

California Architects Board
Executive Committee Meeting

January 31, 2019
Teleconference





Gavin Newsom
Governor

CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

NOTICE OF TELECONFERENCE MEETING EXECUTIVE COMMITTEE

January 31, 2019

Executive Committee Members

Sylvia Kwan, Chair
Tian Feng, Vice-Chair
Nilza Serrano, Secretary
Pasqual Gutierrez

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

916-574-7220 T
916-575-7283 F

Teleconference Meeting Locations

DLR Group
456 Montgomery Street, Suite 200
San Francisco, CA 94014

Roule Construction
Construction Office
467 S. Lemon Avenue
City of Industry CA 91789

California Architects Board
2420 Del Paso Road, Suite 105
Sacramento, CA 95834

1575 Hill Drive
Los Angeles, CA 90041

cab@dca.ca.gov
www.cab.ca.gov

The California Architects Board (Board) will hold an Executive Committee meeting as noted above.

Agenda

10:30 AM – 11:30 AM

(or until completion of business)

- A. Call to Order / Roll Call / Establishment of a Quorum
- B. Public Comment on Items Not on the Agenda
The Executive Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).
- C. Review and Possible Action on May 16, 2018 Executive Committee Meeting Minutes
- D. Discuss and Possible Approval of a New California Architects Board Logo

E. Review, Discuss and Possible Action on California Architects Board Member Administrative Manual

F. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. The meeting will be adjourned upon completion of the agenda, which may be at a time earlier or later than posted in this notice. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public. This meeting will not be webcast. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend the physical location.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125 and 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting:

Person: Gabe Nessar

Telephone: (916) 575-7202

Email: gabrial.nessar@dca.ca.gov

Telecommunications Relay Service: Dial 711

Mailing Address:

California Architects Board

2420 Del Paso Road, Suite 105

Sacramento, CA 95834

Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code section 5510.15.)

Agenda Item A

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Roll is called by the Executive Committee Vice-Chair, or in his absence, by a member designated by the Chair.

COMMITTEE MEMBER ROSTER

Sylvia Kwan, Chair

Tian Feng, Vice-Chair

Nilza Serrano, Secretary

Pasqual Gutierrez

Agenda Item B

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Members of the public may address the Executive Committee at this time. The Committee Chair may allow public participation during other agenda items at her discretion.

The Executive Committee may not discuss or take action on any item raised during this public comment section, except to decide whether to refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting (Government Code sections 11125 and 11125.7(a)).

Agenda Item C

REVIEW AND POSSIBLE ACTION ON MAY 16, 2018 EXECUTIVE COMMITTEE MEETING MINUTES

The Committee is asked to review and take possible action on the May 16, 2018 Executive Committee Meeting Minutes.

Attachment:

May 16, 2018 Executive Committee Meeting Minutes (Draft)



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

MINUTES
EXECUTIVE COMMITTEE MEETING
MAY 16, 2018
SACRAMENTO

A. CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF A QUORUM

Committee Members Present

Sylvia Kwan, Chair
Tian Feng, Vice Chair
Denise Campos

Committee Members Absent

Matthew McGuinness

Board Staff Present

Vickie Mayer, Interim Executive Officer
Brianna Miller, Program Manager, Landscape Architects Technical
Committee (LATC)
Trish Rodriguez, LATC Special Projects Manager
Mel Knox, Administration Analyst

Guests Present

Mark Christian, Director of Government Relations, The American
Institute of Architects, California Council (AIACC)
Jay Hyde, California Building Officials (CALBO)
Doug McCauley, Chief Deputy Director, California Department of
Housing and Community Development

Committee Chair Sylvia Kwan called the meeting to order at 1:00 p.m., and Vice Chair Tian Feng called roll. Three members of the Committee constitute a quorum for the transaction of business. There being three members present at the time of roll, a quorum was established.

B. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There were no comments from the public.

**C. REVIEW AND POSSIBLE ACTION ON JANUARY 17, 2018
EXECUTIVE COMMITTEE MEETING MINUTES**

Ms. Kwan asked for comments concerning the January 17, 2018 Executive Committee Meeting Minutes.

