



State Board of Guide Dogs for the Blind

Orientation Manual

Chapter 1

INTRODUCTION

Overview

The California State Board of Guide Dogs for the Blind (Board) was created by the California Legislature in 1947 to protect the public by regulating guide dogs schools and instructors. California Business and Professions Code Section 7200-7217 specifically 7200.5 states:

“The Board shall have exclusive authority in this state to issue licenses for the instruction of blind persons in the use of guide dogs and for the training of guide dogs for use by blind persons. It shall also have exclusive authority in this state to issue licenses to operate schools for the training of guide dogs for the blind, and the instruction of blind persons in the use of guide dogs.”

The Board is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the State and Consumer Services Agency (SCSA) under the aegis of the Governor. DCA is responsible for consumer protection and representation through the regulation of licensed professionals and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and regulations.

The Board is comprised of seven Members appointed by the Governor. Two Members must be guide dog handlers. One Member is the Director of the Department of Rehabilitation or his or her designee; the rest are persons who have shown a particular interest in dealing with the problems of the blind.

Business and Profession Section 7202 states:

“Each of the appointed Members of the Board shall hold office for a term of four years and until his successor is appointed and qualified or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No person shall serve as an appointed Member of the Board for more than two consecutive terms, but this provision shall not apply to any Member in office at the time this provision takes effect.”

Board Members fill non-salaried positions but are paid \$100 per day for each meeting day (or 8-hour day spent performing Board business) and are reimbursed travel expenses.

The Board's operations are guided by its strategic plan, which is revised regularly with the active partnership of all Board Members, staff, and interested stakeholders.

This procedure manual is provided to Board Members with a ready reference of important laws, regulations, DCA policies, and Board policies in order to guide the actions of the Board Members and ensure Board effectiveness and efficiency. The Executive Officer will coordinate an orientation session with each new Board Member upon his or her appointment, to assist the new Member in learning processes and procedures.

Any questions Board Members may have, at anytime, can be addressed to the Executive Officer.

Abbreviations Used in This Manual

B&P	Business and Professions Code
Board	State Board of Guide Dogs for the Blind
DCA	Department of Consumer Affairs
EO	Executive Officer
SAM	State Administrative Manual

Chapter 2

BOARD MEETING PROCEDURES

Frequency of Meetings

[B&P Code Section 7206]

The Board is required by law to meet at least once a year and may meet more often as deemed necessary. The Board usually meets four times annually.

Board Member Attendance at Board Meetings

(Board Policy)

Board Members shall attend each meeting of the Board. If a Member is unable to attend, he or she must contact the Board president or the Executive Officer and ask to be excused from the meeting for a specific reason. Minutes will reflect when a Member has been excused or is absent. Two consecutive non-excused absences may result in a request to the appointing authority that the Member be replaced.

Board Member Participation

(B & P Code Sections 106 and 106.5)

The Governor has the power to remove from office at any time any Member of any Board appointed by him/her for continued neglect of duties required by law or for incompetence, or unprofessional or dishonorable conduct. The Governor may also remove from office a Board Member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

Public Attendance at Board Meetings

(Government Code Section 11120 et seq.)

Board meetings are subject to the provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory Boards and meetings of committees of those Boards where the committee consists of more than two Members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda. A videotape and written materials on the Open Meeting Act are available from the Board, and all Members are encouraged to review these materials.

Appendix A contains detailed information about the Open Meeting Act that has been prepared by the department's Legal Office.

Attendance at general conferences which involve a discussion of broad issues and which are attended by a broad spectrum of participants are not covered by open meeting laws so long as Members of the Board do not discuss among themselves matters which are, or potentially may be, before the Board. On the other hand, a workshop that is focused specifically on Board issues and which involve more than two Board Members must meet the requirements of the open meetings law. Communications between or among more than two Board Members may be

considered "meetings" if those communications occur in a serial fashion through a series of telephone calls or other communications (such as electronic mail) by which more than two of the Board Members are involved and Board business is discussed (e.g., polling of Board Members). Such communications are prohibited.

