

# California State Council on Developmental Disabilities

## COUNCILMEMBER ADMINISTRATIVE POLICIES AND PROCEDURES

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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

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## **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 and staff responsibility to interact with each other. 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. Committee staff is responsible for confirming attendance for committee meetings and follow up if they have not received a response from the Councilmembers before the posting date.

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 and Chair of the Council.

In the case of extended absence, Committee staff should inform the Committee Chair. If the Committee Chair will be unavailable for more than two days, the Committee staff should be informed. If the Committee staff will be unavailable for more than two days, the Committee Chair should be informed.

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**

February 12, 2019: Executive Committee approved policy.

## **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)

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## **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](mailto:TravelClaims@scdd.ca.gov). After hours on a travel day, Councilmembers and Committee members may contact the Executive Director if an emergency arises, or there are travel issues. If the Executive Director is unavailable, the Deputy Director of Administration may be contacted.

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 and Chair of the Council.

### **Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## LEGAL CONSULTATION

### **Purpose:**

To provide Councilmembers with the scope of legal consultation they can seek and review from the Legal Counsel.

### **Authority/Reference:**

State Bar of California Rules of Professional Conduct, Rule 1.13  
Welfare & Institutions Code §§ 4551, 4552  
42 U.S.C. § 15025

### **Applies To:**

Councilmembers

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## POLICY

### **Policy Statement**

Councilmember requests for legal consultation from the State Council on Developmental Disabilities' (SCDD) staff Legal Counsel should pertain to Council business, not personal issues, and be directed to and approved by the Executive Director except for requests for legal consultation related to a conflict of interest or improper conduct by the Executive Director. Legal consultation includes a request to interpret state and federal law and its applicability to specific facts, or a request to interpret state or council policy and its applicability to specific facts.

The Legal Counsel is a State civil service employee that works under the direction of the Executive Director and provides legal opinions, legal consultation 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 consultation 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. This policy also does not preclude Legal Counsel from exercising their professional judgement, in accordance with the State Bar of California Rules of Professional Conduct, about issues which they feel require Council attention.

## **Procedure**

A Councilmember or the Council as a whole can request legal consultation. Requests for legal consultation shall be presented to the Executive Director. 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 consultation 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 recommendation, legal consultation 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 or Councilmembers who believe they have been sexually harassed or subjected to discrimination or other unprofessional conduct by the Executive Director from reporting the potential policy violation. directly to the Designated State Agency EEO Office

**Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## **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:**

N/A

### **Applies To:**

Councilmembers

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## **POLICY**

### **Policy Statement**

The Council will provide individual Councilmembers the opportunity to participate in publicizing the Council's activities by allowing their images, voices and stories to be shared on the Council's website, in publications, or through other media. Each Councilmember will be asked to read and complete the Council's "Authorization and Release Form: Image, Sound and Story" form.

### **Procedure**

Each Councilmember will be provided and asked to complete the Council's "Authorization and Release Form: Image, Sound and Story" form.

### **Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## **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

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## **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.<sup>1</sup>
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.

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<sup>1</sup> “‘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.)

APPLICATION OF THE GENERAL RULE TO COMMON SITUATIONS

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

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**

February 12, 2019: Executive Committee approved policy



## **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

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## **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. (Exception for attendant/facilitator who have a personal relationship with the Councilmember)
- 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**

February 12, 2019: Executive Committee approved policy.

## **DISCRIMINATION POLICY AND COMPLAINT PROCESS**

### **Purpose:**

To provide all Councilmembers, 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 (Civil Code § 51.7).  
Unruh Civil Rights Act (Civil Code § 51).  
Government Code § 18500.

### **Applies To:**

Councilmembers and staff

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## **POLICY**

### **Policy Statement**

This Discrimination 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.

**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/Staff:** as used in this policy, means an individual who works for this agency, whether full or part time, receives pay, and has an employee identification number. For this policy, this definition also includes Councilmembers, 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 or perceived 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) 263-8121 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) 263-8121

**Most Recent Action**

February 12, 2019: Executive Committee approved policy.



## **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 (41 U.S.C. § 8102 et seq.)  
Title 2, Article 29, Rule 599.960 of the California Code of Regulations  
Governor's Executive Order D-58-86  
Government Code § 19572

### **Applies To:**

Councilmembers and employees

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## **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. For the purpose of this policy, the term "employee" includes all Councilmembers.

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. 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 or any other legal substances to any extent that would impede the employee's ability to perform his or her duties safely and effectively; and (3) Perform duties that pose a threat to the health or safety of the employee or others due to drugs taken under a legal prescription. 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**

February 12, 2019: Executive Committee approved policy.

## **EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

### **Purpose:**

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

### **Authority/Reference:**

N/A

### **Applies To:**

Councilmembers and employees

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## **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. For the purpose of this policy, the terms “employee” and “staff” include all Councilmembers.

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) 263-8121

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), with an additional 90-day extension of time possible if the complainant first obtained knowledge of the facts which show the alleged unlawful action after the 365 days has passed. Additionally, employees may file complaints with the U.S. Equal Employment Opportunity Commission within 300 days from the 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](http://www.dfeh.ca.gov)

Phone: (800) 884-1684

TDD: (800) 700-2320

**U.S. Equal Employment Opportunity Commission**

[www.eeoc.gov](http://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](http://www.spb.ca.gov)

Phone: (916) 653-0799

TDD: (916) 653-1498

**Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## **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

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## **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. 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 are employed by the state and have already completed Sexual Harassment Training with their agency/department will be exempt from this requirement. Councilmembers who are required to complete a sexual harassment training by a non-state employer are exempt from this requirement so long as a training course is completed at least every two years and a certificate of completion is provided to the Personnel Officer. 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**

February 12, 2019: Executive Committee approved policy.

## 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

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## 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, disability, sexual orientation, sexual or other inappropriate remarks, slurs, or jokes will not be tolerated.

Councilmembers and employees must exercise their 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 Officer at (916) 263-8121.

### 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) 263-8121 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**

February 12, 2019: Executive Committee approved policy.

## **WORKPLACE VIOLENCE PREVENTION**

### **Purpose:**

To increase awareness to recognize, confront, and deal with inappropriate behavior and eliminate or minimize threatening incidents to maintain a secure, safe and healthy work environment.

### **Authority/Reference:**

California Labor Code Section 6400  
California Code of Regulations, Title 8, Section 3203  
California Government Code Section 19572  
California Penal Code Section 171b and 16590  
California Penal Code Section 71

### **Applies To:**

Councilmembers and employees

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**IF SOMEONE IS IN IMMEDIATE DANGER** or an incident occurs outside normal business hours, call 9-1-1 to dispatch the California Highway Patrol or local law enforcement.

## **POLICY**

The State Council on Developmental Disabilities (SCDD) is committed to providing all Councilmembers and employees with a healthy, safe, respectful and positive work environment. In keeping with this commitment, SCDD has a zero-tolerance policy for workplace violence. Violence or threats of violence by or against any employee or anyone who interacts with an employee (such as a contractor, client or vendor) will not be tolerated. For the purpose of this policy, the term “employee” includes all Councilmembers.

For purposes of this Policy, statements and/or acts will be judged objectively as to whether they would cause a reasonable person to worry about the safety of themselves, other individuals or property.

Consistent with this Policy, all violent acts, threats of violence, including intimidation, harassment and/or coercion in the workplace or in the course of employment away from the workplace, which causes a reasonable person to worry about the safety of themselves, other individuals or property are prohibited and actionable. State law also prohibits the possession of weapons on SCDD premises.

### ZERO TOLERANCE

SCDD has a zero tolerance for all acts or threats of workplace violence. SCDD is committed to providing all employees and anyone who interacts with an employee a safe work environment free from workplace violence. A “zero-tolerance” policy means working to prevent any inappropriate behavior. An individual’s action does not need to be severe or pervasive to be in violation of this Policy. Any employee who engages in conduct prohibited by this Policy including, but not limited to, assaultive or verbally/physically abusive behavior, will be subject to immediate disciplinary action up to and including dismissal.

### EMPLOYEE RESPONSIBILITIES

Each Councilmember/employee is responsible for reviewing the Policy and ensuring the Policy is observed. In the event a employee experiences and/or witnesses intimidation, threats, harassment or assault, the employee should immediately report it to his or her supervisor or manager. If the individual making the threat is the employee’s supervisor or manager, the employee should elevate the incident through their appropriate chain of command without fear of reprisal. If the individual making the threat is a manager or supervisor outside of the individual’s chain of command, the employee should immediately report the incident to the individual’s manager or supervisor. If the individual making the threat is a Councilmember, the employee should immediately report the incident to the Executive Director. If the employee’s supervisor or manager, or the Executive Director is unavailable, the employee should report the incident to the Personnel Officer.

In the event a Councilmember experiences and/or witnesses intimidation, threats, harassment or assault, the Councilmember should immediately report it to the Executive Director or Personnel Officer at (916) 263-8121.

## SUPERVISOR AND MANAGER RESPONSIBILITIES

It is the expectation that SCDD supervisors and managers ensure compliance with provisions of this Policy. Supervisors and managers shall ensure their employees are aware of, and act in compliance with, this Policy. Supervisors and managers are also responsible for establishing and maintaining an environment which fosters professional behavior of all employees and is supportive of employees subjected to unprofessional behavior.

Any supervisor or manager who witnesses or receives a report of workplace violence shall be responsible for taking reasonable steps to ensure the matter is addressed, consistent with SCDD procedures. Failure to report an employee complaint within 24 hours of discovery may result in disciplinary action. SCDD remains committed to reviewing and appropriately responding to allegations of workplace violence and issuing appropriate discipline for Policy violations.

