

SCDD COUNCILMEMBER ADMINISTRATIVE POLICIES

POLICY	EXISTING	UPDATE	NEEDED
COMMUNICATIONS			
Councilmember and Committee Staff Communications			X
Councilmember and Travel Coordinator Communications			X
Legal Consultation			X
Photograph and Video Release	X		
Restrictions on Political Activities			X
CONDUCT			
Nepotism			X
Zero-Tolerance Policies			
Discrimination Complaint Process	X		
Drug Free Workplace	X		
Equal Employment Opportunity	X		
Sexual Harassment	X		
Sexual Harassment Prevention Training	X		
Unprofessional Conduct	X		
Workplace Violence Prevention	X		
ETHICS			
Ethics Training	X		
Form 700 Statement of Economic Interest	X		
Statement of Incompatible Activities	X		
PAYMENTS TRAVEL			
Driving	X	X	
Honoraria	X	X	
Conference Attendance	X	X	
Travel Advance Policy	X	X	
Travel Planning and Reimbursements	X	X	
Travel Out of State	X		
REASONABLE ACCOMMODATION			
Facilitation/Attendant	X		
Reasonable Accommodation	X		
TECHNOLOGY			
iPad/Tablet Usage			X
WHISTLEBLOWER PROTECTION			
	X	X	
WORKER'S COMPENSATION			
			X
OTHER POLICIES			
E.D. Travel Policy			X

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California State Council on Developmental Disabilities

COUNCILMEMBER ADMINISTRATIVE POLICIES AND PROCEDURES

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1-100 COMMUNICATIONS

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COUNCILMEMBER AND COMMITTEE STAFF COMMUNICATIONS

Purpose:

To clarify the lines of communication between and among Councilmembers and committee staff.

Authority/Reference:

N/A.

Applies To:

Councilmembers and Committee Staff

POLICY

Policy Statement

In an effort to clarify lines of communication between and among Councilmembers and committee staff, the following instructions pertain to routine situations that regularly occur during the working relationships between members and these staff. It is the intent of this policy to foster positive working relationships between Councilmembers and committee staff. This policy does not preclude Council staff from communicating as necessary with any agency or organization.

Procedure

On matters concerning specific committee business, it is the responsibility of the committee Chairs to field ideas, suggestions, thoughts, questions, concerns and requests that pertain to an ongoing function or standard business of a committee from Councilmembers. It is the committee Chair's responsibility to interact with the staff assigned to that particular committee. Committee members should not individually instruct committee staff, but utilize the Committee Chair to communicate with committee staff. This enables the Committee Chair to be knowledgeable of his/her members' thoughts, manages the flow of committee communication to the staff member, and allows the Committee Chair to be responsible to articulate the position of the committee to Councilmembers.

Councilmembers' specific requests of staff to provide ideas, thoughts, information, research, personal assistance that are not task oriented to specific committee work or travel should be directed to the Executive Director to enable him/her to operate with full knowledge of issues pertinent to the Council and to manage staff assignments. The general rule is for Councilmembers to communicate with committee staff via office phone or email. Councilmembers may not always be available during normal business hours and should expect committee staff to respond during normal business hours.

If issues should arise, Committee staff should direct concerns about Councilmembers to the Executive Director. Councilmembers should direct their concerns about Committee Staff to the Executive Director.

Also, it is the intent of this policy to preserve positive relationships between Council staff and public and private agencies and organizations with which the Council conducts business.

Most Recent Action

N/A

COUNCILMEMBER AND TRAVEL COORDINATOR COMMUNICATIONS

Purpose:

To clarify the lines of communication between and among Councilmembers and travel staff.

Authority/Reference:

N/A.

Applies To:

Councilmembers and staff responsible for coordinating their travel (Travel Coordinators)

POLICY

Policy Statement

In an effort to clarify lines of communication between and among Councilmembers and staff responsible for coordinating their travel (Travel Coordinators), the following instructions pertain to routine situations that regularly occur during the working relationships between members and these staff. It is the intent of this policy to foster positive working relationships between Councilmembers and Travel Coordinators and also allow for open and spontaneous interactions as well as effective, appropriate and timely communications flow. This policy does not preclude Council staff from communicating as necessary with any agency or organization.

Procedure

On matters concerning travel, Council and Committee members may communicate with the Travel Coordinator via phone or email at TravelClaims@scdd.ca.gov.

Councilmembers' specific requests of staff to provide ideas, thoughts, information, research, personal assistance that are not task oriented to specific committee work or travel should be directed to the Executive Director to enable him/her to operate with full knowledge of issues pertinent to the Council and to manage staff assignments. The general rule is for Councilmembers to

communicate with the Travel Coordinator via office phone or email. Councilmembers may not always be available during normal business hours and should expect the Travel Coordinator to respond during normal business hours.

If issues should arise, the Travel Coordinator should direct concerns about Councilmembers to the Executive Director. Councilmembers should direct concerns regarding the Travel Coordinator to the Executive Director.

Most Recent Action

N/A

DRAFT

LEGAL CONSULTATION

Purpose:

To provide Councilmembers with the scope of legal advice they can seek from the Legal Counsel.

Authority/Reference:

Departmental

Applies To:

Councilmembers

POLICY

Policy Statement

This policy provides instructions to Councilmembers about how to request legal advice from the State Council on Developmental Disabilities' (SCDD) staff Legal Counsel.

The Legal Counsel is a State civil service employee that works under the direction of the Executive Director and provides legal opinions, legal advice and/or legal documents to SCDD executive management and to the Council through the SCDD Executive Director. This reporting relationship ensures that the Executive Director has knowledge of the issues pertinent to the Council and to manage the workload of the Legal Counsel.

Because the Legal Counsel reports to the Executive Director, the Legal Counsel is required to discuss requests and inquiries from Councilmembers with the Executive Director and, as appropriate, Executive Management, as well as any legal opinion, legal advice and/or other legal documents prepared by the Legal Counsel prior to sharing with the Councilmembers.

Executive Management is defined as the Executive Director and all Deputy Directors.

It is the intent of this policy to foster positive working relationships between Councilmembers, Executive Management, and the Legal Counsel. Also, it is the intent of this policy to preserve positive relationships between Council staff and

public and private agencies and organizations with which the Council conducts business. This policy does not preclude Council staff from communicating as necessary with any agency or organization.

Procedure

Councilmember requests for legal advice should be directed to the Executive Director. Any requests should pertain to Council business, not personal issues or other non-Council related items.

The Executive Director will discuss each request with the Legal Counsel and they will mutually agree upon a completion date based on the Legal Counsel's workload and SCDD priorities. The Executive Director shall communicate the completion date with the requesting Councilmember(s). The Executive Director and Legal Counsel shall review and discuss all legal opinions, legal advice and/or other legal documents prepared by the Legal Counsel prior to sharing with the Councilmembers.

