

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

11/4/2015

2. Department

California Health Benefit Exchange

3. Organizational Placement (Division/Branch/Office Name)

Executive Office/Operations/EEO

4. CEA Position Title

Deputy Director, Equal Employment Opportunity

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The California Health Benefit Exchange, also known as Covered California (Exchange) requests establishment of a Career Executive Assignment (CEA) to serve as the Deputy Director; Office of Equal Employment Opportunity (EEO).

Under the general direction of the Executive Director, the incumbent manages the Office of Equal Employment Opportunity (EEO) and provides consultation and advice Exchange-wide. The incumbent will develop, recommend, implement and enforce policies and procedures for the full scope of equal employment activities, and will initiate and recommend changes that promote innovative solutions. Such solutions and policies will be accomplished in accordance with all applicable federal and State laws, regulations, Executive Orders and policies (i.e., Title VII Civil Rights Act of 1964; Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, etc.)

6. Reports to: (Class Title/Level)

Peter V. Lee, Executive Director

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Develops and issues EEO policy directives to ensure compliance with State and Federal EEO Laws, regulations, policies and practices. In this regard, the incumbent develops policy based on objective monitoring and assessment of Exchange human resources, reasonable accommodation and equal employment practices in the workplace.

The Deputy Director also keeps apprised of all major changes in EEO laws and regulations and advises the Executive Director and the Leadership Team regarding those changes, any related problems that may be caused by those changes and any corresponding policies needed to ensure compliance at the Exchange.

The incumbent:

- Provides the Executive Director with policy and other programmatic recommendations to prevent discrimination and to facilitate equal employment opportunity
- Provides technical advice and assistance to the Executive Director and all levels of management regarding their roles and responsibilities in carrying out the Exchange's EEO obligations.
- Provides information on laws, rules, policies, and procedures on EEO goals and timetables, resources, and planning and implementation of programs.

Develops, implements, manages and monitors the EEO/diversity program components; provides management with information and assistance regarding these programs. The incumbent:

- Acts as liaison between the Exchange State Personnel Board, the California Department of Human Resources, the federal Department of Health and Human Services, advocate groups, including employee protected group advisory committees mandated by state statute.
- Develops, coordinates and monitors action plans designed to identify the causes of under utilization problems and to eliminate illegal employment barriers
- Monitors and evaluates occupational areas to identify significant under utilization of employees by racial/ethnic, gender and disability categories
- Develops training and associated materials and conducts training to meet mandated training needs and to provide employees and management with an understanding of EEO laws, rules policies and procedures
- Consults on EEO and related issues impacting external partners and clients utilizing the services of the Exchange
- Conducts, attends, and participates in meetings and briefings with various levels of management and staff within State and federal government

The incumbent develops and manages the discrimination complaint system, including monitoring the performance of counselors and/or investigators:

- Conducts the most complex and sensitive investigations, prepares investigative reports, prepares responses, and provides recommendations to the Chief Deputy Executive Director, Operations and program management that may result in disciplinary actions --
- Reviews investigations completed by EEO investigators and provides feedback as necessary
- Reviews staff responses to allegations of discrimination complaints filed against the Exchange and with DFEH and the Federal Equal Employment Opportunity Commission (EEOC)
- Responds on behalf of the Exchange to inquiries by SPB and other governmental agencies regarding various EEO issues or complaints
- Oversees maintenance of tracking systems, records and appropriate posting requirements

Provides program management guidance on EEO related issues and ensures balanced and effective personnel practices:

- Researches, evaluates and makes recommendations on highly sensitive and confidential EEO issues
- Assists in developing management strategies and develops recommendations to resolve sexual harassment and other types of discrimination complaints
- Responds to Inquiries from labor office regarding the discrimination complaint process and employee rights during the investigative process
- Proposes personnel management policies, procedures, and practices (i.e., recruitment, hiring, retention, etc.)
- Participates with Human Resources in the planning, implementing and evaluating of upward mobility programs for employees

Ensures compliance with the Americans with Disabilities Act (ADA)

- Initially develops the Exchange's Accessibility Program for staff and external clients and partners and subsequently reviews and analyzes the impact or potential impact of new or amended legislation, rules, policies and procedures
- Establishes a Reasonable Accommodation Review Committee to ensure that employees with disabilities are accommodated; also serves as a representative on the committee
- Establishes a Disability Advisory Committee to develop and implement projects to improve personnel practices and employment opportunities for persons with disabilities and serves in an advisory capacity on the committee

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: As mentioned above, this position is critical to achieving the Exchange goals and it's decisions department-wide as EEO issues affect the success of all departmental programs in meeting the mission of the Exchange. All policies and decisions will be in accordance with all applicable federal and State laws, regulations, government codes, regulations, Executive Orders and policies (i.e., Title VII Civil Rights Act of 1964; Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, GC 19790-19799, etc.)

