

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

12/15/2023

2. Department

Department of Industrial Relations

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

Office of the Director

4. CEA Position Title

Special Policy Advisor

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

The Special Policy Advisor consults with, advises, and assists the Director, CDD, and other Department executives in anticipating, identifying, and analyzing issues relevant to various policy issues and works to facilitate the departments' creation and implementation of various policies and programs. The incumbent facilitates discussions with programs on emergent policy issues and is expected to work closely with Legislative and Regulatory Deputy Director, the Directors' Legal Counsel and other key executive team members. The incumbent works directly with the Labor and Workforce Agency ('Agency') and DIR divisions and programs and various stakeholders to consider and formulate and implement policy priorities.

6. Reports to: (Class Title/Level)

Director and Chief Deputy Director

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.

#### Implementation Oversight

Manage department-wide, cross-functional implementation efforts to ensure that newly passed laws are fully enacted. This will include leading and facilitating working groups for high profile, especially complex, or cross-departmental policies with enforcement, legal, legislative, and external affairs staff to define the scope and develop implementation plans that include identifying and scheduling milestones, assigning roles and responsibilities, and facilitating opportunities for collaboration and engagement with internal and external stakeholders. Track division and program implementation efforts to ensure successful completion of milestone, and regularly brief the Director and Chief Deputy Director on progress, as well as advise on solutions when potential challenges or obstacles arise that may hamper progress. Collaborate with Deputy Director of External Affairs, Deputy Director of Legislative and Regulatory Affairs and Division leadership on communications and outreach strategies for external inquiries from the press and/or legislature on implementation efforts.

#### Policy Development, Evaluation and Analysis

Anticipate, identify, and analyze issues relevant to various policy issues impacting the department including, but not limited to: wage and hour, paid leave, retaliation, workplace health and safety, and worker's compensation. Conduct independent research on policies, programs, and approaches related to labor laws, including a comparative evaluation of strategies implemented on an international or local level. Prepare reports, presentations, and issue briefs including background information and key findings to DIR and Agency leadership. Provide recommendations to the Director and Chief Deputy Director and then develops and leads departmental policy agenda implementation efforts including future policy and legislative changes to improve the health and economic well-being of California workers.

#### Advisory and Oversight Committee Policy Development and Implementation

Develop policies and procedures that outline member selection, onboarding, content, facilitation expectations, public posting and notification and language access requirements. Develop a process to identify and recommend advisory members to the Director and Chief Deputy Director, ensuring geographic and demographic diversity. Manage and organize advisory committees related to recently passed legislation to offer a forum for external and internal stakeholders to communicate perspectives, share expertise, and suggest opportunities for improvement. Clarify purpose and legislatively mandated deliverables to develop. Collaborate with relevant DIR Division leadership to develop meeting agendas and create presentations or materials to provide advisory committee members with relevant background on DIR programs and operations. Convene and facilitate advisory committee meetings to ensure accessibility and in accordance with the Bagley-Keene Act.

#### Special Projects and Stakeholder Engagement

Participate in the development of the Department's strategic plan and its business plan initiatives; develop strategies to implement the goals and objectives of the Department's strategic plan related to policy analysis, evaluation, and implementation in consultation with Division leadership. Collaborate with the Agency Deputy Secretary of Evaluation to define the scope and evaluate the effectiveness of the Department's policy and enforcement programs.

Cultivate, maintain, and grow a positive working relationship with local, state, and federal agency personnel to further protect and improve the well-being of workers in California. This includes other Agency departments, as well as with other agencies and departments such as Department of Public Health. Provide general direction and serve as a liaison between DIR Division and program units such as the Labor Commissioner's Office, Cal/OSHA, and the Division of Worker's Compensation. Communicate and meet with the offices of elected officials or their staff, and industry/labor stakeholders as needed, and communicate and attend meetings with the Office of the Governor, Agency, and other agencies or officials. Represent the Department and division, and/or support representation of Department and division leaders at priority external forums, events, and networks.

**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 CEA plays a vital role in the department's purpose and mission. As Policy Advisor, the CEA will ensure that the department and its programs properly implement new mandates and evaluate them regularly to ensure that DIR fulfills its strategic goal of continuous improvement and accountability. An important component of this is providing programs with the policies and tools needed to be sure their efforts are comprehensive, but also encourage consistency across the department. DIR's mission is to safeguard the rights of workers and educate employers on their obligations under the labor code, this means being proactive in how we research and evaluate new policies both within California, but also other states and countries to identify strategies, policies, or other approaches to improve not only the protections under Labor Code but also in how we enforce them. The CEA will also play an essential role in ensuring the programs and divisions collaborate on their work, identifying topics that overlap or intersect such as misclassification, extreme heat and other emergency-related hazards, supporting vulnerable populations like farmworkers and indigenous workers, etc.

