

# **DEPARTMENT OF DEVELOPMENTAL SERVICES**

## **DISABILITIES ADVISORY COMMITTEE (DAC)**

### **BY - LAWS**

#### **ARTICLE I**

#### **TITLE AND PURPOSE**

##### **SECTION I: TITLE**

The name of this committee shall be the Disabilities Advisory Committee, also known as DAC.

##### **SECTION II: PURPOSE**

The DAC is being established pursuant to the requirements of California Government Code Section 19575(b)(1), which requires all State agencies to establish a committee of employees who are individuals with a disability, or individuals with an interest in disability issues to advise the director of the department on issues of concern to employees with disabilities and matters relating to the formulation and implementation of plans to overcome and correct underrepresentation determined pursuant to Section 19234.

The DAC shall advise the Director of the Department of Developmental Services (DDS) through the Chief, Office of Human Rights and Advocacy Services (OHRAS) on all matters relating to the implementation of the DAC's role including but not limited to:

- Plans and process to assure representation of persons with disabilities in the DDS workforce
- Identification of program concerns in areas relating to employees with disabilities including:
  - Reasonable accommodation both in the selection process and in employment
  - Removing architectural and attitudinal barriers
  - Ensuring employee training accessibility
  - Complying with anti-discrimination laws, such as the ADA

- Providing employment policies and practices which enhance the hiring, retaining and promoting of qualified persons with disabilities

## **ARTICLE II**

### **LEGAL AUTHORITY**

#### **SECTION I: LEGAL AUTHORITY**

The Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 require employers to assure that persons with disabilities are given equal employment opportunities and are treated fairly as employees. These laws provide strong anti-discrimination protection and require employers to provide reasonable accommodation to employees with disabilities in order that they may perform their jobs successfully.

In addition, California Government Code Sections 19230 -19237 require all State agencies to develop and implement an equal employment opportunity program aimed at assuring that persons with disabilities have access to positions in State government on an equal and competitive basis with the general population. As part of this effort, all State agencies are required to establish a disability committee. Specifically, Government Code Section 19795(b) states:

“Each State agency shall establish a committee of employees who are individuals with a disability to advise the head of the agency on matters relating to the formulation and implementation of a plan to overcome and correct any underrepresentation determined, pursuant to Section 19234.”

## **ARTICLE III**

### **OPERATING PARAMETERS**

#### **SECTION I: STAFF TIME**

Four hours a month staff time will be allowed for activities relating to the DAC. Additional time may be approved by the Director upon request to meet special needs.

#### **SECTION II: SUPPORT SERVICES**

Support services, such as interpreters, readers, or note-takers may be necessary for meetings or other activities of the DAC. The DAC Chairperson should be provided with sufficient advance notification if these services are required.

### **SECTION III: COMMUNICATION**

No letters, memos, communications or actions are to be undertaken without the consensus of the DAC members, the DAC Chairperson, and with the concurrence of the Chief, OHRAS.

## **ARTICLE IV**

### **MEMBERSHIP**

#### **SECTION I: NUMBER OF MEMBERS**

The DAC shall be composed of up to seven headquarters employees, and up to two employees from each operating Developmental Center and Community Facility. Each person must be employed by DDS and appointed by the Director.

#### **SECTION II: QUALIFICATIONS**

Government Code Section 19795(b) requires that each State agency establish a committee of employees who are individuals with disabilities or who have an interest in disability issues.

All employees shall be invited to serve on the committee and the final selection of members will be at the discretion of the Director.

The membership shall reflect the composition of the Department's workforce to the extent possible. In appointing members, the Director shall seek Department employees' representative of the various disabilities and not discriminate against any individual on the basis of type of disability or any other consideration prohibited by federal and state law.

#### **SECTION III: TERM OF APPOINTMENT**

Appointments to the DAC will be for a two-year period commencing on the date of appointment except during the first year. During the first year, a minimum of three members will be appointed to a one-year appointment and all other appointments shall be for a two-year term.

Any DAC member may re-apply for and be appointed to the DAC for an additional two-year appointment. Members shall not serve for more than three consecutive appointments or six consecutive years.

## **SECTION IV: APPOINTMENT OF VACANCIES**

When a vacancy occurs, employees may submit a letter of interest to the DAC Chairperson for review and recommendations to the Director.

