

1 Amend 2 Cal. Code Regs., Section 18308.3 to read:

2 **§ 18308.3. Authority of the Executive Director.**

3 The Commission delegates to the Executive Director primary responsibility for the operations  
4 and management of the Agency under the day-to-day supervision of the Chair in conformance  
5 with Commission ~~established~~ policy. The Executive Director is responsible for ensuring that the  
6 ~~Commission is~~ Chair and Commissioners are fully informed regarding the operations and  
7 management of the Agency. The Executive Director:

8 (a) ~~The Executive Director acts~~ Acts as the ~~CEO of the Agency~~ chief of staff of the  
9 FPPC.

10 ~~(1) The Executive Director, in consultation with the Budget & Personnel Committee,~~  
11 ~~recommends the selection, submits annual evaluations and, when necessary, recommends the~~  
12 ~~discipline or dismissal of the Division Chiefs, Legislative Director, and Communications~~  
13 ~~Director for review and approval by the Commission.~~

14 ~~(2) Except as otherwise required by applicable statute, the Executive Director, in~~  
15 ~~consultation with the Budget & Personnel Committee and Division Chiefs, hires, promotes and,~~  
16 ~~when necessary, disciplines or dismisses other staff pursuant to Commission policies and~~  
17 ~~procedures.~~

18 (1) Selects, regularly evaluates, and when necessary, disciplines or dismisses executive  
19 staff in accordance with Commission policies and procedures.

20 (2) With input from the Division Chiefs, hires, evaluates promotes, and when necessary,  
21 disciplines or dismisses other staff in accordance with Commission policies and procedures.

1           (3) Regularly reports to Budget and Staffing Committee and the Commission on activities  
2 in connection with the hiring, evaluation, promotion, discipline, and dismissal of executive staff  
3 and other staff.

4           ~~(3) The Executive Director, in~~ (4) In consultation with the Budget & Personnel and  
5 Staffing Committee, prepares and submits to the Commission all office policies and procedures  
6 applicable to staff not in conflict with any statute, regulation, or applicable state employee  
7 collective bargaining contract. Such policies include, but are not limited to:

8           (A) Work hours/flexible schedules/telecommuting of staff;

9           (B) Handling of communications within and outside the agency, including text messages,  
10 e-mail and public records act policies;

11           (C) Policies affecting all employees, such as dress code;

12           (D) Creation and maintenance of duty statements for all staff positions;

13           (E) Training and development of staff;

14           (F) Handling of special assignments and staff projects; productivity and time-keeping  
15 systems; and

16           (G) Evaluation of staff policies and reports as directed by the Commission.

17           ~~(4) In consultation with the Law & Policy Committee, the Executive Director proposes~~  
18 ~~the short term and long term goals and priorities of the Agency for approval by the Commission.~~

19           ~~(5) The Executive Director receives~~ Receives and coordinates requests from  
20 commissioners regarding staff work and, in consultation with the Chair and Division Chiefs,  
21 prioritizes such requests consistent with Commission policies and goals, ~~in accordance with~~  
22 ~~Commission policy recommended by the Budget & Personnel Committee.~~

1           (6) Subject to the limitations of Commission established policy and under the day-to-day  
2 direction of the Chair, the Executive Director may act ~~aets~~ on behalf of and in the name of the  
3 Commission between meetings of the Commission, including certifying actions taken by the  
4 Commission. The Executive Director may not establish or revise policies, promulgate or amend  
5 rules or regulations, issue or revise Commission opinions, or approve or revise positions on  
6 legislation pursuant to this subdivision.

7           (7) The Executive Director reports in writing each month to the Commission on actions  
8 taken on behalf of the Commission for its review and approval.

9           (8) Pursuant to Commission established policy and under the day-to-day oversight of the  
10 Chair, the Executive Director ensures that the information provided to the Commission is  
11 comprehensive, timely, impartial and not unduly burdensome.

12           (9) Under the day-to-day oversight of the Chair, and subject to established Commission  
13 policy, the ~~The~~ Executive Director oversees the implementation of the short-term and long-term  
14 goals and priorities of the Commission and reports to the Commission in writing on achievement  
15 of its goals and priorities.

16           (10) Pursuant to Commission established policy and under the day-to-day oversight of the  
17 Chair, the Executive Director exercises oversight over Commission staff with respect to their  
18 official duties to communicate with the public, the press, and government institutions to ensure  
19 that those communications are forthright, accurate, and do not disparage any Commissioner or  
20 staff member.

21           (b) The Executive Director acts as the chief budgetary and administrative officer of the  
22 Agency.

1           (1) In consultation with the Chair, Chief of Administration, Division Heads, and the  
2 Budget & Personnel and Staffing Committee and Division Chiefs, the Executive Director  
3 prepares and submits an ~~initial~~ annual budget proposal, and any budget change proposals, to the  
4 Commission, ~~subject to the criteria adopted pursuant to Regulation 18308.1(a)(8)~~ in accordance  
5 with Commission policies and procedures.

6           ~~(2) Subject to the criteria adopted pursuant to Regulation 18308.1(a)(8), the Executive~~  
7 ~~Director submits recommendations to the Budget & Personnel Committee at each stage of the~~  
8 ~~budgetary process, including prior to the Agency's proposal to the Department of Finance (DOF),~~  
9 ~~the DOF proposal to the Governor, and the Governor's proposed annual budget to the~~  
10 ~~Legislature.~~

11           ~~(3)~~ (2) The Executive Director, in consultation with the Budget & Personnel and Staffing  
12 Committee, reports monthly in writing to the Commission on the status of Commission finances  
13 and administrative actions.

14           ~~(4)~~ (3) The Executive Director, in consultation with the Budget & Personnel and Staffing  
15 Committee, prepares, and submits budget change proposals, requests for deficit funding and  
16 other budgetary documents to the Department of Finance.

17           ~~(5)~~ (4) The Executive Director, in consultation with the Budget & Personnel and Staffing  
18 Committee, approves all fiscal analyses prepared at the request of the Legislature, Legislative  
19 Analyst or Department of Finance.

20           ~~(6)~~ (5) The Executive Director retains final approval for all budgeted expenditures.

21           ~~(7)~~ (6) In accordance with Commission approved guidelines, the Executive Director  
22 authorizes unbudgeted expenditures, when deemed appropriate, up to \$25,000.

1            (7) Reviews and approves contracts in accordance with Commission policies and  
2 procedures.

3            (8) Reviews and approves Commissioner compensation and reimbursement requests in  
4 accordance with the policy on compensation and reimbursement of Commissioners.

5            (c) The Executive Director acts in the name of the Commission with respect to the  
6 following statutory duties:

7            (1) Conducts probable cause hearings

8            ~~(1)~~ (2) Reviews and approves conflict of interest codes other than the code of the  
9 Commission;

10           ~~(2)~~ (3) Reviews, approves, and signs subpoenas;

11           ~~(3)~~ (4) Executes oaths and affirmations.

12 Note: Authority cited: Section 83112, Government Code. Reference: Sections 83108, 83111 and  
13 83117, Government Code.