

START-UP AND ADMINISTRATION SUBCOMMITTEE UPDATE

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SEPTEMBER 7-8, 2021 BOARD MEETING



CPPA

ROADMAP

1. Start-up and Administration Subcommittee Update
 - a. Activities
 - b. Office Space/Location Update
2. Continuing Hiring Strategy, Positions, Timelines
 - a. Update on Hiring Strategy and Activities
 - b. Background on Hiring/Personnel Options
 - c. Chief Privacy Auditor
3. Board and Agency Policies and Practices
 - a. Per Diem Policy
 - b. Prioritizing Policy Work



**START-UP AND ADMINISTRATION
SUBCOMMITTEE UPDATE**



START-UP AND ADMINISTRATION SUBCOMMITTEE ACTIVITIES

- Following June Board meeting, the subcommittee prioritized:
 - ← Hiring/Personnel Resources
 - ← Office Space/Location
 - ← Other Infrastructure and Resources
 - ← De-prioritized Board policies that are not immediately needed
- Activities flowed from prioritization



OFFICE SPACE/LOCATION UPDATE



OFFICE SPACE: OVERALL UPDATE

- Goal: Explore and Tee Up Options for Executive Director
- Consultation
 - ← Department of General Services (DGS)
 - ↓ Real Estate/Facilities Services and Support (DGS)
 - ← Business, Consumer Services, and Housing Agency
- Estimates of Potential Office Needs
 - ← Factoring Growth Over Time & Flexibility Given Evolving Circumstances



OFFICE SPACE: STRATEGIES AND OPTIONS

- Overall Approach
 - ↪ Tee Up Options
 - ↪ Sacramento Initially
 - ↪ Explore State-Owned Facilities First
 - ↪ Short-Term Home
 - ↪ Longer-Term Home
- Factors to Evaluate for Short-Term Needs
 - ↪ Sufficient space/floor plan
 - ↪ Cost
 - ↓ Rent, Remodeling & Furniture if Necessary
 - ↪ Location and Parking
 - ↪ Important Terms
 - ↓ Length
 - ↓ Flexibility to End Agreement



OFFICE SPACE: CURRENT STATUS AND NEXT STEPS

- Current Status
 - ← Three potential facilities identified
- Next steps
 - ← Walk through - two potential Sacramento facilities in mid-September
 - ↓ DGS and CPPA's Interim Deputy Director for Administration
 - ← Evaluation - possible additional space currently used by Department of Consumer Affairs and/or other State agencies
 - ← Report to Executive Director and/or Board when options solidify
 - ← Space allocation agreement or inter-agency agreement once decision is made



HIRING/PERSONNEL RESOURCES



OVERALL UPDATE AND STRATEGY

- Two concurrent goals:
 1. Establish leadership positions
 2. Establish sufficient staffing to accomplish immediate needs
 - ↓ Hiring
 - ↓ Rulemaking
 - ↓ Underlying functions:
 - ↓ IT, Board meetings, subcommittee support, legal advice, budget and finance, procurement, etc.
- Intend to maintain flexibility for future leadership while meeting immediate needs
 - ← Process naturally dictates this flexibility



OPTION SET 1: PERMANENT POSITIONS

Exempt Positions

- Executive Director, Chief Privacy Auditor
- At-will; serve at the pleasure of the Board
- More flexibility for position characteristics, and somewhat less complicated process to hire
- Position must be established, salary range justified and established by CalHR, duty statement approved, Department of Finance approvals, etc. (see Chairperson's Update)
- Does require multiple approvals to accomplish posting and then hiring



OPTION SET 1: PERMANENT POSITIONS

Career Executive Assignment (CEA) Positions

- Chief Deputy Director of Administration, General Counsel
- At-will
- Leadership positions with “policy” responsibility
- More complicated process than exempt positions
 - Classification must be chosen (A, B, or C)
 - CEA “concept” package must be prepared and submitted to CalHR for approval
 - Includes salary range, duty statement, various justifications and explanations

Process, continued . . .

- Simultaneously, seek Department of Finance approval for salary
- CalHR reviews concept, comes back with questions
- If CalHR initially approves, then it posts the concept for public comment for 30 days
- After 30 days, CalHR reviews. If it approves, then an exam can be created and job posted
- Once candidate is selected, further approvals are required *before* an offer is made



OPTION SET 1: PERMANENT POSITIONS

California Civil Service Positions

- Most positions will be traditional civil service positions
- Each position must be established
- Overall budget approval required
- Individual budget approval required for some positions, depending on salary
- Job classification must be chosen from available classifications; if no appropriate classification is available, lengthy process to create one
- Qualifications/eligibility established by standard exam for that position



OPTION SET 2: TEMPORARY STAFFING

Interagency Agreement (IAA)

- “Loan” of staff from one department/agency to another
- Duty statement prepared and included in SOW of a standard IAA
- “Loaning” agency typically charges the “borrowing” agency for staff salary
- Requires contract, procurement, billing
- Still, most efficient option we’ve discovered for temporary staffing
- Major limiting factor is the profound lack of available staff to “borrow”

Retired Annuitant (RA)

- State retirees can return part-time under this program (no more than 50% in a fiscal year)
- Time-limited contract
- Potential for experienced staff to get us started
- Does not require posting the position; instead, retirees interested in RA positions post in “Boomerang”
- Requires a “concept” and justification package, paperwork from the potential RA, etc.
- Usually an internal (DGS) approval



OPTION SET 2: TEMPORARY STAFFING

Contractors

- Requires justification and approval
- Likely requires bidding process
- Procurement process
- Not pursuing this option actively right now for immediate staffing, but will if this option is viable for a particular position/need