2420 DEL PASO ROAD,
SUITE 105
SACRAMENTO,
CA 95834

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- **Tian Feng moved to approve the January 17, 2018 Executive Committee Minutes.**

Denise Campos seconded the motion.

Members Campos, Feng, and Chair Kwan voted in favor of the motion. Member McGuinness was absent. The motion passed 3-0.

D. DISCUSS AND POSSIBLE ACTION ON THE 2017–2018 STRATEGIC PLAN OBJECTIVE TO PREPARE FOR THE SUNSET REVIEW PROCESS IN ORDER TO FACILITATE A POSITIVE OUTCOME

Vickie Mayer reminded the Committee that the Board and LATC must complete the Sunset Review process once every four years. Ms. Mayer noted that the review process provides the Legislature and the Board an opportunity to discuss its performance and make recommendations for improvement.

Ms. Mayer informed that the Board's next Sunset Review Report is due to the Legislature on December 1, 2018, with the hearing likely to be scheduled in February or March of 2019. She reported that staff prepared responses using the 2017 questionnaire as a guide. Ms. Mayer noted that staff updated the responses from the Board's prior review in 2014. She also informed that statistical data for the current fiscal year will be added to the report once available, and then the trends will be analyzed, and the text revised as appropriate.

Ms. Mayer reported that staff is currently reviewing the 2018 background papers for common issues among the boards currently under review; those issues include lack of updated Strategic Plans and Disciplinary Guidelines and conducting continuing education audits, as well as staffing issues.

Ms. Mayer advised that the LATC reviewed its first draft Sunset Review Report on May 4, 2018, and members and legal counsel provided input. She also reported that the LATC appointed a two-person working group (members Andrew Bowden and Patricia Trauth) that will assist the LATC Program Manager with completing the Report as needed similar to the Board's Executive Committee's input.

The draft Reports, Ms. Mayer explained, will be presented to the Board at its meetings on June 13, 2018 and September 12, 2018, when the Board will be asked after its final review to delegate authority to the Board President, Vice President, and Executive Officer (EO) to make any necessary changes to the Reports prior to submittal to the Legislature. She informed that the Board will then prepare written responses to the issues identified in the Background Paper which is normally provided approximately two weeks prior to the hearing and submit a formal written response in April 2019 (approximately 30 days after the hearing). Ms. Mayer stated that the new EO will have an opportunity to review the Reports prior to the September Board meeting and may have suggestions to contribute to the Reports.

Ms. Mayer reported that the Department of Consumer Affairs is offering training on May 24, 2018, for board executives and staff that will include an overview of the Sunset Review process for each board currently undergoing Sunset Review. She hoped that the 2018 Sunset Review questionnaire would be provided at the training. Ms. Mayer advised that the Board's and LATC's Reports will

be subject to change in the event the 2018 template has different questions than that of the previous year.

The Executive Committee reviewed the draft Sunset Review Reports contained in the meeting packet, discussed the responses to questions, and made suggested edits. Staff was directed to incorporate in the input provided for the next drafts to be reviewed by the Board.

E. ADJOURNMENT

The meeting adjourned at 3:03 p.m.

DRAFT

Agenda Item D

DISCUSS AND POSSIBLE APPROVAL OF A NEW CALIFORNIA ARCHITECTS BOARD LOGO

The Department of Consumer Affairs' Office of Publications, Design and Editing created draft new logos for the Board to consider. Board staff reviewed the samples and selected two options. The Committee is asked to select one of the two options.

Attachments:

Two sample logos

The logo graphic consists of a series of approximately 15 thin, black lines that originate from a single point on the left and fan out to the right, creating a shape reminiscent of a stylized sunburst or a series of radiating lines. The lines are of varying lengths and angles, with the longest line being the most vertical and the shortest being the most horizontal.

CALIFORNIA
ARCHITECTS
BOARD

The logo graphic is identical to the one in the top section, featuring a series of radiating lines that fan out from left to right.

