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

<table>
<thead>
<tr>
<th>1. Date</th>
<th>2. Department</th>
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<tr>
<td>11/10/2021</td>
<td>Department of Fair Employment &amp; Housing (DFEH)</td>
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3. Organizational Placement (Division/Branch/Office Name)

Executive Programs Division

4. CEA Position Title

Outreach & Education Coordinator / CEA Level B

5. Summary of proposed position description and how it relates to the program's mission or purpose.

(2-3 sentences)

Under the general direction of the Deputy Director of the Executive Programs Division, this Career Executive Assignment (CEA) in the Outreach and Education Unit sets the policies and procedures for the department's education and outreach program against hate violence and other forms of bias and oversees the development, implementation, and evaluation of a Statewide Hate Violence Hotline and other resources for victims of bias, and will be responsible for administration of the $10 million appropriation to fund this resource.

6. Reports to: (Class Title/Level)

Deputy Director of Executive Programs / Appointed

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): Reports to Deputy Director of Executive Programs Division (appointed) and sets the policies and procedures for the department's education and outreach program against hate violence and other forms of bias and provides oversight, development, implementation, and evaluation of a Statewide Hate Violence Hotline.

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 general direction of the Deputy Director of the Executive Programs Division, this Career Executive Assignment (CEA) sets the policies and procedures for the department’s education and outreach program against hate violence and other forms of bias, and oversees the development, implementation, and evaluation of a Statewide Hate Violence Hotline and other resources for victims of bias.

Set the policies and procedures for the department’s education and outreach program against hate violence and other forms of bias. Develop the Statewide Hate Violence Hotline as well as trainings, guides, presentations, and other resources for victims of bias (collectively, “other resources”). Identify and analyze areas of need compared to existing resources, stakeholder input, data on populations most affected by bias-motivated violence and other relevant research, potential for impact, and other relevant information. Develop partnerships with other agencies and organizations to identify and implement joint projects that meet mutual goals. With respect to the Statewide Hate Violence Hotline, this also includes developing an effective request for proposals (RFP), conducting outreach to advertise the RFP and encourage the submission of responsive proposals, responding to questions about the RFP, and evaluating the proposals according to established criteria.

Implement the policies and procedures for the department’s education and outreach program against hate violence and other forms of bias. Implement the Statewide Hate Violence Hotline and other resources for victims of bias. Identify education and outreach opportunities. Conduct trainings and presentations for a variety of audiences. Engage with other agencies and stakeholder groups as a representative of the department. Implement budget plans to ensure cost-effective use of funding. Review and approve procurement/contract documents. With respect to the Statewide Hate Violence Hotline, this also includes working closely with the selected bidder or bidders to ensure: the proposal(s) are implemented according to the department’s goals and policies, relevant standards are created and followed, effective and culturally-competent resources and services within and outside government are identified for sharing with victims of bias, and relevant hotline data are accurately collected and stored.

Evaluate the policies and procedures for the department’s education and outreach program against hate violence and other forms of bias, and amend those policies and procedures as needed. Evaluate the Statewide Hate Violence Hotline and other resources for victims of bias. Establish and track performance measures. Collect and analyze relevant feedback and data to determine effectiveness. Promptly make any necessary or advisable changes so that the program achieves its goals and is cost-effective. Report on the program’s activities and impact to DFEH leadership, the Business, Consumer Services and Housing Agency, the Governor’s Office, the Legislature, and other external stakeholders.

Participate in other education and outreach activities of the department, as well as departmental, divisional, and unit meetings and trainings.

Develop and maintain expertise on the laws enforced by the department, departmental procedure and operations, and best practices within the field of education and outreach. Analyze recent court decisions, legislation, and regulations, participate in trainings, and review academic and professional literature. Provide expertise within the department and to other California state departments and agencies.
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.

- [x] 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 Department of Fair Employment and Housing (DFEH) receives, investigates, conciliates, mediates, and prosecutes complaints of alleged violations of the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, Ralph Civil Rights Act, the California Trafficking Victims Protection Act, and Government Code section 11135 (prohibiting discrimination in all state-funded activities and programs). The DFEH also meets its statutory obligations by educating employers, businesses, housing providers, and the public as to their rights and responsibilities under the civil rights statutes enforced by DFEH and by affirmatively investigating discriminatory practices within the State in accordance with its statutory mandate “to eliminate discrimination in California.”

At the core of the department’s mission is the mandate to provide thorough, timely, and fair investigations of discrimination complaints received from the public. When the department finds a complaint has merit, the FEHA requires that DFEH file a civil complaint within 365 days from the date the complaint was filed. The DFEH Executive Programs Division is charged with education and outreach regarding the department's programs in an attempt to prevent new cases. The establishment and management of a statewide hate violence hotline is intended to provide resources and support to individuals who have experienced or witnessed a hate crime and to collect and report information on the date, location and circumstances regarding these incidents. Thorough, timely, and fair resolution of complaints provides just outcomes for individuals and businesses, serves the business community by reducing the risk of litigation, and supports a social and economic landscape in California that is free of discrimination, retaliation, and harassment.
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.

SB 170 (chaptered September 23, 2021) appropriated $10,000,000 to DFEH for the administration and implementation of a Statewide Hate Crime Hotline with funds available for encumbrance and expenditure until June 30, 2025. DFEH lacks existing resources to manage a program of this type, size and length without additional support.