An employee may be appointed to a one-year term when replacing a member who has completed only one-year of their term.

A former DAC member shall be eligible for a new appointment of a two-year term following a two-year hiatus of their prior appointment to the DAC.

The DAC shall maintain a list of qualified applicants who desire committee membership. Recommendations by the DAC will be made to the Director when vacancies occur.

## **ARTICLE V**

### **COMMITTEE RESPONSIBILITIES AND LIAISON**

#### **SECTION I: RESPONSIBILITIES**

The responsibilities of the DAC include, but are not limited to the following:

- A. Serve as technical advisors to the Director and EEO Officer on the development, implementation, and maintenance of EEO programs and activities for employees with disabilities.
- B. Initiate, design, coordinate, and implement projects that will improve the personnel practices and employment opportunities for persons with disabilities in order to facilitate their representation at all levels within the Department.
- C. Provide identification of program concerns, such as the provision of reasonable accommodation, removal of architectural barriers, recruitment, upward mobility, and related issues.
- D. Assist in the establishment of departmental hiring goals that reflect persons by salary range and job category, and monitor the achievement of the Department's efforts to hire persons with disabilities.
- E. Train DAC members to participate in Qualifications Appraisal Panels (QAP).

F. Monitor issues of concern to the DAC to guarantee that necessary actions occur within reasonable time frames.

G. Assist and advise DDS on issues relating to the ADA.

## **SECTION II: LIAISON**

The DAC, with the assistance of OHRAS, may establish and maintain liaison with other state and national committees, commissions, or organizations which work toward similar goals.

## **ARTICLE VI**

### **MEETINGS**

#### **SECTION I: REGULAR MEETINGS**

The DAC will establish an annual calendar of meetings which will be posted on the DDS Intranet. Ten days prior to each meeting, the DAC Chairperson shall issue the DAC Agenda to all committee members and post the agenda on the DDS Intranet.

#### **SECTION II: OPEN MEETINGS**

Except where indicated in the DAC By-Laws, regular meetings and records shall be open to the public and noticed according to the Bagley-Keene Act.

#### **SECTION III: SPECIAL MEETINGS**

Special meetings may be called as needed by the Chairperson with the prior approval of the Chief, OHRAS. However, such meetings will still require the ten-day notice in advance of the meeting including posting on the DDS Intranet.

#### **SECTION IV: EXECUTIVE SESSIONS**

The DAC may choose to have executive sessions as part of regular or special meetings on matters of a sensitive nature. Executive sessions and records thereof are not open to the public. Government Code Section 11121 will prevail.

## **SECTION V: LOCATION**

The principal meeting place shall be Sacramento. Upon identification of a special need and with the approval of the Chief, OHRAS, meetings may be held in other parts of the State. Meeting locations will be accessible to persons with disabilities and conform to state policy regarding state-sponsored meeting locations.

## **SECTION VI: MINUTES**

The DAC Secretary shall keep minutes of all meetings and copies shall be distributed to DAC committee members ten days prior to the next scheduled meeting. In the absence of the Secretary, the Chairperson shall designate an acting secretary from among the members in attendance.

## **SECTION VII: QUORUM**

Half plus one of the DAC membership shall constitute a quorum for the transaction of DAC committee business.

## **SECTION VIII: PARLIAMENTARY AUTHORITY**

Rules contained in *Robert's Rules of Order, Newly Revised Edition*, shall govern the activities of the DAC and its' subcommittees in all cases where applicable and where the rules are not in conflict with these by-laws

## **ARTICLE VII**

### **OFFICERS**

#### **SECTION I: TITLES**

The Officers of the DAC shall consist of a Chairperson, Vice-Chairperson, Secretary, and Statewide Disabilities Advisory Council (SDAC) Representative who shall be elected by the members of the DAC no later than the second regular meeting of each calendar year.

## **SECTION II: DUTIES**

### **A. Chairperson**

The Chairperson shall be responsible for conducting meetings, developing an agenda, setting meeting dates, and acting as the spokesperson for the DAC on matters where the DAC has reached consensus.

### **B. Vice-Chairperson**

The Vice-Chairperson shall act in the absence of the Chairperson and shall coordinate the activities of the subcommittees.

In the absence of the Chairperson, the Vice-Chairperson shall conduct the meetings, and when so acting, shall assume the authority of the Chairperson.