## REPORTING

SCDD requires that all threats and acts of violence, regardless of the source, be reported to the Personnel Office within 24 hours of discovery. The Policy emphasizes our continued commitment to take proactive steps to protect, as fully as possible, employees from acts of violence, threats, intimidation and harassment which may occur at state workplaces and during the performance of state duties. An SCDD Incident Report must be completed for all workplace violence incidents which occur throughout the SCDD.

Each report will be assessed and appropriate action taken if a determination is made the allegation or complaint has merit.

Employees have an obligation to cooperate fully and in good faith in any subsequent investigation or follow-up activity in relation to workplace violence incidents and will be protected from retaliation.

It is imperative all incidents of threatening language and behavior be reported timely so SCDD can respond effectively. Ignoring threatening behavior sends the message such behavior is acceptable. Not reporting an incident may cause a more serious incident to occur at a later time or date.

## DEFINITIONS

The prohibition against any acts of workplace violence applies to anyone involved in SCDD operations including, but not limited to, SCDD personnel, contracted and temporary employees.

**Workplace:** is anywhere a Councilmember/employee is conducting authorized state business or en route to and from a location where state business is, will be or has been conducted.

**An Act of Violence:** An act of violence is the attempt (coupled with the ability), or actual use of force of violence with the intent to threaten, harass, intimidate, commit a violent injury, or damage/destroy property.

**Threat:** A threat is a statement (verbal, written or physical) which is intended to intimidate by expressing the intent to either harass, hurt, take the life of another person, or damage/destroy property. This includes threats made in jest but which others could perceive as serious.

**Harassment:** The creation of a hostile work environment through unwelcome words, actions, or physical contact not resulting in physical harm. Verbal harassment may include disparaging or derogatory comments or slurs, unreasonable or excessive criticism, or name calling.

**Intimidation:** To make afraid; to frighten, alarm, annoy, or scare. To force a person into, or deter them from, some action by inducing fear by, or as if by, threats.

**Stalking:** when any person willfully, maliciously and repeatedly follows or harasses another and makes a credible threat with the intent to place that person in reasonable fear for his/her safety or the safety of his/her family.

**Reasonable Person:** identifies how most people within a community would behave in any given situation.

## EXAMPLES OF WORKPLACE VIOLENCE

Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on SCDD premises regardless of the relationship between the SCDD and the parties involved in the incident.
- All threats or acts of violence occurring off the SCDD premises which involve someone who is acting in the capacity of a representative of SCDD.
- All threats or acts of violence occurring off SCDD premises which involve an employee of SCDD if the threats or acts have a nexus (i.e., connection) to SCDD employee(s) or interests.
- All acts or threats of violence resulting in the conviction of an employee or agent of SCDD or an individual performing services for SCDD on a contract or temporary basis under any criminal code provision relating to violence or threats of violence, which have a nexus to the SCDD employment or interests.

#### EXAMPLES OF PROHIBITED BEHAVIOR

Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:

- Physical assault (with or without weapons), or other behavior that a reasonable person would interpret as being violent (for example, including hitting, shoving an individual).
- Violent physical, verbal or written expressions (e.g. moving closer aggressively) which cause a *reasonable person* to fear physical harm. Does not require an actual contact or injury.
- Inappropriate expressions of anger, including blocking behavior, making menacing gestures, throwing objects or raising one's voice in a loud, disruptive manner which may include profanity or obscenities which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.



- Physical, verbal or written expressions which have the intention or the effect of frightening, alarming or intimidating which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Harassing surveillance or stalking which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- The intentional, unauthorized destruction of or threats to destroy SCDD property which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Harassing or threatening phone calls which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Threatening statements made in a kidding or joking manner which cause a *reasonable person* to worry about the safety of themselves, other individuals or property.
- Threats to do harm to another employee or member of the public made in either a direct or indirect manner.
- Any of the above or unlawful conduct that occurs away from the workplace but that is related to or impacts SCDD activities or otherwise has a nexus to SCDD employment or interests (e.g. stalking of, or violent conduct toward, an SCDD employee, client, vendor, or volunteer after duty hours or at an SCDD sponsored event off of SCDD premises).

A disagreement between employees should not in itself be construed as workplace violence. Such behavior may be deemed unprofessional and may be a violation of SCDD's Unprofessional Conduct Zero-Tolerance Policy; however, it is not workplace violence unless there is an element of threat which causes a *reasonable person* to worry about the safety of themselves, other individuals or property.

### PROHIBITED WEAPONS

Bringing a firearm or weapon of any kind onto state property or possession of such a weapon in the course and scope of employment is **strictly prohibited**. A weapon is an object or device which can be used to threaten or cause harm, including all guns (loaded or unloaded), knives with blades exceeding four inches, Tasers, billy clubs, metal knuckles, any type of explosive device, tear gas or other receptacles containing illegal chemical substances and any other item which SCDD views as an object or instrument that can be used to threaten or cause harm.

**Pepper spray is not prohibited by law or by this Policy.** However, individuals shall place it in a secure location, such as a locked cabinet, while they are on state property.

### RETALIATION

SCDD will take proactive steps to protect Councilmembers/employees from threats made by employees and non-employees. Any act of retaliation against someone for filing a complaint in good faith is prohibited and will result in disciplinary action up to and including dismissal.

employees

### 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) 263-8121 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.

### CONTACT INFORMATION

Questions regarding this policy should be referred to the Personnel Office at (916) 263-8121 during normal business hours.

### **Most Recent Action**

February 12, 2019: Approved by Executive Committee.



**PART II - INCIDENT DIRECTED AT:**

Person(s):

\_\_\_\_\_

Place:

\_\_\_\_\_

Structure:

\_\_\_\_\_

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**PART III - INCIDENT INITIATED BY:**

Person(s):

\_\_\_\_\_

Male     Female     Employee Classification: \_\_\_\_\_

Worksite: \_\_\_\_\_

\_\_\_\_\_

**PART IV - TYPE/LOCATION INCIDENT OCCURRED**

**Section A**

Type of Contact:

In person     Telephone     Mail     Observation     Recording

Electronic Mail

Fax     Other \_\_\_\_\_

Was the employee alone?             Yes     No

**Section B**

Location of Incident:

Worksite       Employee's Residence  Other

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**Section C**

Address/Location where incident occurred:

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Street                      City    State

**Section D**

Were any threats made before the incident occurred?       Yes       No

Did the Councilmember/ employee(s) ever report to the department that he/she was threatened, harassed, or suspicious that the attacker may become violent?  
 Yes       No

Was the perpetrator a stranger, client/patient, co-worker, or otherwise familiar person? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was a weapon used?     Yes       No

If yes, what type of weapon? \_\_\_\_\_

**Section E**

Were there injuries?                       Yes       No

If yes, who was injured?

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Injury  
Description: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Injury  
Description: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Injury  
Description: \_\_\_\_\_

Witnesses(s) to the incident:

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State

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**PART V - (TO BE COMPLETED BY MANAGER/SUPERVISOR) - ACTION TAKEN-  
REPORTING SUPERVISOR**

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Law enforcement or other outside agencies contacted?

Yes                       No

Agency

Name: \_\_\_\_\_

Case Number If

Applicable: \_\_\_\_\_

Were Employee Assistance Program services provided?    Yes         No

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**PART VI – (TO BE COMPLETED BY PERSONNEL OFFICER) ADMINISTRATIVE ACTION:**

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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:**

Government Code § 11146 et seq.

### **Applies To:**

Councilmembers and staff

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## 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**

February 12, 2019: Executive Committee approved policy.

State Council on Developmental Disabilities  
Adopted by Council: February 12, 2019  
Federal Law: No State Law: Yes

SCDD Policy #1-320

## **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

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## **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**

February 12, 2019: Executive Committee approved policy.

## **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

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## **POLICY**

### **Background**

This Incompatible Activities Statement prohibits Councilmembers from engaging/participating in any activity that is incompatible with their official role as a Councilmember.

For the purposes of this policy, a contractor is defined as a person or company that undertakes a contract to provide materials or labor to perform a service or do a job for the SCDD. A consultant is defined as a person who gives advice because of their expertise (what they know) or profession (what they do).

Incompatible activities include, but are not limited to:

1. Accepting employment (you or a close family member) from a contractor.
2. Serving as a consultant (you or a family member) to a contractor.
3. Owning or having a financial interest in a contractor or their business.

4. Accepting any gift, money or any other thing of value from a contractor (including reimbursements for expenses).
5. Using confidential information, time or any materials that belong to SCDD for personal use or the personal use of another person.
6. Using any SCDD resource for something or someone other than the SCDD.

If you are uncertain whether your outside work or activity could represent an incompatible activity, please contact the SCDD Executive Director for assistance.

### **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.
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**

February 12, 2019: Executive Committee approved policy.

State Council on Developmental Disabilities  
Adopted by Council: February 4, 2011  
Federal Law: No State Law: Yes

SCDD Policy #1-420  
Revised: February 12, 2019

## HONORARIA

### **Purpose:**

To inform Councilmembers of the procedures for requesting and receiving honoraria payments for Council business.

### **Authority/Reference:**

Welfare and Institutions Code §4550

### **Applies To:**

Councilmembers

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## POLICY

### **Policy Statement**

Pursuant to Welfare and Institutions Code §4550, each Councilmember is entitled to receive the sum of one hundred dollars (\$100.00) for each full day of work performed directly related to Council business, not to exceed fifty (50) days in any fiscal year.

The following honoraria procedures ensure a best practices approach that substantiates the appropriate use of public funds.

### **Procedure**

The process to submit a request for payment of honoraria is:

1. **Qualifying event** – An event qualifies for honoraria if one of the following applies: a) the Council has been asked to participate in the event, and the member has been appointed as the Council representative by the Council Chairperson; or b) the Chairperson or Executive Director requests a member's participation in an event. A voluntary event does not qualify for honorarium.

