

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

8/10/2020

2. Department

Health Care Services

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

Human Resources Branch, Administration Division

4. CEA Position Title

Chief, Human Resources Branch

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

The Chief, Human Resources Branch (HRB), DHCS, has full responsibility for developing policies and has decision-making authority in executing human resources activities in support of the overall mission, objectives, organizational plan and strategic direction of the Department of Health Care Services (DHCS/ Department). Under the administrative direction of the Deputy Director (DD), Administration Division, the Chief, HRB, oversees all aspects of human resources management, policies, practices and operations. In addition, the Chief, HRB, provides strategic support and expert guidance to, and in partnership with, the Director's Office, DHCS, and the DHCS Executive Management Team, while ensuring adherence and compliance with the State of California's civil service rules and regulations.

6. Reports to: (Class Title/Level)

Deputy Director, Administration Division

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.

Under administrative direction of the DD, Administration Division, the Chief, HRB, is responsible for the development of human resources policies and has decision-making authority in executing human resources activities in support of DHCS' overall mission, objectives, and organizational plan. The Chief, HRB, leads all aspects of human resources management, policies, practices and operations; and, directs an interdisciplinary staff of managers, supervisors, analysts, specialists, and technicians to effectively and efficiently accomplish DHCS' human resources functions. These functions include all facets of: 1) the recruitment and hiring process (selection and certification, classification, CEA and Exempt appointments); 2) maintaining a qualified workforce (performance management and human resources-related training); and, 3) fostering a healthy, positive work environment (labor relations, payroll and benefits, disability leaves/workers' compensation, and health and safety).

The complexity and sensitivity of HRB's functions are attributable to the Department's structure, consisting of approximately 48 programs that utilize over 168 classifications and represented by ten bargaining units (BUs). Specifically, the Chief, HRB, will perform the following duties and responsibilities:

- Administers DHCS' human resources programs and services through the development, implementation, and enforcement of applicable policies and procedures in compliance with state and federal statutes and control agency directives.
- Formulates, revises, and approves personnel policies that are consistent with mandates imposed by control agencies to ensure compliance with merit principles and civil service laws and rules for hiring, promoting, and retaining qualified individuals.
- Develops and executes DHCS' health and safety policies and programs, to protect employees and members of the public from acts of violence, threats, and intimidation which may occur at DHCS, during the performance of their state duties.
- Establishes and reviews all policies and procedures pertaining to all HRB programs and services.
- Establishes and implements short and long-term departmental human resources organizational goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; provides strategic planning resulting in the evaluation and implementation of continuous process improvement; and, makes changes required for improvement.
- Advises and provides expert level advice and consultation to the DD, Administration Division, as well as the DHCS Executive Management Team, regarding human resources matters.
- Serves as the Department's high-level contact for highly complex and sensitive issues involving personnel actions, health and safety, labor relations, and workers' compensation.
- Represents the Department in human resources-related matters with the DHCS Executive Management Team, state departments and agencies (e.g., California Health and Human Services Agency, California Department of Human Resources (CalHR), State Personnel Board (SPB), California Public Employees' Retirement System (CalPERS), State Controller's Office (SCO), Department of Labor (DOL), Department of Industrial Relations), labor unions, and other public and private organizations.
- Responds to legislative, special interest group, and control agencies concerns regarding departmental human resources policies and priorities. Represents the DD, Administration Division, at meetings, conferences, hearings, etc., 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: The mission of DHCS is to provide Californians with access to affordable, integrated, high-quality health care, including medical, dental, mental health, substance use treatment services and long-term care. HRB is responsible for setting effective and efficient policy for the delivery of human resources services to ensure the Department is able to recruit, hire, train, and retain employees. DHCS has approximately 4,000 employees in their diverse workforce consisting of health, legal, law enforcement, administrative, and other professionals who are critical in administering DHCS' largest program, Medi-Cal. Therefore, HRB's role is critical to DHCS' ongoing operations and the ability to meet its primary mission of providing vital health care services to over 13 million (or one in three) Californians.

