

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

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

4. CEA Position Title

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

6. Reports to: (Class Title/Level)

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.

Associated with the significant initiatives of the current Administration focusing on "California for All" and associated equity efforts, this position will play a critical role at the Department Executive Level to provide leadership, program management and policy development/implementation in this area.

The Deputy Director directly advises the Director/Chief Deputy Director and the State Fire Marshal on the formulation and evaluation of all policy matters involving equal employment opportunities, civil rights, equity, diversity, inclusion and accommodation. This position will develop and implement policy that carries out the Administration's statewide equity efforts while meeting both state and federal statutes and regulations in this rapidly evolving environment. This position is also tasked with advising the Secretary for Natural Resources, Undersecretary for Natural Resources, and Assistant Secretary for Administration and Finance on policy matters involving equal employment opportunities, civil rights, equity, diversity, inclusion and accommodation. The Deputy Director also advises and provides consultations to other California Natural Resources Agency departments, boards and commissions, consisting of approximately 19,000 personnel, as directed by Agency staff.

The Deputy Director will have the authority to make independent decisions and be held responsible for those decisions. The position will play a critical role at the Executive Level providing leadership, interaction and policy direction to program Deputy Directors and Region Chiefs as well as the entire Department. The Deputy Director will attend high level Executive briefings, settlement conferences, legal proceedings, committee meetings and planning meetings that requires the utmost tact, subject matter knowledge and Departmental knowledge to assist with advising and providing support to the Department's Executive Management Team. This position will also engage in state government wide forums, initiatives and workgroups representing both the Director, as well as the Secretary of Natural Resources. The Deputy Director will meet and negotiate directly with the highest levels in State government and with comparable levels in federal and local jurisdictions on matters of a highly sensitive, potentially fiscally as well as legally damaging nature.

The Deputy Director will be responsible for the development, implementation and regulation of major Departmental policies and programmatic decisions in order to prevent discrimination in hiring or in the workplace. Will advise the Director and Executive Management in regards to sensitive, controversial, and/or significant issues impacting Departmental Equal Employment Opportunity (EEO) policies, procedures, and practices; develop and monitor action plans; and issue EEO policy directives to ensure the alignment with the Department's Strategic Plan, as well as compliance with federal and state EEO laws, regulations, policies and practices. Will review and analyze the impact or potential impact of new or updated legislation, rules, policies and procedures. Will develop and institute programs to ensure the maintenance of fair and effective personnel practices across the Department's workforce. Will provide 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. Will develops policies, strategies and recommendations to assist management at all levels in understanding their roles and responsibilities in carrying out EEO obligations, with a programmatic goal of providing uniform Departmental information on EEO laws, rules, policies and procedures, goals, timetables, and resources.

Will provide governance of the Department's Equal Employment Opportunity Program by reviewing and evaluating occupational areas to identify significant under utilization of employees by racial/ethnic, gender, and disability categories. Review and evaluate recruitment efforts to ensure outreach to all racial/ethnic, gender, and disability categories. Monitor the panel composition for examinations and hiring interviews to ensure panels are diverse and balanced. Ensure employees with disabilities are accommodated by consulting with the Department's Reasonable Accommodation Coordinator. Manage the discrimination and EEO complaint system. Review investigative reports completed by the EEO investigators and provides guidance as necessary; conducts the most complex and sensitive investigations; formulates responses to allegations of discrimination complaints that are highly sensitive or complex; responds on behalf of the Department in regards to various EEO issues or complaints; serves as the EEO Office representative on behalf of the Department; and provides recommendations to the Director and Executive Management on sensitive and high level issues that may result in disciplinary actions in order to resolve a discrimination complaint. Continually ensures investigations and complaint resolutions are done in compliance with federal and state EEO laws, regulations, policies and practices as well as the Firefighters Procedural Bill of Rights Act and the Public Safety Officers Procedural Bill of Rights Act. Review current and proposed training plans and associated materials that will be used in all Departmental EEO trainings to ensure trainings will provide employees and management an understanding of EEO laws, rules, policies, and procedures. Advises Training Officers of changes that need to be made in order to maintain compliance with current and future federal and state EEO laws, regulations, policies and practices.

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 effectiveness and success of the Department's workforce is tied to the programs, policies and directives associated with EEO. As such, the Deputy Director - Equal Employment Opportunity Program will have authority to make critical Department-wide policies and decisions that directly impact the Department's ability to deliver on its goals and mission.

All policies and decisions will be in accordance with Title II of the California Administrative Code; State Personnel Board (SPB) policy memos ("pinkies"); Title VII, Civil Rights Act of 1964; Rehabilitation Act of 1973; Age Discrimination Act 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) and Fair Employment and Housing Act (FEHA).

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 State's fire season has become year-round. What was once a Department driven by a temporary seasonal workforce is now a Department that has seen its permanent full-time workforce expanded significantly by the Governor and Legislature in the last seven (7) years. This expansion of permanent workforce has occurred while a large temporary workforce is also still utilized. Concurrent with this change in Departmental workforce and size, the Governor has initiated significant initiatives focusing on "California for All" and associated equity efforts. During this same time additional state and federal laws have been passed that have expanded protected employee characteristics as well as the courts have weighed in with new presidential rulings that must be addressed. This change to a year-round fire season, increased workforce, increased equity efforts as well as rapidly changing regulatory environment, combine to create a need for an executive with the managerial experience and expertise to be responsible for policy development, legislative analysis, planning, organizing, and directing staff in the performance of Department wide EEO activities.