2. **Prior Authorization** - Members shall obtain prior authorization from the Executive Director **before** attending a qualifying event. If the Executive Director does not authorize the request, the member may seek approval from the Council Chairperson. The Council Chairperson has the discretion to approve the member's request after consulting with the Executive Director if he or she determines that the member's participation in the qualifying event is in the best interest of the Council.
3. **Qualifying Participation** - In order to be considered qualifying participation, the member must be participating in the event representing the Council in their role as a Council member. This **shall not** include events where the member participates in a different role.
4. **Qualifying Time Period** - In order to be considered a full day, participation (including travel time) must be at least six (6) hours. In the instance participation is less than 6 hours, the hours may be cumulative in nature. For example: if during a calendar day a member participated in one three (3) hour event and another that was four (4) hours, the two events combined would qualify as a full day. Another example could be that a member participated in three (3) events at two (2) hours each over multiple calendar days. In that instance, the combined events would total six (6) hours. In no instance shall more than one honorarium be paid per calendar day. SCDD will track members' participation hours toward a full day.
5. **Honoraria Claim Form** - After the event concludes, the member must complete the Honoraria Claim Form and provide all requested information. It is requested that claim forms be submitted no later than thirty (30) days after the event.

### **Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## **POLICY FOR CONFERENCE ATTENDANCE BY COUNCILMEMBERS**

### **Purpose:**

To provide the policy under which self-advocate and family advocate Councilmembers may apply to attend relevant conferences with costs underwritten by the Council.

### **Authority/Reference:**

Council adoption on December 4, 2012

### **Applies To:**

Self-advocate and family advocate members of the Council.

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## **POLICY**

### **Policy Statement**

The California State Council on Developmental Disabilities (SCDD) supports events that promote self-advocacy, leadership and education, thereby enabling people with developmental disabilities and their family members to expand their knowledge and skills. Toward that aim and to better carry out their responsibilities on the Council, Councilmembers may apply to attend a relevant conference with costs underwritten by the Council. The Council will pay for conference registration fees, travel, hotel, and per diem. Under this policy, the Council will not pay for honorarium. In no event shall the total funds expended for Councilmember attendance at conferences exceed \$30,000 in a fiscal year.

This policy applies only to self-advocate and family advocate members of the Council. All other Councilmembers are ineligible to receive Council funds for conferences.

Councilmembers are eligible to attend one conference per state fiscal year if the Chair, as advised by the Executive Director, determines that sufficient funds exist. Councilmembers may only attend conferences in California under this



policy. If a Councilmember desires to attend more than one conference in a fiscal year, he or she may request approval from the Executive Committee.

Councilmembers who attend conferences shall prepare a report for the Council summarizing the information that was provided during the conference so it can be shared with the other Councilmembers.

### **Procedure**

Councilmembers who wish to attend a conference shall **submit a “Conference Attendance Expense Payment Request” form to** the Chair of the Council and the Executive Director to the extent possible at least 30 days prior to the scheduled event, and provide the following information:

1. Conference title, subject matter, content information, benefit and alignment with State Plan
2. Cost of conference and estimated associated travel costs
3. Date and location of event
4. Other anticipated costs including accommodation and support costs, if indicated

The Chair approves Councilmember requests. The Executive Director approves Chair requests. In the event of a disagreement between the Chair and the Councilmember requesting payment of conference costs, the matter may be referred to the Executive Committee for resolution.

### **Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## **TRAVEL AND EXPENSE ADVANCES**

### **Purpose:**

To provide guidance to Councilmembers for travel and expense advances.

### **Authority/Reference:**

SAM Manual

### **Applies To:**

Council and SSAN Members

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## **POLICY**

### **Policy Statement**

Section 8116.2 of the SAM Manual states that SCDD may issue a revolving fund check as an advance for anticipated travel expenses to designated low-income advisory board or committee members. This policy enables members with insufficient economic resources to pay their travel expenses necessary to perform their official duties. The determination of qualifying advisory boards and committees, designation of low-income members, and the scope of travel involved in the members' official duties will be made by the Executive Director of SCDD.

### **Procedure**

SCDD will follow the procedures for travel advances and revolving funds outlined in SAM Manual. In addition, the following procedures are required:

- a. A strict accountability method will be established to assure that travel advances are for the purposes of official State business only.

- b. A properly prepared TEC to substantiate the travel expenses must be submitted within 10 calendar days after the official function or activity. If the travel advance exceeds the substantiated expenses, the member must submit a check or money order with the TEC to return the excess travel advance amount. If the substantiated expenses exceed the travel advance, the member will be paid the difference with a revolving fund check.
- c. Only one travel advance per member will be approved per function or activity.
- d. Each member will be allowed only one outstanding travel advance at any given time.
- e. A special subsidiary record of these travel advances will be maintained by the departments in sufficient detail to insure compliance with the above provisions.

SCDD may issue a revolving fund check for a travel advance to a councilmember or reimburse the councilmember who uses personal funds for travel expenses while conducting official Council business.

Requirements for issuance of travel advances and submission of travel expenses:

1. The travel advance will be issued within 10 calendar days of when the anticipated expenses are to be paid or incurred. SCDD may issue travel advances within 20 calendar days of when the anticipated expenses are to be paid or incurred when the travel advance is required to be mailed to the employee.
2. The travel advance amount must be reasonably calculated not to exceed the estimated expenses to be paid or incurred on the trip. To ensure that the travel advance amount is not excessive, the travel advance request should be reviewed and approved by the same person who approved the trip.
3. If a trip is canceled or postponed indefinitely, **the travel advance must be returned immediately.**

4. A properly prepared Travel Expense Claim (TEC) to substantiate the travel expenses must be submitted no later than 10 calendar days after the trip(s). If the travel advance exceeds the substantiated expenses, the member must also submit a check or money order to return the excess travel advance amount. For the member who are not required to travel on more than one trip per month, additional advances will not be issued for future travel unless the outstanding advances have been cleared. SCDD may issue additional travel advances for members who are required to travel on multiple trips within a month. Additional advances will not be allowed if the member does not submit a TEC or return the excess advance amount within 10 days of each trip.

***Travel Advance Acknowledgement***

I hereby certify that this travel advance is necessary to defray my expenses(s) while on official business for the State of California. I understand that this is a loan given for the anticipated expenses that will be incurred. Within 10 days of travel, I will fully repay the entire amount of the travel advance in one of the following ways:

1. Submit travel expense claim reimbursement (TEC) form with receipts to the Travel Coordinator for the entire amount of the travel advance;
2. Return the travel advance check;
3. Submit a personal check or money order to offset the entire amount of the travel advance; or
4. Submit a combination of a TEC form and repayment.

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*Print and Sign Above*

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*Date*

## TRAVEL PLANNING AND REIMBURSEMENTS

### **Purpose:**

To provide guidance to Councilmembers for adherence to the state rules and regulations for travel and expense planning and reimbursements

### **Authority/Reference:**

Welfare & Institutions Code §4550  
State Administrative Manual (SAM)  
California Department of Human Resources

### **Applies To:**

Council, Committee, and SSAN members

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## POLICY

### **Policy Statement**

The State Council on Developmental Disabilities (SCDD) shall reimburse councilmembers for any actual and necessary expenses incurred in connection with the performance of their duties (Welfare & Institutions Code §4550). Reimbursement rates are limited to those allowed by state rules and regulations such as those contained in the Government Code, California Department of Human Resources regulations, and the California State Administrative Manual.

### **Procedures**

#### **Travel Requests**

Council, Committee, and SSAN members who are required to travel on state business (“travelers”) are responsible for submitting all travel requests, via email, to the Travel Coordinator. All travel questions and requests are to be submitted to [travelclaims@scdd.ca.gov](mailto:travelclaims@scdd.ca.gov). Travel requests are to be submitted no less than 14 days prior to the date of the meeting and must contain the following information.

- Three (3) flight/train options in order of preference. The Travel Coordinator will make every attempt to accommodate the traveler's first preference whenever possible. However, should the first preference be unavailable, the Travel Coordinator will book either the second or third preference.
- Name as it appears on your California I.D., date of birth, Southwest Rapids Rewards and, TSA number (if applicable).

The Travel Coordinator will book travel at least 5 business days prior to meeting or event requiring travel. Upon completion of the reservation, an email confirmation will be sent to the traveler as well as any SCDD staff (when appropriate).

### ***“Wanna Get Away” Fares and Flight Change Requests***

SCDD is required to use “Wanna Get Away” fares whenever possible. These fares are non-refundable and costly to change. Therefore, flight change requests are limited to emergency situations only (e.g. illness, injury, or other serious and urgent personal matters) . In non-emergency situations, the traveler will be responsible for making changes and for any fees and fare difference associated with flight change requests.

### ***Hotel Reservations***

Council members typically arrive and depart on the same day of the Council meeting. If it is not reasonable for the traveler to arrive on the day of the meeting, a traveler residing outside a 50 mile radius of Sacramento may request hotel accommodations. Travelers that meet this requirement may request a room for one (1) night prior to meeting date. Hotel room requests must be submitted to the Travel Coordinator at [TravelClaims@scdd.ca.gov](mailto:TravelClaims@scdd.ca.gov) at least 7 days prior to travel. Any Travelers requesting a room for more than one (1) night must submit their request in writing prior to the meeting. Written requests should include the following information: 1) meeting location, date, and time; 2) nature of request (e.g. “Additional Hotel Stay”); and 3) reason for additional night's stay. If you require a reasonable accommodation such as a roll-in shower, adjoining room, etc., please include that information in your request.

### ***Room Cancellations***

It is the responsibility of the traveler to notify the Travel Coordinator at least 24 hours in advance if you need to cancel your reservation. Should you need to cancel your reservation after regular business hours, it is the traveler's responsibility to contact the hotel directly to cancel, get a confirmation number for the cancellation, and follow-up with an email informing the Travel Coordinator. Failure to do so, will result in the following actions:

- 1<sup>st</sup> Occurrence – Traveler will receive a written warning via email.
- 2<sup>nd</sup> Occurrence – Traveler will receive a formal warning letter from SCDD, and will be responsible for any charges incurred due to the cancellation.
- 3<sup>rd</sup> Occurrence – Traveler will lose SCDD travel booking privileges for 6 months, and will be responsible for reserving their own hotel rooms and seeking reimbursement after the fact. In addition, the traveler will be responsible for any charges incurred due to the cancellation.

