

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

2023-12-20

2. Department

California Public Utilities Commission

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

Executive Director's Office

4. CEA Position Title

Diversity, Equity and Inclusion Officer/Equal Employment Opportunity Officer, PUC

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

Under the direction of the Executive Director, the Diversity, Equity and Inclusion (DEI) Officer/Equal Employment Opportunity (EEO) Officer is a leadership and management position. The incumbent leads, manages and collaborates to achieve business initiatives addressing DEI, the CPUC's EEO program external initiatives to achieve the CPUC's environmental and social justice goals and foundational collaborations. The DEI Officer/EEO Officer manages a team and is responsible for performing and executing high-level and complex administrative, management and policy development and implementation with the overall goal of developing a diverse workforce capable of administering fair and equitable utility regulatory services for California.

6. Reports to: (Class Title/Level)

Executive Director, PUC

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.

Lead and manage the DEI/EEO team in collaborative business initiatives to move the CPUC continuously toward a diverse workforce capable of administering fair and equitable regulatory services in California. Lead the CPUC in professionalizing and centralizing leadership of existing and new business initiatives, accelerating progress under each and continuously communicating and evaluating goals, metrics, and progress. These initiatives broadly include: innovative recruitment, hiring, and onboarding in collaboration with Human Resources; workforce training and development initiatives designed to develop competency and knowledge within the CPUC workforce of diversity, equity and inclusion matters, and other business initiatives designed to build and retain a diverse CPUC workforce at all levels that is capable of administering fair and equitable regulatory services.

Manage Equal Employment Opportunity Program

Lead and manage the DEI/EEO team to continuously implement, develop, and update protocols for the CPUC's EEO Program. Lead and manage the DEI/EEO team to conduct internal investigations into alleged violations of equal employment opportunity policies, ensuring development of sound factual findings are developed and timely briefing of management to ensure that prompt corrective action is taken. Lead and manage the DEI/EEO team, and collaborate with Human Resources to accomplish all workplace programs in compliance with State of California law, including but not limited to: Upward Mobility Program, LEAP, Workforce Analysis, Bilingual Services, workplace anti-harassment training, and facilitation of the CPUC Disability Advisory Committee.

Manage DEI team

Develop and execute a strategic plan for continuously building the knowledge and skills within the CPUC that results in embedding capacity to achieve diversity, equity, and inclusion within business initiatives.

Collaborate in External Initiatives to Achieve Environmental and Social Justice

Collaborate to achieve implementation of the CPUC's Environmental and Social Justice (ESJ) Action Plan 2.0 across all divisions, including protocols to evaluate and report on progress, challenges, and evolving opportunities. Advise CPUC Commissioners and senior management on effective implementation. Collaborate with the CPUC's Tribal Advisor on effective implementation of the ESJ Action Plan where it intersects with the Tribal Consultation Policy and the Tribal Land Transfer Policy. Lead the development of updates to the ESJ Action Plan, including determining appropriate timing for updates and leading the internal and external update process.

Lead, in collaboration with senior management and staff, the continuous and rigorous alignment and evaluation of CPUC regulatory initiatives and programs with California's priority of increasing equity across California.

Lead and manage the development and delivery of training plans to develop expertise among CPUC staff to incorporate ESJ principles and considerations into the CPUC's public engagement and regulatory work.

Monitor California's implementation of Executive Order N-16-22, and prepare the CPUC for implementation of recommendations and requirements to departments affecting workplace policies and policies to deliver programs and services in California.

Foundational Collaborations: Human Resources, Data, Strategic Communications

Collaborate with Human Resources Division to design innovative workforce initiatives that build a diverse workforce and are compliant with state civil service rules.

Lead CPUC workforce data analysis to establish baseline, trends, and use of data to inform workforce initiatives.

Strategize and collaborate with the CPUC's communications and external affairs teams to execute internal and external strategic communications about the CPUC's diversity initiatives and ESJ Action Plan 2.0.

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: This program's mission results from several years of internal work to examine the CPUC's capacity to develop a diverse workforce and to administer fair and equitable utility regulatory services in California. While the CPUC has made progress in both of these areas, there is an ongoing business need for professional leadership and dedicated staff to lead, design, coordinate, and ensure measurable outcomes from them.

The program is also designed to meet the CPUC's statutory requirement of an EEO Officer who manages implementation of all elements of the CPUC EEO Program, and reports directly to the Executive Director.

This proposal thus has two core purposes: 1) lead and implement a fully compliant EEO Program for the CPUC, and 2) develop a diverse workforce that can administer fair and equitable regulatory services to California. This CEA A will lead a centralized, professional team capable of delivering on these two core purposes.

