

California Department of Developmental Services  
Disability Advisory Committee (DAC)

Teleconference Meeting Minutes  
Wednesday, November 9, 2016  
1:00p.m.

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**Members In Attendance:**

Kerri Gavin (SDC), Chair  
Alice Lee (HQ- OHRAS), Vice Chair  
Ingrid Oliver (HQ), Secretary  
Renee Clark (PDC)  
Julia Edwards (HQ)  
Maxine Tago (FDC)

**Guests:**

Robin Blackwell, OHRAS (HQ)  
Julie Mendoza (PDC)

**Absent:**

Nancy Britton (FDC)  
Jason Scott (HQ)  
LaDonna Ross (HQ)

**Absent (Director's Office Support):**

Nicole Patterson, OHRAS Liaison (HQ - Support)

Kerri Gavin called the meeting to order at 1:07 p.m. and welcomed all members and guests. Introductions were made.

**I. Approval October 2016 Minutes**

- Kerri made the motion to accept the October meeting minutes, motion to accept seconded by Julia. Minutes approved by vote and will be posted on the DAC web page.

**II. Sub-committee Reports**

- Subcommittees tabled until further need/notice and approval of DAC goals.

**III. Announcements**

- Catherine McCoy is no longer with DDS, thus no longer a member of DAC.

**IV. Old Business**

- **Goals** – Five goals have been proposed for DAC for 2017. They are as follows:
  1. **Increase representation of employees with disabilities at DDS to 16.6%**. DDS is currently at 10%, below the state target. Possible

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issues include that staff do not have computer access to complete the survey and decline to self-identify as having a disability. An awareness campaign and information provided at New Employee Orientation may be helpful.

2. **Implement development of emergency evacuation plans for employees with disabilities or who require assistance at HQ and DC's.** This is a greater need at the DC's.
  3. **"Advertise" DAC at DDS New Employee Orientations at HQ and DC's.** Information could be provided along presentation on reasonable accommodations.
  4. **Increase DDS DAC membership to .5% of employees (approximately 20 persons).** Originally 1% was proposed, but the consensus is that .5% is more attainable. This requires a change to the By-Laws.
  5. **Update DAC By-Laws.** Updates are in process.
- **Chemical Sensitivity** – Table until the next meeting. Several subcommittees will need to be considered once the 2017 goals are approved.
  - **DAC representative for reasonable accommodation policy reviews** – The DC's have committees, HQ does not. Julie inquired of the benefit/need for these committees and DAC representation on them. Kerri expressed that it would provide for checks and balances. Robin related that it would allow DAC to push forward things that should be considered by OHRAS in developing and revising policy.

**V. New Business**

- **DAC By-Laws** – A proposed update to the By-Laws will be provided to DAC and OHRAS next week for review.
- **DAC Terms of Appointment and Officers** – Ingrid noticed that the terms of some new member appointments were longer than two years, and all end in December of the designated year. The term of appointment should be two years from appointment date. Robin will follow up on this issue. Ingrid will add appointment termination dates on the DAC roster.

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Letters of interest and appointments are currently going through OHRAS, but this is a function assigned to DAC per the By-Laws. Kerri suggested perhaps the practice changed as the DAC Chair position has been held by DC members for the past several years. Robin expressed that screening of potential members should be done by DAC, and then given to OHRAS to complete the process. OHRAS can assist with developing a screening process and point system. It was agreed that OHRAS will keep the responsibility for now, and DAC will take over in the new year.

**VI. Open Agenda**

No items.

Meeting adjourned at 1:58 p.m.

**Next Meeting:** December 14, 2016

Respectfully submitted: Ingrid Oliver

Attachment: Proposed By-Laws Revision

**(PROPOSED UPDATES)**  
**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 (Department **or 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 ensure** representation of persons with disabilities in the **DDS Department's** 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 Americans with Disabilities Act of 1990 (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 ADA and the Rehabilitation Act of 1973 require employers to **assure ensure** 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 at least five (5) business days** 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 Headquarters and~~ each operating Developmental Center and Community Facility, ~~with membership totaling up to 1/2% of current Department employees. Membership limits will be reviewed and adjusted annually in December.~~ Each person must be employed by ~~DDS~~ the Department 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 ~~DAC is established or re-established~~. 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 recommendation 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 **if the former DAC member has previously served on DAC for six consecutive years.**

The DAC **Secretary** shall maintain a list of qualified applicants who desire committee membership. Recommendations by the DAC **Chairperson** 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 Equal Employment Opportunity (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~~ **the Department** 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~~ **Department's Internet**. Ten days prior to each meeting, the DAC ~~Chairperson Secretary~~ shall issue the DAC Agenda to all committee members and post the agenda on the ~~DDS Intranet~~ **Department's Internet**.

#### **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~~ **Department's Internet**.

#### **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 ~~s~~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, **Sergeant-At-Arms**, 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, **distribute meeting minutes and agendas to committee members**, 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.

E. **Sergeant-At-Arms**

**The Sergeant-At-Arms shall keep order during meetings, ensure that protocols are adhered to, and ensure that by-laws are being followed.**

### **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 **of Officers** 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, with elections held the subsequent meeting.**

## **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 **Chairperson** to the Director and Chief, OHRAS.

## **ARTICLE IX**

### **SUBCOMMITTEES**

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

The DAC Chairperson may appoint subcommittees as necessary to carry out the activities and responsibilities of the DAC. Subcommittees 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 subcommittee.

#### **SECTION II: COORDINATION**

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

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

All reports and findings of subcommittees 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 by-laws 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 EEO, Health and Safety, Reasonable Accommodation, 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 **and Offices** within the Department as requested or required.

\_\_\_\_\_  
**Director**

**Dated:** \_\_\_\_\_

**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 12-2016 Proposed Revise)