

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

10/12/2017

2. Department

Department of General Services

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

Office of Administrative Hearings

4. CEA Position Title

Division Presiding Administrative Law Judge, General Jurisdiction Division

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

Under the Direction of the Deputy Director, this position will have full management responsibility for the General Jurisdiction Division of the Office of Administrative Hearings. This Division conducts quasi-judicial hearings and mediations for nearly 1,700 state and local agencies under the Administrative Procedure Act and other governing statutes and regulations.

6. Reports to: (Class Title/Level)

Deputy Director/Assistant Chief Administrative Law Judge

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 provide full management responsibility and oversight of the General Jurisdiction Division, Office of Administrative Hearings (OAH). This Division handles approximately 10,000 cases per year in separate and distinct areas of law. The Division is located in four statewide offices (Sacramento, Oakland, Los Angeles and San Diego). Each office is supervised by at least one Presiding Administrative Law Judge (PALJ). PALJs directly supervise varying levels Administrative Law Judge (ALJ) classifications. Currently, the program has 52 ALJs, 2 Staff Services Managers, 2 Staff Services Analysts, and 35 case managers in classifications of Staff Services Analyst, Senior Legal Typist, Legal Secretary, and Office Technician (T).

The CEA will be responsible for developing and implementing case setting and case processing policies to ensure consistency and uniformity across the state. The CEA will be responsible for developing, implementing and maintaining the division's policies in accordance with the requirements of the Administrative Procedure Act, state and local agency agreements, state law, agency guidelines, state manuals, executive orders and fiscal directives.

The CEA will be responsible for contract negotiation and ensuring contract compliance with state and local agencies that contract with OAH to provide administrative hearing services. The CEA attends regular meetings with client agencies and other stakeholders regarding OAH policies, procedures, processes and contract compliance.

The CEA will also have administrative responsibilities such as the recruiting, hiring, on-board training, and oversight of the ALJs and PALJs in the Division. In addition, the CEA will regularly advise the Deputy Director and Director of significant personnel, labor relations, policy and legal issues within the division. The CEA will assist in resolving personnel, management, policy and legal issues within the division. In addition, the CEA serves as an advisor to the Director and Deputy Director on overarching OAH policy issues described above. The CEA ensures that the Division is compliant with the mission, vision, and values of OAH and the Department of General Services. The CEA provides subject matter expertise in the division's full scope of operations to develop statewide strategic and performance policies and goals, efficiencies in statewide business processes, and effective inter and intra-agency collaboration.

**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:

This program is essential to the Department of General Services. The Office of Administrative Hearings was created by the Legislature in 1945 as the Central Panel for the State of California. The Office of Administrative Hearings was placed within the Department of General Services by statute. The conducting of administrative hearings is one of the key lines of business for the Department of General Services.

**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 CEA will be responsible for the overall management of functions performed by 5 PALJs in the General Jurisdiction Division. Technically, the Division PALJ has no authority to supervise other PALJs as they are all in the same classification (class code 6133). This change is necessary because direct supervision of the nine PALJs (Special Education Divisions and General Jurisdiction Division), as well as the two Division PALJs, is currently the responsibility of the the Deputy Director and has proved unmanageable.

The CEA will have policy influence over the functions in the General Jurisdiction Division that directly meet the Office of Administrative Hearings (OAH) mission and have statewide responsibility that are not performed by other PALJs. Specifically, the CEA will have full authority for policy development and implementation for case intake standards, processing, hearing procedures, decision issuance, and compliance with the Americans with Disabilities Act in accordance with state and federal law that directly governs the General Jurisdiction Division. The other PALJs do not develop such critical and highly sensitive policies.

The CEA will also develop and implement policies and procedures governing OAH calendar cases, and will play a critical role in developing and implementing policies for handling the medical and non-medical cannabis licensing hearings, which must be heard at OAH starting January 1, 2018. Again, the other PALJs do not develop such critical and highly sensitive policies.

The CEA will be a direct report to the Deputy Director, unlike other Presiding ALJs in the Division.

The CEA will provide full management responsibility and oversight of PALJs located in offices across the state.

The CEA will be a key policy advisor to the Director and Deputy Director of OAH, unlike other PALJs in the Division.

