

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

12/14/2023

2. Department

Consumer Affairs

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

Division of Legislative Affairs

4. CEA Position Title

Assistant Deputy Director

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

The CEA will serve as Assistant Deputy Director of the Division of Legislative Affairs (Division), and is responsible for providing day-to-day managerial oversight of the Division, as well as legislative policy oversight and development related to the 36 boards, bureaus, committee, and commission under the purview of the Department of Consumer Affairs (Department). The Assistant Deputy Director is responsible for providing executive level policy and strategic guidance and independent decision making on both substantive and procedural legislative policy matters, and is responsible for assessing key legislative issues impacting the Department's boards and bureaus and making recommendations to Department leadership for future action.

6. Reports to: (Class Title/Level)

Deputy Director, Division of Legislative Affairs

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.

The CEA will serve as the Assistant Deputy Director over DCA's Division of Legislative Affairs. The CEA will be responsible for assisting the Deputy Director in the development, management, and dissemination of DCA legislative policy, as well as provide day-to-day managerial oversight of the Division. The CEA is also a key member of the DCA Executive Management team and is involved in all major decision-making and planning related to DCA legislative policy.

The CEA will provide direct supervision to staff, including Staff Services Managers, Associate Governmental Program Analysts, and Staff Service Analysts. The CEA will be responsible for project planning and organizing the day-to-day work of the Division, ensuring division milestones are met. The CEA, under the direction of the Deputy Director, also serves as the assistant administrator and manager of the Division's approximate \$1,621,000.00 budget.

DCA currently oversees 36 licensing programs that issue more than two million licenses, registrations, and certifications in more than 100 businesses and 200 professional categories, including, but not limited to: doctors, dentists, contractors, cosmetologists, and smog-check technicians. Qualifications for licensure are established by statute and clarified in regulation. As such, the CEA assists in overseeing the DCA's legislative activities, and providing related support to DCA programs. This position plays a significant role in shaping DCA's legislative policy, by recommending modification of proposed policy for consistency with other DCA programs and policies, identifying the need for new policy, and assisting and acting on behalf of the Deputy Director in negotiating departmental issues with legislative staff, industry representatives, board members, and interested members of the public.

The DCA legislative portfolio is one of the largest in the Agency, including approximately 150 pieces of legislation each year, necessitating hundreds of bill analyses and up to 100 enrolled bill reports that must be individually acted upon consistent with legislative deadlines, procedures and Administration policy. Each bill requires DCA staff to engage with boards and bureaus, California Business, Consumer Services and Housing Agency (Agency), and the Governor's Office (GO) on internal policy discussions, stakeholder and sponsor meetings with the Author, policy direction and feedback on technical assistance, and proposed amendments, and recommendations to the Director, Agency and the GO for signature or veto. Based on this significant workload, it is critical that this position be filled by a CEA who can provide independent oversight and policy direction in the formulation of legislative policy.

The CEA will prepare and directly create and advise the Deputy Director, the Director and Chief Deputy Director, on legislative testimony, letters of support, legislative reports, talking points and related materials.

The CEA will also serve as advisor to the Director, Chief Deputy Director, and Deputy Directors in matters related to the DCA's legislative policy and processes. The CEA coordinates with the Deputy Director in the development of consumer-oriented legislation and legislation affecting the DCA's boards and bureaus in conjunction with the Agency and the GO.

The CEA will have frequent and ongoing contacts with the GO, Agency and Departmental leadership, executive staff, members of the Legislature and their legislative staff, legislative committees, the Department of Finance, the Legislative Analyst's Office, community groups, and other stakeholder organizations.

The CEA is also responsible for serving as a designee for the Deputy Director, as necessary.

**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: Consistent with the Department's mission of consumer protection, the Division has a responsibility to consumers, local government, state agencies, and other stakeholders to assist boards and bureaus in developing strong consumer protection policies, particularly as it relates to licensing and enforcement activities. The CEA will be one of the primary liaisons between the DCA and the boards and bureaus in communicating legislative policies. The CEA, as a member of the DCA Executive Management Team, will also consult and act as an advisor to the DCA Director, Chief Deputy Director, and Deputy Directors to ensure boards and bureaus and DCA meets specific requirements regarding legislative policy in a manner consistent with consumer protection and ensuring the health and safety of the public.

