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

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

State Hearings Division

4. CEA Position Title

Assistant Deputy Director, Specialized Caseloads

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

The Assistant Deputy Director, Specialized Caseloads develops State Hearings Division policy through work with internal and external stakeholders involving Affordable Care Act, Resource Family Approval, Foster Care, Medi-Cal Scope of Benefits, and the Policy and Rehearings Branch cases administered by the CDSS, DHCS, Covered California, and other state agencies. The ADD develops hearing policy on the application of federal and state legislation to state hearings, as well as formulates procedures and regulations for state hearings. The ADD advances the effectiveness and efficiency of these specialized caseloads by implementing program initiatives and organizational changes affecting two Branch offices and four (4) Branch Managers in the Affordable Care Act, Resource Family Approval, Foster Care, Medi-Cal Scope of Benefits, and the Policy and Rehearings Branches.

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)
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. Participants who are dissatisfied with the outcome of their state hearings also have a right to request a rehearing (appeal) which is reviewed by an independent Branch within the SHD (the Policy and Rehearings Branch). 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, Specialized Caseloads includes but is not limited to the following:

1. Develops policy and regulations governing pre-hearing, hearing and post-hearing functions of the SHD specialized caseloads including the Affordable Care Act, Resource Family Approval, Foster Care, Medi-Cal Scope of Benefits, and the Policy and Rehearings Branch.
2. Develops hearing policies to ensure fair and timely administration of due process, and protection of participants' hearing and rehearing rights.
3. Develops policies for SHD programs including Affordable Care Act, Resource Family Approval, Medi-Cal Scope of Benefits, and the Policy and Rehearings Branch cases, etc.
4. Responsible for Stakeholder engagement strategy for the SHD Specialized Programs, most of which are administered by other governmental agencies outside of the CDSS, including DHCS, Covered California, Department of Aging, Department of Rehabilitation, and the CDSS Children and Family Services Division.
5. Oversees four (4) Branch Chiefs (Presiding Judges-PJs) in the Affordable Care Act, Resource Family Approval, Medi-Cal Scope of Benefits, Foster Care, and the Policy and Rehearings Branch who provide supervision to 43 Administrative Law Judges (ALJs).
6. Develops processes for handling increased workload in the Specialized Caseloads, ensuring that SHD meets its labor and personnel obligations regarding work assignments.
7. Provide policy direction to the Branch Chiefs and their respective line Judge teams on changes in federal and state law.
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 business unit management officials at the Agency level.
15. Partners and networks with with officials of other agencies and organizations including the DHCS, Department of Aging, Covered California, the Northern and Southern County Appeals Committees, statewide Advocates including Legal Services and Welfare Rights, and the County Welfare Directors Association.
16. Represents the SHD, and CDSS as needed, at internal and external conferences and meetings with external agencies.
17. Reviews Agency, Department and Division level MOUs, inter agency contracts and other agreements, obtain approval signatures as necessary.
18. Develop decision quality and timeliness standards to avoid unnecessary penalties expenditure pursuant to the King and Ball Court Orders.
19. Collaborates with other ADDs, the DD, and other governmental agencies in the development of All County Letters and All County Information Notices to provide direction on changes in policies and procedures with statewide impact.
20. Lead the SHD Specialized Program in developing, communicating and clarifying policies, guidelines and initiatives so that they are clearly understood.
21. Develops policy and provides oversight for SHD programs to facilitate the early recognition of legal issues to avoid costly litigation.
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 plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).
- Program is indirectly related to department's primary mission.

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 several 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 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 Specialized Caseloads 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, and if not carefully managed, penalties can add up to millions of dollars. CDSS also loses credibility with its external partners when hearings are not timely held.

Oversight by the ADD is critical to avoid this result. The ADD will ensure that SHD ALJs and support staff receive necessary training, that the Specialized Caseload areas 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 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 - Specialized Caseloads 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 Specialized Caseloads 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 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 for 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, 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 Managers consisting of 12 Presiding Judges and one SSM III Support Staff manager.

These increase in number and complexity of cases resulted in the need for development of policies and procedures to equip ALJs to hear these new caseloads and to keep up with regularly changing regulations. It also created certain operational and administrative challenges that which will be alleviated by the creation of this ADD Specialized Caseloads CEA position (along with two other ADD positions), so the responsibility for overall policy and administrative operations will be shared. The ADD - Specialized Caseloads will be responsible for the Affordable Care Act, Resource Family Approval, Medi-Cal Scope of Benefits and Rehearings Branches and 4 Branch chiefs 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 agencies within their jurisdiction.

The ADD Specialized Caseloads will 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 Medi-Cal benefits, Foster Care and RFA 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 position along with other ADD positions will enable SHD develop policies to 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 - Specialized Caseloads develops and implements cooperative but critical partnerships between the SHD's external Agency partners, and the rest of the SHD and CDSS Structures.

The ADD - Specialized Caseloads has statewide operations impact and sets policies for the following:

1. Hearing Operations and policy for cases in the CDSS, DHCS, Department of Aging, Covered California, and the Department of Rehabilitation programs 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 the resource needs of the Affordable Care Act, Resource Family Approval, Foster Care, Medi-Cal Scope of Benefits, and the Policy and Rehearings Branches 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 that SHD conducts for several external agencies.

The ADD Specialized Caseloads 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 Specialized Caseloads will advise the Deputy Director/Chief ALJ and the CDSS Executive Team on larger policy issues relating to the external agencies for which SHD conducts these specialized cases, 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 Affordable Care Act, Resource Family Approval, Foster Care, Medi-Cal Scope of Benefits, and the Policy and Rehearings Branches which collectively have over 70 staff and ALJs, and account for over 20,000 cases per year all across the state. 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 - Specialized Caseloads 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 Specialized Caseloads has a critical major role in directing this process and to ensure the successful implementation of any changes.