In the event the Executive Director and Legal Counsel are unable to agree on the legal opinion, legal advice and/or other legal documents prepared by the Legal Counsel, and the Legal Counsel feels in his/her professional judgment there is an issue that needs to be brought to the Council, the Legal Counsel and Executive Director shall provide the Executive Committee a written summary detailing the request and their respective positions on the matter for discussion and resolution in an Executive Committee meeting.

This policy does not preclude Legal Counsel or other staff who believe they have been sexually harassed or subjected to discrimination or other professional conduct by the Executive Director from reporting the potential policy violation directly to the SCDD EEO Office.

Most Recent Action

Policy direction given by the Executive Committee March 12, 2018.

PHOTOGRAPHIC IMAGE, SOUND AND STORY RELEASE

Purpose:

For members to grant permission to the Council and its affiliates to copyright, publish, and use images of their likeness, the sound of their voice, and their story and its likeness.

Authority/Reference:

Applies To:

Councilmembers

POLICY

Policy Statement

To obtain release agreements for use in Council publications.

Procedure

See next page.

Most Recent Action

Revised July 21, 2015



Authorization and Release Form Image, Sound and Story

I give to the State Council on Developmental Disabilities, its members, employees, and other affiliates and agents (all these persons are together called "the Council") unlimited permission to copyright, publish, and use, with or without my name, in any lawful manner, all or a portion of any reproduction(s) of:

- ✓ My likeness (photographic or otherwise);
- ✓ The sound of my voice (how ever recorded); and
- ✓ My story and its likeness.

My likeness, sound of my voice, and my story and its likeness are called "my items."

I hereby waive any right that I may have to look at and/or approve the reproductions and/or finished product(s) or any copies of my items.

I hereby waive the right to any compensation, financial or otherwise, for the use of my items. I hold harmless the Council from any claims which I or any others acting on my behalf or on behalf of my estate have or may have by reason of this authorization or the use of my items.

I hereby grant permission to the Council to record me and use personal information about me along with my items.

This agreement will be considered valid for all reproduction(s) of my items until I withdraw this consent in writing. By my signature below, I am indicating that I have completely read the terms and conditions of this authorization and agree with all of it.

<p>Section 1</p> <p>SIGNER If the signer is a consumer is under the age of 18 years old or has a Conservator, Section 2 must also be filled out.</p> <p>Print Name _____</p> <p>Address _____ _____</p> <p>Signature _____</p> <p>Date _____</p> <p>Phone _____</p>	<p>Section 2</p> <p><input type="checkbox"/> PARENT <input type="checkbox"/> LEGAL GUARDIAN <input type="checkbox"/> CONSERVATOR</p> <p>Print Name _____</p> <p>Address _____ _____</p> <p>Signature _____</p> <p>Date _____</p> <p>Phone _____</p>
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Updated: 7/21/15

RESTRICTIONS ON POLITICAL ACTIVITIES

Purpose:

To provide policy to Councilmembers and employees regarding the restrictions on political activities.

Authority/Reference:

United States Code Title 5, § 1501 – 1508
Government Code §§ 8314, 82015, 82025
2 CCR 18215, 18420.1
Penal Code § 424

Applies To:

Councilmembers and staff

POLICY

Policy Statement

This policy addresses restrictions regarding Councilmembers and employees of the State Council on Developmental Disabilities (SCDD) engaging in political activities. State appointees and employees, like all citizens, have a constitutional right to participate in political activities, attend fund raisers, and other activities, as long as the political activity does not involve an improper use of state or federal resources and are not conducted on state paid time. For the protection of the integrity of California State service and the effective use of federal grants, SCDD Councilmembers and employees must adhere to federal and state law prohibiting certain political activities during working hours or while otherwise performing duties on behalf of SCDD. Additionally, Councilmembers and employees shall not endorse candidates for federal, state, or local office in their official SCDD capacity. State law forbids the use of any public resources to campaign for or against ballot initiatives or candidates. State resources can only be used for authorized official purposes.

This policy provides guidelines to follow in order to adhere to the law and avoid the appearance of impropriety. It is important that everyone understand the rules against using federal and state resources for campaign activities because violations can result in civil or criminal penalties.

THE GENERAL STATE RULE

The general rule is that elected state officers, as well as state appointees, employees, and consultants, are prohibited from using public funds and resources for campaign activities (Gov. Code § 8314; see also Penal Code § 424).

“*Campaign activity*” means an activity having a political purpose. (See Gov. Code § 8314 (b)(2)). In most instances an activity will be for a political purpose if it is for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any ballot measure during a local, state or federal election. (See Gov. Code §§ 8314, 82015 and 82025; 2 CCR 18215(a)(1).)

Violations of this rule usually fall into two categories.

1. *Use of State Compensated Time*: You may not participate in campaign activities on state-compensated time. This means you cannot make campaign-related phone calls, draft campaign-related emails or letters, or attend campaign-related meetings on state-compensated time.¹
2. *Use of State Resources*: You may not use state resources in connection with campaign activities. State resources include, but are not limited to, office space, office supplies, state vehicles, and office equipment, including telephones, computers, copying machines, and other items of this nature.

APPLICATION OF THE GENERAL RULE TO COMMON SITUATIONS

The following guidelines address some common situations that might present themselves.

¹ “‘Campaign activity’ does **not** include the incidental and minimal use of public resources, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.” (Gov. Code, § 8314 (b)(2), emphasis added.)

1. *State Computers, Telephones, E-mail, and Fax Machines*

Persons covered by the general rule cannot use state resources, including computers, social media accounts, telephones, fax machines, or e-mail, to communicate with any political campaign. Although there may be a situation where an individual must communicate with a campaign as part of their state duties, such as to confirm the schedule of an official, this situation will be rare.

2. *Travel*

Persons covered by the general rule cannot be reimbursed by the state for travel related to campaign activities. Travel for state business should not be scheduled to facilitate participation in campaign activity.

3. *State Stationery and Letterhead*

State stationery and letterhead cannot be used for campaign-related correspondence. Additionally, persons covered by the general rule cannot prepare any campaign correspondence while they are on state-compensated time.

4. *State Office Space*

Meetings on campaign-related matters cannot be held in state-owned or leased office facilities. This applies even to meetings held outside normal working hours.

5. *Campaign Contributions*

It is unlawful to receive campaign contributions in the State Capitol, in any state office building, or in any office for which the State pays the majority of the rent (Gov. Code § 84309). If a campaign contribution is mistakenly sent to a state office, it should be returned to the sender and not forwarded to the campaign. The sender may be informed of the proper address to send the contribution.

6. *Campaign Activities During Vacation or Leave Time*

Outside normal working hours (including during lunch, at night, or on weekends and holidays), persons covered by the general rule may engage in campaign

activities, so long as persons covered by the general rule do not use state resources to do so. Using state resources would include the planning and arranging for such a meeting on state-compensated time or with state-compensated staff.

