

STATE OF CALIFORNIA  
**Budget Change Proposal - Cover Sheet**  
 DF-46 (REV 08/17)

Fiscal Year 2018-19	Business Unit 7501	Department Human Resources	Priority No. 1
Budget Request Name 7501-001-BCP-2018-MR		Program 6200/6210/9900100	Subprogram

Budget Request Description  
 Preventing Sexual Harassment and Discrimination in the Workplace (Administration's Initiative)

Budget Request Summary

The Department of Human Resources (CalHR) is requesting 3 permanent positions and \$1,445,000 (\$720,000 General Fund, \$132,000 Reimbursement, \$47,000 Special Funds, and \$546,000 Central Service Cost Recovery Fund) in fiscal year 2018-19 and ongoing to establish a centralized unit, within the Office of Civil Rights, specifically responsible for the statewide oversight of monitoring and addressing discrimination and harassment complaints received by state entities. The unit will be responsible for analyzing complaint data, assisting state entities with problems, and addressing negative trends. The unit will also provide detailed reporting on all activities, allowing CalHR to be proactive in identifying compliance issues within departments.

The request includes funding for a centralized solution that allows data collection and statewide reporting. The centralized system will allow CalHR to monitor and track discrimination and harassment complaints, case outcomes, and monetary costs related to judgments and settlements. It will also allow CalHR to review and analyze department discrimination and harassment complaint data, correct problems, and identify negative trends.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO Chad Crowe	Date

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No.                                      Project Approval Document:                                      Approval Date:

If proposal affects another department, does other department concur with proposal?       Yes       No  
*Attach comments of affected department, signed and dated by the department director or designee.*

Prepared By Robin Henry	Date	Reviewed By Glenna Wheeler	Date
Department Director Richard Gillihan	Date	Agency Secretary Marybel Batjer	Date

**Department of Finance Use Only**

Additional Review:  Capital Outlay     ITCU     FSCU     OSAE     CALSTARS     Dept. of Technology

PPBA	Original Signed By Mary Halterman	Date submitted to the Legislature 5/11/2018
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# BCP Fiscal Detail Sheet

BCP Title: Preventing Sexual Harassment and Discrimination in the Workplace (Administration's Initiatives)

BR Name: 7501-001-BCP-2018-MR

## Budget Request Summary

FY18

CY	BY	BY+1	BY+2	BY+3	BY+4
0.0	3.0	3.0	3.0	3.0	3.0
<b>0.0</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>
0	174	174	174	174	174
<b>\$0</b>	<b>\$174</b>	<b>\$174</b>	<b>\$174</b>	<b>\$174</b>	<b>\$174</b>
0	88	88	88	88	88
<b>\$0</b>	<b>\$262</b>	<b>\$262</b>	<b>\$262</b>	<b>\$262</b>	<b>\$262</b>

