

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

2016-06-21

2. Department

Forestry and Fire Protection

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

Professional Standards Program

4. CEA Position Title

Chief, Professional Standards Program

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

The California Department of Forestry and Fire Protection (CAL FIRE) is requesting approval to allocate the above position as a new CEA, Level A. The proposed CEA, Chief, Professional Standards Program, will formulate and influence the development of statewide policies specific to the training and education of CAL FIRE managers and supervisors in the areas of employee orientation, employee supervision, and progressive discipline; as well as conducting administrative and background investigations and assisting with the development of adverse actions. This proposal creates a separate Professional Standards Program which will enable CAL FIRE to centralize and consistently focus on the prevention, administration, and operations as it relates to professional standards.

6. Reports to: (Class Title/Level)

Director, Department of Forestry / Exempt Level B

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.

Under the general direction of the Director, the Chief of the Professional Standards Program (PSP) is responsible for the planning, management, administration, and policy development for the California Department of Forestry and Fire Protection (CAL FIRE) Professional Standards Program, which oversees the training and education of CAL FIRE employees in the areas of employee orientation, employee supervision, and progressive discipline; as well as conducting administrative and background investigations and assisting with the development of adverse actions, as necessary.

The incumbent regularly provides significant advice and recommendations to the Director on policy issues relative to the statewide Professional Standards Program. Policies and procedures developed by this position assist in ensuring that CAL FIRE programs and staff comply with state and department laws, rules, policies, and procedures.

The incumbent assists CAL FIRE in ensuring public safety services are delivered at a high professional standard, as expected by the public and existing Departmental policy.

In coordination with the Department's Training Program, Human Resource Office, and Equal Employment Opportunity Office, the Chief of the Professional Standards Program provides the leadership to oversee the development and implementation of a training program for new employee orientation, employee supervision, and progressive discipline. The incumbent participates with the Training Program to determine the appropriate supervision curriculum to be taught in the Department's Supervision 1 through Supervision 5 classes. Continually evaluates opportunities, both internally and through external private vendors, to provide additional training to complement the Department's existing Supervision series. Directly and through subordinate staff provides instruction at training functions.

The Chief also provides consultation to Departmental staff regarding local progressive discipline cases. For high profile cases, or in cases where local supervisors cannot be independent, assigns investigators and oversees administrative investigations, and prepares documentation as necessary.

The incumbent, either directly or through subordinate managers and staff, reviews all Notices of Adverse Action for completeness, supported findings, adherence to Departmental policies and formats, and State Personnel Board requirements. Through subordinate staff, maintains a master log of disciplinary actions.

The incumbent provides annual reports of accomplishments of the Professional Standards Program, as well as statistical information regarding investigations and disciplinary actions, including causes, actions taken by type, outcomes, and other information which may provide a basis, or indicate the need for increased/specific preventive training.

The incumbent attends CAL FIRE Dismissal Committee meetings and Complex Case meetings and advises and provides support to the Department's Executive Management Team.

The Chief represents CAL FIRE regarding all issues related to the Professional Standards Program in interactions with control agencies such as the Resources Agency, the Department of Human Resources, the State Personnel Board, various other agencies, and other public and private organizations and federal agencies.

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: CAL FIRE's mission is to serve and safeguard the people and protect the property and resources of California. The Department has a responsibility to protect employees, assets, fiscal prudence, and against the the public perception of malfeasance. The public and elected officials expect thorough investigations when allegations of misconduct come to light and it is expected that appropriate corrective action be taken to put in place the necessary measures to try to prevent similar incidences of happening again.

The purpose of the Professional Standards Program is to establish a dedicated program responsible for implementing a comprehensive program addressing personnel investigations and adverse actions. Several incidents in recent years have demonstrated the need to strengthen CAL FIRE's ability to address department-wide personnel issues. A centralized program will improve the quality of investigation and written adverse actions through dedicated, trained investigators, and provide centralized oversight resulting in coordination and consistency in adverse actions, penalties, and investigative materials.

