

## TITLE 2. OFFICE OF ADMINISTRATIVE LAW

### NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE OFFICE OF ADMINISTRATIVE LAW

NOTICE IS HEREBY GIVEN that the Office of Administrative Law, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. All inquiries should be directed to the contact listed below.

The Office of Administrative Law proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

The Conflict-of-Interest Code of the Office of Administrative Law designates positions in Disclosure Category 1 which are required to file statements of economic interests and provides additional information regarding consultants and Disclosure Categories 1 and 2. Changes to the Conflict-of-Interest Code of the Office of Administrative Law include: updating the names of designated positions in Disclosure Category 1, deleting a discontinued position from Disclosure Category 1, adding Staff Services Manager II as a designated position in Disclosure Category 2, and technical changes intended to make the disclosure category requirements more clear.

Authority: Government Code section 87306.

Reference: Government Code sections 87300-87302, 87306

The proposed amendment, explanation of the reasons, and all the information upon which the proposal is based, can be obtained from the agency's contact and is available on the agency's intranet site.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than December 2, 2015, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact listed below. At this time, no public hearing is scheduled. Any person may request a public hearing no later than November 17, 2015.

The Office of Administrative Law has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.

6. Will not have any potential cost impact on private persons, businesses or small businesses.

The Office of Administrative Law must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Craig Tarpenning, Assistant Chief Counsel, (916)323-6808, [ctarpenning@oal.ca.gov](mailto:ctarpenning@oal.ca.gov).

Mailing Address: Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
Attn: Craig Tarpenning

EXPLANATION OF THE REASONS FOR AMENDMENTS TO THE CONFLICT OF INTEREST CODE  
OF THE OFFICE OF ADMINISTRATIVE LAW

A comma is being added on page 1, first paragraph, line 8, after "Title 2." Reason: The change is made for grammatical reasons.

The "Senior Staff Counsel-Specialist" position is being deleted and replaced with "Attorney III." Reason: The position class was renamed by Cal HR in 2014 and this amendment conforms to that change.

The "Senior Staff Counsel-Supervisor" position is being deleted. Reason: The only "Senior Staff Counsel-Supervisor" position at the Office of Administrative Law was reclassified in 2007 to a "Senior Staff Counsel-Specialist" position. The Office of Administrative Law no longer has the "Senior Staff Counsel-Supervisor" position.

The "Staff Counsel" position is being deleted and replaced with "Attorney." Reason: The position class was renamed by Cal HR in 2014 and this amendment conforms to that change.

The "Staff Services Manager II" position is being added as a designated position in Disclosure Category 2. Reason: This position at the Office of Administrative Law may involve the making or participation in the making of decisions that may foreseeably have a material effect on financial interests which are reportable, as set forth in subdivision (a) of section 87302 of the Government Code.

The words "new positions" are being added after "consultants" and technical changes are being made to Disclosure Category 2. Reason: These changes are intended to make the disclosure category requirements more clear.

**CONFLICT-OF-INTEREST CODE FOR  
OFFICE OF ADMINISTRATIVE LAW**

51000. General Provisions.

The Political Reform Act, Government Code section 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict-of-Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, section 18730, which contains the terms of a standard Conflict-of-Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Title 2, California Code of Regulations, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict-of-Interest Code of the **Office of Administrative Law (OAL)**.

Designated positions shall file statements of economic interests with **OAL**, which will make the statements available for public inspection and reproduction. (Gov. Code section 81008.) Upon receipt of the statement by the Director, the agency shall make and retain a copy and forward the original of this statement to the **Fair Political Practices Commission**.

Appendix

DESIGNATED POSITIONS

DISCLOSURE CATEGORY

Director

1

Deputy Director	1
Assistant Chief Counsel	1
Senior Staff Counsel – Specialist <u>Attorney III</u>	1
Senior Staff Counsel – Supervisor	1
Staff Counsel <u>Attorney</u>	1
<u>Staff Services Manager II</u>	<u>2</u>
<u>Consultants/New Positions</u>	*

\*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Director may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope, and thus, is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

Disclosure Categories:

1. Every person in Category 1 must disclose all interests in real property, as well as investments, business positions and sources of income, including gifts, loans and travel payments.
2. Every person in Category 2 must disclose investments, positions in business entities and sources of income, including gifts, loans and travel payments, from sources of the type ~~which have contracted with OAL to provide data processing services, machinery and equipment, materials or supplies to the Office of Administrative Law utilized by OAL, and any status as a director, officer, partner,~~

~~trustee, employee or holder of any position of management in such a business entity.~~

NOTE:

AUTHORITY CITED: SECTIONS 87300 and 87306, GOVERNMENT CODE.

REFERENCE: SECTIONS 87300-87302 and 87306, GOVERNMENT CODE.