Any general discussion of exams or disciplinary procedures shall be held in public. The Board may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination to deliberate on disciplinary cases and to discuss pending litigation.

Evaluation of the Executive Officer is held in closed session.

If the agenda contains matters that are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

Quorum

Four Members of the Board constitute a quorum for the transaction of business. The majority of a quorum is necessary to act on behalf of the Board.

Agenda Items

(Board Policy)

Any Board Member may suggest items for a Board meeting agenda to the EO or during the "New Business" discussion at every Board meeting. The EO sets the agenda at the direction and approval of the Board President.

Notice of Meetings

(Government Code Section 11120 et seq.)

According to the Open Meetings Act, public meeting notices (including agendas for Board meetings) must be sent to persons on the Board's mailing list at least 10 calendar days in advance of the meeting. The notice must include a staff person's name, work address and work telephone number who can provide further information prior to the meeting.

All meeting notices for public meetings are also posted on the Board's Web site no less than ten days prior to the meeting.

Record of Meetings

(Board Policy)

Board meeting minutes are a summary, not a transcript, of each Board meeting. They are prepared by Board staff and submitted for review by Board Members before the next Board meeting. Board meeting minutes are approved at the next scheduled meeting of the Board. The purpose of reviewing and approving the minutes at a Board meeting is not to approve of actions taken by the Board at the previous meeting, but rather to determine whether the minutes as drafted accurately reflect

the Board's discussion at the previous meeting. When approved, the minutes shall serve as the official record of the meeting.

Tape Recording

(Board Policy)

The public-session portions of a meeting may be tape-recorded if determined necessary for staff purposes. Members of the public may tape record, videotape or otherwise record a meeting unless too disruptive.

Meeting Rules

(Board Policy)

The Board generally uses Robert's Rules of Order as a guide for conducting its meetings, to the extent that this does not conflict with state law (e.g., Bagley-Keene Open Meeting Act). Questions of order are clarified by the Board's attorney.

Chapter 3 TRAVEL & SALARY POLICIES/PROCEDURES

Travel Approval

(DCA Memorandum 91-26)

Board Members shall have Executive Officer approval for all travel and salary or per diem reimbursement, except for regularly scheduled Board and committee and organization meetings to which a Board Member is assigned.

The DCA Travel Guide information is attached as Appendix B. Board Members will be reimbursed for travel expenses incurred while performing approved Board business in accordance with these reimbursement criteria.

Travel Arrangements

(Board Policy)

Board Members coordinate their plans for lodging accommodations with the EO's Assistant.

Typically the EO's Assistant makes hotel reservations for Board Members who live outside the area in which a Board meeting is scheduled.

State guidelines prohibit reimbursement for hotel expenses less than 50 miles from an individual's home address.

Out-of-State Travel

For approved out-of-state travel, Board Members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing California is controlled and

must be pre-approved by the Governor's Office.

Travel Claims

(DCA Memorandum 91-26)

Rules governing reimbursement of travel and meeting expenses for Board Members are the same as for management level state staff. All expenses must be claimed on the appropriate travel expense claim forms. The EO's Assistant prepares these travel forms from worksheets completed by each Board Member. It is advisable for Board Members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip. It is also necessary to submit original receipts for expenses claimed (except for meal receipts, which are not required for reimbursement).

In order for travel expenses to be reimbursed, Board Members must follow the procedures contained in DCA memoranda which are periodically disseminated by the Director and are provided to Board Members on at least an annual basis by the EO's Assistant.

See Appendix B for departmental policies.

The travel expense claim form is attached in Appendix C.

Salary Per Diem

(B&P Code Section 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for Board Members is regulated by Business and Professions Code Section 103.

In relevant part, this section provides for the payment of salary per diem for Board Members "for each day actually spent in the discharge of official duties," and provides that the Board Member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

(Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

- No salary per diem or reimbursement for travel-related expenses shall be paid to Board Members, except for attendance at official Board or assigned committee meetings. Attendance at gatherings, events, hearings, conferences or meetings other than official Board or assigned committee meetings in which a substantial official service is performed shall be approved in advance by the Board president.