Personal Services

Positions - Permanent

**Total Positions**

Salaries and Wages

Earnings - Permanent

**Total Salaries and Wages**

Total Staff Benefits

**Total Personal Services**

Operating Expenses and Equipment

5301 - General Expense

5302 - Printing

5304 - Communications

5320 - Travel: In-State

5322 - Training

5324 - Facilities Operation

5340 - Consulting and Professional Services -

5342 - Departmental Services

5346 - Information Technology

**Total Operating Expenses and Equipment**

**Total Budget Request**

## Fund Summary

Fund Source - State Operations

0001 - General Fund

0821 - Flexelect Benefit Fund

0915 - Deferred Compensation Plan Fund

0995 - Reimbursements

9740 - Central Service Cost Recovery Fund

**Total State Operations Expenditures**

**Total All Funds**

0	6	6	6	6	6
0	2	2	2	2	2
0	2	2	2	2	2
0	4	4	4	4	4
0	4	4	4	4	4
0	277	263	263	263	263
0	242	0	0	0	0
0	140	131	131	131	131
0	506	502	502	502	502
<b>\$0</b>	<b>\$1,183</b>	<b>\$914</b>	<b>\$914</b>	<b>\$914</b>	<b>\$914</b>
<b>\$0</b>	<b>\$1,445</b>	<b>\$1,176</b>	<b>\$1,176</b>	<b>\$1,176</b>	<b>\$1,176</b>
0	720	283	283	283	283
0	7	7	7	7	7
0	40	40	40	40	40
0	132	632	632	632	632
0	546	214	214	214	214
<b>\$0</b>	<b>\$1,445</b>	<b>\$1,176</b>	<b>\$1,176</b>	<b>\$1,176</b>	<b>\$1,176</b>
<b>\$0</b>	<b>\$1,445</b>	<b>\$1,176</b>	<b>\$1,176</b>	<b>\$1,176</b>	<b>\$1,176</b>



## **A. Budget Request Summary**

CalHR is requesting 3 permanent positions and \$1,445,000 (\$720,000 General Fund, \$132,000 Reimbursement, \$47,000 Special Funds, and \$546,000 Central Service Cost Recovery Fund) in fiscal year 2018-19 and ongoing to establish a centralized unit, within the Office of Civil Rights, specifically responsible for the statewide oversight of monitoring and addressing discrimination and harassment complaints received by state entities. The unit will be responsible for analyzing complaint data, assisting state entities with problems, and addressing negative trends. The unit will also provide detailed reporting on all activities, allowing CalHR to be proactive in identifying compliance issues within departments.

The request includes funding for a centralized solution that allows data collection and statewide reporting. The centralized system will allow CalHR to monitor and track discrimination and harassment complaints, case outcomes, and monetary costs related to judgments and settlements. It will also allow CalHR to review and analyze department discrimination and harassment complaint data, correct problems, and identify negative trends.

## **B. Background/History**

Generally, state agencies and departments have the authority to investigate and resolve discrimination and sexual harassment claims internally and are not required to report such claims to CalHR.

Government Code section 19702.5, subsection (c) required the State Personnel Board (SPB) to report annually to the Legislature on the number and types of formal discrimination complaints against each appointing authority in state civil service. Reporting included the length of time required for resolution and the complaint outcome. There was no collection of data related to settlement costs, oversight to correct identified issues of harassment or discrimination within departments, or enforcement methods for compliance with existing laws.

The Governor's Reorganization Plan No. 1 of 2011 eliminated certain functions of SPB related to tracking complaints of discrimination in the civil service and was never reestablished under CalHR. On January 1, 2013, SB 1309 repealed section 19702.5, subsection (c), the provision that mandated the discrimination and harassment complaint activity reports to the Legislature. As a result, the tracking system was eliminated. There is no current mechanism to monitor complaints, collect data, or report on discrimination and harassment activities on a statewide level.

Existing law requires each state agency to maintain an effective Equal Employment Opportunity (EEO) program and for CalHR to provide statewide leadership by way of established guidelines, policy, and technical assistance in that endeavor. Existing law also mandates CalHR to advocate, coordinate, enforce, and monitor agency programs.

On April 3, 2018, as part of a comprehensive plan to address discrimination and harassment in state government, the Governor's Office issued a policy letter directing state agencies to take specific administrative actions. One of those actions is to establish a tracking system that will enable the collection of discrimination and harassment complaints so that patterns of misconduct can be better identified and remedied.

## **C. State Level Considerations**

Harassment and discrimination complaints of all types remain a prominent issue of concern, including how they are monitored and resolved. The state lacks a centralized mechanism to track discrimination and harassment complaints and paid judgments and settlements. There is inconsistency in the manner in which these types of complaints are addressed statewide and tracked for those employees with unresolved claims against them. This proposal sets a new monitoring foundation to meet broader aspects of discrimination and harassment tracking, which is consistent with the Governor's direction to ensure that employees are provided with a work environment that is truly accountable and productive.

## D. Justification

The recent exposure of sexual harassment cases in California revealed the need to track complaints and analyze data related to claims filed by employees and the amounts paid in judgments and settlements of these complaints. Implementation of a centralized data collection solution will allow the state to effectively and efficiently track and monitor state entity discrimination activity. This will provide continuity of reporting and processes maintained with the highest level of statewide civil service transparency.