### ***Transportation***

Reimbursement for transportation expenses will only be for the method of transportation that is in the best interest of the state considering both direct expense and the traveler's time. When a traveler chooses a method of transportation that is not considered to be in the best interest of the state (i.e. driving a personal vehicle instead of flying or taking a taxi rather than sharing an Uber/Lyft when possible), whatever is most cost effective per individual location/needs, reimbursement will be at the rate of the least expensive option.

### ***Airport Parking***

Parking at the airport must be in the best interest of the State. (i.e. parking in long-term lot versus parking in short-term or daily lots). Parking will be reimbursed at the economy lot rate.

### ***Third Party Flight and Lodging Vendors***

Expedia.com, Travelocity.com, etc., shall not be used. All reservations must be made through the SCDD Travel Coordinator.



***Meals and Incidentals***

Reimbursements for each 24-hour period are made using the rates listed below. The time base for which meal reimbursements are based is also listed in the below table.

**Reimbursement Rates and Time Frames**

<b><i>Meal</i></b>	<b><i>Trip Begins</i></b>	<b><i>Trip Ends</i></b>	<b><i>Reimbursement Rate</i></b>
Breakfast	at or before 6 am	at or after 8 am	\$7.00
Lunch	at or before 11 am	at or after 2 pm	\$11.00
Dinner	at or before 5 pm	at or after 7 pm	\$23.00

*Exception: Council members attending a full day meeting will receive lunch reimbursement.*

The State does not reimburse for tips (taxi, shuttle, meal, etc.) However, travelers will receive a \$5.00 reimbursement for incidentals for each 24-hours of travel to be used for such items.

***Rental Vehicles***

Rental cars are generally not used and only authorized on a case by case basis. They require prior approval from the Executive Director or his designee. Rental cars must be booked through SCDD’s Travel Coordinator. SCDD contracted base rate per day is \$33.00. Anything exceeding that amount will be at the expense of the traveler. Rental cars must be returned refueled. Only the traveler whose name is on the car rental may claim reimbursement for refueling. Refueling charges/fees from the contracted Rental Car company will not be reimbursed. Travelers who operate vehicles on official state business must have a valid driver’s license, insurance, and a good driving record.

***Mileage Reimbursement Rates***

Travelers may seek reimbursement for mileages when using their personal vehicle to conduct Council business. Effective January 1, 2018, mileage reimbursement rates are \$0.545 per mile. A traveler requesting to use her

or his own vehicle must obtain prior approval through the Travel Coordinator to allow for approval to be obtained from the Executive Director and submit a completed Authorization to Use Privately-Owned Vehicle form, STD. 261 before travel.

### Submitting Reimbursements

- All travelers shall submit their Travel Expense Claim (TEC) forms and supporting documents no later than 30 days after travel. Incomplete travel claim packages will not be processed. Due to fiscal restrictions, SCDD may be unable to process any travel claims that are received after 30 days.
- Travelers shall complete and submit a TEC form for each trip. It is the responsibility of the traveler to complete all relevant information on this form. Trip start and end times are required. Meal reimbursements are based on the time you leave your home and the time you return home.
- With the exception of meal receipts, travelers shall attach all other original receipts to the Travel Expense Reimbursement form.
- Receipts that are not on 8 ½ by 11 paper (standard paper size) must be taped, not stapled, to an 8 ½ by 11 inch piece of paper.
- TECs that are incomplete will be returned so be sure to complete all information on your form, including your vehicle license plate number (if requesting mileage) and transportation receipts, including bus and rental cars.
- Travel reimbursement checks are issued by the State Controller's Office approximately 6-8 weeks from the date the Travel Coordinator received the travelers TEC. Please plan accordingly.

Helpful Hints

Keep all receipts in an envelope until your claim is filed. **Original receipts** must be submitted with your travel claim. You are responsible for ensuring that all required receipts are included with your TEC and turned into SCDD's Travel Coordinator. All travel and business expenses are to be incurred as a result of conducting state business and are subject to review/verification by SCDD. Be sure your claim form is complete and submitted on time with all required documents attached to your TEC.

Accessibility

It is the policy of SCDD to make a reasonable accommodation for any known physical and mental limitations of an otherwise qualified traveler performing duties on behalf of the SCDD, unless making that accommodation would create an undue hardship. If you require a reasonable accommodation to complete travel claim forms and/or prepare supporting documentation, you may contact the Travel Coordinator at (916) 263-7919. It is recommended that requests for accommodation are submitted in advance allowing enough time to meet any deadlines.

**Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## TRAVEL OUT OF STATE

### **Purpose:**

To provide Councilmembers with the annual Out-of-State Travel policy and procedures.

### **Authority/Reference:**

Governor's Executive Order B-06-11

Government Code, § 11139.8

Travel and Expense Planning and Reimbursement Policy.

### **Applies To:**

Councilmembers

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## POLICY

### **Policy Statement**

Governor's Executive Order B-06-11 states that no travel, either in-state or out-of-state, is permitted unless it is mission critical or there is no cost to the state.

Mission critical means travel that is directly related to:

- Enforcement responsibilities
- Auditing.
- Revenue collection.
- A function required by statute, contract or executive directive.
- Job-required training necessary to maintain licensure or similar standards required for holding a position.

For the State Council on Developmental Disabilities (SCDD), this means that travel directly related to federal requirements such as the following items would be considered mission critical: meetings or training fulfilling a requirement of a federal grant or to maintain federal grant funding; requests by the federal government to appear before committees; required attendance at any litigation or compliance related events (e.g. interviews, depositions, or testimony) related to federal funding.

For example, to stay in good standing with SCDD's federal funding agency, the U.S. Administration on Intellectual and Developmental Disabilities (AIDD), the SCDD Chairperson (or designee) and the SCDD Executive Director (or designee) should attend the National Association of Councils on Developmental Disabilities (NACDD) annual in-person training. Generally, travel for this NACDD training is the only mission critical out-of-state travel required of any Councilmembers. However, there may be an exception if a particular trip's purpose is to maintain compliance with SCDD's AIDD basic state grant contract. The Executive Director in consultation with Legal Counsel will make this determination.

Additionally, the following states are currently subject to California's ban on state-funded and state-sponsored travel:

1. Alabama
2. Kansas
3. Kentucky
4. Mississippi
5. North Carolina
6. Oklahoma
7. South Dakota
- 8.. Tennessee
9. Texas

Please visit the Attorney General's prohibited state travel website at <https://oag.ca.gov/ab1887> for the most current list of prohibited states.

Furthermore when traveling, the Chairperson (or designee) shall comply with the rules set forth in SCDD's Travel and Expense Planning and Reimbursement Policy.

## **FACILITATION AND ATTENDANT SERVICES GUIDELINES FOR NON-AGENCY MEMBERS**

### **Purpose:**

To provide non-agency Councilmembers with information on Council reimbursement for facilitation or attendant services that may be needed in order to carry out their duties on behalf of the Council.

### **Authority/Reference:**

Welfare & Institutions Code § 4550

### **Applies To:**

Non-agency Councilmembers, SSAN and SSDAC members

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## **POLICY**

### **Policy Statement**

The Council recognizes that some members may require reasonable accommodations in order to remove barriers which would prevent their full participation. To address this issue, the Council has established guidelines for the provision of support services to non-agency members who require facilitation and/or attendant services.

When a non-agency member with a disability determines that a need exists for facilitator and/or attendant services and that member is providing services for the Council, reimbursement is available for these services. If the member is a client of the regional center, they may want to consider adding a goal related to self-advocacy to their IPP. Payments that are eligible for reimbursement include those for services provided by individuals working in the support classifications of facilitator or attendant.

Reimbursement for facilitation or attendant services must be reasonable and comply with the State of California reimbursement rules. For guidance,

Attachment A identifies costs for Facilitators, Attendants, and Facilitator-Attendants that have been considered reasonable based on factors such as the Council's pay rate of the Support Services Assistant, Hospital Worker, and Psychiatric Technician Assistant classifications, respectively.

## DEFINITIONS

The following are definitions for facilitation and attendant services:

1. Facilitation refers to a service wherein one-person aids another, for example to understand policy issues, to develop his/her own informed decisions regarding the issues, and to effectively express those decisions. A facilitator may also assist with making transportation/travel arrangements, obtaining and/or managing funds required for attending Council related meetings, reviewing and interpreting agenda items, and providing support during meetings through interpretation of actions or discussions on agenda items.
  - a. Interpretation of policy related information, either written or oral, into a form that is more easily understood by the member.
  - b. Providing, as necessary, an impartial analysis of the relevant issues. The analysis may include, but not necessarily be limited to, alternative positions and the implications and potential consequences for supporting or proposing any particular position. The intent is to provide the member with the knowledge necessary to make informed decisions.
  - c. Assisting the member to effectively communicate both positions and questions on relevant issues and/or with remembering or recalling relevant information.
  - d. Support to accomplish other related tasks, such as making travel arrangements and scheduling committee activities on behalf of the member.
2. Attendant service refers to assistance from others which compensate for a person's inability to independently perform activities of daily living.

Services may include assistance with maintenance and hygiene, mobility and escort responsibilities, and to a lesser degree, assistance with related cognitive tasks.

3. Both facilitation and attendant services are defined as assisting the member to perform the essential functions of his/her official position. For example, while an individual may require nearly identical assistance from an attendant both in his/her home and while away on Council related travel, **these guidelines address only those services directly related to fulfilling the responsibilities of a member.**

### RESPONSIBILITIES OF FACILITATORS AND ATTENDANTS

The need for, and level of, facilitation or attendant service should be determined largely by the member. During the new member's orientation to the Council, it is critical that the availability and significance of assistance be clearly explained. The new member must be able to make an informed decision as to whether an accommodation is necessary.