Unless prohibited by another law (such as the Hatch Act discussed below), a person covered by these rules who wishes to engage in campaign activity, other than incidental and minimal campaign activity, may engage in campaign activity outside normal working hours or must take vacation or other applicable leave time. A good practice is to keep a written record that vacation or leave time was used.

7. Endorsement of Candidate or Ballot Measure

Persons covered by the general rule, in his or her official capacity, may not endorse a candidate or a ballot measure. This applies even if the employee is not at work. This restriction does not prohibit an employee from endorsing a candidate or a ballot measure provided he or she does so in his or her individual capacity. Thus, if a Councilmember or employee decides to endorse a candidate or ballot measure in a public setting, such as a newspaper, social media or in a verbal or written correspondence, SCDD must not be referenced in any manner, nor can the Councilmember or employee utilize SCDD letterhead or the SCDD logo. Engaging in unauthorized political activities violates both state and federal law and may result in disciplinary or other legal action.

USING PUBLIC RESOURCES FOR INITIATIVES

Despite the general prohibitions discussed above, state resources can be used to develop initiative proposals, and state resources may also be spent to provide information about the likely impact of a proposed initiative on a state agency or program. Decisions about the use of SCDD funds for ballot initiative (ballot measure) involvement may only be made by the Council and will be implemented by the Executive Director who will provide staff with clear direction on specific tasks. A Councilmember involved with Council work involving a ballot initiative must make sure to comply with the “Council Member Policy for Representation at Outside Events” in addition to the rules provided by this policy.

Please note that, while public resources can be used to educate and inform the public about an initiative, public resources can never be used for campaign

activities that advocate for the passage or defeat of an initiative. (See Gov. Code § 8314 and *Stanson v. Mott* (1976) 17 Cal.3d 206.)

The critical, but sometimes unclear, distinction is between informational activities, which are permissible, and expenditures for campaign or advocacy activities, which are not. Informational activities are done in a balanced, non-partisan informational manner where all candidates have an equal opportunity to participate and information is given without taking a position on a candidate or ballot proposition.

The line between improper campaign activities and proper informational activities is not always a bright one. Persons covered by the general rule should err on the side of caution. SCDD Legal Counsel is available on these issues as they arise.

THE FEDERAL LAW

The federal law, commonly referred to as the Hatch Act (5 U.S.C. Sec. 1501 et. seq.), places restrictions on all state employees whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency. Those employees, who meet these criteria, are prohibited from:

- Using his/her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- Directly or indirectly coercing, attempting to coerce, commanding or advising a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; and
- If the employee's salary is paid completely, directly or indirectly, by loans or grants made by the United States or a federal agency, being a candidate for partisan elective office.

(5 USC 1502; see also 5 USC 1503.)

Please note that an employee's violation of the Hatch Act need not be a knowing and willful violation. In fact, in determining whether a violation has occurred, the courts simply examine the activity and whether the particular employee in question is covered under the Act. Because an employee may be removed from office (or penalties imposed on a department) as a result of a violation, the

employee must notify his/her supervisor of the activity or prospective activity as soon as possible.

If an employee covered by the general rule is considering any political activities, the employee first should check with the Legal Office regarding activities prohibited by the California Government Code or an applicable collective bargaining agreement. Infractions in any of these areas could result in actions ranging from an informal reprimand to dismissal.

Most Recent Action

N/A

DRAFT

1-200 CONDUCT

- 1-220 Nepotism Prevention Policies for Councilmembers
- 1-230 Zero-Tolerance Policies
 - 1-232 Discrimination
 - 1-234 Drug Free Workplace
 - 1-236 Equal Employment Opportunity
 - 1-238 Sexual Harassment
 - 1-238.1 Sexual Harassment Prevention Training
- 1-240 Unacceptable Behavior
- 1-242 Workplace Violence Prevention
- 1-248 Zero-Tolerance Certification Form

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NEPOTISM PREVENTION POLICY FOR COUNCILMEMBERS

Purpose:

To provide Councilmembers with a policy related to activities that are not allowed because of nepotism conflicts.

Authority/Reference:

Applies To:

Councilmembers

POLICY

Policy Statement

The Council's policy is to prevent nepotism and improper influence in Council matters. This policy applies to Members of the SCDD. It does not apply to SCDD employees who are subject to a separate nepotism prevention policy.

DEFINITIONS:

For purposes of this policy, "nepotism" is defined as the practice of a Councilmember using his/her personal power or influence to aid or hinder another in a Council matter because of a personal relationship. Such a relationship in Council matters is considered contrary to the best interests of the SCDD and the State of California.

For purposes of this policy, a "personal relationship" includes, but is not limited to, an association between two individuals by:

- blood;
- adoption;
- present or past marriage;
- having one or more children together;
- domestic partnership;
- cohabitation; and/or
- having a consensual romantic/sexual relationship.

Examples of such relationships include, but are not limited to, those of a wife, husband, former spouse, domestic partner, mother, father, daughter, son, sister, brother, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, in-laws, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, step-grandparent, step-aunt, step-uncle, half-sister, half-brother and/or two people living together and/or in a romantic/sexual relationship.

RESTRICTIONS:

A Councilmember, in his or her capacity as a Councilmember, shall not influence or participate in Council matters involving an individual with whom the Councilmember is in a personal relationship if the Council matter involves:

- An SCDD contract, including a grant or sponsorship, to another individual with whom the Councilmember has a personal relationship;
- The appointment to a position of another individual with whom the Councilmember has a personal relationship if the position is an SCDD employee or volunteer position or a position for which the Council or one of its committees reviews and recommends candidates;
- Payments or reimbursements to another individual in which he or she has a personal relationship; or
- The provision of benefits or special privileges to another individual with whom the Councilmember has a personal relationship.

To ensure against abuses related to nepotism, Councilmembers must avoid or report and seek assistance to remedy any of the above situations.

This policy pertains to personal relationships, rather than financial interests, and is in addition to and does not replace the standard conflict of interest rules that apply to Councilmembers under California state law. Those rules continue to apply.

REPORTING REQUIREMENTS

Each Councilmember is required to disclose to the Executive Committee Chair along with the Council Chair and the Executive Director if he or she is both: (1) in a personal relationship and (2) aware that he or she may participate in one of the matters described in the “Restrictions” section of this policy.

If the Councilmember in a personal relationship is the Council Chair, it is sufficient that the Councilmember provide his or her disclosure to the Executive Committee Chair and the Executive Director. If the Councilmember in a personal

relationship is the Executive Committee Chair, it is sufficient that the Councilmember provide his or her disclosure to the Council Chair and the Executive Director.