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 Chief, HRB, was established as a CEA Level II, in July 2008 (currently, a CEA Level A as a result of CalHR's consolidation of the CEA levels). Since the initial establishment of the Chief, HRB, the Department has grown exponentially. Since 2008, the number of DHCS' programs and employee count has increased approximately 33 percent. With this growth, the Department's overall policy responsibilities have increased substantially, requiring all programs, including HRB, to work more efficiently and effectively. For example, the Chief, HRB, is currently involved in the development, review, and implementation of DHCS' Telework policy, to provide departmental guidance and meet the Department's operational needs. The subsequent paragraphs highlight the changes to the Chief's, HRB, policy and workload responsibilities, over the past eight years.

Beginning in 2012, the Departments of Mental Health, Managed Risk Medical Insurance Board, Alcohol and Drug Programs, the California Medical Assistance Commission, and a few programs from the California Department of Public Health (CDPH), were transitioned to DHCS. Not only programmatic functions, but approximately 600 positions transitioned. Over the years, the Chief, HRB, has assisted multiple DHCS divisions in integrating these programs into the Department. The Chief, HRB, has worked across departmental divisions, to ensure the consistent and uniform policy application in addition to successful and timely implementation. This required the Chief, HRB, to attend multiple meetings with program leadership and DHCS' Executive Management Team to provide guidance on structural changes and coordinate messaging to employees and to the labor unions.

In March 2014, DHCS was given delegated authority from CalHR for the following program areas: CEA, Exceptional Allocation, and Unlawful Appointment Investigation. This enhanced responsibility gave the Chief, HRB, increased authority to make decisions on requests, from DHCS' Division Chiefs, which fall into the aforementioned program areas. If the Chief, HRB, incorrectly approves the requests, CalHR may impose a corrective action plan or cancel the Department's delegation agreement. DHCS has consistently maintained delegated authority for the past six years and continues their delegation through June 31, 2021.

In 2016, the Chief, HRB, identified the need to provide department-wide human resources training. With the steady annual growth in staffing, the Chief, HRB, recognized an opportunity to educate the workforce; therefore, HRB staff developed and implemented training classes for departmental employees, primarily supervisors and managers. The ongoing training focuses on HRB topics, which are in accordance with the applicable laws, regulations, and state control agency and DHCS policies. Training is not a static function. Currently, HRB staff are developing online training through e-learning programs and webinars as the workforce has moved to a telework environment, due to coronavirus disease 2019 (COVID-19).

As of March 2020, the Chief, HRB, has been working closely with the DHCS Executive Management Team due to the state of emergency with COVID-19. The Chief, HRB, provides consultation and expert level advice to the DD, Administration Division, and the Chief Deputy Director, Policy and Program Support, on department-wide COVID-19 communications. The Chief, HRB, confers with other state departments and agencies (e.g., CDPH, CalHR, Centers for Disease Control and Prevention (CDC), local public health agencies) in developing communication and gathering important facts to ensure the Department is providing appropriate direction and messaging. As the primary communicator for the Department for COVID-19, the Chief, HRB, has the responsibility to send out communication on critical and sensitive topics related to COVID-19, such as mandatory health screenings; positive COVID-19 test results which impact the workplace; and, notifying employees on new laws and interpretation of policy, such as the Family First Coronavirus Response Act (FFCRA). The Chief, HRB, has also been responsible for multiple redirections of DHCS staff to assist during the pandemic (e.g., Sleep Train Arena (surge hospital), California Connected (contact tracing), and Emergency Medical Services Authority).