This proposal is critical to achieving the CPUC's mission both through an internal workplace focus and an external focus. Internally, it will continue and further develop the EEO Program that the CPUC has already established, including leading all EEO investigations and supporting management responses, and delivering all statutorily required EEO-related programs.

Externally, the proposal will establish a professional, centralized leadership team to lead toward concrete progress and outcomes from the CPUC's Environmental and Social Justice Action Plan. Since the CPUC is responsible for ensuring that regulated industries deliver electricity, gas, broadband and telecommunications, passenger transportation, rail safety, and water from investor-owned utilities in a fair, equitable way to all Californians, the CPUC already leads numerous programs to deliver this regulatory mission to low-income individuals and communities across the state. However, California is experiencing complex and accelerated impacts of climate change, with disparate impacts on vulnerable communities across the state, which means that the CPUC must advance its capability to deliver this regulatory mission to ensure that utilities serve these communities with appropriate and accountable services.

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 CPUC is a complex state agency that regulates investor-owned utilities in energy, communications, passenger transportation, rail, and water in California. The CPUC's mission is to regulate utilities to deliver safe, clean, affordable services to Californians. This mission is growing more urgent and more complex as California experiences the impacts of climate change more rapidly than forecasted. In particular, California's economically vulnerable communities are already experiencing and at risk of experiencing the worst impacts of climate change.

This makes the delivery of safe, clean, and affordable utility services all the more urgent. Recognizing this, the CPUC Commissioners and staff evaluated the need to establish an environmental and social justice framework and operating model for the agency's regulatory mission. This examination has resulted in a significant Environmental and Social Justice (ESJ) Action Plan, first adopted in 2020 and the second version in 2022. The plan details 9 goals and 92 deliverables and commitments that, if successful, will provide the groundwork for the CPUC to accomplish its regulatory mission in ways that prioritize environmental and social justice.

This equity-focused framework and operating model requires a diverse workforce and for the past several years, the CPUC has been actively engaged in initiatives to develop a more diverse workforce. With 1534 authorized positions, five distinct regulated industries, and 111 separate classifications, the CPUC faces complexity in recruiting and hiring a diverse workforce. At the same time, the CPUC recognizes that greater diversity, equity and inclusion within its workforce is a predicate to accomplishing the goals and commitments of its statutory mandates and the ESJ Action Plan 2.0.

Finally, the CPUC has continuously developed its EEO Program headed by an EEO Officer, with trained investigators, a refresh of the Upward Mobility Program, continued implementation of the LEAP Program, and workforce data analysis, among other initiatives. This proposal consolidates the EEO Officer and EEO Program with the workforce diversity and capacity-building initiatives into a single, professionalized, centralized office led by this CEA.

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 CEA will design policy and programs that address diversity, equity and inclusion with the goal of furthering the CPUC's mission to administer fair and equitable utility services in California. The CEA will also lead and implement the CPUC's EEO Program to meet all statutory requirements.

Broad policy priority shifts in California and within the CPUC have increased the business need to introduce and implement programs that have a greater focus on equity. As noted in the CPUC's ESJ Action Plan, because of the agency's mission to regulate essential utility services, the CPUC has designed and requires the utilities to implement numerous essential programs which benefit ESJ vulnerable communities. Examples of programs the CPUC has redesigned and is presently implemented to build equity in California include: the California LifeLine Program (means-tested discounts for phone and data services), California Alternative Rates for Energy (CARE) (means-tested discounts for electricity, gas, and water bills), supplier diversity (promoting the economic development of diverse businesses by utilities, telecommunications companies, and community choice aggregators), affordable solar programs for low-income households and communities, Access for All (wheelchair-accessible on-demand transportation service), Broadband for All in low-income communities statewide, and tribal technical assistance to develop broadband networks with grants from the California Advanced Services Fund (CASF).

In addition, the CPUC works with external partners, including sister state agencies and advisory groups, such as the Disadvantaged Communities Advisory Group and the Environmental and Social Justice Advisory Group, to solicit input on the efficacy of these programs and recommend ways to increase benefits for ESJ communities. Along with numerous state agencies, the CPUC is an active participant in the Capitol Collaborative on Race and Equity (CCORE).