It is important to stress that accommodations may include those other than facilitation or attendant services. While these guidelines address only these two forms of accommodation, other forms may be more relevant, such as enlarged print, modified seating arrangements, and travel modalities.

#### A. Facilitators - Responsibilities

Facilitators are responsible for providing services that enable the person to function as an integral member of the Council. The following list, though not exhaustive, includes examples of activities with which the facilitator may assist:

1. Developing and maintaining a calendar of Council related meetings and activities that the member must attend. This may include assistance with reconciling subsequent commitments.



2. Making transportation/travel arrangements for Council related meetings.
3. Obtaining and/or managing funds required for taking part in Council related meetings. This may also include follow-up in reconciling any necessary documentation. Examples, if applicable, may include cash advances and travel claims.
4. Preparation prior to Council related meetings through review and interpretation of agenda items. Should the facilitator not understand an issue, he/she is responsible for obtaining any information necessary for clarification.
5. Support during meetings through interpretation of actions or discussions on agenda items. As with preparing for the meeting, if the facilitator does not understand an issue, he/she is responsible for making sure that it is clarified. Assistance may also be provided in following relevant group process rules, such as Parliamentary Procedure.
6. Reviewing after the meeting any actions taken or discussions held.

In addition to the preceding examples of responsibilities, there are two fundamental guiding principles that a facilitator should follow when providing services.

The first principle is that while interpreting, the facilitator must accurately convey both the content and spirit of any spoken or written communication, while at the same time assuring that the information is in a format that is more easily understood. This may be especially difficult when the facilitator disagrees with what has been said or written. The facilitator is not responsible for the content of the communication, only for presenting it accurately.

The second principle is a natural extension of the first. While the person being served is an appointed member of the Council, the facilitator, is not. For this reason, the facilitator should not counsel, advise, or interject personal opinions

while assisting the member in carrying out his or her official duties. Doing so may result in inappropriate participation and a likely impermissible exercise of authority by the facilitator.

**B. Attendants - Responsibilities**

Responsibilities of attendants may include, but are not limited to, the following examples:

1. Assistance with personal maintenance and hygiene, which may include some or all of the following: dressing, grooming, eating, bathing, respiration equipment maintenance, and toilet functions such as bowel, bladder, catheter and menstrual tasks. Assistance assumes knowledge of the member's needs related to these tasks, and of other needs that may require only periodic assistance, such as what to do if the member experiences a seizure.
2. Assisting the Council member with traveling to and from Council related activities.
3. Assistance with mobility tasks, which may include helping the Council member to move from place to place within confined settings. Examples could include movement from a meeting room to a local restaurant or from one chair to another.
4. Assistance with some cognitive tasks, such as reading, money handling, making travel arrangements, simple clerical tasks, and some interpretation of difficult to understand information.

NOTE: Although attendants and facilitators may occasionally provide similar assistance with regard to cognitive tasks, the attendant does so to a much lesser degree, and typically would not interpret issues related to policy development.

**PERFORMANCE**

Each member is responsible for determining and assessing the performance of the facilitator or attendant providing services to the member. Job performance of a facilitator or attendant is primarily determined by the unique needs of the Council member being served. Based on a self-assessment, the member specifies the type(s) of assistance that will be expected of the facilitator and/or attendant. Expectations are to be in precise terms and must be documented in writing. Each expectation, or task, once clearly defined, should be included in a checklist of tasks.

The task checklist will aid in identifying and documenting specific areas the Council member needs help with. For example, if the Council member indicates the need for a facilitator, the specific task(s) are also to be identified. Examples are assistance with making transportation/travel arrangements, interpretation of agenda items, and/or handling/managing funds. Similarly, a member may determine that he/she requires the aid of an attendant with three tasks: eating, bathing, and toileting. Further specificity may indicate that this member, for bathing, may require help with undressing and dressing, but not with washing, drying, or other remaining steps.

**ATTACHMENT A**  
**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES FACILITATOR AND**  
**ATTENDANT SERVICES AND TRAVEL REASONABLE AND**  
**REIMBURSABLE PAYMENTS**

SERVICES

The Council may authorize payment for facilitator or attendant services if those payments are reasonable under the State’s reimbursement rules. A client of a regional center may want to consider adding a goal related to self-advocacy to their IPP. The pay rates shown below are SCDD’s rates which are based on 2017 information compiled by the California Department of Human Resources have been determined to be reasonable and reimbursable.

<u>SERVICE</u>	<u>PAY RATE</u>
Facilitator	\$ 18.71 per hour
Attendant	\$18.56 per hour

The above pay rates are based on the mid-range monthly salaries of comparable state classifications. Each relevant salary was converted to an hourly rate and adjusted by 28.1 percent (the cost of state benefits) in order to recognize the self-employment cost to private vendors. Payment of these rates are limited to two hours before, during, and two hours after a Council related meeting.

Services Provided by Employees or Other Compensated Persons: If the facilitator or attendant is an employee of the Council, developmental center or regional center, or is already being compensated for the facilitation or attendant services, the Council will reimburse only for allowable travel related expenses.

Services Provided by Volunteers: If a member requires facilitation or attendant services and the facilitator or attendant is a volunteer, the Council will authorize payment of travel related expenses for the volunteer including allowable meals at the rate outline in SCDD’s Travel Policy.

TRAVEL

In accordance with PML 1986-001 entitled, "Travel Expenses of Non-State Employees," and SCDD's Travel Policy, the below travel expenses of individuals providing facilitation or attendant services to a member may be reimbursed at rates equal to the rates allowed to the member.

### LODGING

Facilitator/Attendants typically arrive and depart with the member on the same day of a meeting. If it is not reasonable for the traveler and council member to arrive on the day of the meeting, a traveler residing outside a 50 mile radius of Sacramento may request hotel accommodations.

### TRANSPORTATION

Reimbursement for transportation expenses will only be for the method of transportation that is in the best interest of the state considering both direct expense and the traveler's time. Best interest of the State means least costly and meets the traveler's needs. When a traveler chooses a method of transportation that is not considered to be in the best interest of the state (i.e. driving a personal vehicle instead of flying or taking a taxi rather than sharing an Uber/Lyft when possible), whatever is most cost effective per individual location/needs, reimbursement will be at the rate of the least expensive option.

### MEALS

Meal per diems are not paid to facilitator or attendants who are being paid a wage by member via SCDD.

Reimbursement for these travel expenses may be claimed on a travel expense claim form. The facilitator/attendant shall reference the members name on the travel expense claim form.

**ATTACHMENT B**  
**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**  
**FACILITATOR SERVICES TASK CHECKLIST**

Definition: Facilitation refers to a service wherein one-person aids another to understand policy issues, to develop his/her own informed decisions regarding the issues, and to effectively express those decisions. A facilitator also assists with making transportation/travel arrangements, obtaining and/or managing funds required for attending Council related meetings, reviewing and explaining agenda items, and providing support during meetings through interpretation of actions or discussions on agenda items.

This facilitator services task checklist shall be used in identifying and documenting specific areas the member needs assistance with to enable him/her to fully participate in Council related meetings.

Please indicate yes or no to the following list of Council related activities or functions:

1.

1. Developing and maintaining a calendar of Council related meetings and activities that the member must attend. This may include assistance with reconciling subsequent commitments.

YES \_\_\_\_\_ NO \_\_\_\_\_

2. Making transportation/travel arrangements for Council related meetings.

YES \_\_\_\_\_ NO \_\_\_\_\_

3. Obtaining and/or managing funds required for taking part in Council related meetings. This may also include follow-up in reconciling any necessary documentation. Examples, if applicable, may include cash advances and travel claims.

YES \_\_\_\_\_ NO \_\_\_\_\_

4. Preparation prior to Council related meetings through review and interpretation of agenda items. Should the facilitator not understand an issue, he/she is responsible for obtaining any information necessary for clarification.
  
5. Support during meetings through explanation of actions or discussions on agenda items. As with preparing for the meeting, if the facilitator does not understand an issue, he/she is responsible for making sure that it is clarified. Assistance may also be provided in following relevant group process rules, such as Parliamentary Procedure.

YES \_\_\_\_\_ NO \_\_\_\_\_

6. Use the space provided below to add anything that is not listed above.

YES \_ NO \_\_\_\_\_

**ATTACHMENT C**  
**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES**  
**ATTENDANT SERVICES TASK CHECKLIST**

Attendant service refers to assistance from others which compensate for a person's inability to independently perform activities of daily living. Services may include assistance with maintenance and hygiene, mobility and escort responsibilities, and to a lesser degree, assistance with related cognitive tasks. This attendant services task checklist is to aid in identifying and documenting specific areas the member needs assistance with to enable him/her to fully participate in Council related meetings.

please indicate yes or no to the following list of activities:

1. Activities of daily living (specify)

- a. Dressing                      YES                      NO \_\_\_\_\_
- b. Bathing                        YES \_\_\_\_\_      NO \_\_\_\_\_
- c. Eating                         YES \_\_\_\_\_      NO \_\_\_\_\_
- d. Tilting                         YES \_\_\_\_\_      NO \_\_\_\_\_
- e. Grooming                      YES \_\_\_\_\_      NO \_\_\_\_\_
- f. Respirator  
equipment  
maintenance                      YES \_\_\_\_\_      NO \_\_\_\_\_
- g. Other:

\_\_\_\_\_

2. Assisting the Council member with traveling to and from Council related activities.

YES \_\_\_\_\_                      NO \_\_\_\_\_

3. Assistance with mobility tasks, which may include helping the Council member to move from place to place within confined settings. Examples



could include movement from a meeting room to a local restaurant or from one chair to another.