The Deputy Director - Equal Employment Opportunity Program is needed to use their expert knowledge to analyze and address an increased number of highly complex EEO complaints and lawsuits that a growing workforce will likely only add to. The Department is experiencing an increased need to update and change existing policies to ensure compliance with rapidly changing state and federal EEO laws, new EEO requirements, EEO related court decisions as well as new equity inclusion efforts. A Deputy Director level position is needed to oversee our EEO Program and manage all of the changes that must be made on policies and procedures in order to stay compliant.

The incumbent will be a member of the Executive Management Team and have a decisive role and involvement in high level and sensitive Department-wide decisions in regards to policy making and program management. The decisions made by this Deputy Director will impact at a statewide level and affect all of the 8,000+ employees of the Department across the state, as well as California Natural Resources Agency staff and their associated departments, boards and commissions, consisting of approximately an additional 11,000 personnel.

Under the current organizational structure, the EEO Officer is the only Staff Services Manager II (Managerial) reporting directly to the Department Director all other counterparts are CEA positions. Due to the critical policy and decision making nature of this position, and based off of the existing organizational structure, it is more appropriate to have a Deputy Director - Equal Employment Opportunity Program at the CEA level report directly to the Director. All policies and decisions will be in accordance with state and federal EEO laws, rules, regulations and policies.

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 Deputy Director - Equal Employment Opportunity Program will be responsible for developing and implementing the following key policy and procedural areas:

Existing Policies/Procedures - Evaluates current and proposed Departmental policies, directives and procedures to ensure there is no illegal adverse impact against employees in any protected class (Gov. Code section 19795).

EEO Policies/Procedures - Develops, implements, manages, monitors, assess and enforces Departmental EEO policies and practices. Policies are designed to ensure the Department complies with Federal and State anti-discrimination laws and legal requirements in all of its internal business practices and activities (Gov. Code section 19795).

Discrimination Complaint/Investigation - Develops, evaluates, manages and deploys policies and procedures related to the Department's discrimination complaint and investigation processes (Gov. Code section 19795).

Hiring Practices - Monitors hiring practices, including the composition of panel members in examinations, as well as in outreach/recruitment planning and evaluating the results of efforts. Ensures the Department is looking to hire and recruit a diverse and qualified workforce that reflects the diversity of California, so that the Department can meet the present and future needs of California (Gov. Code section 19791 and 19795). Develops, implements, manages and monitors the Departments Upward Mobility Program, to include all related policies and procedures (Government Code section 19402).

Disability Issues - Receives issues and recommendations from the Department Disability Advisory Committee (DAC), specifically focusing on internal operations and activities to ensure equal employment access and opportunities for persons with disabilities. Develops policies and practices to address DAC concerns (Government Code Section 19792). Has oversight of the Limited Examination Appointment Program (LEAP), policies and procedures thereof, to ensure fair and equitable hiring processes of Persons with Disabilities (Government Code Sections: 19232, 19233(c), 19234, 19795). Reviews, monitors and approves policies and procedures associated with the Reasonable Accommodation process to ensure its effectiveness; acts as the Reasonable Accommodation Appeals authority (Government Code sections 18577 and 18701& California Code of Regulations, title 2, section 11068(k).

Religious Accommodations and Gender/Social Accommodations – Develops and reviews all policies and procedures associated with Religious and Gender Accommodations, to ensure that applicants and employees are reasonably able to fulfill their essential job functions within the constraints of their religious beliefs (Title VII of the Civil Rights Act of 1964). Creates, develops and monitors Gender Accommodation policies, procedures and training, to ensure applicants and employees are not exposed to undue hardships, in gaining access and appropriate treatment regardless of the persons gender, gender identity, or of the persons assigned sex at birth (Fair Employment and Housing Act).

Bilingual Services – Develops, evaluates, manages policies and procedures related to the Departments Bilingual Services Program. Provides oversight and services related to providing language access and interpretation services as required by state law, to include responsiveness and corrective engagement in response to language access complaints (Government Code Sections 7290-7299.8).

C. ROLE IN POLICY INFLUENCE (continued)

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

The Deputy Director - Equal Employment Opportunity Program will be a key member of the Executive Management Team and will be the primary policy maker in regards to EEO, equity, inclusion and diversity programs. The Deputy Director will be responsible for developing and implementing new policies and procedures for the full scope of all EEO activities for the Department, as well as be responsible for recommending and initiating changes and innovative solutions in regards to EEO, equity, inclusion and diversity. The incumbent will have the authority to make high-level policy decisions that have a state-wide impact on the Department as well as California Natural Resources Agency staff and their associated departments, boards and commissions.

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

The incumbent will be both developing and implementing new policies, as well as interpreting and updating existing policies in order to stay compliant with federal and state EEO laws, regulations, policies and practices.