by enforcing, strengthening, and creating laws, and filing lawsuits that protect and advance the of those communities, to secure racial, economic, and environmental justice. CLCR was founded in 2016 and is typically staffed by at least two mid-level attorneys.

The HJI is dedicated to protecting marginalized Oakland tenants and preserving affordable housing in Oakland by enforcing tenants’ legal rights. HJI was founded in 2020 and typically is staffed by two mid-level attorneys.

The new Worker Protection Unit will either be staffed by two relatively junior attorneys, or one mid-to-senior level attorney.

This position requires handling a civil litigation caseload which includes, but is not limited to, case evaluation, conducting large-scale investigations, drafting complaints, engaging in motions practice, arguing motions, propounding and responding to discovery, taking and defending depositions, preparing for judicial proceedings (including settlement conferences, trials, and in appellate courts), and engaging in post-judgment or post-settlement compliance monitoring. The position also may require leading administrative enforcement of local ordinances, collaborating on or leading the drafting of ordinances and resolutions, developing strategies to engage local civil society partners, and working closely with attorneys in a variety of public law offices.

## **The City Attorney’s Office:**

The City Attorney’s Office provides counsel to the City Council, Mayor, City Administrator, and City boards and commissions, various City-wide task forces and City agencies and departments. Incumbents perform a variety of professional legal duties involving civil municipal law issues. The City Attorney is also empowered by state law to bring certain actions on behalf of the People of the State of California, including for certain violations of the California Labor Code, as well as for violations of the Oakland Municipal Code, such as minimum wage and other worker protection ordinances.

## **Detailed Job Description:**

### **Duties may include, but are not limited to, the following:**

- Participating in or leading affirmative litigation (including case evaluation, conducting investigations, drafting complaints, engaging in motions practice, arguing motions, propounding and responding to discovery, taking and defending depositions, preparing for judicial proceedings (including settlement conferences, trials, and in appellate courts), and engaging in post-judgment or post-settlement compliance monitoring);
- Communicating with, including as witnesses, City staff, community members, and stakeholders, in an intentional and trauma-informed manner, including across lines of difference;
- Participating in or leading administrative hearings, including citation appeals, administrative writs, and traditional writs;

- Working closely with City administrators, elected officials, and agency and department executives to develop or enforce City laws and policies;
- Developing or assisting in the development of local legislation to further the Units', Office's, and City's priorities, which may also include reviewing staff reports and writing City Council reports;
- Creating or developing constructive, collaborative relationships with civil society groups;
- Working with other attorneys in the Office and in partner offices on various matters;
- Being a key player in cultivating a strong, thoughtful, cooperative, and dynamic team;
- Exercising sound judgment;
- Clearly explaining legal advice to attorneys and lay people; and
- Attendance at some evening and late-night meetings.

### **MINIMUM REQUIREMENTS FOR APPLICATION**

Any combination of experience and education that likely would provide the required knowledge and abilities will qualify an applicant for the position. A typical way to obtain the knowledge and abilities would be:

#### **Experience:**

We are seeking candidates who are highly motivated problem-solvers, able to communicate effectively with diverse communities, and who enjoy a high level of responsibility. We will consider new California barred law school graduates, and recent federal or state law clerks at the low end of the pay range. We will consider attorneys with significant (8+ years) of practice experience at the high end of the pay range.

Prior litigation experience, a background in municipal law, labor and/or employment law, plaintiff-side litigation, and a demonstrated commitment to public interest law are desirable, as are superior legal research, writing, and oral argument skills.

Foreign language skills – especially in Spanish, Cantonese or Mandarin – are a plus and will be a factor in selecting a candidate for the position.

The applicant must be a graduate of an accredited law school and a member in good standing of the California State Bar at the time of hire. The successful applicant also will be asked to submit to and pass a background check.

#### **Education:**

- Graduate of accredited school of law.

#### **License or Certificate:**

- A member in good standing of the California State Bar.
- Attorneys in this position are required to maintain a valid California Driver's License during City employment or demonstrate the ability to travel to required locations in a timely manner, to the extent feasible depending on disability-related accommodations.

#### **Ability and/or Willingness to Learn to:**

- Investigate and litigate all aspects of a complex civil case in state and/or federal court (and, at minimum, demonstrated experience at the time of application in several key aspects of complex civil litigation);
- Negotiate and draft settlement agreements;
- Interpret and apply various government codes and ordinances;
- Conduct research on legal problems to prepare sound legal documents, including in litigation and

in other contexts (e.g., legal opinions);

- Analyze and prepare a wide variety of legal documents, with demonstrated excellence in legal writing;
- Present cases in court and in administrative proceedings;
- Handle stressful and sensitive situations with tact and diplomacy, including across the spectrum of diversity;
- Provide professional leadership, guidance, and technical expertise to the Office and to City staff;
- Work independently and as part of a close-knit team;
- Form or work with a multidisciplinary team and/or with partners of different backgrounds;
- Manage multiple demanding programs, cases, and projects with competing deadlines;
- Communicate effectively and persuasively in both oral and written form with City officials, representatives of outside agencies and the public, and in litigation;
- Complete varied assignments in a well-organized fashion and with attention to detail within a narrow time frame;
- Establish and maintain effective working relationships with a wide variety of audiences;
- Inspire confidence and respect for legal analysis and advice; and
- Skillfully and professionally present legal advice to clients, including elected and high-level appointed officials.

### **Other Desirable Skills**

- Language skills, especially in Spanish, Cantonese, and/or Mandarin;
- Working knowledge of municipal, state and federal laws, ordinances and codes affecting City government;
- Expert knowledge of and experience in federal and state court, administrative agency procedures, and municipal government law and procedures; and
- Litigation experience that is transferable.

### **Benefits**

The City of Oakland offers an excellent benefits package. The benefits package includes:

- Dental plan and orthodontics for employee and dependents.
- Vision plan for employee and dependents.
- Health plan fully or partially-paid, depending on your plan choice.
- Life insurance.
- Management leave, vacation leave, sick leave and holidays.
- Deferred compensation plan and Credit Union services.

## **HOW TO APPLY**

Submit a cover letter and resume by email to:

[civilrights@oaklandcityattorney.org](mailto:civilrights@oaklandcityattorney.org)

Candidates selected to proceed in the hiring process may be asked to submit additional information (e.g., a writing sample, references, answers to supplemental questions, the formal City of Oakland employment application).

This job announcement and additional employment information including the application form is available on-line at: [www.oaklandcityattorney.org](http://www.oaklandcityattorney.org)

**Final Filing Date: Open Until Filled**

**The City of Oakland is an Equal Opportunity / ADA employer**