

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

June 1, 2017

2. Department

Justice

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

Directorate / Office of Legislative Affairs

4. CEA Position Title

Director of Legislative Affairs

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

The Office of Legislative Affairs represents the Attorney General and the Department of Justice before the State Legislature and in Congress and can be relied upon to provide an objective assessment of legislation's legal and public policy ramifications. The Director of Legislative Affairs (DLA) serves as a high-level policy advisor to the Attorney General and the Chief Deputy Attorney General in the development and advocacy for new legislation and is responsible for planning, organizing, and directing the work of the Office of Legislative Affairs.

6. Reports to: (Class Title/Level)

Chief Deputy Attorney General (Exempt Entitlement)

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 of Legislative Affairs (OLA) represents the Attorney General (AG) and the Department of Justice (DOJ) before the State Legislature and in Congress and is relied upon to provide an objective assessment of legislation's legal and public policy ramifications. The OLA staff create, draft, and advocate for the AG's package of sponsored bills and bills that impact the DOJ and provide legal, policy, and technical advice to legislators, legislative committees, and other agencies and entities with respect to both proposed legislative and introduced bills. The OLA staff review all bills introduced in the State Legislature for impact on the DOJ, client agencies, law enforcement, or the general public and analyze the legal, program, fiscal, and policy implications of bills that either impact the DOJ or its functions. The Director of Legislative Affairs (DLA) will have principal authority and responsibility for coordinating the work of the OLA in keeping with the AG's mission and vision.

The DLA will serve as a high-level policy advisor to the AG and the Chief Deputy Attorney General (CDAG) in the development and advocacy for new legislation, rendering policy advice for all program areas within the DOJ, reviewing existing policies, and recommending new directions in concert with the AG's objectives. Furthermore, the DLA will be responsible for planning, organizing, and directing the work of the OLA. The DLA will supervise the personnel who advocate for the DOJ's legislative program, review bills and amendments for impact on the DOJ, and consult with executive staff and other departmental personnel regarding the DOJ's position on legislation, technical questions, and policy issues.

The DLA will provide direct supervision to OLA staff, which will include four Deputy Attorneys General and a Staff Services Manager and indirect supervision to the OLA support staff. The DLA will be responsible for overseeing the assignment of legislation to the Deputy Attorneys General and organizing the day to day work for the OLA. The DLA will also oversee the program's approximate \$753,000 budget.

The DLA will be responsible for tracking all legislation that impacts the department and will be expected to work closely with departmental staff and stakeholders. The DLA is expected to testify on legislation and act as the department expert for a wide range of issue areas.

In this legislative cycle, the DLA will play a major role in reporting to the Legislature on the implementation progress of Assembly Bill (AB) 953, which requires the DOJ to collect data from law enforcement agencies on citizen complaints against peace officers and Senate Bill (SB) 1235, which creates new requirements related to selling and purchasing ammunition. The DLA will need to monitor current legislation that impacts the DOJ, such as SB 54, the California Values Act, which would task the DOJ with establishing model policies and contractual provisions for impacted entities to comply with these provisions; AB 72, which would appropriate funding to the DOJ to encourage more housing enforcement actions by the AG; AB 90 and SB 505, which would reform the state's criminal gang database and recommend oversight by the DOJ; and AB 284, which would require the DOJ to review all incidents of officer involved shootings or serious use of force.

On behalf of the AG, the DLA will supervise the formulation of legislative concepts, draft proposals on future legislative measures, develop and actively lobby for legislation, coordinate the development of bills sponsored by the AG, consult with individual legislators and their staff, and testify before legislative committees. In addition, the DLA will serve as a liaison between the DOJ and individual legislators, the Legislative Analyst, the Legislative Counsel, the Auditor General, the Governor's Office, members of Congress, other state agencies, local law enforcement agencies, associations involved in legislation, and private citizens on legislation or constituent problems relating to the DOJ.

**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: As the chief law officer of the state, the AG assists in the development of the law. Though much of this work occurs in the courts, the AG may also assume a significant role in shaping the law through the legislative process.