DCA is responsible for taking into account differing board and bureau perspectives into one cohesive document that includes a recommendation for the Director, Agency and the GO. Working on short legislative time lines, it is critical for these recommendations to be timely, concise, direct and in line with the Administration's overall policy direction. Without this information, the GO would not be equipped during negotiations or would receive conflicting viewpoints from various boards and bureaus.

**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.

Traditionally the Assistant Deputy Director, Division of Legislative Affairs has always been a high-level position and interchangeably either an exempt or CEA. It was last allocated as an CEA a little over five years ago, and abolished. Therefore, this package is being submitted as "new" but it has been a CEA previously. DCA continues to need a dedicated position with the technical skill and expertise to provide sound policy guidance and oversight in an increasingly complex legislative environment as DCA's responsibilities continue to grow.

The purpose of this request is to seek approval to convert the current DCA Assistant Deputy Director (Exempt) position back to a DCA Assistant Deputy Director (CEA A) position. The conversion from an Exempt to CEA position will ensure more continuity in the position and sustained management and oversight across different administrations, while maintaining flexibility for DCA Executive Management as an "at will" appointment. In addition, the CEA classification is anticipated to produce a larger and more experienced candidate pool compared to other classification levels. This request does not include any change in organizational structure, reporting relationships, or duties and responsibilities. The CEA will continue to report to the Deputy Director, Division of Legislative Affairs, and perform the same duties as the existing Assistant Deputy Director (Exempt) position.

Without the existing exempt position, or a CEA position, the Legislative Affairs Division will lack capacity in experienced leadership surrounding critical legislative issues and priorities. Without this position, DCA will lose critical capacity and experience necessary to carry out key legislative functions in furtherance of DCA's strategic mission and mandate. Without this position, it may ultimately cause DCA to fail to meet requirements of the existing statutory mandates DCA and its 36 boards and bureaus are tasked with implementing and overseeing as part of the largest and most diverse legislative portfolio in the Agency.

The DCA legislative portfolio is one of the largest in the Agency, including approximately 150 pieces of legislation each year, necessitating hundreds of bill analyses and up to 100 enrolled bill reports that must be individually acted upon consistent with legislative deadlines, procedures and Administration policy. Each bill requires DCA staff to engage with boards and bureaus, Agency, and the GO on internal policy discussions, stakeholder and sponsor meetings with the Author, policy direction and feedback on technical assistance, and proposed amendments, and recommendations to the Director, Agency and the GO for signature or veto. Based on this significant workload, it is critical that this position be filled by a CEA who can provide independent oversight and policy direction in the formulation of legislative policy.

## 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.

This position will provide direct management, including independent decision-making and guidance to support DCA and its boards and bureaus in developing legislative policy in furtherance of the Administration's policy priorities. As an active member of DCA's management team, the CEA position has a major role in the development, implementation, and evaluation of the DCA's policies and program direction pertaining to DCA's overall mission, including responsibility to evaluate, advise, and provide assistance to the Director and Deputy Director on:

### LEGISLATIVE ANALYSIS AND ADVOCACY

DCA's legislative portfolio is one of the largest in the Agency, inclusive of approximately 150 pieces of legislation each year, necessitating hundreds of bill analyses and up to 100 enrolled bill reports that must be individually acted upon consistent with legislative deadlines and procedures. Each bill requires the CEA to engage with boards and bureaus and the GO on internal policy discussions, stakeholder and sponsor meetings with the Author, policy direction and feedback on technical assistance, and proposed amendments, and recommendations on the bill that must be approved by the Director and are sent to Agency and the GO. Based on this significant workload, it is critical that this position be filled by a CEA who can provide independent oversight and policy direction in the formulation of legislative policy.

The CEA will provide robust oversight and guidance over DCA's legislative portfolios that cover 36 different boards and bureaus, requiring a substantive understanding of the policy areas impacting the DCA legislative portfolio. These efforts will require the CEA to ensure accurate legislative policy communications between boards and bureaus, DCA, Agency, and the GO on administration policy positions on legislative proposals, bill analyses, and enrolled bill reports. The CEA will provide policy input on DCA legislative policy issues, and will have frequent contact with DCA executive leadership, board and bureau executive officers, and other senior staff on formulating and operationalizing legislative policy. Moreover, the CEA will be responsible for directly negotiating policy positions, legislative amendments, and represent DCA in meetings with members of the Legislature, legislative staff, and stakeholders.