YES \_\_\_\_\_ NO \_\_\_\_\_

4. Assistance with some cognitive tasks, such as reading, money handling, making travel arrangements, simple clerical tasks, and some interpretation of difficult to understand information.

YES \_\_\_\_\_ NO \_\_\_\_\_

**Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## **REASONABLE ACCOMMODATION**

### **Purpose:**

To comply with the Americans with Disabilities Act, the Fair Employment and Housing Act, and the comprehensive civil rights laws that prohibit discrimination against a qualified applicant or employee because of his/her disability.

### **Authority/Reference:**

Americans with Disabilities Act (ADA)  
The Fair Employment and Housing Act (FEHA), and  
The comprehensive civil rights laws that prohibit discrimination against a qualified applicant or employee because of his/her disability.

### **Applies To:**

Councilmembers and employees

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## **POLICY**

### **Policy Statement**

It is the policy of the State Council on Developmental Disabilities (SCDD) to comply with the Americans with Disabilities Act (ADA), the Fair Employment and Housing Act (FEHA), and the comprehensive civil rights laws that prohibit discrimination against a qualified applicant or employee because of his/her disability. Under the ADA and FEHA, qualified individuals with disabilities must have equal access to all aspects of employment that are available to employees without disabilities. For the purpose of this policy, the terms “employee” and “staff” include all Councilmembers

Pursuant to the ADA and FEHA, the SCDD will provide, upon request, reasonable accommodation to a qualified applicant and/or employee with a disability to allow him/her to perform the essential functions of his/her job, unless the accommodation request has been determined to be unreasonable.

## REASONABLE ACCOMMODATION

Reasonable accommodation can be considered as the logical adjustment to a job or work environment that enables a person with a disability to perform the essential functions of his/her job. SCDD is required, to provide reasonable accommodation for qualified individuals with physical or mental limitations. Reasonable accommodation includes, but is not limited to:

- Modifications or adjustments to a department's application, examination, or interview process that will enable a qualified applicant with a disability to be considered for the desired position; or
- Modifications or adjustments to the work environment, or to the method under which the position held or desired is routinely performed, that enables a qualified individual with a disability to perform the essential functions of that position; or
- Modifications or adjustments that will enable an employee with a disability to enjoy the same benefits and privileges of employment as those enjoyed by similarly situated employees without disabilities.

SCDD may choose to provide an alternative accommodation other than the one requested by the employee, as long as it is effective in assisting the employee in performing his/her essential job functions.

## ESSENTIAL FUNCTIONS

Essential functions are the tasks that are fundamental to the job. A job function may be considered essential for any of the following reasons:

- The position exists to perform the function. There are a limited number of employees to whom the performance of the function can be distributed.
- The function is highly specialized and the incumbent in the position was hired for his/her expertise in performing the function.

SCDD is not required under the law to waive essential functions as part of a reasonable accommodation.

## INDIVIDUAL WITH A DISABILITY

An individual is considered to have a disability if he/she:

- Has a permanent physical or mental impairment that limits the performance of one or more major life activities; or
- Has a record of such an impairment; or
- Is regarded as having such impairment.

### **Physical or Mental Impairment**

Physical or mental impairment includes, but is not limited to any physiological disorder or condition, cosmetic disfigurement, anatomical loss affecting one or more of the body systems, or any mental or psychological disorder. Examples of conditions that would constitute disabilities because they limit a major life activity include paralysis, hearing or vision loss, epilepsy, and cancer.

### **Major Life Activities**

Major life activities include self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The list of major life activities is not exhaustive.

### **Functional limitations**

Determining whether a functional limitation in performing essential functions exists due to a physical or mental impairment is the first step in establishing whether an individual is entitled to a reasonable accommodation. Many impairments do not impact a person's life to the extent of limiting a major life activity. An impairment rises to the level of limiting a major life activity when it makes the performance of a major life activity difficult.

When evaluating a reasonable accommodation request, the Office of Civil Rights (OCR) considers several factors in assessing the functional limitation(s) a physical or mental impairment causes in performing essential functions:

- The specific physical or mental limitation or medical condition which requires an accommodation;
- The duration or expected duration of the impairment;
- The permanent or long-term impact, or the expected permanent or long-term impact of, or resulting from, the impairment.

### EXAMPLES OF REASONABLE ACCOMMODATION

Each reasonable accommodation request is evaluated on a case-by-case basis, so that the accommodation provided meets the needs of the individual with the disability, and will allow him/her to perform the essential functions of his/her job. Reasonable accommodations may include, but are not limited to:

- Special Testing/Interview Arrangements - Allowing competitors additional time to complete training or written examinations, providing written tests in Braille or large print, readers for visually-impaired, or sign-language interpreters.
- Accessible Test Sites - Examinations and training sessions must be administered in accessible facilities. For barriers such as stairs or inaccessible restrooms, an alternate facility will be utilized.
- Worksite modifications - Modifications may be provided to allow access to perform work activities. Some modifications may include raising or lowering modular furniture or equipment, widening access areas or doorways, installing additional electrical outlets, placing Braille labels or tactile cues on shelves.
- Assistive devices - Prescribed chairs, computer improvements and/or software, telecommunication devices for the deaf (TDD/TTY), or footrests.
- Support Services Assistants - Sign-language interpreters, readers, captioners, or drivers.

- Work-related Personal Assistant Services (WPAS) – assistance that provides individuals work-related or job assistance. WPAS may include, but is not limited to, the use of a reader for business documents not otherwise available electronically, a sign language interpreter for company meetings or trainings, and help lifting or reaching work work-related items and filing. WPAS does not include personal attendant care (e.g., feeding, toileting.)
- Personal Attendant Care (PAC) – employees may be allowed to bring their own personal attendant into the workplace at their own expense to meet their personal attendant care needs. However, if WPAS is provided to an employee pursuant to an approved reasonable accommodation plan, the agency will provide PAC while the employee is on business travel.
- Job restructuring - Reassignment of marginal duties, modified work schedule to allow for medical treatment or appointments, job sharing or reduced work schedule, telecommuting.
- Equal access to services and events - Employer-sponsored services and social events (e.g., retirement luncheons/dinners, holiday functions) must be accessible to individuals with disabilities.
- Alternative job placement - If an employee with a disability cannot be accommodated through any other method, he/she may be reassigned to a vacant position for which he/she is qualified. A position may not be created for the individual, nor will another employee be displaced in order to accommodate the employee with the disability.
- Transportation/Parking - State employees are responsible for providing their own transportation to and from work. Transportation provided by SCDD for its employees (e.g., shuttle service between facilities) must be accessible to employees with disabilities. In employee parking lots owned or leased by the State, spaces closest to building entrances should be assigned to employees with mobility-related disabilities.

### REQUESTING REASONABLE ACCOMMODATION

SCDD has established procedures to request a reasonable accommodation to ensure it is an interactive process between the individual and SCDD. Employees are encouraged to utilize the Reasonable Accommodation Request form SCDD RAR 2015 to ensure that all necessary information is included. However, it is not required that requests for accommodation be in writing.

To request reasonable accommodation, the employee must communicate his/her need to his/her supervisor. To expedite the process, the employee should complete the SCDD RAR 2015 and submit to his/her supervisor. At this time, the employee should also submit a copy of the SCDD RAR 2015 to the Personnel Officer. This alerts the Personnel Officer that a request for reasonable accommodation has been made. If the request is verbal, the supervisor should use the SCDD RAR 2015 to document the request and submit a copy to the Personnel Officer to alert him or her that a request for reasonable accommodation has been made.

All requests for reasonable accommodation, whether written or verbal, must provide the following information:

- The type of accommodation requested;
- An explanation of the limitation for which the accommodation is needed;
- A description of how the accommodation will allow the individual to perform the essential functions of his/her job.

At the request of management, an employee must also submit medical documentation to provide evidence of his/her functional limitation due to a non-obvious (hidden) disability in support of the request for reasonable accommodation. The employee should send the medical documentation directly to the Personnel Officer, where it will be kept in a confidential reasonable accommodation file.

At a minimum, the medical documentation must include the following:

- A description of the functional limitation as it relates to the employee's job duties, including the anticipated duration (e.g. temporary or permanent). If temporary, specify the date it is anticipated the functional limitation will end.

- A description of the functional limitations caused by the disability in work related terms. For example, if "no prolonged walking" is requested, the medical statement should specify how long or how far the employee is able to walk; if "no prolonged sitting" is requested, the medical statement should specify how long and under what circumstances the employee can sit; if rest periods are required, the medical statement should specify how often and how long the rest periods should be.
- State the accommodation and describe how it will help the employee to perform his/her essential job duties.
- The medical documentation must be written/typed on the official letterhead stationary of the health professional or health professional's organization. The documentation must identify the health professional's credentials (e.g., M.D., D.O., R.N.) and practice specialty (e.g., Physical Therapist, Social Worker, Chiropractor), and be signed and dated by the health professional.

The Personnel Officer will provide guidance to managers, supervisors, and persons requesting reasonable accommodation at all stages of the process. The Personnel Officer evaluates each reasonable accommodation request on a case-by-case basis. The decision to grant or deny a request for accommodation will be made only after considering all essential information, including but not limited to input from the employee, his/her supervisor, and his/her health professional. The applicant is not automatically entitled to the accommodation he/she requests; however, an individual may refuse an accommodation offered by the SCDD.



