

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

February 14, 2024

2. Department

California Department of Corrections and Rehabilitation

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

Office of Legal Affairs

4. CEA Position Title

Associate Director, Administrative Support

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

The California Department of Corrections and Rehabilitation (CDCR) is requesting the establishment of a Career Executive Assignment (CEA) to serve as the department's Associate Director (AD), Administrative Support. The position reports to the Assistant Secretary, Office of Legal Affairs (OLA), and is responsible for managing OLA administrative support services, which includes budgets, contracts, personnel, procurement, case law management, service of process, Public Records Act (PRA) requests, clerical support to attorneys, customer service to the public, and implementing office policies designed to support the delivery of legal services to the CDCR.

6. Reports to: (Class Title/Level)

Assistant Secretary, Office of Legal Affairs (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): The Associate Director, Administrative Support is a member of OLA's General Counsel's Executive Staff. The incumbent will be responsible for advising OLA's Executive Staff regarding essential program specific knowledge necessary to make key decisions related to employee discipline, corrective action, Public Records Act, service of process, class action litigation, and legal support services.

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.

Under the supervision of the General Counsel, the AD, Administrative Support is responsible for setting policy and managing OLA administrative support services, which includes budgets, contracts, personnel, procurement, case law management, service of process, PRA requests, clerical support to attorneys, customer service to the public, and implementing office policies designed to support the delivery of legal services to the CDCR. The AD, Administrative Support will hold the highest level of authority to directly create or influence policies to manage these programs.

Review, evaluate, and analyze documents, including responses to control agency correspondence, budget change proposals and budget concept papers, personnel and contract documents, etc., that are sensitive in nature and that may have fiscal impact; develop and implement office policies designed to support the delivery of legal services to CDCR; directly create or influence policies to manage these programs; identify and analyze policy issues and advise the General Counsel and Chief Deputy General Counsels of the fiscal, personnel, and administrative impact of management decisions; and consult management directly to resolve office policy issues and present alternative solutions.

Assess and track office or departmental plans or components affecting the OLA budget, make recommendations to the General Counsel and Chief Deputy General Counsels regarding the budget, and prepare planning documents to obtain resources needed to efficiently serve clients. Manage and supervise Administrative Support staff by planning, organizing, coordinating, reviewing, and directing the work of OLA's support staff who provide essential analytical, administrative, and clerical services to OLA; evaluate performance of Administrative Support supervisory staff and actively participate in the hiring and selection process of Administrative Support team staff.

Manage and ensure compliance with directives regarding OLA staff training, both required of each employee and the training administered by the OLA staff; develop policies and procedures to ensure that all support staff are well-trained and able to maintain a high level of confidentiality with the sensitivity of information and records they work with, which is critical to the safety of sworn staff and the public. ensure compliance with annual CDCR employee testing requirements (tuberculosis testing, updated document requirements, etc.); compile data to determine costs associated with specific litigation or total cost associated with legal services contracts, OLA staff travel, personnel hiring practices related to the OLA structure, etc.

Oversee OLA contract management for various legal service contracts, as well as all non-legal service contracts with information technology, research, and supply providers; ensure that language in all OLA contracts complies with California law, the State Contracting Manual, and applicable court decrees.

Compile reports required to meet CDCR and OLA's risk management strategic plan goals, as well as those reporting requirements of the Secretary's and Governor's Office related to the status of lawsuits facing CDCR. Occasional travel will be required to supervise managers and facilitate/attend training or attend to other business-related duties at satellite offices throughout the state.

Plan, organize, direct, and evaluate the work and performance of staff. This includes but is not limited to the following: Comply with state and federal laws, rules, regulations, bargaining unit contracts, and policies in all personnel practices, including, but not limited to: hiring, employee development, and management. Recruit, hire, train, develop, and provide leadership to a diverse staff. Monitor, evaluate, and create written performance appraisals of staff. Counsel staff and initiate disciplinary actions as necessary. Identify appropriate long-range plans and goals to address succession planning and knowledge transfer.

