

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

06/23/2016

2. Department

Consumer Affairs

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

Office of Administrative Services

4. CEA Position Title

Human Resources Chief

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

The CEA will act as the Human Resources Chief (HRC) for the department and is responsible for development, management, and dissemination of the Department of Consumer Affairs' (DCA) Human Resources policy for all of the DCA Boards, Bureaus, and Programs. In addition, the CEA has oversight over the development and administration of payroll processing, benefits administration, appointments, and recruitment for the DCA's 40 Boards/Bureaus/Programs. The CEA is also a key member of the DCA Executive Management team and is involved in all major decision-making and planning related to the above administrative areas.

6. Reports to: (Class Title/Level)

Deputy Director, Office of Administrative Services

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.

The CEA will act as the Human Resources Chief and be responsible for development, management, and dissemination of the Department of Consumer Affairs' (DCA) Human Resources policy for all 40 of the DCA Boards, Bureaus, Committees, and Commission (DCA Programs). The CEA is also a key member of the DCA Executive Management team and is involved in all major decision-making and planning related to the above administrative areas.

The CEA will have oversight of all Human Resources policy as related to classification and compensation, payroll and benefit services, recruitment and selection, health and safety, employee and labor relations, workforce planning, training and staff development; assists the Deputy Director, Administrative Services in the formulation, implementation, evaluation, and monitoring of Human Resources services for the 40 separate DCA Programs.

The requested position will oversee the Office of Human Resources (OHR), which currently reports to a Staff Services Manager III. This manager III will report directly to the CEA. The CEA will develop policy and provide direction needed to carry out the OHR's functions. As part of the DCA Executive Management staff, the CEA will direct the development and implementation of the department-wide Human Resources policies and programs as related to the aforementioned programs as well as monitoring the implementation of their strategic business plans and developing and implementing new and continuous improvements. In this capacity, the CEA will report directly to the DCA Deputy Director, Office of Administrative Services.

The CEA is responsible for developing and implementing policy formulation and program development and procedures. While the Deputy Director oversees policy formulation for all of Administrative Services, the CEA will be responsible primarily for the program he/she oversees. As such, this position plays a significant role in shaping DCA's Human Resources policy, by recommending modification of proposed policy for consistency with other DCA programs and policies, and identifying the need for new policy.

HUMAN RESOURCES POLICY DEVELOPMENT AND IMPLEMENTATION - The CEA serves as a member of the DCA Executive Management Team, is responsible for Human Resources policy, and assists the Deputy Director, Administrative Services in the formulation, implementation, evaluation, and monitoring of Human Resources policies and procedures for 40 separate programs. The CEA, under the direction of the Deputy Director serves as the administrator and manager of the DCA's approximate 3,450 positions.

The CEA will also serve as advisor to the Director and Deputy Director in matters related to the DCA's OHR. The CEA assists with the annual Budget Change Proposal (BCP) planning, preparation and review processes. The CEA serves as a liaison regarding overall Human Resources strategies with the DCA Executive Office, the Department of Human Resources, the State Personnel Board, and the State Controller's Office. The CEA consults with and acts as an advisor to the DCA Deputy Directors to ensure programs meet specific requirements regarding Human Resources policy and accountability for funds and operations. The CEA identifies issues that cross-cut multiple programs and reviews all control agency audit reports, as well as all statutory, budget, and public reports.

The CEA manages staff by participating in the formulation, improvement, management, and evaluation of the DCA's programs and policies. The CEA participates in the review of legislation with Human Resources or programmatic impact, testifies before legislative committees, and represents and negotiates for the DCA Programs on Human Resources-related matters.

The CEA will develop and implement Human Resources-related statewide policies and procedures. The CEA will plan, organize, direct, and ensure that the policies and procedures coincide with the DCA's mission and vision while ensuring compliance with all state, federal, and local laws. The CEA will provide programmatic oversight for the OHR, including promulgating and interpreting policies and regulations established by the DCA. The CEA will provide resolution to controversial and complex matters that result from the administration of such policies and regulations. The CEA will develop policy recommendations necessary to administer the programs and ensure enactment of policies as directed by the DCA.

ADMINISTRATIVE OVERSIGHT - The CEA will be the principal administrator and advisor to the Director and Deputy Director for the OHR regarding policy and resource allocation. The CEA will review and prepare administrative documents, including BCPs, statistical reports, and strategic plans. The CEA will have full delegated authority over all Human Resources policy and resource allocation. The CEA will oversee all administrative functions for the OHR involving budget development, contract monitoring, facilities management, and personnel administration, including development of policies for the hiring, training, evaluation, and retention of staff.

