

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

03/15/2024

2. Department

Employment Development Department

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

Policy, Accountability and Compliance Branch

4. CEA Position Title

State Monitor Advocate

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

Under the administrative direction of the Deputy Director, Policy, Accountability and Compliance Branch, the State Monitor Advocate administers, develops, and revises policies that impact the Migrant and Seasonal Farmworkers of California.

6. Reports to: (Class Title/Level)

Deputy Director, Policy, Accountability and Compliance Branch/CEA C

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 the administrative direction of the Deputy Director, Policy, Accountability and Compliance Branch, the State Monitor Advocate administers, develops, and revises policies that impact the Migrant and Seasonal Farmworkers (MSFW) of California.

As the subject matter expert, ensures the needs, concerns, and issues of MSFWs are met. Examples of these issues relate to wages, health and safety, as well as working and living conditions. As the direct advocate of the California MSFW community, the Monitor Advocate Office (MAO) Chief must immediately ensure these types of issues are elevated to the executives of enforcement entities at both the federal and state level. The MAO Chief is responsible for building and maintaining collaborative relationships with enforcement entity executives which will ensure complex and sensitive issues are handled promptly.

As the EDD's single point of contact, collaborates and builds partnerships with various external executives such as those from the Department of Labor national and regional offices, Mexican consulate, other state employment departments, and Workforce Innovation and Opportunity Act 167 grantees. Promotes the establishment of local farmworkers committees statewide. Facilitates multiple quarterly meetings with executives of these organizations, EDD's central and field offices, as well as other interest groups. Consults with the EDD's administrators in the development and review of all directives and policy changes relating to or affecting MSFWs. Provides technical assistance to the EDD's central and field offices concerning federal regulations affecting farmworkers.

The State Monitor Advocate is also required to conduct training about emerging issues at the Mexican Consulate Office, at national conferences, neighboring states, and Department field offices. Examples of the type of training include recognizing and promptly reporting emerging issues such as harassment, sex trafficking, farm-work health problems, and living conditions.

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 Employment Development Department enhances California's economic growth and prosperity by collaboratively delivering valuable and innovative services to meet the evolving needs of employers, workers, and job seekers.

The SMA is responsible for ensuring that Migrant and Seasonal Farm Workers (MSFW) receive equal employment services (ES) in both quality and quantity as those ES provided to non-MSFWs. The purpose of these reviews is to ensure that EDD's workforce services sites are complying with applicable federal and state laws and regulations when delivering ES to MSFWs. The SMA also provides technical assistance to central and field office operations on federal and state regulations affecting MSFWs. Furthermore, the SMA monitors the EDD's Complaint System for all EDD workforce services sites. The mission of the SMA is to establish and maintain effective relationships with its customers and suppliers to ensure that MSFWs and non-MSFWs are offered the same ES in both quality and quantity.

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 State Monitor Advocate (SMA) is a position required in each state as part of the Wagner-Peyser Act. The Department of Labor updated rules to enhance the protections afforded by the Monitor Advocate System and the Employment Service and Employment-Related Law Complaint System and must be implemented by January 2026. Key changes in the new rules require that the SMA:

1. Be a senior-level ES (i.e., employment services) official with the authority necessary to effectively carryout their duties.
2. Report directly to the State Administrator (i.e., EDD Director) or State Administrator's designee, such as a director or other appropriately titled official in the State Administrator's office, who has the authority to act on behalf of the State Administrator
3. Have sufficient authority, staff, resources, and access to top management necessary to effectively fulfill the role.

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.

Migrant and Seasonal Farmworker (MSFW) Advocacy: The proposed CEA will establish, implement, and maintain policies related to monitoring employment services (ES) for MSFWs, ensuring that ES are qualitatively equivalent and quantitatively proportionate to the services EDD provides to non-MSFW and that the EDD field sites are complying with applicable federal and state laws and regulations. The CEA will conduct an ongoing review of the delivery of ES and protections afforded by the ES regulations to MSFWs, including the appropriateness of informal complaint and apparent violation resolutions as documented in the complaint logs, advising the agency and local offices of problems, deficiencies, or improper practices in the delivery of ES and protections afforded by these regulations, and requesting a corrective action plan to address deficiencies. The proposed CEA will be responsible for ensuring that related policies are continually reviewed and updated to ensure compliance with the Title 20 of the Code of Federal Regulations (CFR) section 653.108. The proposed CEA will also establish, implement, and maintain policies relating to advocating effectively for MSFW on topics such as labor laws, wages, health and safety, and working or living conditions, promoting the needs and concerns of MSFWs to EDD's administrators and developing, reviewing, and commenting on all directives and policy changes relating to or affecting farmworkers. The CEA will collaborate and build partnerships with various external executives, provide updates and recommendations around the state's MSFW performance, and consult with the EDD's administrators in the development and review of all directives and policy changes relating to or affecting MSFWs. The proposed CEA will be responsible for ensuring that related policies are continually reviewed and updated to ensure compliance with the CFR section 653.108.

ES Complaint System: The proposed CEA will establish, implement, and maintain policies relating to the monitoring of the ES Complaint System. The CEA will manage the work of staff responsible for monitoring the performance of the ES Complaint System to ensure adherence to state and federal regulations, issue deficiencies, and provide recommendations to field offices and all the way up to state executives; provide technical assistance to the EDD's central office and field offices concerning federal regulations affecting farmworkers; and review and comment on proposed state ES directives, manuals, and operating instructions relating to MSFWs. The CEA will identify any challenges, complaint trends, findings from reviews of the Complaint System, trainings offered throughout the year, and steps taken to inform MSFWs and employers, and farmworker advocacy groups about the Complaint System. The proposed CEA will be responsible for ensuring that related policies are continually reviewed and updated to ensure compliance with the CFR section 653.108.

Outreach Program: The proposed CEA will establish, implement, and maintain policies relating to the monitoring of the Outreach Program, ensuring outreach efforts are compliant with federal regulations, managing the work of staff responsible for conducting on-site reviews of the Outreach Program for all EDD one-stop centers, reviewing outreach efforts in all significant MSFW one-stop centers at least yearly by accompanying at least one outreach staff from each significant MSFW one-stop center on field visits to MSFWs' working, living, and/or gathering areas, and identifying and communicating findings from these reviews with the ES office managers. The CEA will review and approve all written review reports and support documents to ensure the MAO staff accurately determine that EDD's offices are compliant with federal mandates and ensures EDD offices prepare and implement corrective action plans to resolve noncompliance issues. The proposed CEA will be responsible for ensuring that related policies are continually reviewed and updated to ensure compliance with the CFR section 653.108.

C. ROLE IN POLICY INFLUENCE (continued)

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

The decision-making scope and authority of the SMA plays a major role in the department's overall efforts to serve customers. Within this scope, the SMA will have the authority to set policies with significant programmatic impact, including our ability to meet program goals, service commitments, the level and degree of program engagement and the most effective use of project data to benefit administration. The CEA will have full decision-making authority and be the primary policy maker in regard to the employment services (ES) for Migrant and Seasonal Farmworkers (MSFW).

The SMA will have the authority for making high level policy decisions that have broad impact beyond the program area, whereas other civil service positions would develop operational procedures or standards to implement policy that was developed at a higher level.

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

The incumbent will be developing new policy as well as implementing current policy. The incumbent will be responsible for implementing new policies associated with the monitoring of the employment services (ES) for Migrant and Seasonal Farmworkers (MSFW). Failure to properly establish and hold fast to these policies could result in flawed business decisions, inaccuracies, and damage to the Department's reputation, and overall negative impact to the labor workforce and State of California as a whole.