If nepotism arises as a result of changed circumstances (e.g. a recent marriage or hiring), it is the Councilmember's responsibility to report the situation in the manner described above.

Most Recent Action

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- 1-230 Zero-Tolerance Policies
- 1-232 Discrimination Complaint Process
- 1-234 Drug Free Workplace Statement
- 1-236 Equal Employment Opportunity Policy Statement
- 1-238 Sexual Harassment
- 1-238.1 Sexual Harassment Prevention Training
- 1-240 Unprofessional Conduct
- 1.242 Workplace Violence Prevention
- 1-248 Zero-Tolerance Certification Form

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DISCRIMINATION COMPLAINT PROCESS

Purpose:

To provide all employees or applicants of the California State Council on Developmental Disabilities with the Department's employment discrimination complaint process.

Authority/Reference:

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (1964)).
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 633a).
Fair Employment and Housing Act (Government Code § 12940 et. seq. and Government Code § 19572).
Americans with Disabilities Act of 1990 (42 U.S.C. § 12101).
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000 ff).
Rehabilitation Act of 1973 (29 U.S.C. 791 § 501 and 505).
Government Code § 19702.
Ralph Civil Rights Act (Government Code § 51.7).
Unruh Civil Rights Act (Government Code § 51 et. seq.).
Government Code § 18500.

Applies To:

Councilmembers and staff

POLICY

Policy Statement

This policy has been developed to facilitate the resolution of discrimination complaints at the lowest level possible and in the fairest, most timely manner.

DEFINITIONS

Discrimination: is defined as any unfair employment practice or behavior that treats individuals differently based on a protected class. The law forbids discrimination or harassment when it comes to any aspect of employment, including but not limited to, hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment.

Protected class/basis: means an individual's characteristic which is protected by federal and/or state law. Protected classes/bases are age, ancestry, color, disability, gender identity, gender expression, genetic information, marital status, medical condition, national origin, political affiliation, race, religious creed, retaliation (for filing a discrimination complaint), sex (including sexual harassment), sexual orientation and veteran/military status.

Harassment: is offensive conduct occurring within the scope of employment directed at an individual (or group) because of their membership in a protected class. Harassment of a person based upon that person's protected class can also be a form of discrimination. Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment.
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

For more information on sexual harassment see the Sexual Harassment Zero-Tolerance Policy.

Retaliation: is an adverse employment action taken against a Councilmember/employee because he/she reported discrimination or harassment, files a discrimination or harassment complaint, or participates in a discrimination investigation.

Third-Party: is an individual(s) who interacts with SCDD Councilmembers/employees and is not considered an employee.

Employee: as used in this policy only, means an individual who works for this agency, whether full or part time, receives pay, and has an employee identification number. For this policy only, this definition also includes individuals who have signed an employment agreement or contract to provide services to or on behalf of the SCDD, as well as recognized interns (paid or unpaid), and volunteers.

Person: as used in this policy only, means a member of the public conducting business with this agency or receiving services from this agency, such as a vendor, licensee, third party or claimant.

EXAMPLES OF PROHIBITED BEHAVIOR

While it is not possible to list all circumstances that may be considered discrimination or harassment, some examples of conduct that may violate SCDD's Discrimination and Harassment Policy include, but are not limited to, the following:

- Making derogatory or offensive comments, slurs, jokes, remarks, rumors, put-downs, ridicule, mockery or epithets.
- Displaying objects, cartoons, pictures or posters of a derogatory or discriminatory nature.
- Treating an individual differently based on the individual's membership in one of the protected classes.
- Implying to withhold or withholding support for an appointment, promotion, transfer, or change of assignment.
- Initiating a rejection during probation or an adverse action without a justified nondiscriminatory business related reason.
- Displaying, transmitting or forwarding Internet material of a discriminatory and/or offensive nature.
- Engaging in retaliation or threats against anyone who alleges discriminatory, harassing or offensive behavior.

Comments or behavior that may be perceived as unfair may not necessarily be unlawful or a violation of this Policy. Employment actions may be perceived by the employee as harsh, insensitive or unjust, but they do not become unlawful under the above laws or violate this Policy unless the unfair treatment is motivated in part because of a person's protected class.

Petty slights, minor annoyances or a simple lack of good manners, while discouraged, may not necessarily violate this Policy. The mere fact an employee is displeased by an individual's act or omission, does not elevate that act or omission to a Policy violation.

RETALIATION

Actions of retaliation taken against individuals, who report or file complaints of discrimination or harassment or for individuals providing information during a complaint investigation, are strictly prohibited. SCDD will not tolerate any retaliation against any individual(s) that, in good faith, reports and/or provides information in an investigation of a complaint of discrimination or harassment, regardless of whether the claim of discrimination or harassment is determined to be valid or unfounded.

CONFIDENTIALITY

SCDD has an obligation to address complaints of discrimination and harassment. The EEO Office and others responsible for implementing this Policy will respect the confidentiality and privacy of individuals involved in an investigation to the extent possible. SCDD cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully or, where warranted, to take corrective action.

All SCDD employees who take part in any of the procedures under this Policy are expected not to reveal any information they learn in the course of the proceedings with anyone other than EEO staff and their own personal legal counsel or union representative. Breaches of confidentiality jeopardize the investigation and resolution of allegations and may lead to disciplinary action.

All employees are required to cooperate with EEO investigations and tell the truth. Employees who do not cooperate or who compromise the integrity of the investigation may be subject to disciplinary action.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is available as a resource for employees who desire counseling for stress, interpersonal conflicts, legal issues and/or other concerns. Employees may contact the SCDD Personnel Office at

(916) 322-5521 for more information regarding the EAP or Magellan Healthcare at (866) EAP-4SOC (1-866-327-4762). TTY users should call (800) 424-6117. The EAP is a confidential program.

CONTACT INFORMATION

Questions regarding this Policy should be referred to the EEO Office at:

State Council on Developmental Disabilities

Equal Employment Opportunity Office

Phone: (916) 322-5521

Most Recent Action

Revisions approved by Legal and HR April 25, 2018.

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DRUG FREE WORKPLACE STATEMENT

Purpose:

To comply with the Federal Drug-Free Workplace Act of 1988, and continue receiving federal grants and contracts, state agencies must certify that they provide drug-free workplaces and have issued drug-free workplace statements with these provisions to their employees.

Authority/Reference:

Federal Drug-Free Workplace Act of 1988
Title 2, Article 29, Rule 599.960 of the California Code of Regulations

Applies To:

Councilmembers and staff

POLICY

Policy Statement

To comply with the Federal Drug-Free Workplace Act of 1988, and continue receiving federal grants and contracts, state agencies must certify that they provide drug-free workplaces and have issued drug-free workplace statements with these provisions to their employees. You are being issued this statement to meet this requirement.

