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

<table>
<thead>
<tr>
<th>1. Date</th>
<th>2. Department</th>
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<tbody>
<tr>
<td>January 5, 2022</td>
<td>California Correctional Health Care Services (CCHCS)</td>
</tr>
</tbody>
</table>

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

Office of Legal Affairs (COLA)

4. CEA Position Title

Assistant Chief Counsel (ACC)

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

CCHCS proposes to allocate the above position to a CEA category within CCHCS. This CEA Position Request Form will serve in establishing the allocation. The incumbent will be responsible for supervising a legal team for COLA. The CEA serves as counsel for the Department by working closely with the Chief Counsel and executive leadership. The ACC provides guidance on legal issues, policy reviews, regulatory changes, legislative proposals, and any other program needs of a legal nature.

6. Reports to: *(Class Title/Level)*

Chief Counsel - CEA Level C

7. Relationship with Department Director *(Select one)*

- [X] 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
- [X] 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.

Under the direction of the Chief Counsel, the ACC is responsible for supervising a legal team for COLA. The ACC serves as counsel for the Department by working closely with the Chief Counsel and executive leadership. The ACC provides guidance on legal issues, policy reviews, regulatory changes, legislative proposals, and any other program needs of a legal nature.

The ACC supervises, plans, organizes, coordinates, reviews, mentors, and directs the work of staff attorneys and support staff; evaluates their performance; participates in the selection process; and supervises them.

The ACC serves as a high level advisor on the most significant legal matters affecting the Department. Consults with and advises the Chief Counsel and Department executive staff on all manner of legal issues. Identifies and develops strategies and tactics for the most complicated legal issues faced by the Department. Consults with and advises Department staff on the interpretation and analysis of statutes, court decisions, rules of court, regulations, and other rules significantly affecting their duties, functions, and responsibilities.

The ACC assesses areas of organizational risk and makes recommendations to the organization on changes to mitigate those risks, prepares trend reports, makes presentations to Executive Staff team members and external stakeholders, ensures that outcomes and steps for accountability are met timely, and briefs the Chief Counsel on trends in the law and their potential impact on the organization.

The ACC assists the Chief Counsel on special assignments as directed.
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: COLA is directly related to the department’s primary mission and is critical to achieving the department’s goals. COLA provides legal guidance and representation to CCHCS executive management regarding the organization’s compliance with providing a constitutional level of care. COLA also works closely with all CCHCS program areas, as well as many of the CDCR program areas, and the CDCR Office of Legal Affairs, to ensure a successful transition of responsibilities post-Receivership. COLA is a vital element in sustaining the organization’s achievements.
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.

In 2009, the number of rank and file employees in COLA consisted of three full time attorneys and a legal secretary. Presently there are approximately 18 employees in the unit that report to the Chief Counsel. COLA has grown rapidly over the years and establishing the ACC position will help to ensure that COLA continues to run smoothly and efficiently.

The current workload associated with supervising COLA employees does not allow time for the Chief Counsel to perform high-level analyses for executive staff and management, nor to do the kind of true risk assessment expected of a Chief Counsel. Due to the volume of work, it is difficult for the Chief Counsel to accommodate a heavy workload or thoughtfully complete assignments with the depth of analysis required. Due to the growing demand of the Legal department, it is vital to ensure that the Chief Counsel is able to focus on high priority assignments with the necessary level of detail required without placing CCHCS at risk of further litigation or causing untimely/unnecessary delays to high priority assignments/cases. Establishing the ACC position will allow the Chief Counsel to delegate responsibilities and supervision of the Department to the ACC and focus on other high level executive tasks.
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 ACC will provide vital input into high level policy and program decisions for Legal services and will regularly work with other high level administrators. The incumbent will be responsible for reviewing, developing, creating, and implementing policies, standards, and procedures.

Gender Affirming Surgery Review Committee: This management role is key to ensuring compliance with policy developed in response to Supreme Court decisions that established this constitutional right. This is a rapidly developing area of law, and the operational aspects to implementation of this policy are continually evolving. The incumbents role will impact the implementation plan statewide.

Defense of Habeas Corpus Petitions: These petitions often trend in certain directions or have common issues or themes. The incumbent will be responsible for developing the statewide legal policy as to the approach for responding to different groups of petitions.

Communicable Disease Outbreaks: Legal issues abound during statewide communicable disease outbreaks, necessitating a coordinated approach for handling those legal issues. The incumbent will be responsible for development and implementation of the policy and approach for addressing those issues.

Challenging Employees: There are some CCHCS employees who present unique challenges for their Hiring Authorities. Those challenges require development of strategies for dealing with those employees, which often intersect multiple areas such as discipline, EEO complaints, worker’s compensation claims, disability management, and return to work. The incumbent will be responsible for developing those plans and to ensure statewide consistency in how those situations are handled.
C. ROLE IN POLICY INFLUENCE (continued)

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

The ACC works closely with the Chief Counsel. This incumbent is a high policy influencing position, in which the incumbent will be authorized to speak for and make decisions on behalf COLA. The authority of the incumbent will be of wide variety and will involve decisions impacting internal management at all levels of the organization, as well as external stakeholders. This position serves as an advisor for impacted policy areas for COLA.

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

The ACC will be responsible for interpreting and implementing new and existing policy. The incumbent may help with the development of new policies as the need arises. Examples in the past have been the drafting of the Gender Affirming Surgery Guidelines, the peer review policy, and the Plata court-approved Judicial Review Committee process, and implementing policy. The policy and procedures that are implemented under the leadership of this incumbent will contribute to the success of COLA and CCHCS.