

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

9/27/19

2. Department

Franchise Tax Board

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

Administrative Services Division / Communication Services Bureau

4. CEA Position Title

Public Affairs Advisor

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

The proposed CEA A will serve as the Public Affairs Advisor for FTB's most sensitive external issues and serve as a technical advisor on state government politics to FTB's executive management. In addition, the Public Affairs Advisor will be responsible for development, implementation and measurement of the department's strategic marketing and communication plans and policies.

6. Reports to: (Class Title/Level)

Communication Services Bureau Director (CEA B)

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 Public Affairs Advisor (Advisor) will serve as the principal communication advisor to the Executive Officer and the FTB's executive management. The Advisor will provide leadership and direction for all communication efforts to foster external relationships and enhance partnerships between the FTB, the Administration, stakeholders, and the taxpayers that contribute to the State of California's economy. The Advisor's primary responsibility will be to preserve the FTB's operational goals and mitigate any negative public and media perception. The Advisor is also responsible for developing and implementing external-facing communication efforts and policy changes to ensure communication is consistent with the FTB's mission. In addition, they will develop and implement strategic and tactical plans and messaging to address critical issues such as criminal investigations, taxpayer compliance and the launch of major department initiatives. Through collaboration with the Executive Officer, Governance Council, the FTB's Chief Counsel, along with oversight entities such as the 3-member Franchise Tax Board, Government Operations Agency and the Governor's Office, the Advisor will ensure the FTB is compliant with communication policies and will participate in highly complex and politically sensitive decision making for the FTB for sensitive issues such as the recent Federal tax law changes. These changes allowed taxpayers to take a standard deduction on their Federal taxes, however, it may be more advantageous for the taxpayer to itemize their taxes for state purposes.

The Advisor will be responsible for monitoring statutory and regulatory changes based on external and internal trends including economic and fiscal data to identify strategies and formulate policy positions on issues impacting the FTB. The Advisor also sets policy priorities and works to resolve policy issues internally and with external stakeholders. The development and deployment of these policies evolve as the tax laws, legislation, regulations and reporting requirements placed upon the taxpayers continuously change each tax year. California conforming to the federal tax laws is a great example of the importance of these policies for the FTB. The Advisor will develop and implement public educational outreach and crisis communication strategies, as well as organize and coordinate efforts with other departments and entities to ensure the FTB meets its requirements per legislative initiatives and inter-agency agreements.

The Advisor will direct all communication related to high-profile, politically sensitive and controversial matters that impact the State of California and its taxpayers. An example of the type of circumstances that will generate the Advisor's assistance can be found in our Legal Division where the FTB sometimes find itself involved in protracted, controversial court cases as a litigant. Several of our cases have gone all the way to the Supreme Court and the sensitivities of these cases and subsequent rulings greatly impact our taxpayers which then requires the FTB to carefully consider how and what to announce publicly about on these cases with the media. This could involve a decision regarding past tax filings or case rulings where we intend to appeal, however, our taxpayers may be already acting upon these same court case decisions and file amended tax returns.

Because the Advisor also leads the Disaster Assistance Team efforts, communication from the FTB must first determine whether the incident meets federal and state criteria for special tax treatment purposes. For example, when certain criteria are met, taxpayers may amend a prior year's return to claim a disaster loss. The amended return will generate a refund and give the taxpayer funds to use as they navigate the loss of their home, personal effects, etc. A recent example of the responsibility the Advisor would have taken on relates to the recent PG&E decision to cut power for thousands of taxpayers just a few days prior to the October 15, 2019 deadline to file 2018 tax returns. The FTB had to discuss impacts, prepare the department and discuss potential workarounds with regards to the deadline and determine whether an extension should be considered and further, what that impact would be upon the Governor's Office. While this particular incident was handled by our executive management, moving forward, issues such as this would be handled by our Advisor.

Another example of a very high-profile and politically sensitive issue that the Advisor has responsibility and oversight of is the California Earned Income Tax Credit (CalEITC). CalEITC is a cash-back income tax credit that provides eligible low-income families with extra money when they file their state income tax returns. Since being created four years ago, more than \$1 billion worth of CalEITC has been issued. Unfortunately, this represents just a fraction of those who qualify; therefore, the marketing of this benefit falls on the PAO. The Advisor will need to find creative ways to market this credit opportunity to those who qualify but who typically do not earn enough income to have a requirement to file a tax return. This important initiative is a priority of the Administration, as it contributes to our mission of encouraging tax compliance, and is being monitored for success for California citizens by capturing metrics to verify whether everyone who potentially qualifies for this credit, is actually applying for it. It is imperative that the Advisor continue to increase participation through education, by providing oversight of the grant process that is connected with this program, and monitor the use of funds to avoid any appearance of a political platform.