Departmental statewide consistency in these investigations, as well as other statutorily mandated background investigations, helps to meet the expectations of external and internal stakeholders, oversight agencies, and the public. The PSP will promote a highly motivated and well trained work force by utilizing tools to assess employees and ensure performance accountability. The PSP will support the Department by improving policies and strategies to minimize injuries or loss of to the public and emergency responders during emergency response activities throughout the State.

The PSP will play a large role in training managers and supervisors throughout the Department. The Chief of PSP will oversee the development and implementation of statewide training and education policy and procedures for new employee orientation, employee supervision, and progressive discipline. The PSP will institute a consistency with penalties. Trained managers, supervisors and investigators will reduce fines and penalties by the Department due to reducing the potential for inconsistencies experienced by many agencies.

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.

CAL FIRE does not have a centralized process or dedicated staff responsible for performing administrative investigations and preparing adverse actions. It currently redirects existing staff from various other programs, resulting in the delay or deferral of assigned responsibilities. Additionally, the number and severity of personnel actions has increased significantly over the past several years, requiring an even greater number of staff being redirected from their normally assigned responsibilities. As a result, the quality of investigation and written adverse actions suffer because temporarily assigned investigators are unable to maintain proficiency in these skills. The Chief of PSP would provide centralized oversight resulting in consistencies in the investigation and execution of adverse actions, penalties, and investigative materials.

CAL FIRE is required to conduct an administrative investigation when a formal complaint is filed against a peace officer pursuant to Penal Code (PC) §832.5, Government Code (GC) §1029 (Public Safety Officers Procedural Bill of Rights) or GC §3253 (Firefighters Procedural Bill of Rights). CAL FIRE is also required to conduct an investigation when a complaint or suspicion of employee misconduct is filed and received via the California Whistleblowers Protection Act. However, the most common administrative investigations are conducted in response to citizen complains and employee behavior. An administrative investigation consists of interviewing the subject(s) of the allegation(s), witness to activities, and supervisors of affected employees. Investigations require evidence collection, document review, analysis of gathered information, surveillance, and detailed documentation of all findings and options. These investigations typically average between 40 to 80 hours to complete. However, complex investigations can require hundreds of hours and multitude of personnel. The Chief of PSP will be responsible for reviews of these investigations, which are highly critical, politically-sensitive, and which require the utmost tact, knowledge, and investigative and management skills to perform.

CAL FIRE, in compliance with the GC, requires background investigations on all public safety dispatchers, peace officers, public officers, and Emergency Medical Technicians (EMT's). CAL FIRE employes approximately 7,600 permanent and seasonal employees. Currently, CAL FIRE has a total of 84 Communications Operators (Com Ops) who contribute to overall State Dispatching needs, 170 peace officers, 250 public officers and 3,500 EMTs. CAL FIRE anticipates an additional 80 peace officers in the future that will fill existing vacancies and due to staff turnover. State regulations require that all EMT's perform a California and Federal background check prior to becoming certified in California. A new process that has been set forth by the Department of Justice is for applicants to perform a background check known as Live Scan fingerprinting service. The Chief of PSP will lead dedicated staff to ensure background investigations are completed timely, resulting in positions remaining vacant for a limited period.

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 the Chief of the Professional Standards Program and a member of the Department's Executive Management Team, the incumbent will regularly provide significant advice and recommendations to the Director on policy issues relative to the statewide Professional Standards Program. Policies and procedures developed by this position assist in ensuring that CAL FIRE programs and staff comply with state and department laws, rules, policies, and procedures. The Chief will also provide advice to the Director and Executive Management in the development, interpretation, and administration of supervisor training and education, employee orientation, progressive discipline, as well as the conduct of administrative and background investigations. The Chief represents CAL FIRE in interactions with other state agencies and departments regarding issues related to professional standards for employees.

In coordination with the Human Resources Office, the Chief will establish, update, and maintain statewide policies and procedures related to new employee orientation, employee supervision, progressive discipline (including corrective actions), administrative investigations, the preparation of disciplinary documentation, Skelly processes, the distribution of information related to State Personnel Board (SPB) directives, etc.