## 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.

In consultation with the OAH Director and Deputy Director, the CEA will plan, organize and direct the work of the General Jurisdiction Division. The General Jurisdiction Division is assigned cases by over 1,600 State and local government agencies. Many, but not all cases are governed by the Government Code's Administrative Procedure Act (APA) and OAH regulations, which contain procedural due process protections for parties. Cases that do not fall under the APA may be governed by other State or local law, regulation, ordinance or policy and may be subject to an inter-agency agreement between OAH and the agency. Policy areas for the CEA include developing and constantly improving internal standards and practices for case opening, processing and compliance with these many different state and local laws, regulations and ordinances; standards for orders and decisions; compliance with the Americans with Disabilities Act at hearings and mediations; accessibility to forms, notices, orders and decisions. The policies and practices have a statewide impact on agencies, parties and attorneys who appear in motions, settlement conferences, pre-hearing conferences, mediations and hearings before the General Jurisdiction Division.

The CEA serves as the OAH Director's principal point of contact and liaison for the State and local government agencies that refer cases to the Division for hearing, mediation or settlement, serves as technical and operational adviser to the Director on matters within the Division, and on legal and policy issues impacting the Division and all of OAH. The CEA sits on the senior leadership team and participates in developing, formulating and implementing program objectives, has principal responsibility for the Division's personnel management and employee utilization, and provides direction and guidance to subordinates through the OAH organization chart structure. The CEA may personally assist subordinates in complex and sensitive cases. The CEA will plan, organize and direct ongoing program monitoring and reporting functions.

Areas of Division policy development and oversight include the Division's judicial functions, case management functions, internal and external reporting functions, fiscal and budgeting functions, facilities and support functions, and external relations with other government agencies and the general public. Judicial Functions: The CEA will directly supervise five Presiding Administrative Law Judges (PALJs), who supervise approximately 60 ALJs located in four regional offices. The CEA will develop and implement procedures and standards relating to tracking timeliness and quality of ALJ conduct in hearings, decisions and orders, leads the team of PALJs establishing and monitoring standards and prioritizing and developing training materials. The CEA will review citizen complaints about the conduct of Division ALJs and employees and will direct and oversee any misconduct investigations, making employee discipline recommendations to the Director.

Case Management Functions: The CEA will directly supervise two Staff Service Manager I (SSM-I) positions, who supervise approximately 30 analysts and clerical case management staff in four regional offices. The CEA will plan, organize and direct the statewide standards for case management processing to ensure all of approximately 8,000 cases filed per year are processed according to the statutes and regulations applicable to that type of case. Internal and External Reporting Functions: The CEA will directly supervise two Associate Governmental Program Analyst (AGPA) positions and plan, organize and direct the data management, collection and analysis necessary to produce internal reports with key performance indicators, audit data integrity, and produce external reports to the Governor, Legislature and Legislative Analyst.

Fiscal and Budgeting Functions: The CEA will work with the senior leadership team in developing budget and setting rates, plans and directs impact analysis of proposed new legislation affecting the Division, and monitoring of the Division's fiscal status throughout the fiscal year.

Facilities and Support Functions: The CEA will work with the OAH senior leadership to plan and organize physical office expansion projects, plans organizes and directs the search, acquisition, deployment and adoption of new office-wide technology solutions for case management, legal research, data analytics and other operational applications.

External Relations Functions: The CEA will serve as the Director's point of contact with government agencies that send, or seek to send, cases to the Division for hearing, meets with agency executive staff with new or ongoing cases before OAH to discuss policy issues in processing and administrative handling of cases, developing appropriate processes for new cases, and implementing changes in the law that impact an agency's hearing process. The CEA will appear before Boards and Commissions in public meetings to provide information about hearing processes of the Division, and will act as a technical resource to media relations staff responding to media inquiries about the work of the Division.

Examples of statewide policy related projects planned, organized and directed by the CEA:

- Developing internal policies, procedures and training for new licensing cases involving the medical and adult use cannabis product industry.
- Developing and implementing a secure electronic filing solution.
- Acquisition, development and implementation of a new digital recording solution.
- Acquisition, development and implementation of a new case management application.

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

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

The CEA will have broad decision-making authority over all aspects of the operations of the General Jurisdiction Division. The decision making authority extends to program operations including, but not limited to, case-setting standards, case calendaring standards, and standards for decisions. The CEA will investigate and determine the merits of complaints filed with OAH, by members of the public and/or client agencies, regarding the division, ranging from conduct of a hearing to the conduct of a case manager. The CEA will develop the training standards for the division and decide how to implement all policy changes within the Division. The CEA will develop plans to implement all changes in the division as required by state or federal law. The CEA will develop and implement the hiring standards for all employees of the division. The CEA will have the ultimate decision making authority over law and motion, case assignments, and second level decision review.

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

The CEA will be developing and implementing new policies as well as interpreting and modifying existing statewide policies. OAH must conform its operations to the frequently changing state and federal law, and the inter agency contracts. The CEA will constantly evaluate the business methods and receives input from community members, state and local agencies, and other stakeholders regarding its processes and policies.