

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

October 10, 2017

2. Department

Fair Employment and Housing

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

Enforcement Division/Employment

4. CEA Position Title

Assistant Deputy Director

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

The proposed CEA will serve as an Assistant Deputy Director (ADD) in the DFEH's Enforcement Division. The CEA will be responsible for administering the Southern Region Employment Enforcement Program and for designing and overseeing programs to achieve compliance with Fair Employment and Housing laws. The CEA will also assist the Deputy Director with policy development, modification, and implementation.

6. Reports to: (Class Title/Level)

Deputy Director of Enforcement, CEA 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): While the ADD is not a direct member of the Senior Executive Team, the incumbent represents the Deputy Director of Enforcement and functions as an extension of the Executive Team overseeing the Southern Region Employment Enforcement Program.

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 serve as an Assistant Deputy Director in the Enforcement Division with oversight of the Southern Region Employment Enforcement Program. As such, the CEA will establish goals and priorities for the program and continually evaluate the success of the program in meeting performance benchmarks and federal requirements. The CEA will initiate or recommend changes to improve program performance, including: (1) development, modification and implementation of program policies, (2) process improvement, and (3) identification of staff training, communication and resource needs. The Assistant Deputy Director also serves as member of the Enforcement Division Leadership Team, participating in program and policy decisions affecting the entire division and also serves as the Deputy Director in his/her absence, when requested.

The Enforcement Division, located in five offices throughout the state, is responsible for investigating claims of discrimination related to employment, housing and public accommodations, hate violence, and human trafficking as mandated by the Fair Employment and Housing Act (FEHA) (Government Code section 12900 et seq), Unruh Civil Rights Acts (Civil Code session 51), Disabled Persons Act (Civil Code section 54 et seq.), and Ralph Civil Rights Act (Civil Code section 51.7). The Enforcement Division also educates the public, and employers and businesses on their rights and responsibilities under the law.

Specifically, this position will:

Oversee the DFEH's Southern Region Employment Enforcement Program. The CEA will establish program goals and priorities and provide leadership and guidance to 39 staff in the Los Angeles and Bakersfield offices to ensure proper enforcement of the statutes, timely investigation of claims, and compliance with federal requirements. The CEA will continually evaluate program performance and lead his/her team of managers, supervisors and staff in identifying and implementing new policies or changes in existing policies, process improvements, additional training/resources and other program improvements. The CEA will also assist with complex case-related issues, assist in resolving challenges, and ensure communication and consistency across all offices.

The CEA will be one of the department's primary liaisons with the US Equal Employment Opportunity Commission (EEOC) and establish and maintain relationships with major constituent groups, both respondent and complainant oriented. He/she will also assist in developing and implementing community education and outreach initiatives related to employment and ensure that the Department's civil rights mission is properly presented to the public.

The CEA will ensure proper tracking and reporting of data and information related to the Employment Enforcement Program and provide reports to the Director, Chief Deputy Director, and Deputy Director of Enforcement, ensure proper reporting to the EEOC on an ongoing basis, and respond to external inquiries from interested parties, including members of the legislature, other governmental agencies, and the general public regarding Enforcement related matters.

Lastly, the CEA will serve as a member of the Enforcement Division Leadership Team, which is comprised of the Deputy Director of Enforcement, an existing Assistant Deputy Director of Housing, and two proposed Assistant Deputy Directors. In this role, the CEA participates in decision-making that impacts the entire Enforcement Division, including the establishment and implementation of division-wide policies and procedures and development of the division's strategic plan.

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 Enforcement Division is critical to achieving the Department's mission. The DFEH receives, investigates, conciliates, mediates, and prosecutes complaints of alleged violations of the FEHA, Unruh Civil Rights Act, Disabled Persons Act, and Ralph Civil Rights Act. At the core of the DFEH's mission is the mandate to provide thorough, timely, and fair investigations of discrimination complaints received from the public. The Enforcement Division is charged with conducting these investigations.

