



# STATE OF CALIFORNIA



An Equal Employment Opportunity Employer - equal opportunity to all regardless of race, color, creed, national origin, ancestry, sex, marital status, disability, religious or political affiliation, age or sexual orientation.

IT IS AN OBJECTIVE OF THE STATE OF CALIFORNIA TO ACHIEVE A DRUG-FREE WORK PLACE. ANY APPLICANT FOR STATE EMPLOYMENT WILL BE EXPECTED TO BEHAVE IN ACCORDANCE WITH THIS OBJECTIVE BECAUSE THE USE OF DRUGS IS INCONSISTENT WITH THE LAW OF THE STATE, THE RULES GOVERNING CIVIL SERVICE AND THE SPECIAL TRUST PLACED IN PUBLIC SERVANTS.

ONLY INDIVIDUALS LAWFULLY AUTHORIZED TO WORK IN THE UNITED STATES WILL BE HIRED.

## INVITES APPLICATIONS FOR

### ASSISTANT GENERAL COUNSEL

**CALIFORNIA HEALTH BENEFIT EXCHANGE ALSO KNOWN AS  
COVERED CALIFORNIA (EXCHANGE/CC)  
SACRAMENTO, CALIFORNIA**

**SALARY IS NEGOTIABLE**

**FINAL FILING DATE:**

**October 30, 2014**

**Under general direction of the General Counsel, California Health Benefit Exchange, the Assistant General Counsel aids the General Counsel in the management of legal staff and provides legal advice on a variety of matters pertaining to the Exchange and its programs and operations.**

Specific Duties:

Consults with, advises, and the General Counsel on legal issues as they affect the overall programs and policies of the Exchange Board; prepares formal and informal legal opinions; advises the top management team in the development and implementation of program policies; provides legal advice on programs the Board administers, and on issues raised by outside constituencies, including state agencies; analyzes and responds to legal-related correspondence and telephone calls.

Consult with, advises, and provides legal guidance to Exchange Board management and staff related to statutory and regulatory requirements applicable to Board deliberations and decisions, including conflict of interest, public records, and open meeting laws.

Provides legal advice on the most complex federal, state, and private program contracts, agreements or state plans and related amendments or compliance audits, required by the federal or state legislation creating the California Health Benefit Exchange. Advises lead program staff regarding internal systems compliance with all applicable state and federal laws and regulations.

Supervise and manages the work of subordinate staff counsel, and acts as in the absence of the General Counsel.

Reviews legislation and regulations for legal and program impact; drafts legislation and regulations; reviews bill analyses for program and administration policy as well as for legal issues.

Represents the Board in administrative hearings. Independently performs or manages the performance of difficult and complex research and preparation of legal arguments for litigation and related purposes.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

Knowledge of:

1. Relevant substantive areas of law that apply to the department and other public entities (e.g., Affordable Care Acts, due process, privacy, record disclosure laws, open meeting laws).
2. How to conduct legal analysis (e.g., issue-spotting, rule analysis, applying law to facts) to ensure relevant issues and information are identified and correlated with applicable law, and to aid in predicting the legal outcome.
3. Available research sources, both printed and electronic, to complete legal research, including what types of material they contain, where they are located, and their breadth, depth; and relative strengths and weaknesses (e.g., primary legal texts, secondary legal texts and electronic databases).
4. Legal, contractual and/or individual agency requirements regarding information security or confidentiality.
5. General principles of jurisprudence such as rules of statutory construction and stare decisis.
6. Proper spelling, grammar, punctuation, and sentence structure to ensure that written materials prepared and reviewed are completed, and free of errors.
7. Principles associated with the attorney client relationship, especially as they apply to organizations and public entities.
8. Professional ethical rules as they relate to the practice of law and particularly the role of public attorneys.
9. A manager's responsibility for prompting equal opportunity in hiring, employee development, promotion, and for maintaining a work environment that is free of discrimination and harassment.

Skills to:

1. Professionally communicate one's views and opinions on work issues even when they may be different from those expressed by others.
2. Review and edit the work of others to meet established departmental quality standards.
3. Take initiative and be pro-active in identifying potential legal issues and adapting solution strategies that prevent problems from occurring.
4. Listen to others to facilitate an open exchange of ideas and provide for effective communication.
5. Make efficient use of one's time.