STATUS OF CURRENT EFFORTS

- Interim Chief Deputy Director of Administration
 - ↪ IAA agreed, ICDDA onboarded 8/1/2021; 50% time, through October 31
- Chief Deputy Director of Administration
 - CEA concept prepared and submitted
 - Department of Finance initial approval completed
 - CEA concept initially approved and posted for 30-day comment
 - 30-day period ended August 30.
 - CalHR approved August 30; DOF approved September 3.
 - **Current status/Next steps:** Awaiting State Controller approval; reviewing delegation agreements; working with Exams Unit to create exam, prepare Job Control Report, and create posting



STATUS OF CURRENT EFFORTS

- General Counsel
 - CEA concept prepared
 - Department of Finance initial approval completed
 - CEA concept initially approved by CalHR
 - CEA concept posted for 30-day comment August 23
 - **Current status:** 30-day comment period expires September 22
- Chief Privacy Auditor (for discussion: see below)



STATUS OF CURRENT EFFORTS

- Retired Annuitants
 - ↪ Working to hire several experienced attorneys on a temporary, part-time basis
 - ↪ **Current status:** Working on HR packages and approvals
 - ↪ **Current status:** Interim Chief Deputy Director of Administration is reviewing administrative professionals for potential RA or IAA arrangements
- Civil Service Positions
 - ↪ Met with DGS HR Classification & Pay (C&P) team last week
 - ↪ C&P is reviewing comparable agencies and will advise us on initial positions later in September
 - ↪ Start-Up and Administration Subcommittee has identified a few high-need initial classifications (Attorneys, “AGPAs,” Hiring Liaison, Budget Analyst)



NEXT STEPS

- Continue RA efforts, IAA efforts if opportunity arises
- Continue process for CEA positions
- Pursue initial civil service positions
 - ← Attorneys
 - ← Administrative staff:
 - ↓ Hiring Liaison
 - ↓ Other staff as recommended by Classification & Pay team at DGS and Interim Chief Deputy Director of Administration
- OAG (see Chairperson's Update)
- Goal: Establish processes; significant progress for Executive Director



NEXT STEPS

- Chief Privacy Auditor
 - ↪ The CPPA shall “appoint a Chief Privacy Auditor to conduct audits of businesses to ensure compliance with this title pursuant to regulations adopted” Cal. Civil Code, § 1798.199.40(f)
 - ↪ Exempt position
 - ↪ Currently preparing duty statement for CalHR
 - ↪ Goal: Position posted asap
 - ↪ **Board Discussion:** Desired qualifications for this position?



BOARD AND AGENCY POLICIES & PRACTICES



STATUS OF CURRENT EFFORTS

- Based on discussion in June Board meeting, decided to prioritize policies of immediate need
- Subcommittee identified:
 - ← Per Diem Policy
 - ← Incompatible Activities Statement
 - ← Communications Policy
 - ← Others as advised



PROPOSED PER DIEM POLICY



PROPOSED PER DIEM POLICY

- Nature of Governing Board Appointment
 - ← Volunteer Public Service Positions
- Statutory Per Diem Provision
 - ← Civil Code section 1798.199.25
 - ↓ “For each day on which they engage in official duties, members of the Agency board shall be compensated at the rate of one hundred dollars (\$100), adjusted biennially to reflect changes in the cost of living, and shall be reimbursed for expenses incurred in performance of their official duties.”



PROPOSED PER DIEM POLICY

- Research
 - ← Consideration of Per Diem Policies of other State Boards
 - ← Consulted with Counsel
 - ← Per Diem and Travel Brown Bag hosted by California Department of Consumer Affairs – Board and Bureau Relations Unit



PROPOSED PER DIEM POLICY

- **Components**

- ↪ Per diem allowance of one hundred dollars (\$100) for every six (6) hours engaged in Official Duties
- ↪ Six-hour blocks may occur over multiple days
- ↪ Per Diem Form submitted monthly by Board Members by the 15th of the following month
- ↪ One Per Diem Form by October 15, 2021, for each month worked prior to the adoption of policy

- **Official Duties**

- ↪ Preparing for and attending Board meetings
- ↪ Preparing for and attending official Board committee, subcommittee, panel, or task force meetings
- ↪ Engaging in Board committee, subcommittee, or task force work
- ↪ Preparing for and attending Agency hearings or other Agency public forums; engaging in Agency enforcement-related work
- ↪ Necessary official travel in connection with compensable official duties



PROPOSED PER DIEM POLICY

- PROPOSED COURSE OF ACTION
 - ← Recommendation: adopt proposed per diem policy
 - ← **Board Discussion**



DEVELOPMENT OF ADDITIONAL POLICIES



ADDITIONAL POLICIES

- **Next Steps**

- ← Identify and prioritize topics for future policy development by the Start-Up and Administration Subcommittee



ADDITIONAL POLICIES

- **Recommendation for Next Priority**

- ← Development of Incompatibility Statement

- ↓ Government Code section 19990 requires state agencies to adopt a Statement of Incompatible Activities

- ↓ Notifies employees that certain types of outside activities and employment may be incompatible with their duties as state employees.

- ↓ Examples from statute: Misuse of Prestige or Influence; Misuse of State Time & Resources

- ↓ Regulations outline process once content is developed

- ↓ Explore extending to Board Members via Conflict-of-Interest Policy

- **Board Discussion: Additional Priorities?**



PROPOSED ACTION

- Adopt proposed per diem policy



END OF PRESENTATION

