

# **DEPARTMENT OF DEVELOPMENTAL SERVICES**

## **DISABILITY ADVISORY COMMITTEE (DAC)**

### **BY-LAWS**

#### **ARTICLE I**

#### **TITLE AND PURPOSE**

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

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

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

California Government Code section 19795(b)(1) 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. Section 19234 requires each state agency to annually review its hiring activities and determine if any category of individuals with a disability has been disproportionately excluded on a non-job-related basis from employment and to correct the underrepresentation.

The purpose of the DAC is to advise the Director of the Department of Developmental Services (Department) through the Chief, Office of Human Rights and Advocacy Services (OHRAS), on disability and employment matters related to:

- Plans and processes to enhance employment opportunities for persons with disabilities in the 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 barriers
  - Addressing 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 Americans with Disabilities Act of 1990 and Rehabilitation Act of 1973 require employers to 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 through 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 pursuant to Government Code section 19795.

## 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 reasonable advance notification if these services are required.

#### SECTION III: COMMUNICATION

No letters, memos, communications, or actions on behalf of DAC 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 employees from Headquarters and each operating Developmental Center and Community Facility, with membership totaling up to 0.5 percent of current Department employees. Membership limits will be reviewed and adjusted annually in December. Each person must be employed by the Department and appointed by the Director.

#### SECTION II: QUALIFICATIONS

Government Code Section 19795(b) requires the department to establish a DAC 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.

#### SECTION III: COMPOSITION

The membership should reflect the diversity of the Department's workforce, including but not limited to, ethnicity, culture, race, gender, and disability. Government Code section 19795(b)(2) requires the Department to ensure that at least two thirds of the members of the committee are individuals with disabilities or to retain documentation that demonstrates that the number of employees invited to participate, and willing and able to serve, was insufficient to meet this requirement. In appointing members, the Director shall seek the interest of Department employees with varying disabilities and non-disabled individuals who are sensitive to, interested in, and knowledgeable of issues relating to persons with disabilities to serve on the committee. Federal and state law prohibits discrimination against any individual.

#### SECTION IV: 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 with the following exception. Exception: A former DAC member shall be eligible for a new appointment of a two-year term following a two-year hiatus since his or her prior appointment to the DAC if the former DAC member has previously served on DAC for six consecutive years.

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

## SECTION V: 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.

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 persons/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. Identify and report 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 Department policies that improve personnel practices and employment opportunities for persons with disabilities across salary range and job category, and monitor the achievement of the Department's efforts to hire persons with disabilities.
- F. Monitor issues concerning the DAC to guarantee that necessary actions occur within reasonable timeframes.
- G. Assist and advise the Department on issues relating to the ADA.
- H. The DAC, with the assistance of OHRAS, may establish and maintain liaison with other state and national committees, commissions, or organizations that work toward similar goals. The DAC may appoint liaisons for those purposes.

- I. Other duties as deemed necessary to carry out the Legislative intent and State policy as set forth in Government Code §19230 et seq.

## ARTICLE VI

### MEETINGS

All meetings shall be conducted in accordance with the Bagley-Keene Open Meeting Act (Act) (Government Code section 11120 et seq.)

#### **SECTION I: 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 Act. All members shall be provided a copy of the Act.

#### **SECTION II: REGULAR MEETINGS**

The DAC will establish and post an annual calendar of meetings on Department's Website. Ten (10) days prior to each meeting, the DAC Secretary shall issue the DAC Agenda/Notice of Meeting to all committee members and interested persons, and post the agenda on the Department's website. The notice and agenda shall be issued in accordance with Government Code §11125.

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

Special meetings may be called, as needed, by the DAC Chairperson with the prior approval of the Chief, OHRAS for a purpose specified in and in the manner set forth in Government Code section 11125.4. A special meeting may only be called for one of the purposes specified upon compliance with the 10-day notice provisions of Government Code section 11125 unless the committee makes a finding in open session that a delay would impose a substantial hardship on the DAC or when immediate action is required to protect the public interest. The finding shall be made in accordance with Government Code Section 11125.4.

#### **SECTION IV: CLOSED MEETINGS - EXECUTIVE SESSIONS**

The DAC may conduct a closed meeting - executive session as part of a regular or special meeting on matters permitted under Government Code Section 11126. Closed Meeting - Executive sessions and minute books, as discussed in Government Code section 11126.1, are not open to the public. Closed meetings, notices, and disclosure requirements shall be in accordance with Government Code sections 11125, 11126, 11126.1, 11126.2, 11126.3 and 11128. .



## 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 transcribed copies shall be distributed to DAC committee members ten (10) 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 currently serving on the committee 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.

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

D. State Disability Advisory Council Representative

The SDAC Representative shall attend all SDAC meetings and report the proceedings to the 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, 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, or thirty (30) days following the date of written resignation.

#### 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, Chief, 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 Divisions and Offices within the Department as requested or required.

A handwritten signature in blue ink, appearing to read "Nancy Bargmann", is written over a horizontal line.

NANCY BARGMANN, Director

Dated: 2/12/18

## AUTHORITY AND REFERENCES

Americans with Disabilities Act of 1990

Rehabilitation Act of 1973

California Code, Government Code section 11120 et seq. (Bagley-Keene Open Meeting Act)

California Code, Government Code sections 19230-19237 (Affirmative Action)

California Code, Government Codes sections 19790-19799 (Equal Employment Opportunity Program)

(DAC 12-2017 Revision)