CALIFORNIA
ARCHITECTS
BOARD

CALIFORNIA

Architects

BOARD



Agenda Item E

REVIEW, DISCUSS AND POSSIBLE ACTION ON CALIFORNIA ARCHITECTS BOARD MEMBER ADMINISTRATIVE MANUAL

At the September 12, 2018 Board Meeting, the Board approved revisions to the Board Member Administrative Procedure Manual. The Executive Committee did not have the opportunity to review the changes, as the updated Procedure Manual needed to be included with the Board's Sunset Review Report, which was due to the Legislature December 1st, 2018. It is included on the agenda today to give the Executive Committee the opportunity to consider whether it would like to make any further changes or modifications to the Procedure Manual.

Attachment:

Board Member Administrative Procedure Manual (rev. 2018)

California Architects Board Member Administrative Manual

Approved by Board 9/12/18

Table of Contents

Chapter 1 -- Introduction

Overview.....	1
Mission.....	1
Vision.....	2
Values.....	2
General Rules of Conduct.....	2
Abbreviations.....	2

Chapter 2 -- Board Meeting Procedures

Bagley-Keene Open Meeting Act.....	3
Public Comment.....	3
Closed Session.....	3
Frequency of Meetings.....	4
Meeting Location.....	4
Board Member Attendance at Board Meetings.....	5
Board Member Participation.....	5
Teleconference Meetings.....	5
Special Meetings.....	6
Emergency Meetings.....	6
Quorum.....	6
Agenda Items.....	6

Notice of Meetings to be Sent to Individuals	6
Notice of Meetings to be Posted on the Internet	7
Mail Ballots	7
Record of Meetings	7
Voting on Motions	8
Audio/Visual Recording	8

Chapter 3 -- Travel & Salary Policies/Procedures

Travel Approval.....	8
Travel Arrangements.....	8
Out-of-State Travel	9
Travel Reimbursement	9
Salary Per Diem.....	9

Chapter 4 -- Other Policies/Procedures

Board Member Disciplinary Actions.....	11
Removal of Board Members	11
Resignation of Board Members	11
Officers of the Board.....	11
Election of Officers	12
Officer Vacancies	12
Nomination of Officers	12
Committee Appointments.....	12
Attendance at Committee Meetings	13
Board Staff	13
Executive Officer Evaluation	13
Board Administration	14

Board Budget	14
Conflict of Interest	14
Financial Disclosure	15
Incompatible Activities	15
Ex Parte Communications	17
Communications with Other Organizations/Individuals	18
Legislation	18
Contact with Candidates	18
Gifts from Candidates	18
Request for Records Access	18
Business Cards	19
Letterhead	19

Chapter 5 -- Training

Board Member Orientation	19
Ethics	19
Sexual Harassment Prevention	20
Defensive Driver	20

Appendix

A. Member Position Description	21
B. Committee Policy	23
C. DCA Incompatible Work Activities (OHR 14-01)	
D. Process for Annual Performance Evaluations of Executive Officer Memorandum (Dated March 9, 2015)	

Chapter 1

Introduction

Overview

The California Board of Architectural Examiners was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It was renamed the California Architects Board (Board) in 2000. It is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the Business, Consumer Services and Housing Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions 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 presently composed of 10 members that, by law, 5 are public members, and 5 are architects. The five architect members are all appointed by the Governor. Three of the public members are also gubernatorial appointees; while one public member is appointed by the Assembly Speaker and the other is appointed by the Senate Rules Committee. Board members may serve up to two four-year terms. Board members fill non-salaried positions but are paid \$100 per day for each meeting day or day spent in the discharge of official duties (see section entitled "Salary Per Diem") and are reimbursed travel expenses.

This Board Member Administrative Manual is provided to Board members as a reference of important laws, regulations, DCA policies, and Board policies to guide the actions of the Board members and ensure Board effectiveness and efficiency.

Mission

The California Architects Board protects consumers by establishing standards for professional qualifications, ensuring competence through examinations, setting practice standards, and enforcing the Architects Practice Act.

Vision The California Architects Board will be the national leader in the regulation of architectural practice.