STAFF SERVICES MANAGER II (Supervisory)  
DUTY STATEMENT

40% Responsible for planning, organizing, building and preparing the Office of Administrative Law's (OAL) annual budget, correlated schedules and documents for inclusion in the Governor's annual budget. Responsible for preparing mid-year budget revisions pursuant to statutory mandates and/or administrative policies and directives. Assist with the development and presentation of OAL's budget documents to the Department of Finance (DOF). Assist DOF with the presentation of OAL's budget to the Legislature, as needed. Work closely with OAL's executives and principals at DOF to develop budget estimates of proposed legislation that will impact OAL. Work closely with DOF to communicate and resolve emerging or anticipated budget issues.

Requires interpretation and implementation of DOF budget letters and instructions to ensure OAL is compliant with policies and directives. Requires sound research and consideration of reasonable alternatives to accomplish program goals within budget constraints. Requires comprehension of legislative proposals to derive possible implications to OAL's budget. Requires knowledge of OAL's mission, goals, values, priorities and budget constraints. Requires the ability to clearly articulate to OAL's executives and DOF the impacts that budget changes will have on OAL's programs and services, and, the broader statewide implications of said fiscal changes.

20% Responsible for preparing and managing OAL's annual operating budget in conformance with the expenditure authorization in the Annual Budget Act and as predicated by mid-year revisions. Accumulate and analyze all accounting activities and financial information for accuracy and inclusion in OAL's internal monthly operating budget report. Prepare OAL's internal monthly operating budget report, monitor its budget activities and to make budget changes, as needed. Present the monthly operating budget report, and make recommendations to OAL executive management to ensure OAL operates within authorized levels. Manage and direct all of OAL's accounting and fiscal services to ensure OAL's finances are accurate, complete, timely and in compliance with state policies, procedures and within budget authorizations.

Requires working in conjunction with OAL executive management to ensure the operating budget is precisely allocated to enable OAL to achieve its mission, goals and priorities. Requires oversight and management of the Office's accounting activities to ensure OAL operates within budget limits and in compliance with state policies, procedures and budget authorizations. Requires working closely with other departments to ensure OAL's accounting and fiscal activities are in order and timely.

15% Responsible for managing and directing OAL's business services functions. Responsible for managing and maintaining OAL's contracts and service agreements, reports and records related to the acquisition of goods and services. Ensure all contracting, purchasing and information technology (IT) services meet OAL's needs and are in compliance with state policies and procedures. Ensure signatory parties comply with terms and conditions of agreements and are aware of non-performance provisions. Manage and direct inventory management, telecommunications, equipment maintenance and space management. Maintain OAL's eligibility to contract for goods and services and ensure compliance with

state contracting goals. Responsible for compliance with reporting requirements in contracting, purchasing and IT. Manage all requests and activities related to small business enterprises, disabled veteran business enterprises, and the Freedom of Information Act.

Requires knowledge of OAL's business activities, needs and special requests and the correlated rules and regulations governing the acquisition of goods and services and requests for information and assistance, thereof. Requires working closely with DGS, the Office of the Chief Information Officer (OCIO), and private vendors to ensure activities are cost-effective and in compliance with state policies and procedures. Requires maintenance of OAL's eligibility to contract for and purchase goods and services. Requires compliance with state policies and procedures to business management and public policy goals.

15% Responsible for managing and directing OAL's personnel services. Manage all activities related to personnel. Manage and maintain personnel records, requests for personnel records and personnel action requests. Consult with OAL's executive staff on areas all relating personnel. Manage OAL's communications with DOF, DGS, and the Department of Personnel Administration (DPA) regarding personnel matters. Work closely with DOF, DGS and DPA to seek the best solutions to personnel needs. Initiate all requests for personnel actions, including new hires, reclassifications, grievances, and disciplinary actions. Manage system and notifications for tracking training, probation reports, annual performance appraisals, ethics training, FPCC filings, EEO and Upward Mobility program.

Requires working closely with DOF, DGS and DPA, as needed. Requires knowledge of procedures for Requests for Personnel Action, including duty statements, organizational charts and position justification; analyses of vacancies and other personnel reports for position control; handling of complaints, grievances and disciplinary action. Requires management of systems to track training, probation reports, annual performance appraisals, ethics training, FPCC filing, and OAL's Workforce Analysis Report.

10% Directly supervise subordinate staff on daily basis. Grants or denies subordinate staff requests for time off. Monitor performance through various production documents, personal observations, and by following-up with employee to ensure that performance expectations are being met. Provide feedback to employees on performance noting exceptional performance as well as areas of needed improvement through regular discussions. Review work and evaluate performance of staff to determine training and professional growth opportunities.