

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

April 22, 2025

2. Department

California Correctional Health Care Services

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

Executive Office/Receiver's Office

4. CEA Position Title

Receiver-Nominee

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 United States District Court, Eastern District the Receiver-Nominee is responsible for the initial phase of developing the Receivership Action Plan. The Receivership Action Plan shall consist of an initial period of four months with primary duties to effectuate full and durable compliance with the court-approved and court-ordered remedies. This position requires statewide travel.

6. Reports to: (Class Title/Level)

United States District Court Judge

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 Receiver-Nominee develops and presents to the court a detailed Receivership Action Plan designed to effectuate full compliance with the court order, including the Program Guide, Compendium of Custody-Related Remedial Measures, all Staffing Plans, all court-ordered suicide prevention measures, as well as all other outstanding tasks required for complete and durable remediation. Consults with various internal and external government and federal stakeholders. Informs the court of any measures that the court could address by order or stipulation to further the implementation of outstanding remedial measures that narrow the scope of work ultimately to be performed by the Receiver in implementing the Receivership Action Plan. Provides updates to the court on a regular monthly basis and shall remain in contact with the court informally, as needed, during the time allowed for development of the Receivership Action Plan.

The Receiver-Nominee is responsible for the appointment of the Deputy Receiver-Nominee, the Senior Advisor, and any additional staff as necessary. Communicates with the Secretary of California, CDCR and the Receiver in Plata v. Newsom, to identify administrative and clerical support staff to assist with ministerial duties.

The Receiver-Nominee directs and manages the Receivership Action Plan consistent with California state laws, regulations, and contracts, including labor contracts. The Receiver-Nominee may use authority to have the court waive the state or contractual requirement should the state law, regulation, contract, or other state action or inaction prevent from implementing a material provision of the court-ordered remedy, or otherwise clearly prevent from carrying out duties as set forth in the court order, and that alternatives are inadequate and causing any impediments.

The Receiver-Nominee has unlimited access to all records and files (paper or electronic) maintained by CDCR and all other defendants, including but not limited to all institutional custody and non-custody staff, personnel, financial records, and incarcerated persons' records. This position has unlimited access to CDCR facilities, members of the Coleman class and to line and managerial staff, including the authority to conduct confidential interviews with staff and class members, as deemed necessary by the Receiver-Nominee to carry out duties under the court order. This position requires statewide travel and provides reasonable notice when scheduling any visits to the CDCR facilities.

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: On April 2, 2025, Senior U.S. District Court Judge Kimberly J. Mueller ordered the appointment of a Receiver-Nominee, Deputy Receiver-Nominee and Senior Advisor to develop the Receivership Action Plan in order to to effectuate full compliance with the court order remedies, including the Program Guide, the Compendium of Custody-Related Remedial Measures, all Staffing Plans, all court-ordered suicide prevention measures, as well as all other outstanding tasks required for complete and durable remediation of the court order.

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.

On April 2, 2025, Senior U.S. District Court Judge Kimberly J. Mueller ordered the appointment of a Receiver-Nominee, Deputy Receiver-Nominee and Senior Advisor to develop the Receivership Action Plan which includes reporting, powers and authority of the Receiver-Nominee, personnel, governing state laws, regulations, and contracts, access to Records and facilities and immunity and indemnification.

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.

At this time, the Receiver-Nominee is currently tasked with the development of the Receivership Action Plan.

Upon court approval of the Receivership Action Plan and official appointment of the Receiver, all future policies will be related to the Receivership Action Plan.

Detailed policy information will be forthcoming once the Receiver is appointed.

C. ROLE IN POLICY INFLUENCE (continued)

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

Per the court order, the Receiver-Nominee shall have unlimited access to all records and files (paper or electronic) maintained by CDCR and the other defendants, including but not limited to all institutional, personnel, financial, and incarcerated persons' records, as deemed necessary by the Receiver-Nominee to carry out the duties under this order. The Receiver-Nominee shall have unlimited access to all CDCR facilities, as deemed necessary, to carry out the duties under this order. The Receiver-Nominee shall provide reasonable notice when scheduling any visits to facilities. The Receiver-Nominee shall have unlimited access to members of the Coleman class and to line and managerial staff, including the authority to conduct confidential interviews with staff and class members, if deemed necessary to fulfill the duties under this order. The Receiver-Nominee "shall have the status of officers and agents" of the court.

Additionally, the Receiver-Nominee may use authority to have the court waive the state or contractual requirement should the state law, regulation, contract, or other state action or inaction prevent from implementing a material provision of the court-ordered remedy, or otherwise clearly prevent from carrying out duties as set forth in the court order, and that alternatives are inadequate and causing any impediments.

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

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Detailed policy information will be forthcoming once the Receiver is appointed.