The CEA will review and approve responses prepared for signature by the Director or Deputy Director pertaining to correspondence related to the areas under the CEA's purview and represent the DCA in meetings with state, federal, or local government and other forums.

TECHICAL CONSULTATION - The CEA will provide technical consultation, guidance, and staff support to the Executive Office, including participation as a consulting member of the DCA Policy Review Committee. The CEA directs the preparation of agenda materials concerning performance, recruitment, payroll and benefit, and/or compensation issues before DCA Boards/Bureaus/Programs/Commission. The CEA represents the DCA and the Office of Human Resources at Board meetings, before control agencies, and the public.

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: The OHR performs essential functions required for day-to-day operation of the DCA. The CEA is the primary liaison between the DCA and the California Department of Human Resources, the State Personnel Board, and the State Controller's Office and is responsible for communicating control agency policies to DCA Programs. The CEA, as a member of the DCA Executive Management Team, is also responsible for Human Resources policy, and assists the Deputy Director, Administrative Services, in the formulation, implementation, evaluation, and monitoring of 40 separate programs' payroll, benefits, and recruitment activities. The CEA serves as the administrator and manager of the DCA's approximate 3,450 positions.

The CEA consults with and acts as an advisor to the DCA Deputy Directors to ensure programs meet specific requirements regarding Human Resources policy and accountability for funds and operations. The CEA identifies issues that cross-cut multiple programs and reviews all control agency audit reports, as well as all statutory, budget, and public reports.

The CEA will propose legislation or regulation changes needed and monitor legislation that may directly or indirectly have impact on the DCA and represent the DCA with other state and local government.

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.

The DCA's increasingly complex Human Resources environment has created a need for a dedicated position with the technical skill and expertise to provide appropriate policy guidance and oversight as the DCA continues to grow. The need for an additional leadership position dedicated to Human Resources policy is critical to DCA.

The DCA is comprised of various Boards and Bureaus that operate semi-autonomously which are made up of non-civil service appointments from the Governor, the Legislature, and the public. Specifically, the department has 52 exempt employees, 484 Board Members, and 24 CEA employees who oversee the 40 Boards/Bureaus/Programs of the department. Each Board holds quarterly meetings and special meetings throughout the year which is broadcast via a live stream and recorded in accordance with the Bagley-Keene Open Meeting Act, over 300 meetings annually. Board Members do not have oversight of the day to day activities of the Board but set the policies for the Board staff to carry out. As appointees, their knowledge of the merit system is more limited; therefore there is currently heavy reliance on the Personnel Officer (PO) to educate, present information to the Board and provide guidance to the board on a plethora of HR matters. The PO regularly presents at Board meetings on a variety of HR matters (EO recruitment, EO salary increases, EO Evaluation, EO salary compaction, hard to recruit classifications (NECs), class consolidation, appropriate use of staffing resources and current and proposed organizational changes). The DCA OHR present before the board/bureau on a variety of topics ranging from Labor Relations, the hiring process, the Executive Officer (EO) appointment process, the Exempt level increase process, and the Exempt salary increase process. In the past 11 months, the DCA OHR has presented before the board 8 times in open session, 3 times in closed session, and have met individually with Board Presidents/Chairpersons on a regular basis. These meetings are sensitive, political in nature, and can be adversarial in nature, and therefore more appropriate at the CEA level. It is imperative that the representative from DCA OHR be at the CEA level to effectively respond to inquiries and exercise decision making authority when addressing the Board and the public during live streamed and recorded meetings.

The department also has several new EOs (currently 3 vacant EO positions) many of which are new to state service. As new EOs are brought on there is even more reliance on HR. Board members are political appointees, and the PO currently spends a significant amount of time explaining civil service laws, rules, best practices, crafting staffing and organizational solutions to implement legislative and regulatory requirements. While the PO does not set board policy, the PO heavily weighs in on policy decisions (agreeing with or recommending alternatives) the Board makes as these have significant impact on the staffing and work performed.

The CEA proposal for the HR Chief is similar to the CEA recently approved for Chief Fiscal Officer (CFO) in that both have experienced similar growth in responsibilities and scope due to the same circumstances. However, the Office of Human Resources is comprised of more professional staff than the CFO which only have 50% professional staff as opposed to 69% of OHR staff fall under the category of professional. Additionally, while the CFO is responsible for the DCA's \$649 million budget, the HR Chief is responsible for recruitment, retention, payroll, and benefits for the DCA's approximately 4800 employees and 3500 positions.