It is the policy of the State of California (refer to Title 2, Article 29, Rule 599.960 of the California Code of Regulations) that the state workplace be free from the effects of drug and alcohol abuse. This is to avoid the dangers arising from substance abuse in the workplace. These dangers include death and injury to the employee, co-workers, or the public resulting from accidents, dereliction of duty, poor judgment and carelessness. Substance abuse also results in lost productivity, reduced efficiency, and increased absenteeism by the substance abuser and interferes with the job performance of employees who do not use illegal or unauthorized substances.

This policy, which is consistent with Government Code Section 19572 and the Governor's Executive Order D-58-86, states that no state employee who is on duty shall (1) use, possess, or be under the influence of illegal or unauthorized

drugs or other illegal mind-altering substances; or, (2) use or be under the influence of alcohol to any extent that would impede the employee's ability to perform his or her duties safely and effectively. Furthermore, no employee shall perform duties which, because of drugs taken under a legal prescription, the employee cannot perform without posing a threat to the health and safety of the employee or others.

California law also prohibits the unlawful manufacture, dispensation, possession, or illegal use of a controlled substance. That prohibition extends to all places and includes the worksite of California State Employees.

Employees convicted of a violation of a criminal drug statute when the violation occurred at a state employee's worksite shall report the conviction to the state agency within five (5) days of the conviction.

In the event of the unlawful manufacture, distribution, dispensation, possession or illegal use of a controlled substance at a state worksite, the state may take disciplinary action pursuant to applicable Government Code sections and/or require the satisfactory completion of a drug abuse assistance or rehabilitation program.

The state Employee Assistance Program (EAP) provides drug problem assessment and referral to appropriate counseling and rehabilitation services. The EAP is available to all state employees. Procedures exist to ensure the confidentiality of EAP records. Contact your personnel office for further information.

It is the intent of the state that each state employee abides by the terms of this Drug-Free Workplace Statement.

Most Recent Action

Provided to all SCDD Staff December 30, 2015

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Purpose:

To provide policy of equal employment opportunity for all employees, job applicants, students, and volunteers.

Authority/Reference:

[HR/Legal to add](#)

Applies To:

Councilmembers and staff

POLICY

Policy Statement

The State Council on Developmental Disabilities (SCDD) is committed to providing equal employment opportunities to all Councilmembers, employees and applicants for employment on the basis of merit and to prevent discrimination, harassment based on a protected class, and retaliation for reporting discrimination or harassment. No person should be required to endure workplace discrimination or harassment based on a protected class. All SCDD employees, including contract employees, interns and volunteers, are subject to this Policy regardless of their employment status.

This Policy applies to any location that can be reasonably regarded as an extension of the workplace such as any off-site social or business function or any other non-SCDD facility where SCDD business is being conducted. SCDD is equally committed to preventing discrimination and harassment toward persons receiving services from SCDD. In addition, SCDD will not tolerate discriminatory or harassing behavior by third parties conducting business with SCDD or its staff.

Consistent with this commitment, SCDD complies with all state and federal laws that give Councilmembers and employees the right to work in an environment free from discrimination and harassment based on factors such as age, ancestry, color, disability, gender, gender identity, gender expression, genetic information, marital status, medical condition, national origin, political affiliation, race, religious creed, sex (including sexual harassment), sexual orientation and veteran/military status and any other class protected by law.

ZERO TOLERANCE

SCDD has zero tolerance for all acts of discrimination, harassment and retaliation. SCDD is committed to providing all SCDD employees, including Councilmembers, contract employees, interns and volunteers, regardless of their employment status, a safe work environment free from discrimination and harassment.

A zero-tolerance policy means working to prevent any inappropriate behavior. An employee's action does not need to be severe or pervasive to be in violation of this Policy.

Remedial action will be taken if any misconduct is found. An employee found to have engaged in discrimination, harassment or retaliation may face corrective action, up to and including dismissal, regardless of job level or classification. The non-discriminatory policies of SCDD may be more comprehensive than State or Federal law. Conduct that violates this policy may not violate State or Federal law but could still be subject to discipline.

SCDD recognizes that false accusations of discrimination and harassment can have a serious effect on an innocent employee's reputation and character. Therefore, any employee found to have filed a false accusation/complaint may be subject to disciplinary action.

Supervisors and managers may be subject to disciplinary action for failure to take appropriate and expedient action to ensure a work environment free of discrimination, harassment and retaliation.

EMPLOYEE RESPONSIBILITIES

Any employee or individual who believes they have been discriminated against, harassed (based on a protected class) or suffered retaliation from participating in a discrimination investigation, has a responsibility to immediately report the potential Policy violation to their supervisor and/or manager or to the SCDD's Equal Employment Opportunity (EEO) Office. SCDD must be aware of discrimination or harassment in order to take appropriate corrective action. If the employee is not comfortable reporting the discrimination or harassment to the employee's supervisor or manager, employees should report the behavior to another supervisor or directly to the EEO Office.

The EEO Office can be reached at:

**State Council on Developmental Disabilities
Equal Employment Opportunity Office**

Phone: (916) 322-5521

In addition, employees have an obligation to:

- Adhere to this Policy;
- Refrain from engaging in, condoning, tolerating or ignoring conduct that violates this
- Policy; and
- Cooperate with any investigation regarding an alleged violation of this Policy.

SUPERVISOR AND MANAGER RESPONSIBILITIES

Supervisors and managers are expected to know and implement this Policy. Supervisors and managers must ensure that all new employees are given a copy of this Policy. It is the responsibility of supervisors and managers to provide a discrimination and harassment free work environment and to communicate to their staff that discrimination and harassment in the workplace will not be tolerated. Supervisors and managers are expected to take all complaints seriously. A complaint should never be shrugged off or minimized. Supervisors and managers should never discourage staff from reporting or filing a complaint. Any supervisor or manager that becomes aware of any possible discrimination or harassment based on a protected class is obligated by state and federal laws, as well as this Policy, to take immediate and appropriate action to address such situations to help prevent the conduct from continuing. Supervisors and managers must document all incidents and/or complaints of discrimination or harassment and submit documentation to the EEO Officer immediately. The EEO Officer will assess the situation, consult with the supervisor or manager on the appropriate follow-up steps and determine the depth of the investigation. Supervisors and managers are expected to follow the directions and instructions from the EEO Office.

COMPLAINT PROCEDURES

The EEO Office is a neutral fact-finding entity and as such does not represent the complainant (person filing the complaint) or the respondent (person allegations are against) in the course of the EEO process, which allows for a fair and impartial investigation. The EEO Office is part of the Executive team, which gives the EEO Office the level of support needed to ensure investigative findings and concerns are appropriately addressed at all levels within SCDD.