### **C. Secretary**

The Secretary shall take minutes of the DAC meetings and perform other secretarial work as necessary.

### **D. State Disability Advisory Council Representative**

The SDAC Representative shall attend all SDAC meetings and report the proceedings to DAC at the next scheduled meeting.

## **SECTION III: TERMS OF OFFICE**

Officers will serve from their election to office until the end of one full term of office or a maximum of two years. Officers may be elected to another two-year term of office provided it is in another capacity.

## **SECTION IV: ELECTIONS**

The Officers shall be elected by a majority vote of the DAC membership at the second meeting each year as needed.

Nominations shall be submitted by the membership at the first meeting every year, as needed, and elections will be held at the second meeting. Nominations may be held at other regular meetings to fill a vacancy of one of the Officers or Members-at-Large.

## **ARTICLE VIII**

### **RESIGNATIONS AND TERMINATIONS**

#### **SECTION I: RESIGNATIONS**

A member and/or officer of the DAC shall submit a written resignation to the Director and the Chairperson of the DAC. The resignation shall be effective when acknowledged by the Director.

#### **SECTION II: TERMINATIONS**

A person's membership terminates when he/she is no longer employed by the Department. Members serve at the pleasure of the Director and may be terminated by the Director for cause. In such cases, the Director shall inform those members of the intent to terminate membership, the reasons for the termination, and the official termination date.

#### **SECTION III: ABSENCES**

Any member missing two consecutive meetings without good cause, as determined by the Chairperson, shall automatically be removed from the DAC. Notice of the removal shall be submitted by the DAC to the Director and Chief, OHRAS.

## **ARTICLE IX**

### **SUBCOMMITTEES**

#### **SECTION I: MEMBERSHIP**

The DAC Chairperson may appoint sub-committees as necessary to carry out the activities and responsibilities of the DAC. Sub-committees shall consist of at least one member of the DAC and may include non-committee representatives as needed. The DAC Chairperson shall request, from the non-committee representatives' supervisor, permission to participate in the activities of the sub-committee.

## **SECTION II: COORDINATION**

The Vice-Chairperson shall be responsible for the coordination of the sub-committees.

## **SECTION III: FINDINGS AND FACTS**

All reports and findings of sub-committees shall be presented to the full DAC for approval and then released for presentation by the DAC to the Director, OHRAS, or any other official or program within the Department.

## **ARTICLE X**

### **AMENDMENTS TO BY-LAWS**

#### **SECTION I: SUBMISSION**

Proposed amendments to the by-laws shall be submitted to the DAC at a regularly scheduled meeting. The proposed changes shall be introduced and printed in the DAC minutes at least one month prior to DAC action on the proposed change(s).

#### **SECTION II: RATIFICATION**

Proposed amendments to the bylaws must be ratified by three-fourths of the members and approved by the Director to become part of the by-laws.

## **ARTICLE XI**

### **TECHNICAL ASSISTANCE AND STAFF SUPPORT**

#### **SECTION I: TECHNICAL ASSISTANCE**

OHRAS shall provide technical assistance to and advise the DAC on matters concerning equal employment opportunity in the Department. The DAC may invite OHRAS staff to executive sessions.

#### **SECTION II: STAFF SUPPORT**

The DAC may seek technical assistance and guidance from Department staff with expertise in Equal Employment Opportunity (EEO), Health and Safety, Reasonable Accommodation, Americans with Disabilities Act (ADA), Workers' Compensation and Return-to-Work, as well as other issues and programs which may affect employment and promotional opportunities for persons with disabilities who work for the Department.

## **ARTICLE XII**

### **RELATIONSHIP TO THE DIVISIONS WITHIN THE DEPARTMENT**

#### **SECTION I: RELATIONS TO THE DIVISIONS**

The DAC will be available to provide technical assistance to the five Divisions within the Department as requested or required.

Original signature on file  
**Director**

**Dated:** 3/19/15

#### **AUTHORITY AND REFERENCES**

Americans with Disabilities Act of 1990

Rehabilitation Act of 1973

California Code, Government Code Section 11121 (Bagley-Keene Act, definition)

California Code, Government Code Section 19230 thru 19237 (Affirmative Action)

California Code, Government Codes 19790 thru 19799 (Equal Employment Opportunity)

(DAC 031915 Final)