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

With the rapid growth of the Exchange since its creation in 2012, it now needs an executive with the managerial experience and expertise to be responsible for policy development and planning, organizing and directing staff in the performance of EEO activities. These activities include but are not limited to administering a discrimination complaint process and a reasonable accommodation program; annual workforce analysis reporting; upward mobility program oversight; coordination of EEO training; coordination of Disabilities Advisory Committee; equal employment opportunity policy development, technical advice and consultation; coordination of bilingual services; coordination of Americans with Disabilities Act and oversight of advertisement waivers to ensure good faith hiring.

The position will be at the second organizational level and will report to the Executive Director and Chief Deputy Executive Director. The incumbent is a key member of the Executive management team who effectively recommends and implements major departmental policies and decisions for the effective provision of discrimination prevention services. As a member of the Executive management team, the Incumbent will affect decisions department-wide as EEO issues affect the success of all departmental programs. All decisions will be in accordance with all applicable federal and State laws, regulations, government codes, regulations, Executive Orders and policies (i.e., Title VII Civil Rights Act of 1964; Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, GC 19790-19799, etc.) to meet the mission of the Exchange.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA influences policy development through creation of policy briefs describing the laws and regulations related to a topic and providing policy recommendations in the following areas:

- Development, deployment and assessment of the Exchange's Discrimination complaint process.
- Identification, review, and creation of official statistics to support opportunities to improve, develop, and access the Exchange's Upward mobility program.
- Equal Employment Opportunity policy development, technical advice and consultation

The Exchange recognizes that its employees are its most important asset. Exchange employees are the vital link that ensures its vision, mission and values are fully realized. To this end, the Exchange strives to ensure that its workforce is drawn from the broadest segments of society and reflects the diversity of California so that the Exchange is poised to meet the present and future health care needs of the entire state's population.

This position will be responsible for enforcement of laws and policies required and enforced under, but not limited to, the following laws: Title VII, U.S. Civil Rights Act of 1964 as amended in 1972 and 1991 (42 U.S.C. §2000e et seq.); Age Discrimination in Employment Act of 1967 and 1978 {29 U.S.C § 621 et seq.}; Rehabilitation Act of 1973 {29 U.S.C. § 791 et seq.}; Pregnancy Discrimination Act of 1978 {42 U.S.C. § 2000e(k)}; Americans with Disabilities Act of 1990 {42 U.S.C. § 12101 et seq.}; Article I, Section 31, California Constitution {Proposition 209- Prohibits granting of preferences based on race, ethnicity and gender in public employment, contracting and education}; California Fair Employment and Housing Act {Gov. Code, §§12900-12996} and Unruh Civil Rights Act (Civil Code, §§ 51-53)

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The incumbent will develop, recommend, implement and enforce policies and procedures for the full scope of equal employment activities, and will initiate and recommend changes that promote innovative solutions. Such solutions and policies will be accomplished in accordance with all applicable federal and State laws, regulations, Executive Orders and policies (i.e., Title VII Civil Rights Act of 1964; Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, etc.)

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA will provide direct influence into policy development and implementation at the highest level in the Exchange concerning the discrimination complaint process; reasonable accommodation program; annual workforce analysis reporting; upward mobility program oversight; coordination of EEO training; coordination of Disabilities Advisory Committee; equal employment opportunity policy development, technical advice and consultation; coordination of bilingual services; coordination of Americans with Disabilities Act; and good faith hiring, advertisement waivers, but also the development and implementation of statewide policy for the Exchange to ensure compliance requirements are met by not only state employees but by our large consultant and community partners. equal opportunities, EEO protections, reasonable accommodations practices, sexual harassment prevention policy, and language access policy of the agency.