Individuals who believe they have been subjected to discrimination, harassment (based on a protected class) or retaliation (from participating in a discrimination investigation), should file a complaint with the EEO Office within 365 days from the date of the alleged incident(s). A complaint may be filed using SCDD EEO Discrimination Complaint Form, which is available from the EEO Office. All complaints will be followed by a fair, complete and timely investigation.

The complainant has the burden of proof to show the alleged behavior occurred because of a protected class.

The written complaint must state:

- a) The action(s) perceived to be discriminatory, harassing or retaliatory.
- b) The name of the person(s) alleged to have discriminated, harassed or retaliated.
- c) The date(s) the alleged action(s) occurred.
- d) The names of any witnesses to the action(s).
- e) The basis of discrimination (e.g. race, gender, age, religion, etc.).
- f) The remedy sought by the complainant.

In order for a discrimination complaint to be processed it must include enough information to state a prima facie case (i.e. show how the alleged decision or action was due to discrimination or harassment of a protected class). Complaints will be investigated by EEO investigators who have received special training. The investigation process will be impartial, timely and confidential to the extent possible. The complaint will be tracked. All complaints will receive a timely resolution.

Employees in Bargaining Units 1 and 4 have the ability to make their complaint of discrimination through the grievance process. A formal grievance must be filed on a STD 630, Employee Contract Grievance form, no later than 30 calendar days after the employee can reasonably be expected to have known of the event

occasioning the grievance. Allegations of retaliation or threats of retaliation may be appealed through the entire grievance and arbitration process.

All employees have the option to file discrimination or harassment complaints with the California Department of Fair Employment and Housing within 365 days from the last date of the alleged incident(s). Additionally, employees may file complaints with the U.S. Equal Employment Opportunity Commission within 300 days from the first date of the alleged incident(s).

Further information for these agencies can be found at:

California Department of Fair Employment and Housing

www.dfeh.ca.gov

Phone: (800) 884-1684

TDD: (800) 700-2320

U.S. Equal Employment Opportunity Commission

www.eeoc.gov

Phone: (800) 669-4000

TTY: (800) 669-6820

Employees who file a complaint alleging disability or medical condition discrimination also have the right to file a complaint with the State Personnel Board (SPB) 90 days after a complaint is filed with the SCDD's EEO Office.

SPB contact information can be found at:

State Personnel Board

www.spb.ca.gov

Phone: (916) 653-0799

TDD: (916) 653-1498

Most Recent Action

Policy Statement approved by Legal and HR April 24, 2018

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SEXUAL HARASSMENT POLICY

Purpose:

To inform Councilmembers and staff of the State of California's zero tolerance policy for all acts of sexual harassment.

Authority/Reference:

Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (1964)).
Fair Employment and Housing Act (Government Code, § 12940 et. seq. and Government Code § 19572).

Applies To:

Councilmembers and staff

POLICY

Policy Statement

The State Council on Developmental Disabilities (SCDD) is committed to providing a workplace in which all individuals are treated with respect and dignity. No person should endure sexual harassment in the workplace. All SCDD employees, including contract employees, interns and volunteers, are subject to this Policy regardless of their employment status. This Policy applies to any location that can be reasonably regarded as an extension of the workplace such as any off-site social or business function or any other non-SCDD facility where SCDD business is being conducted. The SCDD is also committed to preventing sexual harassment toward individuals receiving services by the SCDD.

ZERO TOLERANCE

The SCDD has zero tolerance for all acts of sexual harassment. The SCDD is committed to providing all employees a safe work environment free from sexual harassment. A zero-tolerance policy means working to prevent any inappropriate behavior. A Councilmember/employee's action does not need to be severe or pervasive to be in violation of this Policy. The Councilmember/employee may be subject to a disciplinary action, up to and including dismissal, for violating this Policy.

The SCDD recognizes that false accusations of sexual harassment can have a serious effect on an innocent Councilmember/employee's reputation and character. Therefore, any Councilmember/employee found to have provided untrue information may be subject to disciplinary action.

Supervisors and managers may be subject to disciplinary action for failure to take appropriate and expedient action to ensure a work environment free of sexual harassment.

EMPLOYEE RESPONSIBILITIES

Any Councilmember/employee or individual who believes that they have been sexually harassed has a responsibility to immediately report the potential Policy violation to their supervisor and/or manager or to the SCDD's Equal Employment Opportunity (EEO) Office. The SCDD must be aware of sexual harassment in order to take appropriate corrective action. If the alleged harasser is the employee's supervisor or manager or if the employee is not comfortable reporting the sexual harassment to that individual, employees should report the behavior to another supervisor or directly to the EEO Office.

The EEO Office can be reached at:

**State Council on Developmental Disabilities
Equal Employment Opportunity Office**

Phone: (916) 322-5521

In addition, Councilmembers/employees have an obligation to:

- Adhere to this Policy.
- Refrain from engaging in, condoning, tolerating or ignoring conduct that violates this Policy.
- Cooperate with any investigation regarding an alleged violation of this Policy.
- Report the potential Policy violation to their supervisor and/or manager or to the SCDD's Equal Employment Opportunity (EEO) Office.

SUPERVISOR AND MANAGER RESPONSIBILITIES

Supervisors and managers are expected to know and implement this Policy. Supervisors and managers must ensure that all new employees are given this Policy and take the online and other sexual harassment training offered by SCDD. Any supervisor or manager that becomes aware of any possible sexual harassment is obligated by state and federal laws as well as this Policy to take immediate and appropriate action to address such situations to help prevent the conduct from continuing. This includes immediately communicating with the alleged harasser that the behavior must stop. Supervisors and managers must document all incidents and/or complaints of sexual harassment and submit documentation to the EEO Officer immediately. The EEO Officer will assess the situation, consult with the supervisor or manager on the appropriate follow-up steps, and determine the depth of the investigation.

MANDATED TRAINING

California Law (Government Code section 12950.1) requires that all supervisors and managers complete a two-hour interactive Preventing Sexual Harassment training course every two years. To comply with this mandatory requirement, all SCDD supervisors and managers must complete the "Supervisory" version of the Sexual Harassment training.

Additionally, although not mandated by law, it is the SCDD's Policy that all non-supervisory employees take the "Non-supervisory" version of the training every two years. It is the supervisor's or manager's responsibility to ensure that their staff takes the training.

COMPLAINT PROCEDURES

Individuals who believe they have been subjected to sexual harassment should file a complaint with the SCDD's EEO Office within 365 days from the date of the alleged incident(s). A complaint is filed using the SCDD EEO Discrimination Complaint Form. For further information regarding the complaint process, refer to the SCDD's Discrimination and Harassment Policy or contact the EEO Office.

Employees in Bargaining Units 1 and 4 have the ability to make their complaint of sexual harassment through the grievance process. A formal grievance must be filed on a STD 630, Employee Contract Grievance form, no later than 30 calendar days after the employee can reasonably be expected to have known of the event occasioning the grievance. Allegations of sexual harassment can be appealed through the third level of review in the grievance process. Allegations of

retaliation or threats of retaliation may be appealed through the entire grievance and arbitration process.

