

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

4/20/2018

2. Department

General Services, Department of

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

Executive Office/ Equal Employment Opportunity (EEO) Office

4. CEA Position Title

Office Chief, Equal Employment Opportunity (EEO)

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

The Department of General Services (DGS) requests establishment of a Career Executive Assignment (CEA) to serve as the Office Chief for the Equal Employment Opportunity (EEO) Office. Under the general direction of the Director, the Office Chief manages the Equal Employment Opportunity (EEO) Office, exercises independent judgment to develop and implement policy, and provides consultation and advice on department-wide decisions and complex EEO-related issues in a high-level managerial capacity. The Office Chief serves as a key member of the executive management team and participates in department-wide planning and decision-making, as well as the development, implementation, and evaluation of policies and procedures for the full scope of equal employment activities by initiating and recommending changes that promote innovative solutions. Such solutions and policies will be accomplished in accordance with all applicable federal and State laws, regulations, Executive Orders, policies (i.e., Title VII Civil Rights Act of 1964; Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, etc.) and practices.

6. Reports to: (Class Title/Level)

Director / Exempt

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 Office Chief, EEO, formulates and implements major departmental policies and programmatic decisions in order to prevent discrimination and to facilitate equal employment opportunity by advising the Director and executive management concerning sensitive, controversial and/or significant issues impacting departmental policies, developing and monitoring action plans, and issuing EEO policy directives to ensure compliance with federal and State EEO Laws, regulations, Executive Orders, policies and practices.

The Office Chief, EEO, develops, implements, manages, and monitors the DGS Equal Employment Opportunity (EEO) program and diversity program components by monitoring and evaluating occupational areas to identify significant under utilization of employees by racial/ethnic, gender and disability categories and reviewing proposed training and associated materials to conduct department-wide trainings in order to provide employees and management with an understanding of EEO laws, rules, policies and procedures and to ensure compliance with federal and State EEO Laws, regulations, Executive Orders, policies and practices.

The Office Chief, EEO, develops and manages the discrimination complaint system by conducting the most complex and sensitive investigations, reviewing investigative reports completed by EEO investigators and providing guidance, formulating and reviewing staff responses to allegations of discrimination complaints, responding on behalf of DGS regarding various EEO issues or complaints, and providing recommendations to the Director and executive management that may result in disciplinary actions in order to resolve discrimination complaints and to facilitate equal employment opportunity and to ensure compliance with federal and State EEO Laws, regulations, Executive Orders, policies and practices.

The Office Chief, EEO, provides technical advice, management guidance and consultative services to all levels of management by researching, evaluating and recommending resolutions to highly sensitive and confidential EEO issues and developing management strategies and recommendations to assist management in understanding their roles and responsibilities in carrying out EEO obligations in order to provide a uniform body of information on laws, rules, policies and procedures about EEO, goals and timetables, equal employment opportunity resources, and the planning and implementation of programs to ensure the maintenance of balanced, fair, and effective personnel practices providing equal opportunities for all of the Department's workforce.

The Office Chief, EEO, develops the DGS's Accessibility Program for staff, external clients and partners and subsequently reviews and analyzes the impact or potential impact of new or amended legislation, rules, policies and procedures by ensuring employees with disabilities are accommodated by consulting with the department's Reasonable Accommodation Coordinator, participating as an EEO Office representative on the department's Human Resources Coordination Committee, and establishing a Disability Advisory Committee to develop and implement projects to improve personnel practices and employment opportunities for persons with disabilities and serves in an advisory capacity on the committee in order to ensure departmental compliance with the Americans with Disabilities Act (ADA).

Attached: Duty Statement

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 position is critical to achieving the DGS goals and it's decisions department-wide as EEO issues affect the success of all departmental programs in meeting the mission of DGS.

All policies and decisions will be in accordance with Title II of the California Administrative Code; State Personnel Board (SPB) Pinkies; Title VII, Civil Rights Act of 1964; Rehabilitation Act of 1973; Age Discrimination Action of 1978; Americans with Disabilities Act of 1990; Presidential Executive Order 11246 as amended by Executive Order 11375; EEOC Guidelines and correlating presidential legal decisions; and Department of Fair Employment and Housing (DFEH).

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.

With the addition of programs, such as Building Standard Commission, California Commission on Disability, and Government Claims Board, to DGS since 2016, the EEO Office now needs an executive with the managerial experience and expertise to be responsible for policy development and planning, organizing and directing staff in the performance of EEO activities. In addition to the increase number of client boards and commissions, DGS EEO Office is experiencing an expanded complexity and higher volume of recent lawsuits, California Department of Fair Employment and Housing (DFEH) complaints, and Equal Employment Opportunity Commission (EEOC) complaints, and changing EEO-related laws and regulations. The department is experiencing an increased responsibility to formulate and change EEO-related policies to ensure compliance with all State and federal statutory requirements. Due to the lack of the policy-making CEA position over the EEO Office, the Director has had to request the assistance of other Office Chiefs and CEAs within the department. The department is in dire need of establishing a policy-influencing executive-level Office Chief, EEO and restructuring within the EEO Office. Under the current organizational structure, the EEO Officer is the only SSM II reporting directly to the Director. The counterparts to the EEO Officer are all the Office Chief and CEA positions; therefore, it is more appropriate to have an Office Chief, EEO at the CEA level to report to the Director.

