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
2021-12-08
Department of Social Services

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

4. CEA Position Title
Assistant Deputy Director, Hearing Operations - South

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)
The Assistant Deputy Director, Hearings Operations - South (ADD - South) develops State Hearings Division policy by working with internal and external stakeholders on SHD policies for the CalWORKs and CalFresh programs administered by the CDSS, and representing a large portion of the SHD workload. In addition to having primary responsibility for the southern hearing operations, the ADD -South will be the primary SHD contact with the CDSS Directorate, CDSS Deputy Directors, and SHD staff on SHD CalWORKs and CalFresh hearing policies. The ADD-South will also work collaboratively with the Deputy Director/CALJ and other ADDs to ensure the SHD meets its mission/goals of delivering excellent service and due process to its stakeholders.

6. Reports to: (Class Title/Level)
Deputy Director/Chief Administrative Law Judge, CEA C

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 CEA regularly consults with and advises the Deputy Director, Chief Deputy Director, and Director on program matters.

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 State Hearings Division conducts hearings for vulnerable beneficiaries of California’s public safety net programs. The Division is responsible for reviewing hearing requests from claimants disputing any action of counties and some state agencies regarding their public social service benefits. Hearings are conducted in person and virtually in all counties statewide, and the Division has offices and staff located statewide. The current organizational structure places the sole responsibility for all statewide policy, administrative, and operational functions on the Deputy Director/Chief Administrative Law Judge (DD/CALJ).

Duties for this Assistant Deputy Director, Hearing Operations - South (ADD-South), includes but is not limited to the following:

1. Independently develop policy and regulations governing pre-hearing, hearing and post-hearing functions of the SHD in the CalWORKS and CalFresh Programs.
2. Leads the SHD in ensuring necessary exchanges and SHD adherence to wider CDSS program policy in the CalWORKS and CalFresh programs.
3. Develops hearing policies to ensure fair and timely administration of due process, and protection of participants' hearing rights.
4. Responsible for Stakeholder engagement strategy for the SHD - South as well as with respect to the CalWORKS and CalFresh Programs.
5. Oversee four Presiding Judges-PJs who provide supervision to 44 Administrative Law Judges (ALJs).
6. Develops processes for handling increased workload to ensure that SHD meets its labor and personnel obligations regarding work assignments.
7. Provide policy direction to the Presiding Judges and their respective line Judge teams on changes in federal and state law in the CalWORKS and CalFresh Programs.
8. Provide policy support for long/short-term projects to promote greater effectiveness and efficiency in SHD operations.
9. Cultivate partnership opportunities with other CDSS Divisions, and Agency Level partners.
10. Provide leadership in formulating new goals and objectives to meet the business objectives of the SHD and CDSS.
11. Define and recommend remedies that lead to all out recovery strategies.
12. Develop and lead in maintaining partnership and collaboration with other internal and external stakeholders and in creating methodologies and strategies to advance and maintain the Department’s status and credibility.
13. Develop and provide leadership to other SHD, CDSS and Agency partners in the development of methodologies and strategies that will advance and maintain the SHD’s status and credibility.
14. Partners and networks with with officials of other agencies and organizations including the Northern and Southern County Appeals Committees, Advocates including Legal Services and Welfare Rights, and the County Welfare Directors Association.
15. Represents the SHD, and CDSS as needed, at internal and external conferences and meetings.
16. Reviews Agency, Department and Division level MOUs, contracts and other agreements, obtain approval signatures as necessary.
17. Develop decision quality and timeliness standards to avoid unnecessary penalties expenditure pursuant to the King and Ball Court Orders.
18. Collaborates with the DD/CALJ, other ADDs, and CDSS programs in the development of All County Letters and All County Information Notices to provide direction on changes in SHD policies and procedures with statewide impact.
19. Lead the SHD south in developing, communicating and clarifying CalWORKS and CalFresh policies, guidelines and initiatives so that they are clearly understood.
20. Develops policy and provides oversight for SHD programs to facilitate the early recognition of legal issues to avoid costly litigation.
21. Operational responsibility for hiring and managing the Presiding Judges and staff geographically located in the southern part of the state.
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 SHD serves as the State Hearing authority for the CDSS, DHCS, Covered California, Department of Aging, and Department of Rehabilitation. SHD conducts hearings and issues decisions resolving disputes between county, state agency, claimants and respondents concerning eligibility for, and continued benefits of California's public safety programs. The SHD serves as the hearing authority for agencies external to CDSS via Inter-agency Agreement. All hearings involve and serve to resolve issues and disputes between California's most vulnerable families and counties and agencies. The resolution of these disputes fundamentally affect the lives of individuals and families who must rely on benefits to get by each day. Hearings are conducted by line Administrative Law Judges (ALJs) who are supervised by Presiding Judges (PJ), who will in turn report to the CEA Assistant Deputy Director (ADD) position that is the subject of this request. The line ALJs act on the delegated authority from the Deputy Director/Chief ALJ, who in turn receives delegation as the hearing authority from the Director of the CDSS. ALJs must conduct fair hearings and issue Proposed and Final decisions that are fair, legally correct and timely. The issues that come before ALJs are factually difficult and more often than not, extremely complex in terms of the application of federal and state law. Because of this difficulty and complexity, it is necessary to provide daily oversight to ensure decisions meet set legal and quality standards, and do not reflect negatively on the Department's reputation. Further, when hearings are delayed or otherwise compromised, critical benefits and services are delayed or erroneously discontinued. The role of the ADD is to ensure critical hearing policy needs are met in all Southern offices and to supervise the work of the Presiding Judges (who in turn supervise the line judges). For claimants, critical benefits or services to meet their family’s needs may not be available pending resolution of the dispute and the county/agency must await SHD direction on its proposed action. Furthermore, decisions that are issued untimely result in the payment of monetary penalties pursuant to the King and Ball Court Orders, which come directly out of the state General Fund. If not carefully managed, penalties can add up to millions of dollars. Oversight by the ADD is critical to avoid this result. The ADD will ensure that all SHD ALJs and support staff receive necessary training, that the southern offices are adequately staffed to maintain critical operations, that all performance and resource related decisions are data driven, that corrective actions are taken as needed, and that policy and regulations are being applied correctly and consistently. The ADD- South will also ensure that new and emerging issues are dealt with timely and responsibly in consultation with the CDSS Legal Division, other CDSS programs and with Agency level partners as needed. In sum, the ADD South will provide direction for emerging issues, issues of first impression, regulatory and statutory changes, and celebrate ALJ and support staff achievement. Consistent with the Department’s Mission Statement and Core Values, the ADD will engage internal and external partners and establish solid working relationships to facilitate the SHD and CDSS core mission. The ADD will lead the SHD Southern operations and the SHD in resolving issues to avoiding problem escalation or unnecessary litigation, and will engage Agency, CDSS and SHD partners to maintain continuing dialog and solve problems. |
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 SHD has had a dramatic increase in its workload due to added programs and new actions. This resulted in backlogs of approximately 10,000 cases per month over the past two years. To address this increasing workload, SHD has received 44 new ALJ positions since 2018, expanding the total staff strength to 268. Approximately 144 of these positions are professional ALJ classifications, while the rest are support staff who handle hearing support operations. To ensure adequate managerial coverage for these ALJs and line staff, and to cover the increasing workload, the SHD had to substantially expand its management staff at the Branch level. This has led to an unsustainable situation where the Deputy Director /Chief ALJ now directly supervises 13 Branch Managers.