- The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a Board or committee meeting until that meeting is adjourned. If a Member is absent for a portion of a meeting, hours are then reimbursed for time actually spent. Travel time is not included in this component.
- For Board-specified work, Board Members will be compensated for actual time spent performing work authorized by the Board President. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; and exam item writing. Work also includes preparation time for Board or Committee meetings.
- Reimbursable work does not include miscellaneous reading and information gathering, committee work not related to a meeting, preparation time for a presentation and participation at meetings not related to official participation of the Board.

By Board policy, Board Members will be reimbursed for their hours spent at Board Meetings without submitting a claim. [However, for reimbursement for all other Board-sanctioned activities (including attendance at committee meetings) or performing Board business, the hours must be submitted on the Board Member Attendance Report. This function is completed by the Board staff.]

Chapter 4 OTHER POLICIES/PROCEDURES

Resignation of Board Members

(Government Code Section 1750)

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Director of the Department, the Board President, and the EO.

Officers of the Board

(Business and Professions Code Section 7203)

The Board shall elect from its Members a president, vice president, and secretary who shall hold office for one year or until the election and qualification of a successor.

Election of Officers

(Board Policy)

The Board shall elect the officers at the last meeting of the fiscal year. Officers shall serve terms of one year effective June 1, and may be reelected to consecutive terms.

Officer Vacancies

(Board Policy)

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the President becomes vacant, the Vice President shall assume the office of the President until an election is held. Elected officers shall then serve the remainder of the term.

Board Member Addresses

(DCA Policy)

Board Member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority by the individual Board Member.

A roster of Board Members is maintained for public distribution and is placed on the Board's Web site.

Communications with Other Organizations/Individuals/Media

(Board Policy)

All communications relating to any Board action or policy to any individual or organization, or a representative of the media shall be made only by the Board President, his or her designee, or the EO. Any Board Member who is contacted by any of the above should inform the Board President or EO of the contact.

Executive Officer (EO)

[B&P Code Section 4003]

The EO is appointed by and serves at the pleasure of the Board, and is exempt from civil service. The EO shall exercise the powers and perform the duties delegated by the Board and vested in him or her by California law. The EO is responsible for the financial operations and integrity of the Board, and is the official custodian of records.

Board Staff

(DCA Reference Manual)

Employees of the Board, with the exception of the EO, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Board Members shall not intervene or become involved in specific day-to-day personnel transactions.

Board Administration

(DCA Reference Manual)

Board Members should be concerned primarily with formulating decisions on Board policies rather than decisions concerning the means for carrying out a specific course

of action. It is inappropriate for Board Members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the EO.

Contact with Licensees and Applicants

(Board Policy)

Board Members shall not intervene on behalf of applicants and licensees. They should forward all contacts or inquiries to the EO or Board staff without direction on how matter should be handled.

Contact with Respondents

(DCA Reference Manual)

Board Members should not directly participate in complaint handling and resolution or investigations. To do so would subject the Board Member to disqualification in any future disciplinary action against the licensee. If a Board Member is contacted by a respondent or his/her attorney, the Board Member should refer the individual to the EO or Board staff.

Gifts from Licensees or Applicants

(Board Policy)

Gifts of any kind to Board Members or staff from any licensee or applicant with the Board are not permitted.

Additionally Government Code section 87200 contains specific requirements with respect to gifts. These requirements are among those discussed in the Ethics Course described below.

Conflict of Interest

(Government Code Section 87100)

No Board Member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any Board Member that has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Board President or the EO.

(Board Policy)

A Board Member who feels he or she has a potential conflict of interest in a specific case or issue should make his or her position known when the matter is discussed publicly (e.g., during a Board meeting). Further the Member should reinforce this position by physically leaving the room until the discussion regarding the matter is concluded. Whenever possible, a Board Member should notify the EO when he or she believes that the Member has a conflict of interest. The EO can help refer the Board

Member to appropriate resources for assistance. For example, the Fair Political Practices Commission is another resource.