Perform administrative duties including, but not limited to: adhere to Department policies, rules and procedures; submit administrative requests including leave, travel, and training in a timely and appropriate manner; accurately report time, and submit timesheets by the due date.

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 mission of CDCR is to facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

The OLA supports CDCR's mission by offering legal advice to CDCR leadership and staff to help ensure CDCR's operations are conducted effectively and consistent with legal requirements. OLA attorneys anticipate legal issues and offer practical solutions, appropriately resolve legal disputes, and advocate to advancing CDCR's mission. Attorneys working for CDCR have the unique opportunity to encounter multiple areas of law, including, healthcare; public contracting; accounting services; construction management; facilities planning; class action lawsuits; and, provide consultation on policy development, regulatory work, court compliance, risk management, and employee discipline.

The AD, Administrative Support will reinforce this mission by developing and implementing office policies designed to support the delivery of legal services to OLA. This position will oversee staff and office space at four physical locations throughout the state. In addition, the incumbent is responsible for overseeing the development and implementation of all administrative activities and support services, including, but not limited to, budget and fiscal analysis, contract management, personnel, training, procurement, case law management (including electronic platforms), records management, OLA facilities management, service of process, PRA requests, clerical support to attorneys (including class actions, involuntary medication hearings, subpoenas, etc.), and customer service to the courts and public. The AD, Administrative Support will hold the highest level of authority to directly create or influence policies to manage these programs.

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.

1. Class Action Lawsuits

The mission of OLA is to offer quality legal advice to CDCR leadership and staff to ensure that CDCR's operations are conducted effectively, and consistent with legal requirements. To accomplish this mission, attorneys are assigned to one of the 14 client-oriented teams that anticipate legal issues and offer practical solutions, resolve legal disputes, and vigorously advocate to advance CDCR's mission. Two of these fourteen teams are the Class Action Teams A and B (collectively, the CAT). Some of the class action lawsuits being handled by CAT are more than 20 years old and still heavily litigated. Class action cases persist for such lengthy durations due to the complexity of institutional reform, the size and geographic diversity of CDCR, and the size of the various plaintiff classes in each of the cases; these factors make it difficult to fully implement the remedial measures and demonstrate that compliance is sustainable. Between 2015 and 2021, despite successful efforts in terminating five class action cases, another nine new cases were filed. This impacted the OLA Administrative Support section by increasing their responsibility areas. OLA has taken on an overwhelming amount of analytical and administrative duties with competing deadlines, so additional support was not only fundamental, but essential to meet necessary deadlines as laid out in the myriad of class actions. The workload of administrative staff has increased significantly resulting in the creation of the Class Action Litigation unit to support legal counsel with research request and tracking advocacy letters.

2. Staff Misconduct Investigation Expansion

CDCR's Office of Internal Affairs (OIA) is the entity in CDCR with the authority to conduct investigations into allegations of staff misconduct. OIA is structured to be distinctly separate from adult institutions to maintain objectivity, and staff are not physically located within institutions, in order to minimize local bias and influence from working relationships with the staff they investigate. The Legislature, Office of the Inspector General, staff, incarcerated people, people on parole, and their families provided input that the misconduct allegation review process needed improvement so the Allegation Inquiry Unit (AIU) was implemented as a new regional model within OIA for reviewing and investigating incarcerated and paroled persons' complaints of staff misconduct. CDCR restructured their process for reviewing allegations of staff misconduct involving an incarcerated person or parolee by transferring review of allegations made by incarcerated people and parolees from the institutions and parole offices where they originated to a Centralized Screening Team (CST) within OIA at CDCR Headquarters. As a result of these OIA changes and concerns expressed by the Courts, OLA required additional staff and gained new areas of responsibility to address the volume of legal workload associated with increased investigations. Additional legal counsel joined OLA to support the increase in workload providing legal support to OLA's Employment Advocacy and Prosecution Team (EAPT), and oversee the operation of the Vertical Advocacy (VA) Model associated with employee disciplinary matters and matters relating to the Department's internal affairs investigations designated through the Office of Internal Affairs (OIA).