Existing law defines “hate crime” as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. According to recent data from the Southern Poverty Law Center, there are more than 72 hate groups currently operating in California, which is the highest number in the country. Recent data from the Department of Justice shows that over 1,300 hate crimes were reported in 2020. The data also shows that in 2020, total hate crime events increased by 31 percent and hate crimes involving a racial bias overall increased 67.3 percent. Anti-Asian rhetoric surrounding the COVID-19 pandemic has led to a spike in verbal and physical assaults against Asian Americans beginning in 2020. According to Stop AAPI Hate, over 9,000 anti-Asian hate incidents occurred nationwide from March 19, 2020, to June 30, 2021, with over 3,500 of those occurring in California. Many communities lack sufficient trust in local authorities to report hate crimes or hate incidents. A statewide hotline may create an important safe space to report a hate crime or incident.

Each year the number of complaints submitted and accepted by the Department goes up; in 2018 DFEH received 27,840 complaints with 5,395 investigations opened and in 2019 DFEH received 28,739 complaints with 6,600 investigations opened; in 2020, DFEH received 28,897 complaints, with 7,235 open investigative cases. The growth of the program is attributed to heightened media focus on high profile sexual harassment allegations as the #MeToo Movement has increased awareness and new laws passed by the California Legislature increasing civil rights protections such as the Fair Chance Act (AB 1008), the CROWN Act (SB 188), and the SHARE Act (AB 9) which extended the statute of limitations to file an employment discrimination complaint from 1 to 3 years. At this time, the Department plays a more critical role in civil rights enforcement than ever. This transformative moment leaves the Department as one of the only options available for strategic enforcement actions. Targeting resources to areas in which the federal government and the private bar are less capable of prosecuting, such as systemic litigation and strategic enforcement, is the current priority of many state and local government enforcement agencies. Without that shift, Californians will be more vulnerable to civil rights violations.

DFEH's strategic vision is a California free of discrimination. As the volume of complaints trends up, efforts to prevent discrimination must be strategic, targeted, and forward looking. The Executive Programs Division and the department have grown to meet this challenge. DFEH added 36.7 positions in FY 2020-21 and an additional 32 positions in FY 2021-22. Over these two fiscal years, the Executive Programs Division added 12 additional positions for an 85% growth rate alone in order to support its workloads, and to support additional complaints generated by new laws. These include Senate Bill (SB) 329, which prohibits landlords from asking tenants about their "source of income" to prevent housing discrimination, SB 973, which required DFEH to create an additional online portal and allow employers of 100 or more employees to submit pay data to the department annually in order to identify wage patterns and allow for targeted enforcement of equal pay or discrimination laws, SB 1383 and AB 1033, which expanded the California Family Rights (CFRA) Act and a small employer family leave mediation pilot program, and the creation of fair housing testing programs during the COVID pandemic.

Due to these ever-increasing staffing levels, new state laws, additional programs, DFEH requests approval for a new CEA designation Level B at $12,903 monthly, and a corresponding increase in the department's spending cap.
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) Stakeholder Identification & Outreach Policy
This CEA position will serve as the principal policy maker for the department's education and outreach program against hate violence and other forms of bias. It will establish policies to identify and analyze areas of need compared to existing resources, stakeholder input, data on populations most affected by bias-motivated violence and other relevant research, potential for impact, and other relevant information. It will also develop partnerships with other agencies and organizations to identify and implement joint projects that meet mutual goals.

2) Statewide Hate Violence Hotline Policy
The CEA will also develop policies and procedures to envision, implement and evaluate a Statewide Hate Violence Hotline as well as trainings, guides, presentations, and other resources for victims of bias. This includes serving as the contract manager for any agreements associated with the hotline or any other hate crime resources, developing effective requests for proposal (RFP) or requests for offer (RFO), conducting outreach to advertise these agreements and encouraging the submission of responsive proposals, responding to questions about them, and evaluating the proposals and contract work according to established criteria, then adjusting and updating policies to ensure compliance.

3) Policy & Program Evaluation/Appropriation Expenditures & Tracking
The CEA will establish policy to oversee the $10 million appropriation and associated expenditures for a Statewide Hate Violence Hotline, assisting with implementing budget plans to ensure cost-effective use of funding, ensuring relevant standards are created and followed, that effective and culturally-competent resources and services within and outside government are identified for sharing with victims of bias, and relevant hotline data are accurately collected and stored. This also includes reviewing and approving invoices and tracking expenditures, establishing and tracking program and vendor performance measures, collecting and analyzing relevant feedback and data to determine effectiveness, and promptly making any necessary or advisable policy and procedural changes so that the program achieves its goals and remains cost-effective.
C. ROLE IN POLICY INFLUENCE (continued)

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

The CEA will serve as the department's premier hate crime outreach policy expert and maintain decision-making authority in consultation with the Deputy Director of Executive Programs, DFEH Director and Chief Deputy Director over all aspects of their program.

The position will interact with stakeholder groups statewide to establish policy for this new program area, identify and analyze areas of need and the best possible solutions to address them, manage funds with transparency and integrity, solicit and assess contractor proposals and services, and evaluate program performance and community benefits.

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

Yes, the CEA position will be developing and implementing new policy, and interpreting and implementing existing policy, especially interacting with statewide stakeholders and managing program funding for the department. The incumbent must gain an understanding of existing policies and business procedures that impact the DFEH Executive Programs Division and all of the regulations that relate to the case types that their team will be responsible for. They must also be aware of new laws that have been passed and that are being proposed by the California Legislature. They would work with the Department's Executive Team, their peers and staff in other Divisions (Dispute Resolution, Legal, Enforcement, Information Technology and Administration), and their team members (staff and subordinate supervisors) to establish the best policies for the department. The incumbent must also be forward looking and be aware of what's on the horizon to ensure they are creating policies and procedures that are easily updated.