## **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 scope and responsibility of DIR has expanded significantly over the last decade, but most significantly during the COVID-19 pandemic. The department has been trusted with acting as the steward to several new and important initiatives including newly established advisory committees (five in the last two years alone) to ensure that the perspectives and voices of our external stakeholders are heard. The amount of legislatively mandated reports continues to increase, many of which are ad hoc and focused either on a specific enforcement unit within a division or industry. The department continues to average approximately 1-3 new reporting requirements a year either on a one-time or ongoing basis, and at this time DIR has around 50 reports that it is required to submit on an annual or semi-annual basis. This illustrates a more centralized and streamlined approach for the drafting, review, and finalization of these reports and exploring opportunities not only for consolidation, but inclusion of other metrics in how the departments tracks and measures its impact.

### 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.

**Policy Implementation:** Currently, across the department there are many new laws or budget items that are passed as law or mandates. Historically, the program or divisions have implemented items independently with very little oversight, which has illustrated a need for a department-wide policy and approach to how new laws or mandates are properly enacted through public education, enforcement, and evaluation. The CEA will develop a policy and procedure for how programs should scope, assign resources, develop milestones and tasks such as if there is a need for legal analysis, drafting FAQs or other outreach materials, as well as the training of staff. The CEA will provide guidance and oversight to ensure implementation plan staff stay on task and on time, and will play a vital facilitation role if laws or mandates involve multiple program areas within DIR or other state agencies. For example, the CEA will facilitate implementation efforts for the Fast Food Council (Labor Code Section 1475), which is intended to address wage and hour and health and safety decisions that impact fast food workers across CA.

**Policy Development, Evaluation, and Analysis:** The main way in which the department analyzes and evaluates existing policies and laws is through ad-hoc legislatively mandates reports that vary by program area. This has illustrated a need for a holistic approach to how the department communicates, analyzes, and evaluates its impact. The CEA will develop a policy and procedure for developing a department wide impact report, both in outlining the newest legislative and budgetary mandates, and providing high-level updates on implementation efforts and metrics for evaluation. This can be used to provide important oversight for the CDD and Director, Labor Agency, and external stakeholders. Specifically, this position will participate on the California Heat Study Advisory Committee (Labor Code Section 15562.5), which will recommend a study that addresses prescribed topics relating to data collection, certain economic losses, injuries and illnesses, and methods of minimizing the effect of heat on workers.

**Advisory and Oversight Committees:** Historically, the department would have one or two advisory committees mandated by the legislature almost every year. In the last two years alone, the department has been responsible for selecting membership, developing agenda, facilitating meetings, and ensuring that legislative mandates are met for five new advisory committees, several of which are ongoing. Given this trend, there is a vital need for more structure and policies to be developed and put in place to ensure consistency across the department in how these advisory committees are conducted. Currently, the process has been very ad hoc with limited consistency on vital components such as member onboarding, language access, reimbursements, community Bagley Keene requirements, etc. The CEA would develop an Advisory and Oversight Committee set of policies and guidelines that outlines member selection, onboarding, content, facilitation expectations, public posting and notification and language access requirements. One example of this would be this position's role in the Women in Construction Advisory Committee (Labor Code Section 107.7) where they would make recommendations to advance the DIR Women in Construction priority initiative to increase the number of women and nonbinary California citizens in the field of construction.

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

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

The CEA will exercise the ability to independently make decisions and perform actions having broad implications on varied aspects of DIR's internal as well as public-facing operations, policies, and programs. The CEA will be responsible for the development and maintenance of department-wide policies and procedures as it relates to the department's overall policy implementation practices. The CEA will be responsible for making strategic decisions regarding the policy implementation plans which affects programs and employees within the department, employees statewide, and the vast majority of the public statewide. The CEA will collaborate and consult as an advisor to the Director and Chief Deputy Director. They will be responsible to make recommendations, propose action plans, and render decisions as it relates to aligning the department's goals with the necessary resources. The CEA will be the lead authority in providing instruction, strategic planning and implementation of department-wide policy and procedures.

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

The CEA will be developing and implementing new department-wide policy as it relates to new and existing policy. As Policy Advisor, the CEA will ensure that the department and its programs properly implement new mandates and evaluate them regularly to ensure that DIR fulfills its strategic goal of continuous improvement and accountability. Specifically, the CEA will provide programs with the policies and tools needed to ensure their efforts are comprehensive and that also encourage consistency across the department.