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 the Franchise Tax Board (FTB) is to help taxpayers file timely and accurate tax returns, and pay the correct amount to fund services important to Californians.

The Advisor will be critical to the department's mission to provide the services and information that help taxpayers file accurate and timely tax returns.

The FTB's interaction with taxpayers has expanded rapidly in the last decade requiring extensive planning, frequency, and diversity of communication through the many and varied social media platforms such as Instagram, Twitter, Facebook and the World Wide Web by providing information and programs through these communication platforms. The FTB is providing tools to help tax payers file their taxes, timely and accurately. The general publics thirst for information and expectations for immediate responses, demonstrates the critical role the Advisor will play in expanding the FTB's profile.

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 Mission of the Franchise Tax Board (FTB) is to help taxpayers file timely and accurate tax returns, and pay the correct amount to fund services important to Californians.

The work within the Public Affairs Office has historically been limited to, and significantly focused on media coverage leading up to Tax Day visits from dignitaries, news releases, and the occasional radio/TV interview on tax preparation. This was the only time during the year the FTB would get coverage on TV to promote tax compliance and advise taxpayers what to do if they cannot be compliant. Today, the Public Affairs Office is responsible for handling highly sensitive issues on a daily basis including assistance with internal communications regarding sensitive matters, facilities issues, collateral impacts from issues hitting other departments, and communications on departmental programs, such as the Volunteer Income Tax Assistance (VITA) program.

The Advisor will have the responsibility to preserve the FTB's operational goals by mitigating any negative perceptions from the media, taxpayers, and our stakeholders or control agencies. In the past, the FTB was not as concerned with the negative perception associated with the collection of taxes. However, moving forward, the FTB can improve voluntary compliance through open communication with our taxpayers. For instance, one of the missions of the FTB's Criminal Investigations Bureau (CIB) is to deter tax evasion and fraud, and encourage voluntary compliance by publicizing criminal cases of non-taxpayers. The Advisor will have to balance the CIB's interest to publicize successful seizures and criminal cases against the legal rights of the defendant.

Another example of a change can be found in the Public Affairs Office is their new responsibility to review Political Reform Audits and Legislative Bills for risks that could negatively impact the FTB. When sensitive issues are identified, the Advisor will be expected to notify the Executive Director and work with the business areas to provide a communication plan. Developing a strategic approach for the FTB to respond, if necessary, provides a level of protection to both the FTB and the Administration.

In regards to the previous discussed CalEITC, another change is the use of the Volunteer Income Tax Assistance teams to help promote CalEITC. Public Affairs staff realized that the free tax return preparation services offered via VITA are an important way of connecting people with the credit. As a result, Public Affairs now works closely with the FTB's VITA team to create more awareness about VITA and develop training materials for VITA trainers. Specifically, the Public Affairs Office has worked with VITA to create and update training videos to help increase the volume of VITA volunteers statewide. The Advisor has a critical role in the process of issuing a total of \$10 million in grants aimed at promoting VITA and CalEITC, which are big priorities for the State Controller. The Advisor will be required to report regularly with the State Controller and the Governor's Office by providing statistics to demonstrate the success of CalEITC and recommend strategies to determine how CalEITC is promoted in the following years.

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 Advisor will serve as an utmost expert and advisor to executive management including the Executive Officer on policy issues related to external and internal communication affairs.

The Advisor will provide comprehensive strategies, plans, actions and outcomes that address and respond to issues and impacts affecting stakeholders in an accountable and transparent way. Examples include:

- Crisis Communication Policy and Protocol: The Advisor will ensure that policies and protocols are in place to help the FTB communicate appropriately in the event of a crisis; it is imperative to respond to media within the first 30 minutes. Our tax system is built on voluntary compliance, and compliance erodes greatly when the public loses trust. The Public Affairs Office must be prepared to assist the department for unplanned and unexpected issues for scenarios such as a taxpayer committing suicide over the inability to resolve an incorrect FTB bank levy, or an FTB Criminal Investigations Officer justifiably shooting and injuring a taxpayer in self-defense during a FTB search warrant. While these scenarios seem extreme and unlikely, these are the types of issues that may have lasting and negative implications. It will be the responsibility of the Advisor to ensure the FTB is prepared to communicate appropriately and mitigate damage to the FTB's public image.

