

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

2019-04-11

2. Department

State Personnel Board

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

Compliance Review Division

4. CEA Position Title

Chief, Compliance Review Division

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

The State Personnel Board's Executive Officer requests to upgrade this position from a Level A to a Level C. The Chief, Compliance Review Division (CRD) is responsible for the policy, planning, management, and development, and administration of all compliance review functions. Audit workload has expanded as it is now tasked with overseeing the compliance review functions for both the Board and the California Department of Human Resources (CalHR). In addition, special investigation workload continues to increase. The position plays an integral part in preserving the integrity of the merit system, enhancing the effectiveness of the civil service system, and maintaining a strong organization, which are ultimately the Board's strategic goals. In addition, this position is essential for the Board to carry out its constitutional authority.

6. Reports to: (Class Title/Level)

Executive Officer

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 Chief will report directly to the Executive Officer and will serve as a key member of the Executive Management Team. The incumbent will have frequent contact with the Executive Officer on a wide range of policy and regulatory issues concerning the state's merit system. In addition, the incumbent will provide high-level administrative policy advice to upper management at the State Personnel Board (SPB) and the California Department of Human Resources (CalHR).

The incumbent will also oversee compliance audits and special investigations of departments in order to identify and correct violations of civil service laws, rules, and policies.

Specific duties include:

Plans, organizes, and directs the statewide operations of the compliance review functions for both SPB and CalHR. Sets policy on audit scheduling, audit findings, how audits are conducted, how audit findings are reported and monitored, and departments' responsibilities to comply with audit findings. Also advises and makes recommendations to the board on the removal of departments' merit system-related delegations, resulting in departmental selection workload shifting from departments to the Department of Human Resources CalHR. In addition, sets policy on re-establishing departmental delegations once the departments can demonstrate that they are adequately staffed and trained to resume their own merit-related workload. Report merit-related audit findings and recommendations to the Board and seeks the Board's approval of recommendations for corrective action. Upon the Board's approval, coordinates changes in department's delegation with CalHR and the department. Reports non-merit related human resources findings and recommendations to the CalHR Director.

Plans, organizes, and directs the operations of the SPB's Special Investigation Unit. Performs complex and sensitive special investigations in response to complaints to ensure departments are compliance with civil service laws, rules, and policies. Investigations will likely include interviewing department staff at various levels within the organization. Ensures findings are properly documented and supported and independently prepares reports of for management's review. Provides recommendations for corrective actions. Monitors and reports on departments' compliance with corrective actions. Informs management of emerging issues and provides updates on the status of special investigations. These types of investigations are of particular interest to the Administration, Legislature, media, and public. Many involve allegations against high-level officials related to improper hiring and nepotism.

Identifies and complex, sensitive, and emerging problems and recommends appropriate of action. Serves on task forces and is assigned special projects where knowledge of high and management expertise and policy influence is required.

The incumbent will also act for the Executive Officer in her absence, including overseeing SPB operations, attending meetings with the Agency Secretary, testifying at legislative hearings, and interfacing with other governmental jurisdictions. This positions will also be required to present to the Board, Agency, Cabinet, or other interested parties regarding California's personnel practices.

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 position plays an integral part in preserving the integrity of the merit system, enhancing the effectiveness of the civil service system, and maintaining a strong organization, which are ultimately the Board's strategic goals. In addition, this position is essential for the Board to carry out its constitutional authority.

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 SPB was tasked with developing and managing CalHR's new audit program. This additional program oversight, increases the scope, workload, and managerial responsibilities of the audit function.

With the establishment of the Board Items Unit and the expansion of special investigations, the scope of the work warrants reorganizing the functions of the Policy and Compliance Review Division into two divisions. Under GRP 1, the Policy and the Compliance Review functions were separately organized under two division chiefs, the functions were later consolidated into one division. While this reorganization returns to the original model, each division will have additional or expanded functions. The Policy Division will include the Policy Unit and the newly created Board Item Unit, and the Compliance Review Division will include the Compliance Review Unit and an expanded and separate Special Investigations Unit. The Board Items Unit will focus on critical workload such as making the civil service system more accessible through fewer and broader classes aligned with the private sector. This will require frequent interaction with CalHR and proposals will have vested interest with departments and unions.

Special Investigations have grown steadily since the Board's investigation of the Board of Equalization in 2017 involving improper hiring and nepotism. Special investigations are complex and cannot be performed by a paper review. Staff need to be experts in how to perform these types of reviews that often require interviews with high-level officials. The sensitivity of the process and findings and consequence of error are great. Also, these types of investigations are of great interest of the media and public.

Additionally, increased scrutiny of the state's civil service selection process by the media, legislature, the Governor's office, state departments, unions, civil rights groups, has heightened the sensitivity of this position's role. Departmental hiring practices are of grave interest to these same parties who have also expressed concerns about the validity and authenticity of the state's merit system and corresponding practices. One of the primary goals of this position is to streamline outdated and ineffective policies and procedures that departments currently adhere to when they recruit, select, and promote employees. The Policy Chief will work with the Executive Officer and CalHR's Legislative Office to make changes to existing legislation or implement new legislation in order to make positive and effective reforms to the civil service system. In addition, the volume and complexity of proposed legislative and regulatory changes including interaction with stakeholders has surpassed what was initially anticipated. For example, a recent proposed regulation package contained over 90 rule changes. This resulted in a large volume of public commentary that needed to be considered.

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 incumbent is changed with the Board's Strategic Goal A, Merit System Integrity is Preserved

He or she will be this by:

Preserving the integrity of the merit system through regular compliance reviews and implementation of corrective action to remedy noncompliance.

Promptly and thoroughly investigate suspected merit system violations implement corrective action to remedy noncompliance

Implement effective approaches to address areas of noncompliance and egregious areas of abuse

The Chief oversees and recommends policy for the following areas:

Examinations: The California civil service system is a merit-based system. Merit-based principles are designed to ensure fair, open recruitment and competition, and employment practices. The basic tenet of 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. Examination and appointment processes are set forth in Board regulations and policies. The Chief establishes policy and the procedures for the review of departments' examination and appointment activity to ensure that their processes are in accordance with law, rule, and policy.

Personal Services Contracts: Article VII of the California Constitution contains an implied prohibition from contracting out work that the state can perform. Public Contract Code Section 10337 grants the Board control over the approval of contracts to assure consistency with merit employment principles and requirements of Article VII of the California Constitution. The Chief establishes policy and procedures for the review of department's personal services contracting activity to ensure that their processes are in accordance with law, rule, and policy.

Equal Employment Opportunity (EEO): EEO laws that prohibit discrimination and harassment in the workplace, impose the same requirements as the merit principle; that an individual must be hired and supervised in accordance with their ability to do the job without regard to any personal attribute. The Chief established policy and procedures for the review of department's EEO programs and processes to ensure that they adhere with law, rule, and policy.

C. ROLE IN POLICY INFLUENCE (continued)

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

The incumbent is changed with the Board's Strategic Goal A, Merit System Integrity is Preserved

He or she will be this by:

Preserving the integrity of the merit system through regular compliance reviews and implementation of corrective action to remedy noncompliance.

Promptly and thoroughly investigate suspected merit system violations implement corrective action to remedy noncompliance

Implementing effective approaches to address areas of noncompliance and egregious areas of abuse

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

The Chief establishes policy and the procedures for the review of departments' personnel to ensure that their processes are in accordance with law, rule, and policy. Examples include:

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