Concurrent with this increase in staffing, SHD assumed responsibility for conducting hearings and issuing decisions in many new and expanded program areas since the 2018/2019 fiscal year, including the expansion of the CalWorks program; elimination of prior program eligibility impediments including the drug felon status; changes in CalWorks earned income eligibility requirements; changes in resources limits that affect financial eligibility for CalWorks and CalFresh benefits; major policy changes in Stage One Child Care that affected welfare-to-work and time limit cases; changes in Temporary Homeless Assistance Program eligibility rules; and Home Visit Initiatives. In the CalFresh program, changes made in the 2018-2019 and 2019/2020 budgets include: the reversal of the Supplemental Security Income/State Supplemental Program (SSI/SSP) cash out policy which reached more than 350,000 households; changes in the homeless shelter deductions; introduction of a Supplemental Nutrition Benefit and Transitional Nutrition Benefit Program to protect the households that experienced reduction or loss of CalFresh benefits. Further, The SHD took on new hearing programs in Medi-Cal benefits programs like the California Children Services Whole Child Model cases, and absorbed the increased hearings from the expansion of managed care recipients from approximately 5 million in 2010 to 13 million recipients in 2018, and from 30 counties with 26 percent of recipients to all 58 counties with 76 percent of recipients.

In addition, SHD has absorbed the hearings generated from the passage of the Affordable Care Act and Covered California in 2014, and the addition of new CDSS programs including the Resource Family Approval cases in 2014. To respond to these caseload changes, SHD created several new Branches internally to triage new workloads such as the Affordable Care Act Branch (ACAB) in 2014 to handle the Covered California cases; the Scope of Benefits Branch in 2018 to handle the increasing Medi-Cal benefit cases; the creation of an IHSS Branch in 2020 to handle the expanding IHSS caseloads; the restructuring of the Policy and Rehearings Branch in 2020 to address growing rehearing backlogs and specialized policy issues; and the expansion of the hearing support and operations branch by adding additional SSM II managers and an SSM III support manager. A total of 8 new Branch Chief level positions have been added since 2014, resulting in the current situation where the Deputy Director, Chief Administrative Law Judge (DD) now directly supervises 13 Branch Chiefs consisting of 12 Presiding Judges and one SSM III Support Staff manager.