Within 30 days of taking or leaving office as a Board Member, and annually before April 1 of each year, every Board Member must file a conflict of interest statement with the Fair Political Practices Commission filing procedures and handled by the Department of Consumer Affairs. Questions about this process should be directed to the EO.

Ethics Course

(Government Code Sections 11146-11146.4)

Each Board Member must complete a course on ethics offered through the Department. Upon appointment to the Board, a new Board Member must complete the course within six months. All Members must retake the course every two years. Records concerning the attendance of this course must be kept on file for five years.

Sexual Harassment Prevention Training

(Government Code Section 12950.1)

Each Board Member must complete a sexual harassment prevention course offered through the department within six months of assuming office.

The Honoraria Prohibition

(Government Code Section 89503)

As a general rule, Members of the Board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A Member of a state Board is precluded from accepting an honorarium from any source, if the Member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances: (1) when a honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the Board Member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, Members should report all offers of honoraria to the President so that he or she, in consultation with the EO and staff counsel, may determine whether the potential for conflict of interest exists.

DCA's Board Member Training

(Business and Professions Code Section 453)

Every newly appointed Board Member needs to complete a training and orientation program offered by the Department of Consumer Affairs within one year of assuming office. The training covers the functions, responsibilities, and obligations that come from being a Member of a DCA Board.

Committee Creation and Appointments

(Board Policy)

The Board President may establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the Members are determined by the Board President in consultation with the Vice President, and/or the EO.

Attendance at Committee Meetings

(Board Policy and Government Code Section 11122.5)

If a Board Member wishes to attend a meeting of a committee of which he or she is not a Member, that Board Member must obtain permission from the Board President or EO to attend. Note that the attendance of additional Board Members may impact the ability of the committee to meet without public notice and an agenda release. Therefore, requests to attend a committee meeting should be submitted to the EO at least two weeks in advance.

Board Members who are not Members of a committee may attend a public committee meeting as part of the audience. However, if a quorum of Members of the full Board is present during a committee meeting, Members of the Board who are not Members of the Board Committee may attend the Committee meeting only as observers.

Committee Guidelines

(Board Policy)

The Board committees are advisory and may recommend actions to the Board. Recommendations and reports of Committees shall be submitted to the full Board for consideration and approval. However, the Board may delegate to the Executive Officer and the Committee Chair, the authority to take action – only in the event that time constraints preclude Board action – on legislation that changes the Guide Dog Law, impacts a previously established Board policy, or affects the public's health, safety or welfare as pertains to the mission of the Board. Before taking a position on legislation, the Executive Officer or Committee Chair shall consult with the Board President. The Board shall be notified of such action as soon as possible.

Chapter 5 REPRESENTATION OF A BOARD MEMBER

Requests for Board Representation or Presentation

If an association or individual requests Board participation at an event or meeting, a letter should be submitted to the EO, as to the purpose of the function, and the reason for the request. The Board President will approve such requests consistent with the Board's Strategic Plan. Approval to participate will also include the extent of participation (e.g., one time meeting, presentation or continuous participation on a committee). Continued participation as a Board Representative should be consistent with the Board's Strategic Plan and may need to be approved by the full Board.

Prior authorization for any reimbursement must be obtained or expenses will be the responsibility of the participant.

Board Members may participate on their own (i.e., as a citizen or professional) but not as an official Board Representative unless approved by the Board President or the Board. However, Board Members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the Board.

Written Correspondence and Mailings by Board Members

(Board Policy)

All correspondence, press releases, articles, memoranda or any other communication written by any Board Member in his or her official capacity must be provided to the EO for reproduction and distribution. The EO will maintain the required copy and mail and distribute the written material.

Request for Records Access

(Board Policy)

No Board Member may access a licensee's, or applicant's file without the EO's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.