

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

October 9, 2020

2. Department

Consumer Affairs

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

Executive Office

4. CEA Position Title

Compliance Officer

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

The Department of Consumer Affairs (DCA) proposes to establish a Compliance Officer (CO) who will be responsible for formulating departmental quality assurances and improvement, and risk management policies and implementation strategies to enhance monitoring and accountability, in order to strengthen consumer protection, pursuant to Business and Professions Code sections 109,110, 116, and 153. The CO will serve as a Special Advisor to the DCA Director, departmental, and program leadership on all issues and trends related to quality improvement components and on new or existing risks that have program and/or department-wide implications.

6. Reports to: (Class Title/Level)

Chief Deputy Director / Exempt Level E

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 Compliance Officer (CO) will serve as a Special Advisor and in a specialist capacity, and be responsible for policy formulation and implementation of a department-wide quality improvement program, and direct the development and implementation of various department-wide components related to quality improvement measures such as: performance improvement; quality assurance; incident management; risk management; and regulatory compliance.

The CO will be a high-level escalation point between the department and all of DCA programs, divisions, bureaus and semi-autonomous boards, committee and commission (programs) to plan and direct department-wide quality assurance measures and advance risk management efforts. The CO will have the authority to re-prioritize organizational issues, risks, and areas of focus, as well as assign resources based upon organization or consumer impact.

The CO will provide policy direction, advise and consult with executive and program leadership as it relates to identified organizational development needs, improvements, and organizational quality improvement measures. The CO will provide direction to outside consultants in the management of department-wide organizational efforts.

The CO will develop and implement sensitive and complex policies and procedures to ensure the successful delivery of improvement plans addressing organizational structure, related management strategies, and associated challenges, in an effort to manage and mitigate high-risk organizational matters.

The CO will consult with department and program executive leaders, managers and staff to provide best practice methods to implement improvement plan(s).

The CO will plan, organize and direct all activities associated with a department-wide organizational assessment, including identifying policy recommendations, addressing DCA's statutory responsibilities, and the prioritization of corresponding workload.

The CO will identify appropriate partnerships within programs where there are interdependencies and opportunities for synergy.

The CO will provide objective observations and recommendations regarding DCA and/or program processes, projects and program interdependencies, and challenges.

The CO will assess reaction to internal strategies and both strategic and tactical organizational change.

The CO will create an adaptive organizational culture which reinforces continuous learning, supports collaboration with stakeholders, and delivers quality services. The CO represents DCA before the Legislature and numerous statewide organizations in all matters related to this effort.

The CO will provide advice and make recommendations to the Director or Chief Deputy Director to implement department-wide and/or program specific improvements that may have significant impact on all or some DCA programs.

The CO will design, develop, facilitate and evaluate workshops necessary to ensure the successful implementation of DCA management strategies to meet its mission and development needs.

The CO will serve as a member of the Policy Review Committee and ensure all DCA programs' interests are represented.

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: DCA's mission is to protect California consumers by providing a safe and fair marketplace through oversight, enforcement, and licensure of professions. The CO will play a vital role in helping internal and external stakeholders continuously improve consumer-focused operations. The CO will create accountability, transparency, effectiveness, efficiency, and risk management by independently reviewing key business areas to help ensure compliance. The CO will monitor compliance with department policy, and pro-actively resolve internal and external stakeholder obstacles enabling the department of meeting its overall mission of consumer protection.

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.

State departments are increasingly placing more emphasis on taking necessary measures to ensure compliance and risk management matters are adhered to, addressed quickly and consistently. Heightened leadership, policy coordination and communication are essential to the effective and efficient performance of these critical functions within all DCA and its programs.

In the past couple of years with certain high-level and sensitive matters arising from the various programs under DCA's purview, it has become apparent that a high-level executive position is required to expand, implement, and monitor measures to more effectively support DCA's organization as well as its compliance and risk objectives.

Due to DCA's unique reporting structure, there has never been a dedicated DCA executive staff to develop DCA wide policies and procedures for quality improvement and identifying statewide strategies to implement and facilitate resolution on issues that may have department-wide implications.

Focus, tracking and resolution of these issues are typically handled in-house by program personnel with only high-level overview by DCA. There is no department-wide direct oversight and analysis of issues which leaves DCA and other programs vulnerable to repeated findings and citations. This was apparent during a recent Bureau of State Audits report (I2020-0027) involving one of DCA's program.

Additionally, each year, the Assembly Business and Professions Committee and the Senate Business, Professions, and Economic Development Committee hold joint sunset review oversight hearings to review DCA programs. The sunset review process provides an opportunity for the DCA, the Legislature, the programs, interested parties and stakeholders to discuss the performance of the programs, and make recommendations for improvements. This position will play an integral role partaking in these reviews and hearings in order promulgate department-wide policies and procedures for quality improvement and risk management measures to ensure programs have successful reviews.

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.

As a result of a Bureau of State Audits report (12020-0027) it is anticipated that department-wide policies will need to be developed and implemented to ensure accurate and appropriate action is taken by DCA programs when directed and required by a controlling entity. This will require the CO to serve in a policy influencing capacity with all programs related to compliance and proper reporting.

The CO will play an integral role partaking in Sunset reviews and promulgate department-wide policies and procedures for quality improvement and risk management measures to conform with hearing requirements and to ensure programs have successful reviews.

As a member of the Policy Review Committee, the CO will represent the DCA Director and the department's interests in the development, review, and implementation of department-wide policies. Some policies are per directives of control agencies that require compliance from all DCA programs (for example, the creation of the 2018 Employee Leave Management policy that was applicable department-wide to all employees).

C. ROLE IN POLICY INFLUENCE (continued)

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

The CO will have a significant role in the development, implementation, and evaluation of DCA program policies, and program direction pertaining to the department's overall mission, including responsibility to recommend, advise, and provide advise and guidance to the Executive Office.

The scope of the decision making authority is broad, sensitive, and impacts numerous stakeholders. The breadth of decision making authority spans all regulated consumer industries and divisions and programs across the DCA, including but not limited to public safety, consumer protection, and regulatory oversight.

Additionally, the CO will have full responsibility and independent decision making authority for the development, implementation, and modification of policies, laws, rules, and regulations related to programs' operations.

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

The CO will be responsible for the development, interpretation, and implementation of new policies, as well as revising, interpreting, and implementing existing policies based on current trends in the consumer protection system.

The CO will review and recommend policies with department-wide or statewide impact, either submitted by departmental programs, mandated by control agencies, or developed by PRC members. No policy shall take effect unless it has been submitted to and reviewed by the PRC.