### LEGISLATIVE REPORTS

Since DCA represents consumer interests, the Deputy Director or the CEA would be tasked with researching and making recommendations on important policy issues posed by the Legislature and Governor. It is the Division's role to research and prepare any policy reports in these cases. An example is the Division's report on behalf of the DCA regarding the applicability of military experience among its various licensing programs. The Division prepares testimony for the Director and reports to the Legislature submitted under the Directorate signature. The Division also provides extensive assistance to boards and bureaus in the sunset review process. For Bureaus, the Division meets with Bureaus throughout the process, reviews and edits their sunset reports, shepherds the reports through the review process, drafts testimony for the bureau chief and the Director. The CEA would take the lead on sunset. For Boards the Division offers a meeting to go over the process with legislative staff, prepares sunset fact sheets, and prepares mock hearing questions and holds mock hearings. Again, the CEA would take the lead on these items.

### ASSIST BOARDS AND BUREAUS

The Division serves as the DCA's first point of contact for programs on policy-related issues. There are numerous situations in which the Division assists programs including: appointee confirmation, bill proposal review, sunset review assistance, and resolution of various policy issues. This role is most critical for the bureaus as they cannot represent themselves to the Legislature without approval from the DCA, although many of the boards take advantage of the Division's expertise on policy issues as well. The type of assistance can be anything from regulation planning and drafting, to bill proposal framing, to assistance in a meeting of stakeholders on a policy issue.

The CEA will be responsible for assisting the Deputy Director in ensuring new legislation relating to DCA's board and bureaus has been properly reviewed and analyzed for consistency with DCA's mission and goals regarding consumer protection and safety. This currently involves oversight of 36 Boards, Bureaus, Commission, and Committee under the DCA's purview.

The CEA will assist with developing legislative recommendations for the Administration, drafting language, and working with Agency, the GO, the Legislature, staff, and stakeholders to successfully identify, draft, and implement new legislation. An example of specific legislation in which the CEA played a vital role previously was in the creation of the licensing and enforcement regulatory structure for DCA's most recent addition (now its own department), the Bureau of Medical Cannabis Regulation. This policy area is particularly sensitive and it was critical that DCA administer provisions of the Medical Marijuana Regulation and Safety Act in a manner consistent with its mandate of consumer protection while balancing both economic and health and safety interests of the State.

### **C. ROLE IN POLICY INFLUENCE (continued)**

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

The CEA will have broad decision-making authority in the development, implementation, and evaluation of DCA's legislative direction pertaining to the DCA's overall mission, including responsibility to evaluate, advise, and provide assistance to the Director, Chief Deputy Director, Deputy Director, Agency and the GO. The CEA will participate in meetings, hearings, or be involved in other activities related to issues concerning DCA's boards and bureaus and/or mission. The CEA will also have frequent contacts with the DCA Director, Chief Deputy Director, DCA Deputy Directors, DCA board and bureau executives, the Legislature and their staff, Agency, the GO, and the public.

The CEA will function as a top administrative advisor to the Deputy Director, Director, Chief Deputy Director on issues relating to the Division. This position will be responsible for assisting the Deputy Director in implementing legislation through policy formulation and program development. The CEA makes independent decisions on a myriad of time-sensitive requests and determines items to be elevated to the Deputy Director, DCA leadership, Agency and the GO.

The CEA reviews and helps finalize legislative analyses, enrolled bill reports, legislative proposals, and legislative reports, impacting the statutory mandates and priorities of DCA and its 36 boards and bureaus.

The CEA briefs the Deputy Director, Chief Deputy Director, the Director, and Agency on priority legislation, inclusive of providing recommendations for legislative policy development and negotiations on sensitive topics involving the Legislature, Legislative Analyst's Office, and external stakeholders.

Develops comprehensive legislative processes and deadlines for the staff in the Legislative Affairs Division, consistent with legislative and internal administration timelines and processes.

Represents the Deputy Director in meetings with the Legislature, legislative staff, stakeholders, and Executive Leadership.

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

Yes, the CEA will be responsible for developing new policy by providing both procedural and substantive guidance and strategy in furtherance of Administration policy positions on legislative proposals, bill analyses, and enrolled bill reports. This work will be accomplished under the CEA's leadership and decision-making authority spanning DCA's 36 boards and bureaus. The CEA will also provide advice, recommendations, and guidance to DCA's Executive Office, Agency and the GO and will work in conjunction with them and other outside state and local governments to accomplish the policy goals and objectives of DCA.