- Communication Policy Related to System Failures: The Advisor will ensure that policies and protocols are in place, in the event of a system failure, that allow the FTB to communicate appropriately and mitigate public image damage. The entire tax system is based on taxpayer confidence; if that foundation of trust is damaged, so is the ability of the FTB to accomplish its mission. Currently, approximately 90% of personal income tax filers file their taxes online as well as approximately 88% of business entities. A system failure will have a catastrophic impact on the FTB's reputation and the state's efforts to collect and receive revenue and therefore, this responsibility is critical for the Advisor.

- Social Media (SoMe) Policy: The Advisor will ensure that the FTB policies and practices surrounding the use of social media at the FTB are in place. These policies address approved SoMe users, tone and content of SoMe posts, types of SoMe tools approved for use, employee use of SoMe when mentioning the FTB or it's employees. The Advisor will monitor SoMe use and immediately address issues as they arise. If employees misuse social media and the FTB loses the trust of the public due to that misuse, revenues will be impacted.

- Disaster Strike Team: Public Affairs Office leads an enterprise-wide team to address California disasters that rise to the level of a Governor's state of emergency. Once information is gathered, the Public Affairs Office makes a recommendation on whether to delay bills and notices. Each disaster is different and must be evaluated independently. The Advisor leads the planning and execution of any tax relief actions taken for all disasters and provides updates to Governance Council. The Advisor also ensures all bills and/or notices are suspended, and/or any affected disaster tax returns are properly processed.

One of the FTB's foundational principles is transparency. One of the reasons for this principle is the need for public trust that the FTB is fair and equitable so that taxpayers are more inclined to comply with the tax laws and use our self-service resources that reduce overall costs.

C. ROLE IN POLICY INFLUENCE (continued)

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

The Advisor will advise executive management including the Executive Officer on policy issues related to external and internal communication matters. In addition, the Advisor is responsible for analyzing complex problems, such as the health care mandate, and recommend effective courses of action; develop and implement strategic and tactical plans and messaging for addressing critical issues and launching major department initiatives, programs, and service delivery options; provide counsel on high-profile, politically sensitive, controversial, complex and general subject matters to Governor's Communications/Press Office representatives, Government Operations Agency, the FTB Board, and the FTB executive management; works collaboratively with representatives of internal and external organizations, ensuring the FTB meets requirements of legislative mandates and inter-agency agreements; and represents the FTB as necessary at the national level, making recommendations on policies, strategies, tactics, and implementation as well as measuring outreach efforts.

The Advisor will provide leadership in the development, implementation and maintenance of a comprehensive and proactive public affairs program that will develop and foster collaborative stakeholder relationships at the local, state, and even national levels to advance FTB's strategic objectives and promote a positive relationship with taxpayers and the Administration. As an example, the Advisor will be expected to act on behalf of the FTB in meetings with external partners such as the Governor's Office, other state departments, and non-profits such as the United Way of California.

Because this position supports the entire enterprise, when assistance with a crisis is requested in a specific area, the Advisor will assess how best to respond, address the enterprise impact, and immediately deploy the necessary resources to mitigate issues before they affect multiple areas and disrupt work. For instance, occasionally one of the FTB's employees will find themselves in the news for reasons related to their personal lives. This can be very disruptive to our program as well as the department depending on the content of the news story. The Advisor will be responsible for guiding the program area on how much should be shared with staff, how to mitigate any rollover impacts from the article, and laying a foundation of privacy for the affected employee while being empathic to their peers.

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

The Advisor will serve as an advisor to executive management, including the Executive Officer, on policy issues related to external communication matters. In addition, the Advisor will develop and implement internal and external marketing and communication plans, and policies as the federal and state tax regulations and requirements evolve. The Advisor will also interpret and implement existing policy by constantly reviewing existing policies. The environment in which we operate is impacted by changes in the priorities of the Administration and other political factors. An example would be how athletes are taxed when they play in California. Sometimes the tax implications to athletes that play in California golf tournaments can be hefty. As a result, promoters may choose to move their venues to other states.

The Advisor will recommend, formulate and implement communication policies to ensure the department's programs are:

- well represented with the public,
- maintain a positive image, and
- conveys accurate information.

The development and deployment of these policies are constantly changing as the laws, legislation, regulations, requirements, and the political environment continues to evolve and grow.

This role supports the entire organization and regularly participates in policy making decisions at the most senior level.