The implementation of this proposal will allow the following:

- Implement and maintain a statewide discrimination complaint tracking solution.
- Research state entities' discrimination and harassment complaints and formulate plans to address identified problems.
- Track and monitor discrimination and harassment complaint activities of all state entities.
- Track and monitor patterns and complaint allegations of state employees who move from one department to another.
- Track and monitor discrimination and harassment judgment and settlement payments.
- Report annually to the Governor, Legislature, and the public.
- Consult with departments to maintain effective EEO programs.
- Implement effective training for all levels of state discrimination complaint investigations.
- Resources to monitor discrimination and harassment complaints.

The creation of a centralized unit within the Office of Civil Rights with sole responsibility of monitoring discrimination complaint activities, including sexual harassment, will fortify the state's ability to address problems and patterns of harassment and discrimination activity at all levels of state government and create a balanced system of accountability and risk management in the assessment of judgment and settlement payouts.

### **Staff Services Manager III - 1.0 position**

This position is needed to direct and oversee the policies and procedural operations of the consultation unit, provide high-level consultation assistance and expertise to state executives in the development of risk evaluation and mitigation plans, and to direct statewide system implementation, including policy and reporting mechanisms. Oversight will also include supervision and direction of staff engaged in the assessment of EEO programs to ensure compliance with laws, policies, and regulations. This position will work directly with the case management system developer to establish a project plan, construct business requirements, coordinate implementation, and guide training for statewide rollout and ongoing maintenance and reporting.

### **Staff Personnel Program Analyst – 1.0 position**

This position will develop and implement consultative policy, procedures, and tools, reporting requirements, risk evaluation standards and proposed mitigation plan structures. CalHR will work directly with state entities and review EEO programs statewide, provide consultation on complaint data, and conduct program risk evaluations. This position will develop case management system requirements, system user training for departments, and ensure maintenance and compliance with the system and all reporting requirements. This position will analyze data and report on negative trends and other issues of concern in an expeditious manner.

**Information Technology Specialist (System Engineering) – 1.0 position**

This position will serve as the unit business analyst and work directly with the case management system developer to establish technical requirements and develop CalHR's discrimination and harassment complaint online tracking and monitoring system. System development will include branding, workflows, creation of custom fields, and reports. Primary position functions will include maintenance support, data analysis, and annual reporting. The position will serve as subject matter expert to state entities on the access, use, and reporting functions of the system, and also as lead trainer to all system users. The position will ensure proper security provisions are in place and remain in place. They will administer user accounts and access levels for all state department users. The position will create and administer data sharing, privacy, and security level agreements between CalHR and users.

**E. Outcomes and Accountability**

This proposal provides a more effective oversight of state human resources EEO functions to ensure consistent application of rules and regulations, and avoid bias and liability. Functions performed will serve to mitigate and reduce costs incurred by state entities due to harassment and discrimination complaints, create and implement action plans for resolution and compliance, and ensure EEO programs are appropriately managed.

CalHR will produce statistical reports and provide consultation to all state entities. The centralized unit will recommend preventive solutions to identified issues of discrimination and harassment, and create an infrastructure to measure and monitor the overall effectiveness of statewide EEO programs. CalHR will design the functions to respond quickly to changing trends and practices related to discrimination and harassment within the state civil service.

**F. Analysis of All Feasible Alternatives**

**Alternative 1: Approve this request.**

Pros: This would allow CalHR to begin development and implementation of monitoring tools that would allow for a review of activities to include areas such as data collection, the implementation of discrimination complaint and legislative reporting, and department training and consultation.

Cons: There will be an increased cost to the state and the state workforce.

**Alternative 2: Do not approve this request.**

Pros: There will be no increased cost to the state or state workforce.

Cons: This alternative would not allow CalHR to collect complaint data, monitor or report on activities of discrimination and harassment amongst state entities. This leaves departments without oversight of their EEO activities continuing the inconsistent practices that lead to exposure and liability for the state.