Values Collaborative
Professional
Innovative
Proactive

General Rules of Conduct All Board members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Board members serve at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public that they serve shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- Board members shall not act or speak on the Board's behalf without proper authorization from the Board president.
- Board members shall maintain the confidentiality of confidential documents and information.
- Board members shall commit the time to prepare for Board responsibilities.
- Board members shall recognize the equal role and responsibilities of all Board members.
- Board members shall act fairly, be nonpartisan, impartial, and unbiased in their role of protecting the public.
- Board members shall treat all applicants and licensees in a fair and impartial manner.
- Board members' actions shall serve to uphold the principle that the Board's primary mission is to protect the public.
- Board members shall not use their positions on the Board for personal, familial, or financial gain.

Abbreviations

ARE	Architectural Registration Examination
B&P	Business and Professions Code
DCA	Department of Consumer Affairs

EO	Executive Officer
Gov.	Government Code
NCARB	National Council of Architectural Registration Boards
SAM	State Administrative Manual
WCARB	Western Council of Architectural Registration Boards

Chapter 2

Board Meeting Procedures

Bagley-Keene Open Meeting Act

(Gov. Code Section 11120 et seq.)

All meetings are open for public attendance and subject to all 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 in the agenda.

Public Comment

(Gov. Code Section 11125.7)

Public comment must be allowed on open session agenda items before or during discussion of each item and before a vote.

The Board may accept public comment on an item not on the agenda, provided that the Board takes no action or does not discuss the item at the same meeting. The Board may refer the item to the Board's next Strategic Planning session and/or place the matter on the agenda of a future meeting. The Board cannot prohibit public criticism of the Board's policies or services. The Board president may set reasonable time limitations.

Due to the need for the Board to maintain fairness and neutrality when performing its adjudicative function, the Board shall not receive any substantive information from a member of the public regarding matters that are currently under or subject to investigation, or involve a pending or criminal administrative action.

Closed Session

(Gov. Code Sections

Any general discussion of exams or disciplinary procedures shall be held in public. The Board may meet in closed session to discuss examinations

11125.2, 11126, 11126.1)

where a public discussion would compromise the integrity of the examination and to deliberate on disciplinary cases. Examples of types of closed session meetings include:

- Discuss and vote on disciplinary or enforcement matters under the Administrative Procedure Act (APA);
- Prepare, approve, or grade examinations;
- Discuss pending litigation; or;
- Discuss the appointment, employment, or dismissal of the EO unless the EO requests that such action be taken in public.

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

No members of the public are allowed to remain in the meeting room for closed sessions. At least one staff member must be present at all closed sessions to record topics discussed and decisions made.

Closed session must be specifically noticed on the agenda (including the topic and legal authority). Before going into closed session, the Board president should announce in open session the general nature of the item(s) to be discussed. If the item involves the EO's employment, appointment, or dismissal, and action is taken in closed session, the Board must report that action and any roll call vote that was taken at the next public meeting.

Frequency of Meetings

(B&P Code Section 5522)

The Board shall meet at least once a quarter for the purpose of transacting such business as may lawfully come before it and may meet more often as it determines necessary.

Meeting Location

(Gov. Code Sections 11123.1 & 11131; B&P Code Section 101.7)

The Board is required to hold its meetings at locations that are easily accessible to the public and individuals with disabilities in compliance the Americans with Disabilities Act (ADA). The Board will hold meetings in different locations throughout

the state and is required to hold at least one meeting in Northern California and one meeting in Southern California.

**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/she must contact the Board president or the EO and ask to be excused from the meeting for a specific reason. Should a member miss two consecutive meetings, the Board president may notify the Director of the DCA.

**Board Member
Participation**

(Board Policy)

The Board president may ascertain from members whose level of participation is below standard whether or not the member is no longer able to continue serving as an active member of the Board. In such a case, the Board president may suggest that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board his/her arguments against the resolution prior to such a resolution being adopted by the Board.

Teleconference Meetings

(Gov. Code Section 11123)

Special rules for notice of teleconference meetings are as follows:

- Same 10-day notice requirement as in-person meetings.
- Notice and agenda must include teleconference locations.
- Every teleconference location must be open to the public and at least one Board member must be physically present at every noticed location. Board members must attend the meeting at a publicly noticed location.
- Additional locations may be listed on the notice that allow the public to observe or address the Board by electronic means without a Board member present.