## INTERACTIVE PROCESS

Within five (5) work days of receiving a request for Reasonable Accommodation by an employee or applicant with a disability, SCDD and its representatives must engage in a timely, good faith, interactive process to determine effective reasonable accommodations. To ensure that all effective accommodations have been considered, the supervisor must discuss the request with the employee when the specific limitation, problem, or barrier is unclear; where effective accommodation is not obvious; where modifications to the request may be appropriate; where the parties are choosing between different possible reasonable accommodations; or in other situations where the interactive process can further promote resolution of the request for accommodation. The interactive process should take place in person, unless it is impractical to do so. The interactive process with the employee or applicant shall include, but is not limited to:

- Discussing the purpose and the essential functions of the specific position;
- Reviewing how the functional limitations of the disability can be overcome with reasonable accommodation;
- Identifying potential accommodation options;
- Evaluating the effectiveness of each potential accommodation option;
- Documenting all options discussed and reasons for selecting particular option(s);
- Implementing the most appropriate option(s), after consulting with the Personnel Officer and appropriate staff; and
- Keeping the applicant or employee informed until accommodation is provided or denied.
- The person requesting an accommodation must cooperate in the interactive process. Failing to do so can result in a denial of a request for accommodation.

## THE ONGOING PROCESS OF REASONABLE ACCOMMODATION

SCDD is required to make reasonable accommodations for qualified persons with disabilities. The duty to accommodate is a continuing duty that is not exhausted by one effort. Once SCDD becomes aware that an accommodation is not working, it must consider alternative accommodations. If it becomes apparent that a previously granted accommodation is not working, the supervisor or manager must further engage in the interactive process with the employee to identify appropriate accommodations, as discussed above. Prior to any substantive modification or adjustment of a previously granted accommodation, the Personnel Officer must be consulted. Furthermore, prior to the denial of any newly requested accommodation, the Personnel Officer must also be consulted.

If SCDD denies or fails to respond to the Reasonable Accommodation Request within twenty (20) working days, the applicant may file an appeal directly with the State Personnel Board (SPB). An applicant has thirty (30) days during which to file an appeal, once the twenty working-day period has ended. Applicants may also file a complaint with the Department of Fair Employment and Housing and/or the U.S. Equal Employment Opportunity Commission.

Should you have any questions, please contact the Personnel Officer.

### **Most Recent Action**

February 12, 2019: Executive Committee approved policy.

## **TABLET USAGE (COUNCILMEMBERS)**

### **Purpose:**

The purpose of this iPad Usage Policy is to establish guidelines and procedures for Councilmembers of the State Council on Developmental Disabilities ("SCDD") in regards to use of SCDD issued iPads.

### **Authority/Reference:**

N/A

### **Applies To:**

Councilmembers

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## **POLICY**

### **Policy Statement**

The purpose of this iPad Usage Policy is to establish guidelines and procedures for Councilmembers of the State Council on Developmental Disabilities (SCDD) with regard to the use of SCDD issued iPads. The iPad is for receiving and reviewing council and committee meeting materials and to reduce costs and waste associated with the creation and distribution of materials in paper format.

### **POLICY GUIDELINES**

#### **A. SCDD Ownership**

- i. Upon appointment to the Council, one iPad with accessories will be issued to each Councilmember. iPads issued to Councilmembers are the property of SCDD and Councilmembers have no ownership, interest, or right to title of the iPads or any information stored on the device. Upon receipt of an iPad from SCDD, Councilmembers agree to return such iPad to SCDD when requested.
- ii. The iPad is the property of the SCDD. The SCDD reserves the right to seize the iPad for any violations of this iPad Usage Policy.

- iii. Councilmembers may be asked to surrender their iPad. A reason for the surrender may or may not be given.
- iv. Prior to the expiration of a Councilmember's service to SCDD, their iPad shall be returned to the SCDD HQ office, where the IT tech will appropriately wipe all stored information from the iPad so that it may be reissued in the future in accordance with this policy.

Commented [AR1]: Should we remove this section or modify so not so harsh?

#### B. Liability

- i. Councilmembers are responsible for all materials sent using and/or stored on the iPad issued to them. Councilmembers who accept and use an SCDD iPad is responsible for keeping the iPad free from all inappropriate or dangerous files
- ii. SCDD is not liable for any material sent by, or any material stored on, iPads issued to Councilmembers other than SCDD data loaded on the iPad in connection with SCDD business.

#### C. Acceptable Use

- i. SCDD only authorizes use of its iPads in a manner that supports its mission.
- ii. The iPad is not for personal use. It has been provided for work-related use only. *Government Code § 8314 prohibits the use of state resources for non-state purposes, except uses that are "incidental and minimal" (e.g. de minimis personal telephone or photo copy use). There are civil penalties for violation of this section.*
- iii. Do not share the iPad with anyone else.

#### D. Loss or Damage

- i. Councilmembers are responsible for the safety and security of their assigned iPads.
- ii. Lost or Stolen iPads:
  - a. If an iPad issued to a Councilmember is lost or stolen, the Councilmember must report the loss immediately to SCCD HQ office.

- b. If an iPad issued to a Councilmember is lost, the Councilmember generally will not be issued a replacement iPad due to fiscal and administrative considerations.
  - c. If an iPad issued to a Councilmember is stolen, it will only be replaced if a police report and claim are submitted to SCDD.
- iii. Damaged iPads:
- a. Damages to iPad must be reported immediately to SCDD HQ Office.
  - b. The damaged iPad must be delivered to SCDD HQ Office or the local SCDD regional office for repairs.
  - c. Depending on the extent of damages, a replacement may not be available.
  - d. A Councilmember may not attempt to repair the iPad on your own.
  - e. A Councilmember may not take the iPad to the store or other non-SCDD electronic equipment professional for repairs, this action may void the warranty

**E. Internet Access**

- i. The SCDD issued iPad has Wi-Fi capability for use with any public hotspot or home Wi-Fi.
- ii. No data plan will be provided.

**F. Acceptance**

- i. Councilmembers may decline acceptance of an iPad. In such instance, that Councilmember may receive Council meeting materials for regular, special, committee meetings in paper.
- ii. Councilmembers who receive an iPad shall not be entitled to receive materials on paper.

SCDD Policy #1-630

- iii. Councilmembers who decline option of an iPad shall not be entitled to any other form of computing equipment in place of the iPad.
- iv. Councilmembers may choose to use their own personal device, and will be provided details for receiving meeting materials.
- v. All Councilmembers who accept an iPad from SCDD agree and acknowledge, without restriction or reservation that any information contained in such iPad is subject to incidental review by SCDD IT staff, regardless of whether the information is SCDD related or personal in nature.
- vi. Councilmembers have the option to return the iPad and opt for paper format at any time. Likewise, Councilmembers may choose to opt for an iPad instead of paper, however there may be a waiting period of no more than 4 months.

**Most Recent Action**

February 12, 2019: Executive Committee approved policy.

**ACKNOWLEDGMENT OF RECEIPT AND ACCEPTANCE OF  
THE SCDD iPad USAGE POLICY**

Receipt and  
Acceptance of  
Terms

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I have received a copy of the SCDD iPad Usage Policy. I understand its contents and agree to abide by its terms and the terms of any subsequent revision to the policy.

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**Select one option and provide your initials by your choice:**

Councilmember  
Initials: \_\_\_\_\_

I would like to request an SCDD iPad to be used in replacement of meeting materials.

Councilmember  
Initials: \_\_\_\_\_

I decline acceptance of a SCDD issued iPad, and request meeting materials to be provided to me in paper format.

Councilmember  
Initials: \_\_\_\_\_

I decline acceptance of a SCDD issued iPad, and would prefer to use my own personal device to review meeting materials.

Councilmember  
Signature

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Councilmember Printed Name

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Councilmember Signature

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Date

## **WHISTLEBLOWER PROTECTION ACT**

### **Purpose:**

To notify Councilmembers and staff of their right to report an improper government activity under the Whistleblower Protection Act.

### **Authority/Reference:**

Government Code § 8548- 8548.5  
State Administrative Manual § 20080

### **Applies To:**

Councilmembers and staff

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## **POLICY**

### **Policy Statement**

The California Whistleblower Protection Act authorizes the California State Auditor (State Auditor) to receive complaints from state employees and members of the public who wish to report an improper governmental activity. An "improper governmental activity" is defined as any action by a state agency or any action by a state employee directly related to state government that violates the law, violates an Executive Order of the Governor, violates a Rule of Court, violates the State Administrative Manual or State Contracting Manual, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. The complaints received by the State Auditor shall remain confidential, and the identity of the complainant may not be revealed without the permission of the complainant, except to an appropriate law enforcement agency conducting a criminal investigation.

### **Procedure**

Upon receiving a complaint, the State Auditor may conduct an investigation into the facts alleged in the complaint to determine whether an improper



governmental activity has occurred. Before launching an investigation, the State Auditor's staff will conduct a careful evaluation of the complaint to determine whether it has enough potential merit to warrant the expenditure of state

resources to conduct an investigation. Councilmembers and staff are asked to keep the following points in mind when filing a complaint:

- The State Auditor needs a clear and concise statement of what you are alleging is an improper act, why you believe it is improper, and what evidence there is to confirm that what you are saying is true;
- If you don't provide a name or other information that clearly identifies the person you are alleging to have acted improperly, and the department where that person works, the State Auditor may not know who to investigate;
- If you do not identify witnesses or documents that will support what you are saying, the State Auditor may not be able to verify that what you are saying is true;
- While you may submit a complaint anonymously, the State Auditor may not be able to determine whether your complaint has merit if we are not able to interview you;
- Submitting copies of any documents that will support your complaint is extremely helpful to the State Auditor's evaluation process. However, please submit copies of the documents, rather than the original documents, as they cannot be returned. If the State Auditor needs the original documents they will ask you for them later.

After the State Auditor receives a complaint, any investigation resulting from the complaint is confidential, so the State Auditor's staff cannot provide any updates about what is being done to investigate the complaint or what information has been uncovered. Information about the investigation will not be released unless the State Auditor substantiates that an improper activity has occurred and issues a report about it.