In August 2020, the Department's health and safety program transitioned from the Program Support Branch to HRB, as the duties more closely aligned with the responsibilities performed in HRB. The Chief, HRB, is responsible for the Workplace Violence and Bullying Prevention Program; Injury and Illness Prevention Program (IIPP); safety inspections; and, ergonomic evaluations. The addition of these programs significantly increases the policy responsibilities of the Chief, HRB. The IIPP is governed by Title 8 of the California Code of Regulations, Section 3203, which contains the requirements for establishing, implementing and maintaining an effective written IIPP. The Chief, HRB, is responsible for ensuring management and staff are trained and comply with the safe work practices, rules and regulations described in the IIPP. In addition, the Chief, HRB, is responsible for ensuring departmental employees are trained on DHCS' Workplace Violence and Bullying Prevention Policy; and, the Department takes appropriate action to protect, as fully as possible, state employees and members of the public from acts of violence, threats (direct or indirect), and intimidation which may occur at state workplaces, and during the performance of state duties. Additionally, the Chief, HRB, is responsible for policy impacting department-wide ergonomic evaluations and procurement of equipment, in addition to monitoring the Department's health and safety budget.

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 Chief's, HRB, policy role includes, but is not limited to, the following:

HUMAN RESOURCES

The Chief, HRB, serves as the principle policy maker for all human resources services which support DHCS's overall mission, objectives, and organizational plan. The Chief, HRB, oversees all aspects of human resources management, policies, practices and operations, which includes compliance with Government Code (GC), Labor Code, Health and Safety Code, federal and state laws, CalHR and SPB rules, SCO business practices, and BU agreements.

The Chief's, HRB, vast responsibility is to ensure all areas of human resources are in compliance with applicable laws, rules, and regulations and implemented consistently department-wide. For example, the Chief, HRB, is charged with ensuring the Department's selection process is a merit-based system in accordance with SPB policies and civil service laws and rules. The State's merit system requires that individuals hired into and promoted within the civil service are selected on the basis of their job-related qualifications and that such selection decisions are free of illegal discrimination and political patronage. If DHCS fails to adhere to the State's civil service laws and/or violate the merit principle, the Department may be subject to actions by SPB which may include one of more of the following: withdrawal of the Department's testing delegation; mandated formal quality assurance audits of departmental testing practices and selection processes; correction or nullification of an examination which utilized non-job related criteria; voiding eligible lists established on the basis of non-meritorious, non-job-related criteria; and, voiding of any appointment to the civil service which was not made and/or accepted on the basis of good faith, as defined by SPB regulation. In addition, failure to execute the selection process appropriately may result in the Department receiving Merit Issue Complaints (MICs), grievances, and reporting unlawful appointments to CalHR. Furthermore, it is critical the Chief, HRB, take the necessary action and remedial measures following identification of violations of merit selection policies and processes to protect the Department from lawsuits such as discrimination and harassment, and unwanted media attention which may impact the Department's credibility.

HEALTH AND SAFETY

The Chief, HRB, serves as the principle policy maker for the Department's Health and Safety program to ensure compliance with federal and state occupational health and safety laws and regulations, including California Occupational Safety and Health Administration (Cal/OSHA) requirements. The Chief, HRB, is responsible for the Work Place Violence and Bullying Prevention Program; IIPP; safety inspections; and, ergonomic evaluations.

The IIPP is governed by Title 8 of the California Code of Regulations, Section 3203, which contains the requirements for establishing, implementing and maintaining an effective written IIPP. The Chief, HRB, is responsible for ensuring management and staff are trained and comply with the safe work practices, rules and regulations described in the IIPP. Additionally, the Chief, HRB, must ensure DHCS has an active and effective IIPP, especially in the event Cal/OSHA investigates a complaint concerning a workplace hazard. If a complaint is filed, Cal/OSHA may make an unannounced onsite visit to inspect the area of concern. Cal/OSHA may require a written response to the issue and request departmental documentation such as IIPP training records, and injury and illness records. If Title 8 regulation violations are found, it may result in Cal/OSHA issuing a citation(s) and/or monetary penalties to the Department. Further, negative outcomes of a Cal/OSHA complaint may require the Chief, HRB, to review the IIPP and update the policy to ensure the safety of DHCS employees and to reduce the Department's liability.

