

DEPARTMENT OF CHILD SUPPORT SERVICES
Amendment of the Departmental Conflict-of-Interest Code
R-53-13 Regular Permanent Rulemaking

INITIAL STATEMENT OF REASONS FOR AMENDMENT

INTRODUCTION:

Government Code section 87300 requires every state department to adopt and maintain a current Conflict-of-Interest Code (COIC). The purpose for departmental COICs is to assure that state employees do not make, participate in making, or use their official position to influence a governmental decision in which they may have a conflict of interest.

The Department of Child Support Services (DCSS) adopted its original COIC in 2001. DCSS has subsequently grown, restructured organizationally, changed or added some position classifications and their duties. The DCSS COIC needs to be amended to update it so that it properly reflects which departmental positions require disclosure of any personal financial interests with potential for conflict with duties, and what types of personal financial interests must be disclosed. Government Code section 87306 authorizes this amendment of the DCSS COIC.

DISCUSSION BY PROVISION:

The DCSS COIC is a regulation adopted into Title 22 of the California Code of Regulations at section 123000. It consists of section 123000, the Designated Positions Appendix, and the Disclosure Categories Appendix.

The text of section 123000 essentially functions to incorporate by reference the comprehensive COIC adopted by the Fair Political Practices Commission (FPPC). The complex requirements of the FPPC's COIC have been carefully developed and departments are encouraged to incorporate them by reference rather than draft their own language for this complex area of law. Section 123000 requires some amendment at this time to conform to the current FPPC model COIC.

The Designated Positions Appendix has required extensive amendment because the DCSS has grown substantially since the original adoption of its COIC. There has also been increased specialization, position duty and title differentiation. Changes reflect current position titles and duties.

The Disclosure Categories Appendix has also been extensively amended to conform to the new FPPC model COIC. The categories are differentiated based on the duties of the positions. Category number one is for highest level management positions. They must disclose all types of personal interests in properties or organizations because their governmental decisions have the broadest potential impact. Category number two is for positions involved in governmental decisions that have department-wide impact but do not include real estate transactions. Category number three is for positions making

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governmental decisions that impact only the functions of the division in which they work. Category number four is for positions making governmental decisions exercising the regulatory authority of the Department. Category number five is for the Management Auditor position overseeing all audit functions. Category number six is for positions making governmental decisions about real property transactions only. Category number seven is for positions in training and personnel.

DOCUMENTS RELIED UPON:

FPPC model Conflict-of-Interest Code
DCSS Organizational Charts
DCSS Duty Statements