The CEA position will be at the second organizational level and will report directly to the Director and Chief Deputy Director. The major responsibilities of the CEA will be to serve as the chief policy-maker for the EEO Office and to continuously and directly interface with DGS directors and the Secretary of the Government Operations Agency, Marybel Batjer. The CEA will serve on the executive management team and have a decisive role and regular involvement in high-level department-wide policy-making and program management. The CEA position will have the authority for making high-level policy decisions that have broad impact beyond the program area. The SSM II is expected to merely develop operational procedures or standards to implement the policy that was developed at a higher level. It is imperative that the SSM II position focus on the operational procedures and management of EEO Office staff and the CEA be created to focus on the policy development at the executive management level.

All decisions will be in accordance with all applicable federal and State laws, regulations, government codes, regulations, Executive Orders and policies (i.e., Title VII Civil Rights Act of 1964; Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, GC 19790-19799, etc.) to meet the mission of the DGS.

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 CEA influences policy development through creation of policy briefs describing the laws and regulations related to a topic and providing policy recommendations in the following areas:

- Develop, implement, coordinate, monitor and assess the department's personnel policies and practices to recommend administrative changes to prevent discrimination and to continuously facilitate EEO. (Gov. Code section 19795, subd. (a))
- Develops, deploys, manages and evaluates the DGS's Discrimination complaint process. (Gov. Code section 19795, subd. (a))
- Reviews departmental policies and procedures to ensure they are nondiscriminatory and there is no illegal adverse impact against employees in any protected class. (Gov. Code section 19795, subd. (a))
- Monitors hiring practices including the composition of panel members in department examinations and participates in outreach/recruitment planning and evaluating the results of efforts. (Gov. Code section 19791 and 19795, subd. (a))

The DGS recognizes that its employees are its most important asset. DGS employees are the vital link that ensures its vision, mission and values are fully realized. To this end, the DGS strives to ensure that its workforce is drawn from the broadest segments of society and reflects the diversity of California so that the DGS is poised to meet the present and future needs of the entire state's population.

This position will be responsible for enforcement of laws and policies required and enforced under, but not limited to, the following laws: Title VII, U.S. Civil Rights Act of 1964 as amended in 1972 and 1991 (42 U.S.C. §2000e et seq.); Age Discrimination in Employment Act of 1967 and 1978 {29 U.S.C § 621 et seq.}; Rehabilitation Act of 1973 {29 U.S.C. § 791 et seq.}; Pregnancy Discrimination Act of 1978 {42 U.S.C. § 2000e(k)}; Americans with Disabilities Act of 1990 {42 U.S.C. § 12101 et seq.}; Article I, Section 31, California Constitution {Proposition 209- Prohibits granting of preferences based on race, ethnicity and gender in public employment, contracting and education}; California Fair Employment and Housing Act {Gov. Code, §§12900-12996} and Unruh Civil Rights Act (Civil Code, §§ 51-53)

C. ROLE IN POLICY INFLUENCE (continued)

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

The CEA will develop, recommend, implement and enforce policies and procedures for the full scope of equal employment activities, and will initiate and recommend changes that promote innovative solutions. Such solutions and policies will be accomplished in accordance with all applicable federal and State laws, regulations, Executive Orders and policies (i.e., Title VII Civil Rights Act of 1964; Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, etc.)

The department's goal in requesting the CEA position is to clearly establish the CEA as the policy influencing position with decision-making authority. The major responsibilities of the CEA will be to serve as the chief policy-maker for the EEO Office and to continuously and directly interface with DGS directors and the Secretary of the Government Operations Agency, Marybel Batjer. The CEA will serve on the executive management team and have a decisive role and regular involvement in high-level department-wide policy-making and program management. The CEA position will have the authority for making high-level policy decisions that have broad impact beyond the program area; whereas, the SSM II would merely develop operational procedures or standards to implement policy that was developed at a higher level, which is not defined as high-level policy-making and not at the CEA level. This is the main differentiation between the two positions. The high-level policy-making in an ever-changing EEO environment is more suitable for a CEA.

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

The CEA will provide direct influence into policy development and implementation at the highest level in the DGS concerning the discrimination complaint process; reasonable accommodation program; annual workforce analysis reporting; upward mobility program oversight; coordination of EEO training; coordination of Disabilities Advisory Committee; equal employment opportunity policy development, technical advice and consultation; coordination of bilingual services; coordination of Americans with Disabilities Act; and good faith hiring, advertisement waivers, but also the development and implementation of statewide policy for the DGS to ensure compliance requirements are met by not only state employees but by our large consultant and community partners.