STATE OF EMERGENCY

The Chief, HRB, works closely with the DHCS Executive Management Team during state of emergencies, by providing consultation and expert level advice to the DD, Administration Division, and the Chief Deputy Director, Policy and Program Support, on all human resources matters.

The Chief's, HRB, involvement is critical during state of emergencies. The delivery of human resources services is critical to DHCS' operations to ensure the Department has the personnel resources to meet its ability to provide health care to Medi-Cal beneficiaries. During the COVID-19 pandemic, the Chief, HRB, has been responsible for department-wide COVID-19 communications. The Chief, HRB, confers with other state departments and agencies (e.g., CDPH, CalHR, CDC) in developing communication and gathering important facts to ensure the Department is providing appropriate direction and messaging. As the primary communicator for the Department for COVID-19, the Chief, HRB, has the responsibility to send out communication on critical and sensitive topics related to COVID-19, such as mandatory health screenings; positive COVID-19 test results which impact the workplace; and, notifying employees on new laws, such as the FFCRA. The Chief, HRB, has also been responsible for multiple redirections of DHCS staff to assist during the pandemic (e.g., Sleep Train Arena (surge hospital), California Connected (contact tracing), and Emergency Medical Services Authority).

Further, state of emergencies result in the Chief, HRB, establishing new policies or revising existing policies. For example, due to the COVID-19 pandemic, the Governor's Office has asked state departments to maintain at least 75 percent of their staff teleworking. Currently, the Chief, HRB, is involved in the development, review, and implementation of DHCS' Telework policy, to provide departmental guidance and meet the Department's operational needs. Once the Telework policy is vetted through the Directorate, labor relations will be required to notice the BUs.

C. ROLE IN POLICY INFLUENCE (continued)

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

The Chief, HRB, is responsible for all aforementioned human resources functions and has full decision-making authority in the development and execution of human resources policies to support DHCS' overall mission, objectives, and organizational plan. The Chief, HRB, formulates and administers human resources policies, procedures and practices in compliance with state and federal statutes and control agency directives.

The Chief, HRB, has a significant role in policy identification, with influence and decision-making responsibility for the human resources programs. With this oversight and responsibility, the Chief, HRB, ensures DHCS examines, develops, and maintains a knowledgeable and professional work force to support the Department's mission. As a member of DHCS' Executive Management Team, the Chief, HRB, provides top-level advisory service in developing, interpreting, and administering personnel-related laws, rules, labor contracts, policies and procedures. The Chief, HRB, identifies appropriate action following the identification of misconduct and policy compliance violations which result in policy changes throughout DHCS or the impacted program area, while ensuring adherence and compliance with state civil service rules and regulations.

The Chief, HRB, represents the Department in human resources matters with state and federal agencies on a variety of personnel-related issues. The Chief, HRB, has the authority to settle personnel matters (e.g., Notices of Adverse Actions (NOAA), Rejections on Probation, Absent Without Leave Separations, stipulated agreements for workers' compensation claims, MICs, workplace violence allegations, grievances, etc.), often working in consultation with DHCS' Office of Legal Services (OLS). The Chief, HRB, is consulted on Superior Court cases resulting from employee issues, and has been identified as a witness for policy interpretation, in these cases. In addition, the Chief, HRB, responds to all control agency audits concerning human resources matters, establishes policy arising out of said audits, provides departmental authorization for Administrative Time Off, and reviews all departmental policies impacting employees as the Department is required to notice applicable unions.

The Chief, HRB, acts on behalf of the DD, Administration Division, in their absence and has the same level of authority when needed.

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

The Chief, HRB, will maintain authority and responsibility for managing existing human resources policy, as well as developing implementing, operationalizing, and evaluating new policy resulting from state and federal legislation, regulations and other policy influencing drivers such as new and/or updated control agencies policies and procedures. This includes implementing and noticing departmental employees on newly negotiated BU agreements, and formulating and implementing risk mitigation strategies for DHCS' IIPP to ensure compliance with workplace protection and safety requirements.