The expansion of OLA's legal responsibility also expanded the Administrative Support section that the proposed AD, Administrative Support will have the highest level of authority over. These units include the Department's corrective action and performance management unit, employee discipline unit, discipline verification, and peace-officer PRA unit, which all sit under the AD, Administrative Support. The AD, Administrative Support will have the authority, through independent judgment, to broaden or narrow the policy applications beyond standard operating procedures, and for administering ongoing operations of the statewide support services programs. The administrative support activities are an integral component to the efficiency of the Program's legal and professional staff in meeting the Department's mission. The AD, Administrative Support will consult with the other members of OLA's executive team to direct and coordinate the development, implementation, and interpretation of sensitive and complex policies in support of and necessary to ensure the successful implementation of program operations.

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.

1. Administrative Support

The AD, Administrative Support acts as the primary high-level consultant to OLA's executive management team on a wide variety of administrative issues, including fiscal services, personnel services, training, and business services affecting OLA. This will include developing and making policy recommendations designed to support the delivery of legal services to CDCR. This position consults management directly to resolve office policy issues and create alternative solutions. The AD, Administrative Support is responsible for the development and implementation of directives and policies for compiling data from ProLaw database in a comprehensive fashion to determine costs associated with specific litigation or total cost associated with legal services contracts. This position oversees the compilation of reports required to meet the Department's risk management strategic plan goals and reporting requirements of the Office of the Secretary and Governor's Office related to the status of lawsuits facing CDCR on a daily basis along with potential impacts to the Department. The AD, Administrative Support ensures compliance with state and federal laws, rules, regulations, bargaining unit contracts, and policies in all personnel practices, including hiring, employee development, and management. This position is responsible for policy implementation and compliance with CDCR policies and procedures. The AD, Administrative Support oversees the highly critical and complex workload related to class action litigation: Armstrong, Clark, Colman, Plata, Carreron, Bagube, Fitzgerald, Prison Legal News, and other class action matters.

2. Public Records Act and Redaction

This position is responsible for ensuring compliance with regulations and tracking as it relates to the management of peace officer records that are being requested for disclosure and/or inspection via PRA request(s). The AD, Administrative Support provides leadership in establishing guidance and coordinates activities necessary to develop and efficiently implement the unit's goals, objectives, and resource allocations. The AD, Administrative Support provides policy interpretations on existing or new statutes, regulations, laws, codes, and Bills related to the disclosure of peace officer records subject to the PRA; system updates and changes; user desk manuals, work flow processes, and division forms.

3. Performance Management

The AD, Administrative Support develops policies and procedures for the management of the Performance Management and Corrective Action Unit and the Employee Discipline Unit, which consists of Employee Relations Officers (EROs) and analysts, assigned to Headquarter divisions and programs. This position develops training for EROs statewide and is responsible for overseeing quarterly training delivered to managers and supervisors on a regional basis.

C. ROLE IN POLICY INFLUENCE (continued)

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

The AD, Administrative Support exercises high-level policy and decision-making authority for statewide programs and program support functions. The AD, Administrative Support is responsible for developing, implementing, and/or revising policies and procedures governing OLA operations.

The AD, Administrative Support will advise and recommend effective courses of actions to OLA executive management regarding budgetary issues including fiscal projections, budget change proposals, position allocations, ongoing and future projects regarding staffing, office leases, distribution and usage, contract initiation and management, and administrative functions related to OLA field offices. The AD, Administrative Support will resolve operational problems related to OLA's business, personnel, training, and fiscal services.

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

The AD, Administrative Support will develop, recommend, and implement new policy as well as modify and implement existing policy. New policy will be developed to meet the operational need of CDCR, in response to state and federal law/regulation changes impacting legal services; legislative or court mandates, audit findings, and resultant corrective action plans. Existing policy will be reviewed and updated as required, commensurate with program changes within CDCR, and external changes impacting California state government legal activities.