

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

May 27, 2016

2. Department

California Community Colleges Chancellor's Office

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

Legal Affairs Division

4. CEA Position Title

General Counsel

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

The mission of the California Community Colleges Board of Governors and the Chancellor's Office is to empower the community through leadership, advocacy and support. The General Counsel is the top advisor to the Chancellor and the Chancellor's Office Staff and participates as a member of top management in the development and implementation of agency policy. The CEA B is involved in every phase of the Chancellor's Office's work, which requires managing complex responsibilities at an extremely high level of legal expertise and management abilities.

6. Reports to: (Class Title/Level)

Chancellor

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): Participates as a member of the Executive management team in the development and implementation of Office Policy covering a broad range of complex and sensitive topics.

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 following major functions are performed in carrying out the duties of the position:

(1) Interprets existing legal policy (statutes, regulations, court decisions) pertaining to community colleges; (2) Evaluates existing legal policy for necessity, clarity, consistency with other legal policy, effectiveness, and efficiency; (3) Formulates new legal policy relating to community colleges; (4) Evaluates proposed legal policy for necessity, consistency with other legal policy, clarity, effectiveness, and efficiency; (5) Represents the agency in legal proceedings involving the agency or the community colleges generally; and (6) Provides legal leadership and assistance to community college districts.

Examples of how the CEA carries out these functions are:

Providing legal assistance to the Chancellor and agency staff by providing formal and informal legal opinions and updates, both upon request as well as upon own initiative. The CEA represents the agency in lawsuits against the agency; responds to the request of the Attorney General and Legislative Counsel for the agency's legal views on various community college matters; and supervises the Legal Affairs Division personnel, including delegation and review of work, employee evaluations and staff meetings.

The CEA also provides legal leadership and assistance regarding community college law to districts, state consulting agencies, and the general public by responding to legal inquiries from districts, community college organizations, state consulting agencies, the media, the general public, educational agencies, and colleges from other states.

In addition, the CEA provides legal leadership and assistance the the Human Resources Office by reviewing the Chancellor's Office administrative policies, providing legal advice and administrative litigation representation on state civil service law, grievance arbitration, and unfair labor practices.

**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 California Community Colleges are the largest and arguably most complex system of higher education in the nation. On a daily basis, the Chancellor's Office interacts with the colleges through the provisions of contracts and grants, monitoring progress, enforcing laws and regulations, and providing technical assistance and training to support effective practices at the local level. These interactions require interpretation and guidance related to complex legal matters that have high stakes consequences for the colleges and the State. The CEA B is responsible for providing the counsel and guidance necessary for the Chancellor's Office and the system of 72 community colleges districts and 113 community colleges to operate effectively. The CEA B is closely involved in every phase of the Chancellor's Office's work including: policy development, drafting legislation, interpreting laws, guiding enforcement activities, and providing strategic legal counsel to the Chancellor and Board.

**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 CCCCCO has recently lost their current Chief Counsel, making the need for a CEA B necessary. The CEA B will be taking over the Chief Counsel position who will oversee the Legal Affairs Division personnel, providing counsel critical to the development, recommendation, and evaluation of an extensive range of law, policies, and regulatory criteria which affects the 113 California Community Colleges.

### **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 General Counsel is responsible for advising community college districts in providing equal employment opportunity. This position is also responsible for providing policy development, technical assistance, training services, monitoring, and compliance activities.

In addition, the General Counsel drafts and reviews proposed legislation and regulations and oversees the review of all contracts and grants entered into by the agency. The General Counsel Provides advice and assistance to community college district officials on the interpretation and implementation of laws affecting community colleges.

Legal advisors are used in the General Counsel concerning current issues in the jurisdiction of the Board of Governors and the Chancellor. The advisors are intended to provide information on existing legal matters or affairs, and to alert local district officials on uses of system wide concern.

**C. ROLE IN POLICY INFLUENCE (continued)**

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

The CEA B will provide legal assistance to the Chancellor, office staff, the 72 community college districts and the 113 community colleges in addition to leadership and assistance regarding community college law to districts, state control agencies, and the general public. The CEA B is also responsible for providing legal representation and advice to the Board of Governors and generally assists its development of policy and legal operation of the Board. The CEA B is responsible for drafting complex regulations and once the regulations are adopted, may present in writing or verbally to over approximately 200 stakeholders. The CEA B also develops complex and sound legal strategies necessary to defend against legal challenges made to the Chancellor's Office program policies and standards.

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

The CEA B will interpret existing policy evaluates existing policies (statutes, regulations, court decisions) pertaining to community colleges; evaluate existing legal policy relating to community colleges; evaluate proposed legal policy for necessity, consistency with other legal policy, clarity effectiveness and efficiency; lastly, help develop and review the Chancellor's Office administrative policies.