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State Equal Employment Opportunity Programs After GRP-1

LEGISLATIVE ANALYST'S OFFICE

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Senate Public Employment and Retirement Committee
Hon. Norma Torres, Chair

Assembly Public Employees, Retirement and
Social Security Committee
Hon. Rob Bonta, Chair





Governor's Reorganization Plan 1 (GRP-1)

- Proposal to Change Administration of State Personnel System.*** In May 2011, the Brown Administration proposed changes to how the state manages its personnel under the GRP-1. The Legislature did not object to the proposal. The administration implemented the changes in July 2012.

- Created a New Department to Manage State Personnel Policies.*** Prior to GRP-1, two organizations—the Department of Personnel Administration (DPA) and the State Personnel Board (SPB)—managed the state personnel system. The GRP-1 eliminated DPA and reassigned all of its functions to a new department, the Department of Human Resources (CalHR). While the SPB retained its functions specified in the State Constitution related to the state's civil service, its other programs generally were reassigned to CalHR under the plan. Today, CalHR administers programs related to salaries and benefits, job classifications, civil rights, training, exams, and workforce planning. Due to a subsequent reorganization, CalHR and SPB are now part of the Government Operations Agency.

- Transferred Administration of State Equal Employment Opportunity (EEO) Programs.*** The state's EEO programs are intended to protect state employees from workplace discrimination. Prior to the GRP-1, SPB administered many of these programs. Today, CalHR oversees most of the state's EEO programs. This presentation provides a brief overview of the changes that the GRP-1 made to some of these programs.



EEO Programs

- EEO Officers Administer State Programs at Department Level.*** Departments are responsible for complying with the state's anti-discrimination laws. Each department has an EEO officer who reports directly to the department's director. The EEO officer is responsible for ensuring that his or her department offers EEO services that comply with the state's workplace discrimination policies. These officials perform a wide variety of tasks to manage and evaluate department-level programs designed to address employment discrimination.

- CalHR Establishes and SPB Enforces EEO Policies.*** The GRP-1 transferred leadership and policy direction responsibilities for EEO policies from SPB to CalHR; however, SPB maintains an enforcement role and is responsible for ensuring that departments' EEO activities comply with state laws.

- Five EEO Programs of Note.*** The remainder of this presentation highlights the changes that the GRP-1 made to five key components of the state's EEO efforts: (1) the *Annual Census of Employees in the State Civil Service*, (2) the Bilingual Services Program, (3) departmental upward mobility programs, (4) the Limited Examination and Appointment Program (LEAP), and (5) the discrimination complaint process.



Annual Census of Employees in the State Civil Service



GRP-1 Transferred Program to CalHR. California's Government Code requires the administration to annually report to the Legislature data that reflect the statewide ethnic, gender, and disability representation and upward mobility of state employees. The report compares these groups' representation among state employees with their representation in the state's working age population. The GRP-1 transferred responsibility for producing this report from SPB to CalHR.



Bilingual Services Program

- GRP-1 Transferred Program to CalHR.*** The Bilingual Services Program oversees the provision of language access and interpreting services required by the Bilingual Services Act of 1973. This program includes several smaller programs, such as the Bilingual Certification Program and the Bilingual Pay Program. The GRP-1 transferred the Bilingual Certification Program from SPB to CalHR and transferred the Bilingual Pay Program from DPA to CalHR.



Upward Mobility Programs



GRP-1 Transferred Program Administration to CalHR.

State law requires each department to establish an upward mobility program. These programs aim to help department employees in low-paying occupations develop qualifications for technical, professional, and administrative positions. The GRP-1 transferred administration of the upward mobility programs from SPB to CalHR; however, SPB is still responsible for audits related to these programs.



Limited Examination and Appointment Program

- GRP-1 Transferred Program to CalHR.*** The LEAP is a two-part process that provides people with disabilities with an alternative to the traditional civil service examination process. The first part is an online readiness evaluation, which is a questionnaire determining a job candidate's basic readiness to work. The second part is a job examination period, which is a two-to-four-month on-the-job performance evaluation period. The GRP-1 transferred administrative responsibility for LEAP from SPB to CalHR.



Discrimination Complaint Process

- ☑ ***GRP-1 Consolidated Activity Under Department of Fair Employment and Housing (DFEH).*** State employees who file discrimination complaints typically do so directly through the departments where they work, but they also have other options. Prior to GRP-1, employees could also file these complaints with SPB or with DFEH. Today, employees can still file discrimination complaints with their own departments or with DFEH, but they can no longer file most types of discrimination complaints with SPB. However, employees can still file disability-related discrimination complaints with SPB.

- ☑ ***Policy Guidance (CalHR) vs. Enforcement (SPB).*** The GRP-1 transferred responsibility for policy guidance on the discrimination complaint process to CalHR from SPB; however, SPB retains responsibility for tasks related to compliance.