CAL FIRE Policy Handbook Section 4000 - Training: In coordination with the Department's Training Program, Human Resource Office, and Equal Employment Opportunity Office, the Chief will provide the leadership to oversee the development and implementation of statewide training and education policy and procedures for new employee orientation, employee supervision, and progressive discipline. The position teams with the Training Program to determine the appropriate supervision curriculum to be taught in the Department's Supervision 1 through Supervision 4 classes, and continually evaluates opportunities, both internally and through external private vendors, to provide additional training to complement the Department's existing Supervision series.

CAL FIRE Policy Handbook Section 1085 - Departmental Policy and Operation Procedures for Citizen Complaints: It is the policy for CAL FIRE to accept all citizen complaints alleging misconduct on the part of departmental personnel. The Chief of PSP will oversee the centralization of the investigation of these complaints, which will include revision in policy and procedures in order to implement best practices.

CAL FIRE Policy Handbook Section 1090 and 1091 - Adverse Action and Discipline/Supervisor's Guide: This guide serves as a general reference. Its purpose is to bring about a better understanding of discipline as a positive factor in personnel management. The Chief will lead the revision and update of this policy and procedure in order to ensure consistency of the progressive discipline process for all employees throughout the state.

The Chief of PSP will also have influence on the following, but not limited to, Departmental CAL FIRE Policy Handbook Sections:

- 1080 and 1081 - Employee Conduct/Rules of Conduct, Uniformed Employees
- 1082 - Incompatible Activities
- 1086 - Assaults, Threats, and Violence Against Employees
- 1092 - Administrative Guide
- 1093 - Skelly Hearing Guide
- 2084 - Whistleblower Protection Act
- 4020 - Employee Training Guides
- 4020.62 and 4020.64 - Manager and Supervisor Training Guides
- 7200 - Emergency Medical Technician

C. ROLE IN POLICY INFLUENCE (continued)

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

This Chief of PSP will advise and provide support to the Director and the Department's Executive Management Team in ensuring public safety services are delivered at a high professional standard, as expected by the public and existing Departmental policy. This Chief will represent CAL FIRE regarding all issues related to the PSP in interactions with control agencies such as the the Department of Human Resources, the State Personnel Board, various other agencies, and other public and private organizations and federal agencies.

This Chief will function with a high degree of independence, working directly with Deputy Directors, Assistant Deputy Directors, Region Chiefs, and Assistant Region Chiefs on training, supervision, and progressive discipline recommendations and application as it relates to ensuring a high level of professional standards throughout the Department. As the Departmental expert on professional standards, this position takes the initiative in recommending policy directives to ensure that Department employees and programs are operating in compliance with applicable laws and regulations. The Chief of PSP is also responsible for the development and implementation of both the current and long range training plans of the Department to ensure that public safety services are delivered at a high professional standard, as expected by the public and existing Departmental policy.

The Chief will also provide consultation services to management and staff throughout the Department regarding progressive discipline cases. For high profile cases, or cases where local supervisors cannot be independent, the Chief will assign investigators, oversee administrative investigations, and prepare documentation as necessary.

The Chief will, either directly or through subordinate staff, review all Notices of Adverse Action for completeness, supported findings, adherence to Departmental policies and formats, and State Personnel Board requirements.

The Chief will provide annual reports of accomplishments of the Professional Standards Program, as well as statistical information regarding interactions with labor organizations, training hours provided, investigations and disciplinary actions, including causes, actions taken by type, outcomes, and other information which may provide a basis, or indicate the need for increased/specific preventive training.

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

The Chief of PSP will provide oversight to the investigations, and have final review of all program documents, policies and procedures, and functions. The Chief will be responsible for the revision, creation and implementation of all policy related to the PSP practices and procedures. Policies and procedures developed by this position assist in ensuring that CAL FIRE programs and staff comply with state and department laws, rules, policies, and procedures. This position also provides advice to the Director and Executive Management in the development, interpretation, and administration of supervisory training and education, employee orientation, progressive discipline, as well as the conduct of administrative and background investigations. Due to the complexity of the Department, with a staff of up to 7,600 permanent and seasonal employees, current staff does not have the sufficient time and resources to perform these duties outside of their existing functions.