**G. Implementation Plan**

ACTIVITY	DATE
Hire Consultant	June – July 2018
Recruit, hire, and onboard unit staff	June – August 2018
Gather formal system requirements, alternative analysis, project planning, PAL process documentation, and system development and implementation	July – September 2018
Staff training	September 2018 – October 2018
Develop program policies, procedures, tools	September 2018 – October 2018
Develop system policies, procedures, tools	September 2018 – October 2018
System testing, department training, and deployment	November 2018
Final system adjustments, testing, and full implementation	December 2018

**H. Supplemental Information**

Consultant and Professional External cost of \$242,000 for IT consultant to assist with the implementation of a statewide discrimination complaint tracking solution to collect, monitor, and track discrimination and harassment complaints.

See attached Workload Matrices.

**I. Recommendation**

Approve Alternative 1. This will allow CalHR to monitor department discrimination and harassment complaint activities. It will also allow CalHR to build a structure that will support continued tracking and reporting functions, increase prevention strategies for discrimination and harassment against state employees, and bring us closer to the Governor's vision of Civil Service Improvement.





DEPARTMENT OF HUMAN RESOURCES  
2018-2019 BUDGET YEAR  
BUDGET CHANGE PROPOSAL  
WORKLOAD MATRIX

<b>DIVISION: Office of Civil Rights</b> <b>POSITION TITLE: Staff Personnel Program Analyst</b>				Workload Standard Hours: 540	Basis for Standard Work performed at 1,800 hours per year and relevant percentage of time allocated per task.
Position(s) Requested Staff Personnel Program Analyst: 1.0		Workload <b>Task #1 – Program Development</b> Develop program job aids, performance support materials, and tools for department use (i.e., standard complaint and settlement matrix and worksheet). Assist with policy development, CalHR annual reporting, website presence, and content development.	<b>Task #2 – Program Consultation</b> Provide statewide consultation to develop risk evaluation and mitigation plan proposals, develop case reports of EEO program effectiveness, and exposure reduction plans.	<b>Task #3 – Online Case Management and Tracking System</b> Identify components of case tracking system, develop business requirements, document system implementation standards, develop system user manual, and draft and publish user policy and system procedures.	<b>Task #4 – Implementation and Training</b> Design program consultation procedures, reference materials, and program and system training content. Rollout ongoing program training for system users.
				Hours: 450	Hours: 270  <b>Total Hours: 1,800</b>

**DEPARTMENT OF HUMAN RESOURCES  
2018-19 BUDGET YEAR  
BUDGET CHANGE PROPOSAL  
WORKLOAD MATRIX**

<b>DIVISION:</b> Information Technology		<b>Workload Standard</b>	<b>Basis for Standard</b>
<b>POSITION TITLE:</b>	<b>Workload</b>	<b>Workload Standard</b>	<b>Basis for Standard</b>
Information Technology Specialist I - 1.0	<p><b>Task #1 - Establish and Maintain Service Level Agreement</b> Establish, maintain, and govern CaHR's service level agreement with sponsor and department users. Provide guidance as departments migrate into the new architecture. Coordinate changes due to solution updates and ensure communication and preparation materials.</p> <p><b>Task #2 - Customize and Maintain Solution</b> Maintain and configure solution to meet the state's specific needs, including branding, workflows, custom fields, custom reports, and any other changes needed to the solution. Provide ongoing maintenance of the customization, keeping up with system updates, change requests, bugs, additional reports, and additional features.</p> <p><b>Task #3 - Reporting</b> Ensure reporting needs required by sponsors and departments are met.</p> <p><b>Task #4 - Additional System Provisions</b> Ensure proper security provisions are in place and remain in place. Administer user accounts and access levels across all department users in the state. Create and administer data sharing, privacy, and security agreements between CaHR and departments.</p>	520	10 hours per week x 52 weeks = 520
		1,040	20 hours per week x 52 weeks = 1,144
		120	10 hours per month x 12 months = 120
		96	8 hours per month x 12 months = 96
<b>Total Hours</b>		<b>1,776</b>	