This CEA will have policy influence over the CPUC's continued focus on building equity in California via the administering of essential utility regulatory services. The CEA will have policy influence by leading the overall implementation of the CPUC's ESJ Action Plan 2.0. Following are examples:

The CEA will have policy influence in setting policies and implementing Goal 1, Consistently Integrate Equity and Access Considerations Throughout CPUC Regulatory Activities. This is a policy-influencing, centralizing function that the CPUC presently lacks, and as a result the CPUC lacks understanding and monitoring of the impacts and progress of the ESJ Action Plan. This CEA will lead this integration effort that will build equity and access considerations across the CPUC.

The CEA will have policy influence in setting policies and implementing Goal 2, Increase Investment in Clean Energy Resources to Benefit ESJ Communities, and Goal 3, Strive to Improve Access to High-Quality Water, Communications, and Transportation Services for ESJ Communities. The CPUC is actively reshaping and redirecting programs so that ESJ communities have access to clean energy, electrified transportation, safe and clean water, safe rail, and high-quality broadband services and this CEA will serve as a policy influencer and advisor as the CPUC continues to reshape and redirect programs.

The CEA will have policy influence in setting policies and implementing Goal 4, Increase Climate Resiliency in ESJ Communities. In this area, the CEA will have policy influence in working with state partners to identify adaptive capacity efforts, connecting community-level adaptive capacity needs to the utility services that the CPUC regulates, and developing policy recommendations for the CPUC's programs to build community-level adaptive capacity.

This CEA will have policy influence over Goal 5, Enhance Enforcement in ESJ Communities. The CPUC also has an adopted Enforcement Policy that sets as a priority enforcement to protect ESJ communities. In this area, the CEA will have policy influence over considering the intersection of climate risks such as wildfire, drought and extreme heat; the need for public safety such as safe railroad operations or safe gas and electric system; and the presence of risks in ESJ communities. All of these considerations are part of the CPUC's decisions about where and how to conduct enforcement that protects ESJ communities.

Equal Employment Opportunity

The CEA will lead and manage the implementation and continuous evaluation of the CPUC's EEO discrimination and harassment complaint, investigation, and action process. The CEA will ensure that allegations of discrimination, harassment, and retaliation are properly investigated. The CEA will continuously review departmental policies and procedures to ensure they are nondiscriminatory, and there is no illegal adverse impact against employees in any protected class.

The CEA will implement, update and develop department protocols for internal investigations into alleged violations of EEO related policies to ensure efficient handling, in accordance with changes and updates to state rules and regulations.

The CEA will lead implementation of or coordinate with CPUC's Human Resources Division on the implementation of all statutorily required EEO-related programs, including the Upward Mobility Program, LEAP, facilitation of the Disability Advisory Committee, workplace harassment prevention training, language assessments, and all other statutorily required programs.

C. ROLE IN POLICY INFLUENCE (continued)

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

First, the CEA will have decision-making authority with respect to policy and implementation of the CPUC's EEO Program, in consultation with the Executive Director and other senior management, including the CPUC's Director of Human Resources and General Counsel.

Second, the CEA position will have decision-making authority and influence with respect to policy and implementation of CPUC programs and initiatives to build a diverse workforce able to administer fair and equitable utility regulatory services in California. This includes policies and programs that are directly tied to accomplishment of the goals and objectives in the CPUC's Environmental and Social Justice Action Plan.

This position will ensure the CPUC has a consistent high-level leader with the knowledge, skills, and abilities to develop policy and proposals, implement programs, evaluate programs for continuous improvement and effectiveness, and advise Commissioners and senior executives.

The CEA position will lead in policy influence by coordinating and communicating across numerous equity-focused efforts occurring at the Commission. The EEO Officer/DEI Officer and the two direct reports will work directly with the CPUC's Executive Director, Deputy Executive Directors and Directors, whose portfolios include all of the regulation that the CPUC is conducting of electricity, gas, broadband, telecommunications, passenger transportation, rail transportation, and water utility services.

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

Working closely with the Executive Director, the CEA position will interpret existing policy and lead the effort to propose new policies for implementation.

The CPUC has set out significant policies in the ESJ Action Plan 2.0. Those policies require ongoing interpretation and implementation, which is complex because of the need for outreach to ESJ communities, capacity-building within those communities, and delivery of often technical clean energy and other utility programs. In addition, during implementation the need for new policy development often arises as the CPUC learns about rapidly changing needs due to climate change impact, technology advances, or other external developments. This CEA will lead this continuous policy evolution.

The CPUC has also set out groundbreaking policies in its Tribal Consultation Policy, Tribal Land Transfer Policy, and Enforcement Policy. This CEA will have a role in continuously interpreting and implementing those policies in the redirecting and reshaping of CPUC programs.