The OLA represents the AG and the DOJ before the State Legislature and in Congress and can be relied upon to provide an objective assessment of legislation's legal and public policy ramifications. Through the review of both proposed and introduced legislation, the OLA provides key analysis and expertise on the impact and implications of that legislation for the DOJ, other State agencies, law enforcement, and the general public. This responsibility extends to the support or opposition of bills in alignment with the AG's missions and objectives. The OLA provides high level policy advice to the AG and the CDAG. As a result, the impact that the OLA has on the future of California law and the impact to the public is significant.

**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.

Currently, the DLA functions are being completed by an Exempt appointee, but the Exempt entitlement is needed to hire a Special Assistant Attorney General. The DOJ continues to need a dedicated position with legislative and policy expertise to provide sound policy guidance and oversight for the legislation that impacts the department and the AG's policy initiatives, resulting in a need to terminate the current exempt appointee and convert the position to a CEA. Establishing a CEA position will ensure more continuity, which is extremely important due to the level of expertise required on a vast range of issue areas that impact the department. It will also allow the DOJ Executive management to maintain flexibility as an "at will" appointment. In addition, the CEA classification is anticipated to produce a larger and more experienced candidate pool compared to other classification levels. No other changes in organizational structure, reporting relationships, or duties and responsibilities will take place as a result of this request. The CEA will report to the CDAG and will assume the duties and responsibilities of the current Exempt entitlement.

### **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 DLA will serve as a high-level policy advisor to the AG and the CDAG, making recommendations on positions that should be taken on specific legislation. The DLA will have significant departmental policy influence, serving as the driving force in developing and lobbying for legislation that supports the special interests of the AG which will have a direct bearing on program initiation, direction, and resource allocations. As the AG is the State's chief law officer, the legislative issues involved will impact the interests of the general public as well as specific constituent groups.

The DLA will analyze legislation that impacts the DOJ in areas such as regulatory requirements (e.g., ammunition, gun, and gambling regulation); provide feedback to the Legislature on the progress of system implementations such as AB 953 - racial profiling, the Controlled Substance Utilization Review and Evaluation System, and AB 2524 - the OpenJustice Data Act initiative; and provide strategic guidance and analysis on how proposed legislation would intersect with active litigation or generate other legal ramifications.

The DLA will be responsible for the development and execution of the AG's policy initiatives. The DLA will assist with drafting legislation, identify a Legislative sponsor to carry the legislation, and provide testimony on the legislation in policy and fiscal committees. An example of this is AB 1682, legislation seeking spending authority for the DOJ Bureau of Children's Justice.

The DLA will serve as the AG's principal expert consultant to members of the state and federal legislatures seeking technical legal counsel from the DOJ, working closely with the department's Civil, Criminal, and Public Rights legal divisions. The DLA will often be asked by Legislative members to testify on matters handled by the DOJ. The current DLA was recently asked to testify before the Legislature on vertical prosecution on behalf of the DOJ and the Medical Board.

The DLA will be responsible for the handling of the claims bill, a legislative payment process for claims and judgments against the State of California. The DLA will be required to report the claims, settlements, and judgments to the chairperson of either the Senate Committee on Appropriations or the Assembly Committee on Appropriations.

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

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

The DLA will have decision-making authority with respect to professional staff within the OLA and their areas of assignment. On behalf of the AG, the DLA will supervise the formulation of legislative concepts and proposals, actively lobby for legislation, and coordinate the development of bills sponsored by the AG. The DLA will provide policy advice to the AG and the CDAG, as well as advise departmental senior management on legislative and congressional affair matters. This position will review existing policies and make recommendations to align departmental policy with the AG's vision. The DLA will frequently testify before legislative committees and take a dominant role in formulating and representing the Department's position on legislation and policy issues. The DLA will also often serve as a liaison between the Department, legislative entities, law enforcement agencies, the Governor's Office, members of Congress, and other state agencies.

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

The DLA will be centrally involved in reviewing and revising current policy, as well as in the development and advocacy of new policy on behalf of the AG. In addition, the DLA will interpret and communicate the Department's position on various policy issues to legislative entities, law enforcement agencies, the Governor's Office, members of Congress, and other state agencies.