Special Meetings

*(Gov. Code Section
11125.4)*

A special meeting may be called at any time by the Board president, or in his or her absence the vice president or by a majority of the members of the Board and held with 48 hours' notice in specified situations (e.g., consideration of proposed legislation). At the commencement of any special meeting, the Board must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting would cause a "substantial hardship on the Board or that immediate action is required to protect the public interest." The finding shall be adopted by two-thirds vote of the Board if less than two-thirds members present, a unanimous vote of those members present.

Emergency Meetings

*(Gov. Code Section
11125.5)*

An emergency meeting may be held after finding by a majority of the Board at a prior meeting or at the emergency meeting that an emergency situation exists due to work stoppage or crippling disaster. [A quorum is required for the Board to meet in the event of emergency, such as a work stoppage or crippling disaster.] Emergency meetings require a one-hour notice.

Quorum

(B&P Code Section 5524)

Six of the members of the Board constitute a quorum of the Board for the transaction of business. The concurrence of five members of the Board present at a meeting duly held at which a quorum is present shall be necessary to constitute an act or decision of the Board, except that when all 10 members of the Board are present at a meeting duly held, the concurrence of six members shall be necessary to constitute an act or decision of the Board.

Agenda Items

(Board Policy)

The Board president, with the assistance of the EO, shall prepare the agenda and tentative meeting timeframe. Any Board member may submit items for a Board meeting agenda to the EO 15 days prior to the meeting.

Notice of Meetings to be Sent to Individuals

According to the Bagley-Keene Open Meeting Act, meeting notices (including agendas for Board meetings) shall be sent to persons on the Board's

(Gov. Code Section 11120 et seq.; B&P Code Section 101.7)

mailing or email list at least 10 calendar days in advance. The notice shall include a staff person's name, work address, and work telephone number who can provide further information prior to the meeting.

Notice of Meetings to be Posted on the Internet

(Gov. Code Section 11125)

Unless the meeting meets the requirements for a special or emergency meeting under the Bagley-Keene Open Meeting Act, notice shall be given and made available on the Internet at least 10 calendar days in advance of the meeting, and shall include the name, address, and telephone number of a staff person who can provide further information prior to the meeting but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the Internet address where notices required by the Bagley-Keene Open Meeting Act are made available.

Mail Ballots

(Gov. Code Section 11500 et seq.)

The Board must approve any proposed decision or stipulated settlement before the formal discipline becomes final and the penalty can take effect. Due to time limitations, mail ballots may be executed. If needed, stipulated settlements and proposed decisions will be mailed to each Board member for his or her vote. For stipulations, a background memorandum from the assigned deputy attorney general accompanies the mail ballot. A five-calendar day deadline generally is given to complete the ballot and return it to the Board's office.

Record of Meetings

(Board Policy; B&P Section 5521; Gov. Code Sections 11123(c), 11126.1)

The minutes are a summary, not a transcript, of each Board meeting. They shall be prepared by Board staff and submitted for review by Board members before the next Board meeting. The minutes must contain a record of how each member present voted for each item on which a vote was taken. Board minutes shall be approved at the next scheduled meeting of the Board. When approved, the minutes shall serve as the official record of the meeting.

Voting on Motions

*(B&P Code Section 5524;
Gov. Code Sections 11120,
11122, 11123, 87100 et seq.;
68 Ops.Cal.Atty.Gen. 65,
69-70)*

As a general rule, all votes must be taken publicly. However, votes taken on closed session matters are not required to be taken publicly. In addition, the APA (disciplinary matters) authorizes mail voting on all questions arising under that act. Secret ballots and proxy votes are prohibited. A majority of the board or committee vote is determined by the votes actually cast. Abstentions are recorded, but not counted, unless a law provides otherwise.