All Councilmembers/employees have the option to file sexual harassment complaints with the California Department of Fair Employment and Housing within 365 days from the last date of the alleged incident(s). Additionally, employees may file sexual harassment complaints with the U.S. Equal Employment Opportunity Commission within 300 days from the first date of the alleged incident(s).

Further information for these agencies can be found at:

California Department of Fair Employment and Housing

www.dfeh.ca.gov

Phone: (800) 884-1684

TDD: (800) 700-2320

U.S. Equal Employment Opportunity Commission

www.eeoc.gov

Phone: (800) 669-4000

TTY: (800) 669-6820

DEFINITIONS

Sexual harassment: is any unwelcomed sexual advance, request for sexual favor(s), or other visual, physical or verbal conduct of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or receipt of SCDD services. Sexual harassment may be directed against a particular individual or group of either the opposite sex or same sex. Generally, there must be a pattern of unlawful conduct, although a single serious incident in some cases might be enough to constitute sexual harassment. The courts have defined two types of sexual harassment: quid pro quo and hostile work environment, as defined below.

Quid Pro Quo: (in English meaning "something for something") is a type of sexual harassment which occurs when a supervisor or manager:

- Demands a subordinate submit to sexual advances as an explicit or implied term or condition of employment decisions. This may include situations

which began as reciprocal relationships, but which later ceased to be reciprocal.

- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is an explicit or implied term or condition of employment decisions.

Hostile Work Environment: is a form of sexual harassment which occurs when an individual is subjected to unwelcome behavior that is sexual in nature and is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment. The conduct is viewed both subjectively and objectively. The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred.

Employee: as used in this policy only, means an individual who works for this agency, whether full or part time, receives pay, and has an employee identification number. For this policy only, this definition also includes individuals who have signed an employment agreement or contract to provide services to or on behalf of this agency, as well as recognized interns (paid or unpaid), and volunteers.

Person: as used in this policy only, means a member of the public conducting business with this agency or receiving services from this agency, such as a vendor, licensee, third party or claimant.

EXAMPLES OF PROHIBITED BEHAVIOR

Examples of quid pro quo harassment include, but are not limited to:

- Sexual requests made either explicitly or implicitly as a term or condition of employment.
- Sexual requests in exchange for a promotion or raise.
- Express or implied statement that a person will be demoted or fired if she or he does not submit to a sexual request, whether or not the statement or threat is actually carried out.

Examples of a hostile work environment include, but are not limited to:

- Leering, making or sending sexual jokes, sexually suggestive remarks, sexual gestures, or sending e-mails with pictures that are sexual in nature.
- Making unwelcomed offensive, negative or demeaning remarks about a person's
- gender or physical appearance that are viewed as sexual in nature.
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's
- movement.
- Displaying offensive sexual illustrations or pictures in the workplace, looking at pictures on a computer that can be viewed by other employees that are sexual in nature.
- Unwelcome request or pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal). A "date" is defined as a request to meet one on one. It is never appropriate for an employee to request a date after an initial request is denied.

The intent of the person accused does not determine sexual harassment. The impact and/or whether the victim perceives it to be offensive or sexually harassing is the primary factor in determining if sexual harassment has occurred.

RETALIATION

Actions of retaliation taken against individuals who report or file complaints of sexual harassment, or for individuals providing information during a complaint investigation, are strictly prohibited. The SCDD will not tolerate any retaliation against an individual who reports in good faith and/or provides information in an investigation of a complaint of sexual harassment, regardless of whether the claim of sexual harassment is determined to be valid or unfounded.

CONFIDENTIALITY

The SCDD has an obligation to address complaints of sexual harassment. The EEO Office and others responsible for implementing this Policy will respect the confidentiality and privacy of individuals involved in a sexual harassment investigation to the extent possible. The SCDD cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully or, where warranted, to take corrective action.

All SCDD Councilmembers/employees who take part in any of the procedures under this Policy are expected not to reveal any information they learn in the

course of the proceedings, with anyone other than EEO staff and their own personal legal counsel or union representative. Breaches of confidentiality jeopardize the investigation and resolution of claims of harassment, and may lead to disciplinary action.

All Councilmembers/employees are required to cooperate with EEO investigations and tell the truth. Councilmembers/employees who do not cooperate or who compromise the integrity of the investigation may be subject to disciplinary action.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is available as a resource for Councilmembers/employees who desire counseling for stress, interpersonal conflicts, legal issues and/or other concerns. Councilmembers/employees may contact the SCDD Personnel Office at (916) 322-5521 for more information regarding the EAP or Magellan Healthcare at (866) EAP-4SOC (1-866-327-4762). TTY users should call (800) 424-6117. The EAP is a confidential program.

CONTACT INFORMATION

Questions regarding this Policy should be referred to the EEO Office at:

State Council on Developmental Disabilities

Equal Employment Opportunity Office

Phone: (916) 322-5521

Most Recent Action

Revisions approved by Legal and HR January 2018

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SEXUAL HARASSMENT PREVENTION TRAINING

Purpose:

The Councilmembers elected to require themselves to complete Sexual Harassment Prevention training.

Authority/Reference:

Government Code §12950.1

Applies To:

Councilmembers and staff

POLICY

Policy Statement

The State Council on Developmental Disabilities (SCDD) is committed to providing a workplace in which all individuals are treated with respect and dignity. Given the current climate facing the Nation with the increasing number of sexual harassment allegations, employers are being proactive in educating staff about behaviors that are acceptable and not acceptable in the workplace to create a more civil, inclusive, discrimination and harassment free workplace.

Government Code section 12950.1 requires employers having 50 or more employees to provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees in California within six months of their assumption of a supervisory position. The SCDD is an employer covered by this section and shall provide sexual harassment training and education to each supervisory employee in California once every two years.

Although sexual harassment prevention training is not mandatory for Councilmembers, the Council elected to have a department-wide strategy to provide training to all Councilmembers. The SCDD is working with the Department of Social Services (DSS) in providing Sexual Harassment Prevention training on-line. DSS has contracted with EverFi who has already developed the on-line training that is anticipated to go live in the early part of 2018. The on-line training will be mandatory for SCDD staff.

Procedure

All Councilmembers will be required to take the on-line training within six (6) months of their start date and every two years thereafter. Councilmembers who have already completed Sexual Harassment Training with their agency/department will be exempt from this requirement. HR will maintain the training records and notify the Councilmembers when they are required to take the training again. Individuals who believe they have been sexually harassed have a responsibility to immediately report the potential policy violation to either their supervisor, manager or to the SCDD's Equal Employment Opportunity (EEO) Office at (916) 322-5521.