Additional and significant workload changes have also occurred as a result of the Governor's Reorganization Plan (GRP) and legislation that established the Bureau of Medical Marijuana Regulation (BMMR) under the DCA's authority. The GRP of 2012 merged the Office of Real Estate Appraisers, the Department of Real Estate, the Structural Pest Control Board, and the Board of Chiropractic Examiners, and the Bureau of Real Estate Appraisers under the authority of the DCA. The addition of BMMR in particular, brings an additional level of complexity to DCA due to politically sensitive issues involved in marijuana regulation. As a result, the DCA is under a higher level of public and legislative interest, scrutiny, and reporting. Utilization and reporting requirements of the additional funding, the status of the BMMR's operations (including recruitment efforts and BCPs related to additional positions) will place the DCA at an increased risk of public scrutiny, particularly if the BMMR is not fully operational as a regulatory entity by January 1, 2018, as required by the Act.

While effectively communicating human resources topics and exercising decision making authority in a public forum is within the scope of an SSM III, the nature of the topics being discussed are highly sensitive and the Department has an inherent liability to ensure the information being discussed is correct and politically sensitive. As such, it is imperative that the position be at the CEA level so that in the event that the proposed HR Chief provides inappropriate advisement to the Boards, Bureaus, or Commissions, during open or closed session, the Department may take appropriate action and terminate the appointment. Unlike typical HR Chiefs found in other departments, the DCA HR Chief would be tasked with addressing varying entities. This includes communicating and coordinating with the multiple Boards and Bureaus that operate their own on site Human Resources offices, as opposed to one singular chain of command through a Bureau Chief or Executive Officer.

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.

As an active member of DCA's management team, the CEA position has a major role in the development, implementation, and evaluation of the DCA's policies and program direction pertaining to the DCA's overall mission, including responsibility to evaluate, advise, and provide assistance to the Director and Deputy Director on:

- Establishing and attaining the DCA's goals and objectives developed to meet the DCA's mission and vision.
- Recommending modification of proposed legislation for consistency with DCA programs and policies.
- Identifying the need for new legislation and representing DCA by testifying before the Legislature.
- Defining and refining the mission of the Office of Human Resources and formulating long range and annual goals in accordance with DCA's Strategic Plan.
- Establishing comprehensive and aggressive management actions to offset negative effects on consumers, licensees, and staff.
- Developing, implementing, and monitoring performance of the Office of Human Resources to ensure success of mandated functions.

More specifically, the HR Chief will serve as a member of the DCA Policy review committee which drafts, reviews, and issues Department policy on varying topics ranging from HR related (e.g. Nepotism, Injury & Illness Prevention Program, Administrative Time Off). The HR Chief will also oversee the development of Recruitment and Retention strategies, participate in Strategic Planning for the Department, oversee development of Policy and Procedures based on new legislation, arbitration decisions, collective bargaining changes, directives/changes from control agencies, and other internal or external directives.

The Office of Human Resources handles highly visible and sensitive issues that have political and economic consequences, as well as elicit scrutiny from the Legislature, government agencies, the media, and the public. The CEA must be sensitive to highly confidential personnel and budgetary issues, in addition to having the ability to coordinate DCA policies regarding these issues with management and staff. As a result, the CEA must also be prepared to address interest from the Legislature, Agency, and the Governor's Office regarding the personnel operations of DCA's programs with tact and diplomacy.

C. ROLE IN POLICY INFLUENCE (continued)

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

The CEA has a major role in the development, implementation, and evaluation of the DCA's Human Resources policies and program direction pertaining to the DCA's overall mission, including responsibility to evaluate, advise, and provide assistance to the Director and Deputy Director. The CEA has frequent contacts with the DCA Director and Chief Deputy Director, DCA Deputy Directors, the DCA Executive and Administrative staff, DCA Program Executives, the Governor's Office, the Legislature and their staff, other agencies and departmental management, licensees, and the public.

The CEA will function as a top administrative advisor to the Director and Deputy Director on issues relating to the Office of Human Resources. This position will be responsible for implementing legislation through policy formulation and program development and procedures.

As principal administrator for the DCA's Office of Human Resources, the CEA will have full delegated authority over policy and resource allocation under its programmatic areas.

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

The CEA will be charged with developing and implementing new policy as well as existing policy. The CEA will have a direct impact on the formulation of DCA Human Resources policies, executive decision-making, program effectiveness and the quality of services provided to the DCA programs and outside entities. The CEA will also provide advice and recommendations on Human Resources-related best practices.

The CEA will also work in conjunction with DCA Executive Management and other outside state and local governments to accomplish the policy goals and objectives of the DCA and the Office of Administrative Services.