Options for Board members:

- 1) Support / in Favor / Yes / Aye
- 2) Oppose / No / Nay
- 3) Abstain (not counted as a vote)
- 4) Recused (not counted as a vote)

Audio/Visual Recording

(Board Policy)

The meeting may be audio/video recorded and/or broadcast live via the Internet. Recordings shall be disposed of upon Board approval of the minutes. If a webcast of the meeting is intended, it shall be indicated on the agenda notice.

Chapter 3**Travel & Salary Policies/Procedures****Travel Approval**

*(DCA Memorandum
96-01)*

Board members shall have Board president approval for all travel except for regularly scheduled Board and committee meetings to which the Board member is assigned.

Travel Arrangements

(Board Policy)

Board members are encouraged to coordinate with the EO secretary for any Board-related travel arrangements, including air or train transportation, car rental, and lodging accommodations through Cal Travel Store's online booking tool, Concur.

Board members must also utilize the most economic source of transportation available. For example, if the hotel provides a shuttle from the airport to the hotel it is not fiscally responsible to rent a car or take a taxi. Reimbursement may be reduced or denied if the most economical sources are not used.

All Board-related travel must be booked using Cal

Travel Store's self-service reservation system, Concur, if a Board member seeks reimbursement.

In advance of Board and committee meetings, the EO secretary will provide members information detailing the name and address of the chosen hotel where state rates are available if an overnight stay is required.

Out-of-State Travel

(SAM Section 700 et seq.)

For 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 the state of California is controlled and must be approved by the Governor's Office.

Travel Reimbursement

(SAM Section 700 et seq. & DCA Memorandum 96-01)

Rules governing reimbursement of travel expenses for Board members are the same as for management level state staff. Board members must submit the originals of all receipts, with the exception of meals, and, when applicable, a copy of the airline itinerary and hotel receipt showing the balance paid, to the EO secretary. All expenses shall be claimed on the appropriate travel expense claim forms. The EO secretary maintains these forms and completes them as needed. The EO secretary completes travel expense reimbursements in CalATERS Global and maintains copies of these reports and submitted receipts. 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.

In order for the expenses to be reimbursed, Board members shall follow the procedures contained in DCA Departmental Memoranda that are periodically disseminated by the Director and are provided to Board members on at least an annual basis by the EO secretary.

Salary Per Diem

(B&P Code Section 103)

Each member of a board, commission or committee created in various chapters of Division 3 (commencing with section 5000) is eligible to receive a per diem of \$100 for each day actually spent in the discharge of official duties, unless on

any day served, the member also received compensation for their regular public employment. Reimbursement of travel and other related expenses for Board members is also regulated by 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 in official Board or committee meetings, unless a substantial official service is performed by the Board member. Attendance at gatherings, events, hearings, conferences, or meetings other than official Board or committee meetings in which a substantial official service is performed shall be approved in advance by the Board president. The EO shall be notified of the event and approval shall be obtained from the Board president prior to Board member’s attendance.

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 to the conclusion of that meeting. Where it is necessary for a Board member to leave early from a meeting, the Board president shall determine if the member has provided a substantial service during the meeting and, if so, shall authorize payment of salary per diem and reimbursement for travel-related expenses.

For Board specified work, Board members will be compensated for actual time spent performing work authorized by the Board president. That work includes, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; NCARB committee work;

and travel time on non-meeting days (out-of-state). That work does not include preparation time for Board or committee meetings. Board members cannot claim salary per diem for time spent traveling to and from a Board or committee meeting.

Chapter 4

Other Policies/Procedures

Board Member Disciplinary Actions

*(Board Policy; Gov. Code
Section 11125.4)*

A member may be censured by the Board if, after a hearing before the Board, the Board determines that the member has acted in an inappropriate manner.

The Board president shall preside over the hearing unless the censure involves the president's own actions, in which case the Board vice president shall preside. In accordance with the Bagley-Keene Open Meeting Act, the censure hearing shall be conducted in open session.

Removal of Board Members

*(B&P Code Sections 106 &
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.

Resignation of Board Members

(Gov. 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 DCA, the Board president, and the EO.

Officers of the Board

(B&P Code Section 5518)

The Board shall elect from its members a president, a vice president, and a secretary to hold office for one year or until their successors are duly elected and qualified.

