

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

2. Department

Office of Legislative Counsel

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

Legislative Counsel Bureau/Legal

4. CEA Position Title

Chief Deputy Legislative Counsel

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

The Chief Deputy serves as second-in-command to the Legislative Counsel, acts as chief legal counsel for the OLC, oversees all legal services provided by the OLC to the Legislature and other clients, provides administrative and policy direction to the Legal Branch of the Legislative Counsel Bureau (LCB), and serves as the Legislative Counsel's primary counselor on constitutional, legal, regulatory, parliamentary, and policy issues on matters related to the provision of legal services to each Member of the Legislature, the body as a whole, and the LCB's other clients. The Chief Deputy confers with the Legislative Counsel on questions of policy and procedure department wide; confers with legislative members, legislative committees, and persons or groups interested in drafting legislative measures, and oversees the preparation of the most difficult and complex legislation; reviews the most difficult and complex opinions for members of the legislature and state officers regarding the legal effect and constitutionality of proposed legislative measures; advises regarding legislative rules and procedures; and works closely with other members of the executive team to fulfill the statutory mission of the OLC

Additionally, Chief Deputy monitors and evaluates the performance of LCB legal managers; represents the Legislative Counsel at legislative, legal and other professional functions, conferences and events; and acts for the Legislative Counsel in his/her absence.

6. Reports to: (Class Title/Level)

Legislative Counsel of California

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 position has direct management and policymaking responsibilities over the Legal Branch of the LCB. The CEA's role as a member of the LCB's Executive Management Team encompasses significant policy creation and oversight as it relates to the statutory mission of the LCB.

This position serves as second-in-command to the Legislative Counsel on questions of policy and procedure not only for the LCB but also for matters concerning the Legislature of the State of California and its members and staff. The position confers with citizens, persons, legislative committees, and groups interested in drafting legislative measures, and assist them in preparing the most difficult and complex legislation. They prepare and review the most difficult and complex legal opinions for members of the legislature and state officers regarding the legal effect and constitutionality of proposed legislative measures and advise them regarding legislative rules and procedures.

As the head of the Legal Branch of the LCB, the Chief Deputy is responsible for implementation of the primary statutory mission of the department.

As a member of the Executive Management Team, the Chief Deputy Legislative Counsel serves as the knowledge expert and primary policymakers on legal and regulatory changes affecting the LCB and the Legislature. This involves reviewing and implementing policy throughout the LCB Legal Branch in order to provide new or updated services to the Legislature and legislative staff.

Additionally, the Chief Deputy Legislative Counsel directs informational activities within the LCB such as the preparation of status reports and office manuals; conducts staff meetings; recommends and effects changes in personnel assignments; and secures, trains, and evaluates the performance of personnel and takes or recommends appropriate action.

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 Legal Branch of the LCB is critically important to the LCB's statutory mission. In 1913, the Legislative Counsel Bureau was established by statute as a staff agency to assist the Legislature with bill drafting and statutory revision. The LCB has continuously operated in state government for more than a century to assist the Legislature, the Governor, and other state officers by providing nonpartisan legal services relating to the legislative process. LCB attorneys prepares every legislative bill and measure on behalf of Members of the Legislature, meaning every law passed in the State of California is prepared by attorneys of the Legal Branch of the LCB.

This position's role is of the utmost criticality to the statutory mission of the LCB, as it directs the legal operations of the department, and therefore has a direct impact on each new law enacted by the State Legislature. The LCB exists to provide legal counsel, legal drafting services, and information technology services to the California State Legislature and other offices. Without the Legal Branch of the LCB providing the necessary legal services to the legislature and other offices, the mission would not be successful, and the legislative process could not function.

Additionally, this position is responsible for legal staff maintaining a confidential attorney-client relationship with each Member of the Legislature, the Governor, and Lieutenant Governor with respect to the office's provision of legal services. This is performed by overseeing the complex legal work of the office through subordinate high level legal managers who then perform through their subordinate staff, the preparation of legislative drafts for virtually every legislative proposal that is considered by the Legislature, including bills, constitutional amendments, resolutions, and amendments to those measures.

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, this position exists as a comma CEA that was established in 1964, to plan, organize, direct, review, and coordinate the work of the LCB; and to act for the Legislative Counsel in his/her absence. The State of California has expanded the use of the class code 7500 CEA positions in lieu of comma CEA positions, and this request is consistent with CalHR's requirement to reclassify comma CEA positions to general class code 7500 positions.

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.

Managerial oversight: The CEA will have primary managerial and policy oversight of the LCB's Legal Branch. They will oversee the preparation of legislative drafts and legislative proposals that will be considered by the Legislature. Every bill considered by the Legislature is written by LCB attorneys, and therefore the CEA has significant influence on the preparation of all legislative measures and opinions.

Consultation and Management Analysis: The CEA regularly confers as high-level consultant to Members of the Legislature and legislative staff. This includes developing and making broad policy recommendations in areas critical to the department's legal functions.

Legislative Litigation: The CEA oversees LCB legal staff representing the Assembly and Senate in litigation matters, including litigation before the California appellate courts. The CEA may also directly represent the Legislature in legal matters before the court.

C. ROLE IN POLICY INFLUENCE (continued)

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

The CEA serves as second-in-command to the Legislative Counsel and as primary counselor to the Legislative Counsel on all legal and constitutional issues affecting the State Legislature. The CEA is responsible for oversight of the legal operations of the LCB, which encompasses its statutory mission.

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

The CEA, as part of the Executive Management Team, will be responsible for oversight and review of new and existing policies, which have significant impact on the LCB. This includes new policies, updates to existing policies, and ensuring consistency amongst departmental policies. Additionally, the CEA will have direct responsibility for policy creation and implementation for LCB legal staff, which directly affects the operations of the Legislature.