Ability to:

1. Analyze information and detect potential logical, legal, and/or factual flaws in arguments or assumptions.

### **DESIRABLE QUALIFICATIONS**

- 5-10 years of progressively responsible experience in the practice of law.
- Smart, quick, and able to identify issues and provide legal recommendations based on thorough, analytical judgment.
- Experience with operating budgets and in planning, organizing, directing and leading a program or unit of employees that includes legal professionals.
- Personal leadership experience including techniques, performance management and accountability of organizing and motivating groups and/or employees of a legal unit or organization.
- Experience operating at an intellectually high level providing guidance and direction for large, complex, start-up organization and work cooperatively as a team member to support Executive and/or other management staff in meeting the mission and goals of an agency or organization.
- Familiarity with California and national insurance laws and marketplace factors related to the individual and small group markets, with specific experience involving legal aspects of health care law, including responsibility and/or leadership on highly complex and/or significant issues.
- Experience as legal advisor to top management, including evaluation, recommendation, and implementation of policies, procedures, guidelines and recommendations in compliance with legislative, regulatory and industry requirements and corporate objectives.
- Management of personnel in a State and/or civil service environment, where work environment that is free of discrimination and harassment and that supports Equal Opportunity laws, rules and guidelines.
- Experience in working on or with a Board of Commission, which included open meeting laws and dealing with highly sensitive information and protection of attorney client or attorney work product privilege.

### **OTHER**

- The incumbent must maintain normal and consistent work hours, averaging 40 hours per week. Work in excess of 40 hours per week is expected when necessary to complete assignments in a timely manner, plus must be willing and able to travel.
- The incumbent must be physically present at the workplace during work hours to properly observe, supervise and mentor subordinate staff.
- Must be able and willing to travel and work away from the office.

### **COMPENSATION AND BENEFITS**

The State of California benefit package includes:

- Retirement contributions into the California Public Employees' Retirement System (PERS);
- Vacation and sick or annual leave;
- Medical, dental and vision insurance;
- Life insurance of \$50,000 basic plus \$50,000 Accidental Death and Dismemberment;

- 11 holidays plus two professional development days and one personal day per year,
- Voluntary enrollment into a deferred compensation program, Long Term Disability Insurance, Long Term Care Insurance, Group Term Life Insurance, and a Legal Services Plan.

### **THE CALIFORNIA HEALTH BENEFIT EXCHANGE ALSO KNOWN AS COVERED CALIFORNIA (EXCHANGE/CC)**

In the fall of 2010, California enacted the first state law in the nation establishing a health benefit exchange under ACA, the California Patient Protection and the Affordable Care Act (CA-ACA). The CA-ACA included legislative intent for the creation of the Exchange/CC to:

- Reduce the number of uninsured *by creating an organized, transparent marketplace for* Californians to purchase affordable, quality health care coverage, to claim available federal tax credits and cost-sharing subsidies, and to meet the personal responsibility requirements imposed under the federal (ACA);
- Strengthen the health care delivery system;
- Guarantee the availability and renewability of healthcare coverage through the private health insurance market to qualified individuals and qualified small employees;
- Serve as an active purchaser, including creating competitive processes to select participating carriers and other contractors;
- Require that health care services plans and health insurers [collectively carriers] issuing coverage in the individual.

**The Exchange/CC is overseen by a five member board that sets policy and steers the organization. Our vision, mission and core values are:**

*The Exchange/CC's vision is to improve the health of all by assuring their access to affordable, high quality care.*

*The Exchange/CC's mission is to increase the number of insured Californians, improve health care quality, lower costs, and reduce health disparities through an innovative, competitive marketplace that empowers consumers to choose the health plan and providers that give them the best value.*

The six core values the board has identified are: being consumer-focused; assuring affordability; being a catalyst for improving care delivery; operating with integrity; working in partnership; and being results focused.

The Department's headquarters office is located in Sacramento, California.

### **REVIEW AND SELECTION PROCESS**

An executive screening committee will conduct a review of all state applications, resumes and Statements of Qualifications. Applicants deemed to have the most relevant background will be invited for interviews. Interviews will be held in Sacramento, California. The Deputy Director of Communications & Public Relations is an "EXEMPT" position that serves upon authorization of the Board, therefore appointment to this position and salary are subject to Board approval.

### **HOW TO APPLY**

Qualified persons must complete:

- State Application (STD 678)
- Resume of qualifications and experience
- Statement of Qualifications (no more than two pages) based on the Desirable Qualifications identified in this announcement
- Three professional references (name and telephone numbers)

These documents should be sent to:

Joan Bermudez  
1601 Exposition Blvd  
Sacramento, CA, 95815  
Phone: (916) 228-8225  
Fax: (916) 431-4354

For Further information regarding this position, please contact Ms. Bermudez at (916) 228-8225 or email: [Joan.Bermudez@covered.ca.gov](mailto:Joan.Bermudez@covered.ca.gov)