Most Recent Action

Adopted by Council March 20, 2018

UNPROFESSIONAL CONDUCT

Purpose:

To inform Councilmembers and employees of the State Council on Developmental Disabilities' commitment to providing a workplace in which all individuals are treated with courtesy, dignity and respect.

Authority/Reference:

California Code of Regulations, Title 2, Division 1, Administrative Personnel, Chapter 1, State Personnel Board, Subchapter 1.3. Examinations and Appointments, Article 8. Examinations, Section 172. General Qualifications.

Applies To:

Councilmembers and employees

POLICY

In addition to prohibitions against unlawful harassment and discrimination, SCDD has zero tolerance for abusive, unprofessional conduct in the workplace. Accordingly, derogatory racial, ethnic, religious, age, sexual orientation, sexual or other inappropriate remarks, slurs, or jokes will not be tolerated.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment and/or unprofessional, inappropriate behavior. Forms of harassment and other unprofessional, inappropriate behavior, include, but are not limited to: **Verbal:** repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds; **Visual/Non-Verbal:** derogatory posters, cartoons or drawings, suggestive objects or pictures, graphic commentaries, leering or obscene gestures, inappropriate jokes being sent or forwarded via email; **Physical:** unwanted physical contact including touching, interference with an individual's work movement or assault, and **Other:** making or threatening reprisals as a result of a negative response to harassment or sexual advances.

CONTACT INFORMATION

Employees or volunteers who believe they have experienced abusive, unprofessional conduct described in this policy should contact the Personnel Office at (916) 322-5521.

RETALIATION

Actions of retaliation taken against individuals who report or file a complaint of unprofessional conduct or provide information during a supervisor's fact finding meeting(s) are strictly prohibited. SCDD will not tolerate any retaliation against any individual(s) who, in good faith, report and/or provide information relative to a complaint of unprofessional conduct regardless of whether the complaint is determined to be valid or unfounded.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is available as a resource for employees who desire counseling for stress, interpersonal conflicts, legal issues and/or other concerns. Employees may contact the Personnel Office at (916) 322-5521 for more information regarding EAP or Magellan Healthcare at (866) EAP-4SOC (1-866-327-4762). TTY users should call (800) 424-6117. The EAP is a confidential program.

Most Recent Action

Revision approved by HR & Legal April 25, 2018

1-300 ETHICS

1-310 Ethics Training

1-320 Form 700 Statement of Economic Interest

1-330 Statement of Incompatible Activities

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ETHICS TRAINING

Purpose:

To inform Councilmembers and staff of the requirement to complete ethics training within 6 months of appointment/hire and every two years thereafter.

Authority/Reference:

Gov. Code §§ 11146 et seq.

Applies To:

Councilmembers and staff

POLICY

Policy Statement

California law requires person who must file a statement of economic interest (Form 700) to complete an ethics training course within six months of being hired. If your service is ongoing and you must file a Form 700, you are required to complete the course once during each two-year period following your initial training. The two-year period begins with an odd-numbered year, for example, 2017-18, 2019-20, etc.

Procedure

All SCDD Councilmembers and employees who are listed in the SCDD Conflict of Interest Code and are required to file the Form 700 shall complete the required state ethics training. The online Ethics Course provided on the Attorney General website at the below website address may be used to fulfill the requirement:

<https://oag.ca.gov/ethics/course>

After completing the course, Certificates of Completion shall be sent by the Councilmember or employee to the Personnel Office. The Personnel Office will maintain a database and work with appropriate supervisors to ensure compliance with the ethics training requirements.

Councilmembers requiring reasonable accommodation to complete the ethics training course should contact the Executive Director for further assistance.

Most Recent Action

Issued April 18, 2018

FORM 700 STATEMENT OF ECONOMIC INTEREST

Purpose:

To comply with the SCDD's Conflict of Interest Code in which officials and employees are designated to file specific disclosure categories with the Fair Political Practices Commission.

Authority/Reference:

Government Code § 87300-87302, and 87306
2 California Code of Regulations, § 18730

Applies To:

Councilmembers

POLICY

Policy Statement

All filers shall submit their Form 700 in the Month of March for the prior calendar year. Assuming Office and Leaving Office Form 700s must also be filed at the time of appointment/hire and separation from SCDD service.

Procedure

Councilmembers, shall file their annual Form 700 directly with the Fair Political Practices Commission (FPPC) utilizing the FPPC eDisclosure Online Portal website: <https://form700.fppc.ca.gov/>.

Most Recent Action

N/A

STATEMENT OF INCOMPATIBLE ACTIVITIES

Purpose:

To inform Councilmembers of the prohibited activities that are inconsistent, incompatible, and/or in conflict with the duties of officers and employees of the State Council on Developmental Disabilities (SCDD).

Authority/Reference:

Government Code § 19990

Applies To:

Councilmembers

POLICY

Policy Statement

Pursuant to Government Code section 19990, the prohibited activities enumerated below are inconsistent, incompatible, and/or in conflict with the duties of officers and employees of the State Council on Developmental Disabilities (SCDD).

1. Using the prestige or influence of an office or employment with the SCDD for the officers or employees private gain or advantage, or the private gain or advantage of another.
2. Using time, facilities, equipment or supplies of the SCDD for the officers or employees private gain or advantage, or the private gain or advantage of another.
3. Using confidential information acquired by virtue of employment by the SCDD for the officers or employees private gain or advantage, or the private gain or advantage of another.
4. Receiving or accepting money or any other consideration from anyone, other than the State, for performance of an act which the officer or employee would be required or expected to render in the regular course of hours of his/her

state employment or as part of his/her duties as an officer or employee of the SCDD.

5. Performing an act or activity in a capacity other than that of an officer or employee of the SCDD when the act or activity performed is subject to direct control, inspection, investigation, review, audit or enforcement by the officer or employee or is normally subject to the direct control, inspection, investigations, review, audit or enforcement by the SCDD Area Board to which the officer or employee is assigned.
6. Directly or indirectly receiving or accepting any gift, service, gratuity, favor, entertainment, hospitality, loan or any other thing of value, from anyone who is doing or seeking to do business of any kind with the state, under circumstances from which it could reasonably be inferred that the gift, service, gratuity, favor, entertainment, hospitality, loan or any other thing of value was intended to influence him/her in his/her official duties or was intended as a reward of any official action on his/her part.
7. Subject to any other laws, rules, or regulations as pertain hereto, not devoting his/her full time, attention, and efforts to his/her state office or employment during his/her hours of duty as a state officer or employee.
8. Divulging confidential information, data or records of the SCDD to any person to whom the issuance of such information, data or records has not been authorized, or divulging or making use of any records of the SCDD for a mailing list or any other unauthorized purpose.

Most Recent Action

All SCDD staff noticed December 30, 2015