This management structure creates certain operational and administrative challenges, which will be alleviated by the creation of this ADD Hearing Operations - South CEA position (along with two other ADD positions), so that the responsibility for overall policy and administrative operations will be shared. The ADD - South will assume overall responsibility for the southern offices and the 4 branch chiefs in the Los Angeles and San Diego Offices who manage those line judges and staff. The ADD will establish policy, new procedures; plan and direct the work; provide daily support; directly supervise the work of these Branch Chiefs; provide leadership for formulating new goals; ensure that best practices are maintained; have a direct relationship with key stakeholders and the 11 Counties within the ADD’ - South’s jurisdiction. These 11 counties represent the high population centers in the state and jointly account for about 40 percent of the SHD’s case intake load which is approximately 80,000 cases per year Division-wide.

The ADD - South would ensure policies are effectively communicated and followed; and take immediate and effective actions to avoid the incidence of penalties. This reorganization will provide the Deputy Director/Chief ALJ with better bandwidth to focus on broader Department and Agency level issues, with the expectation that critical policy and operational responsibility for hearing and administrative operations will rest with the appropriate Assistant Deputy Director. This not only represents good business practice, but also promotes and provides more informed policy planning and decision making and allows for greater ability to predict near or long term problems and changes.

Finally, SHD hearing decisions have become more difficult and complex due in part to rapidly changing socio-economic and demographic characteristics of California’s population; rapid changes in federal and state law impacting statutes and program regulations particularly in the CalFresh, CalWorks and several other different welfare programs; program and policy changes; rising caseloads and dramatic changes in the modality of hearings and rehearings on the record from in-person to telephone or video conference directly related to the Pandemic and the need for social distancing. Creating this new ADD - South position along with other ADD positions will enable SHD meet its changing and increasing workload demand and challenges, so as to continue to meet its core mission.
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 ADD - Hearing Operations South develops and implements cooperative but critical partnerships between the SHD Southern Operations, and the rest of the SHD and CDSS Structures.

The ADD - Hearing Operations - South has statewide operations impact and sets policies for the following:

1. Hearing Operations and policy for cases to ensure hearings are timely, and decisions are legally and factually correct.
2. Develop policies and procedures to ensure that the Department stays compliant with timeliness standards, thus avoiding multi million dollar penalty payments under the King and Ball Court orders from the state general fund.
3. Stakeholder Engagement at the Division, Department and Agency level. Also engage with Department and Agency level partners to ensure that technological support needs are adequately addressed.
4. Development of regulations, ACLS and policies to ensure the avoidance of costly litigation.
5. Assessing and promoting resource needs to ensure workload needs are met.

The CEA will carry out his/her goals by working collaboratively with the other SHD ADDs to meet the Department’s goals; working with SHD and CDSS business units in formulating policies and customer service initiatives to meet the mission of delivering timely hearings across the board; and partnering with Counties, other Agencies and the Advocate communities to ensure compliance with all applicable federal, state, and local governmental agencies to exchange data and other information and engage in other joint activities.
C. ROLE IN POLICY INFLUENCE (continued)

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

The ADD's scope and nature of decision making is broad and independent. This will be a Divisional leadership role and their impact will touch all aspects of the SHD, and particularly the hearing operations in the southern counties in the state.

The ADD Hearings Operations - South will be expected to work as part of a cohesive leadership team and undertake direct responsibility for the management and control of four (4) Branch Chiefs. This will reduce reliance on the current and very shallow management structure at the SHD where all branch chiefs report to the Deputy Director/Chief ALJ. The addition of this position will also allow for quick decision making and problem resolution.

The ADD - South will advise the Deputy Director/Chief ALJ and the CDSS Executive Team on larger policy issues relating to the southern regional branches, as well as work with executive level staff for the strategic advancement of the State Hearings process.

The ADD will ensure large scale projects including examination of Policy communications, the Docket Scheduling and Calendaring functions, ACMS and Interpreter policies are effectively deployed to accurately meet the needs of the judges and participants in the state hearing process.

The ADD will use data to effectively make major decisions involving policy, personnel, budgets, and to develop new and inventive ways to help the Division meet its mission of providing timely due process hearings.

Finally, the ADD will be expected to meet regularly with internal and external stakeholders at the Departmental, Agency and County levels to successfully negotiate and resolve issues, develop new policies and procedures, and improve the the effectiveness and efficiencies of the SHD.

The ADD's area of responsibility will cover the hearing operations of the 11 southern counties which collectively account for about 40 percent of the SHD's 80,000 per year caseload, along with the staff and ALJs who handle these workloads. As such, the ADD's work will impact claimants in a large region of the state.

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

The ADD- Hearing Operations - South is responsible for developing interpreting and implementing policy. As part of the Strategic Planning process, new and emerging procedures must be tested to determine if they will improve the effectiveness and efficiency of the Division. The process requires policy development, and subsequently, development of a work plan that articulates and demonstrates the chronology of action steps necessary to achieve the Goals and Objectives. This process by its very nature requires regular and ongoing examination of existing procedures and their efficacy; development of new policies to address current or new issues; and the implementation of new policy directives. The ADD - Hearing Operations - South has a critical major role in directing this process and to ensure the successful implementation of any changes.