### *Retaliation is Prohibited*

SCDD Councilmembers and staff who file a complaint are [entitled to protection against retaliation](#) by the SCDD for filing the complaint. The Whistleblower Protection Act forbids every state official and employee from

retaliating or attempting to retaliate against any employee or applicant for employment who reports an improper activity. Retaliation includes intimidation, the denial of appointment or promotion, a threat of adverse action, a poor performance evaluation, involuntary transfer, or any form of disciplinary action.

The State Auditor does not provide remedies for retaliation, as that responsibility has been assigned to other agencies. If Councilmembers and staff believe they are the victim of retaliation as a result of filing a complaint with the State Auditor's Office, they may obtain assistance by contacting the State Personnel Board in writing.

State Personnel Board  
801 Capitol Mall, MS53  
Sacramento, CA 95814

For information about making a report call (916) 653-0799.

### *Filing a Complaint*

There are many ways to file a complaint.

#### **By Telephone**

Councilmembers/staff may call the Whistleblower Hotline at (800) 952-5665 to file a complaint by talking to one of the State Auditor's employees. The hotline generally is staffed Monday through Friday from 8:00 a.m. to 5:00 p.m. If you call when the hotline is not being staffed, or staff is occupied with other calls, you may leave a voicemail message requesting a return call.

#### **By Mail or Facsimile**

Councilmembers/staff may file a complaint in the form of a letter to the State Auditor addressed as follows:

Investigations  
California State Auditor  
P.O. Box 1019  
Sacramento, CA 95812

or you may fax the letter to the State Auditor at (916) 322-2603.

Compliance

The SCDD must annually provide information to Councilmembers and staff about how they can report improper governmental activities and the protections the Whistleblower Act provides.

**Most Recent Action**

February 12, 2019: Executive Committee approved policy.



# REPORT IMPROPER ACTIVITY

Contact the Whistleblower Hotline  
by phone, web, or mail

**(800) 952-5665**

**www.auditor.ca.gov**

## WHAT TO REPORT

Improper acts by a state agency or employee, such as:

- Violation of state or federal law.
- Noncompliance with an executive order, a Rule of Court, the State Administrative Manual, or the State Contracting Manual.
- Misuse or waste of state resources.
- Gross misconduct, incompetence, or inefficiency.

Some of the most commonly reported improper acts include misuse of state property, improper travel expenditures, and time and attendance abuse.

The California State Auditor does not have the authority to investigate:

- Violations of a department's internal policies or procedures.
- Local government agencies and employees.

## COMPLAINTS ARE INVESTIGATED

The California State Auditor investigates complaints and reports the results of substantiated allegations to the:

- Head of the employing agency.
- Legislature, Governor, and appropriate law enforcement agencies.
- General public, keeping identities confidential.

## WHISTLEBLOWERS ARE PROTECTED

The Whistleblower Protection Act requires the California State Auditor to protect your identity.

It also prohibits intimidation, threats, or coercion by state employees that could interfere with your right to disclose improper governmental activities.

If you feel that you have been retaliated against for reporting an improper governmental activity, you should report this immediately to one of the following agencies:

- State and court employees: write to the State Personnel Board at 801 Capitol Mall, MS53, Sacramento, CA 95814.
- University of California (UC) employees: contact the locally designated official for the UC facility at which you are employed.
- California State University employees: write to the Vice Chancellor of Human Resources at 401 Golden Shore, Long Beach, CA 90802 or contact the appointed campus administrator.



2017-2018

## HOW TO REPORT



**(800) 952-5665** phone  
**(916) 322-2603** fax



Investigations  
California State Auditor  
P.O. Box 1019  
Sacramento, CA 95812



**www.auditor.ca.gov/hotline**  
*Note: complaints not accepted via e-mail*

To view an informational webinar hosted by CalHR, search "California Whistleblower Hotline" on YouTube or go to the following link:  
<https://www.youtube.com/watch?v=9WFYlhJDOss>

Pursuant to California Government Code section 8548.2, each state agency shall post this notice at its state office(s) in locations where employee notices are maintained. In compliance with California Labor Code section 1102.8, if you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225.

## **WORKERS' COMPENSATION**

### **Purpose:**

The State Council on Developmental Disabilities (SCDD) is required by law to provide Councilmembers and employees notice about their workers' compensation benefits, Medical Provider Network providers, and where to seek treatment for workers' compensation injuries.

### **Authority/Reference:**

Labor Code  
Title 8 California Code of Regulations § 9881

### **Applies To:**

Councilmembers and employees

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## **POLICY**

### **Policy Statement**

Councilmembers and employees may be entitled to workers' compensation benefits if they are injured or become ill because of their job. Workers' compensation covers most work-related physical or mental injuries and illnesses. An injury or illness can be caused by one event (such as hurting one's back in a fall) or by repeated exposures (such as hurting one's wrist from doing the same motion over and over).

### **Procedure**

Councilmembers and employees can contact the Workers' Compensation/Return to Work Coordinator (WC/RTC) at headquarters Personnel Office for more detailed information about the SCDD's workers' compensation coverage, benefits and medical treatment options.

See attached form DWC 7 from the State Compensation Insurance Fund (SCIF). The DWC 7 shall be posted in all SCDD offices.

### **Most Recent Action**

Revised April 18, 2018 to incorporate current SCIF procedure.

**STATE OF CALIFORNIA - DEPARTMENT OF INDUSTRIAL RELATIONS  
Division of Workers' Compensation**

**Notice to Employees--Injuries Caused By Work**

You may be entitled to workers' compensation benefits if you are injured or become ill because of your job. Workers' compensation covers most work-related physical or mental injuries and illnesses. An injury or illness can be caused by one event (such as hurting your back in a fall) or by repeated exposures (such as hurting your wrist from doing the same motion over and over).

**Benefits.** Workers' compensation benefits include:

- **Medical Care:** Doctor visits, hospital services, physical therapy, lab tests, x-rays, medicines, medical equipment and travel costs that are reasonably necessary to treat your injury. You should never see a bill. There are limits on chiropractic, physical therapy and occupational therapy visits.
- **Temporary Disability (TD) Benefits:** Payments if you lose wages while recovering. For most injuries, TD benefits may not be paid for more than 104 weeks within five years from the date of injury.
- **Permanent Disability (PD) Benefits:** Payments if you do not recover completely and your injury causes a permanent loss of physical or mental function that a doctor can measure.
- **Supplemental Job Displacement Benefit:** A nontransferable voucher, if you are injured on or after 1/1/2004, your injury causes permanent disability, and your employer does not offer you regular, modified, or alternative work.
- **Death Benefits:** Paid to your dependents if you die from a work-related injury or illness.

**Naming Your Own Physician Before Injury or Illness (Predesignation).**

You may be able to choose the doctor who will treat you for a job injury or illness. If eligible, you must tell your employer, in writing, the name and address of your personal physician or medical group *before* you are injured. You must obtain their agreement to treat you for your work injury. For instructions, see the written information about workers' compensation that your employer is required to give to new employees.

**If You Get Hurt:**

1. **Get Medical Care.** If you need emergency care, call 911 for help immediately from the hospital, ambulance, fire department or police department. If you need first aid, contact your employer.
2. **Report Your Injury.** Report the injury immediately to your supervisor or to an employer representative. Don't delay. There are time limits. If you wait too long, you may lose your right to benefits. Your employer is required to provide you with a claim form within one working day after learning about your injury. Within one working day after you file a claim form, your employer or claims administrator must authorize the provision of all treatment, up to ten thousand dollars, consistent with the applicable treatment guidelines, for your alleged injury until the claim is accepted or rejected.
3. **See Your Primary Treating Physician (PTP).** This is the doctor with overall responsibility for treating your injury or illness.
  - If you predesignated your personal physician or a medical group, you may see your personal physician or the medical group after you are injured.
  - If your employer is using a medical provider network (MPN) or a health care organization (HCO), in most cases you will be treated within the MPN or HCO unless you predesignated a personal physician or medical group. An MPN is a group of physicians and health care providers who provide treatment to workers injured on the job. You should receive information from your employer if you are covered by an HCO or a MPN. Contact your employer for more information.
  - If your employer is not using an MPN or HCO, in most cases the claims administrator can choose the doctor who first treats you when you are injured, unless you predesignated a personal physician or medical group.
4. **Medical Provider Networks.** Your employer may be using an MPN, which is a group of health care providers designated to provide treatment to workers injured on the job. If you have predesignated a personal physician or medical group prior to your work injury, then you may go there to receive treatment from your predesignated doctor. If you are treating with a non-MPN doctor for an existing injury, you may be required to change to a doctor within the MPN. For more information, see the MPN contact information below:

MPN website: <http://statefundca.com/mpn>



MPN Effective Date: February 1, 2016

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MPN Identification number: 2432

If you need help locating an MPN physician, call your MPN access assistant at: (855) 521-7082

If you have questions about the MPN or want to file a complaint against the MPN, call the MPN Contact Person at: (888) 626-1737

**Discrimination.** It is illegal for your employer to punish or fire you for having a work injury or illness, for filing a claim, or testifying in another person's workers' compensation case. If proven, you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

**Questions?** Learn more about workers' compensation by reading the information that your employer is required to give you at time of hire. If you have questions, see your employer or the claims administrator (who handles workers' compensation claims for your employer):

Claims Administrator: State Compensation Insurance Fund; Phone (888) 782-8338

Workers' compensation insurer: State Compensation Insurance Fund

You can also get free information from a State Division of Workers' Compensation Information (DWC) & Assistance Officer. The nearest Information & Assistance Officer can be found at location: or by calling toll-free **(800) 736-7401**. Learn more information about workers' compensation online: [www.dwc.ca.gov](http://www.dwc.ca.gov) and access a useful booklet "Workers' Compensation in California: A Guidebook for Injured Workers."

**False claims and false denials.** Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony and may be fined and imprisoned.

Your employer may not be liable for the payment of workers' compensation benefits for any injury that arises from your voluntary participation in any **off-duty, recreational, social, or athletic activity** that is not part of your work-related duties.

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