DFEH receives approximately 23,000 employment and housing complaints annually and is required to investigate all complaints. Approximately 50 percent of the claims are requests for "Right to Sue." This occurs when complainants decide to immediately sue rather than proceed through DFEH's investigation process and the Right to Sue letter from DFEH is required to file the lawsuit. The remaining 50 percent of claims are investigated by the Enforcement Division.

Thorough and timely complaint resolutions provide just outcomes for individuals and businesses, reduce the risk of litigation, and support a social and economic landscape in California that is free of discrimination, retaliation, and harassment. It also ensures ongoing federal financial support from the EEOC which provided approximately six percent or about \$1.7 million dollars of the DFEH's budget this fiscal year.

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.

Upon appointment of the new DFEH Director and Chief Deputy Director in February 2015, an assessment of all internal operations was conducted to determine if the current structure, business processes, policies, procedures, etc. were adequately meeting business needs. The assessment revealed several issues that needed to be addressed in order to effectively carry out the Department's legislative mandates and meet federal funding requirements. Some of the efforts included securing additional Enforcement Division staff resources through the BCP process; reallocating department-specific classifications to service-wide classifications to assist with recruiting qualified staff for the Enforcement Division; creating an Enforcement Division training unit; and implementing various business and process improvement initiatives. While these efforts have resulted in some improvements, much work remains to be done.

To ensure the long-term success of the Employment Enforcement Program, an appropriate level of leadership is required to establish a vision, goals, and objectives for the program, continually evaluate program success, and engage in ongoing business and process improvement.

Additionally, creation of this CEA position will allow the Deputy Director of Enforcement, CEA B, to operate at an appropriate level and focus on leading the Enforcement Division from an enterprise perspective.

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.

1) The CEA will develop policies and procedures related to intake and investigation of employment discrimination complaints within the Employment Enforcement Program and ensure said policies and procedures are consistent with state and federal employment laws and regulations as well as federal Worksharing Agreement requirements and performance standards. This includes ensuring quality intake, investigations, and closure of cases within 365-days from filing. Failure to meet legal requirements jeopardizes the department's mission. Failure to meet federal requirements could result in de-certification by the EEOC, thus jeopardizing the receipt of federal funds and negatively impacting the Department's budget.

2) The CEA will be responsible for the development and implementation of policies related to how we interact with complainants and respondents. This can be particularly sensitive given that investigators are often interacting with people who are facing difficult circumstances, have suffered some sort of trauma, or have a cognitive or mental disabilities. These policies will establish expectations intended to provide the highest level of service to outside parties while also setting appropriate boundaries to keep our staff safe and productive.

3) The CEA will be responsible for making policy decisions about special investigations to ensure proper triaging of complaints for early identification of potential systemic discrimination and merit cases. The CEA will also develop policies to ensure priority case work such as investigations of hate violence or human trafficking are identified and investigated in a timely manner.

C. ROLE IN POLICY INFLUENCE (continued)

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

With delegated authority from the Director, Chief Deputy Director, and Deputy Director of Enforcement, the CEA will possess independent decision making authority. The CEA will act as the primary decision maker on policy matters affecting the Southern Region Employment Enforcement Program. The CEA will be responsible for planning, organizing, and directing the Southern Region Employment Enforcement Program in four primary performance areas: administrative, case processing, personnel, and outreach. The CEA will develop and provide recommendations on regulations, procedures, best practices, and policies to meet and address the Department's mission as mandated by the FEHA, Department's Strategic Plan, and requirements by EEOC's Worksharing Agreement. The CEA will also respond to inquiries from the Governor's Office, the Legislature and their staff, Business Consumer Services and Housing Agency, departmental executives, management and staff, and the public.

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

The CEA will develop and implement new policy and interpret and implement existing policy within the Employment Enforcement Program. The CEA will be responsible for contributing to the overall success of the Employment Enforcement Program, which will require continual evaluation of the program and development and implementation of program improvements, including the development and implementation of new policies. In addition, new policies may be required as a result of statutory and/or regulatory changes, and other enforcement related requirements. Given the fact that investigations of discrimination are at the core of DFEH's mission, Enforcement Division policies are some of the most critical as they dictate and influence how the Department carries out its mission.