Election of Officers*(Board Policy)*

The Board shall elect the officers at the last meeting of the calendar year. Officers shall serve a term of one year. All officers may be elected on one motion or ballot as a slate of officers unless more than one Board member is running per office. An officer may be re-elected and serve for more than one term.

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. Elected officers shall then serve the remainder of the term.

Nomination of Officers*(Board Policy)*

The Board president shall appoint a Nominations Committee prior to the last meeting of the calendar year and shall give consideration to appointing a public and a professional member of the Board to the Committee. The Committee's charge will be to recommend a slate of officers for the following year. The Committee's recommendation will be based on the qualifications, recommendations, and interest expressed by the Board members. A survey of Board members will be conducted to obtain interest in each officer position. A Nominations Committee member is not precluded from running for an officer position. If more than one Board member is interested in an officer position, the Nominations Committee will make a recommendation to the Board and others will be included on the ballot for a runoff if they desire. The results of the Nominations Committee's findings and recommendations will be provided to the Board members in the meeting packet prior to the election of officers. Notwithstanding the Nominations Committee's recommendations, Board members may be nominated from the floor at the meeting.

Committee Appointments*(Board Policy)*

The Board president shall establish committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the Board president in consultation with the vice president, and the EO. When

committees include the appointment of non-Board members, all impacted parties should be considered. (See *Committee Policy in Appendix B.*)

Attendance at Committee Meetings

(Board Policy; Gov. Code Section 11122.5(c)(6))

If a Board member wishes to attend a meeting of a committee in an official capacity of which he/she is not a member, that Board member shall obtain permission from the Board president to attend and shall notify the committee chair and staff. Board members who are not members of the committee that is meeting cannot vote during the committee meeting and may attend only as observers. If there is a quorum of the Board at a committee meeting, Board members who are not members of the committee must sit in the audience and cannot participate in committee deliberations.

Committees operate at the direction of the Board to fulfill specific goals in the Strategic Plan. Committee chairs shall lead committees' actions toward such goals without undue influence on the part of Board officers or members.

The Board and LATC maintain an ongoing practice of providing regular updates regarding key issues at each other's respective meetings to sustain understanding of each entity's priorities. The Board appoints an LATC liaison, who attends LATC meetings on behalf of the Board.

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 civil service laws, regulations, and collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the EO. Board members shall not intervene or become involved in specific day-to-day personnel transactions or matters.

Executive Officer Evaluation

(Board Policy; Gov. Code

Board members shall evaluate the performance of the EO on an annual basis in accordance with DCA's memorandum Process for Annual Performance Evaluations of EO (Appendix D). The

Section 11126(a)(1))

evaluation shall be conducted in Closed Session during a meeting of the Board pursuant to Gov. Code section 11126(a)(1).

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.

Consistent with the budget and Strategic Plan, requests by individual Board members that are not directly associated with a committee's goals or have an impact on staff workload, as determined by the president and EO, may be declined. In the event the request is by the president, the vice president shall review the request.

Board Budget*(Board Policy)*

The Board vice president shall serve as the Board's budget liaison with staff and shall assist staff in the monitoring and reporting of the budget to the Board. Staff will conduct an annual budget briefing with the Board with the assistance of the Board vice president. The EO or his/her designee will attend and testify at legislative budget hearings and shall communicate all budget issues to the Administration and Legislature.

Conflict of Interest*(Gov. 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 who 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 EO or the Board's legal counsel. The question of whether or not a member has a financial interest that would present a legal conflict of interest is complex and must be decided on a case-by-case

review of the particular facts involved. For more information on disqualifying yourself because of a possible conflict of interest, please refer to the Fair Political Practice Committee's manual on their website: fppc.ca.gov.

Financial Disclosure

(Gov. Code Section 87302(b))

The Conflict of Interest Code also requires Board members to file annual financial disclosure statements by submitting a Form 700 – Statement of Economic Interest. New Board members are required to file a disclosure statement within 30 days after assuming office. Annual financial statements must be filed no later than April 1 of each calendar year.

A "leaving of office statement" must be filed within 30 days after an affected Board member leaves office.

Board members are not required to disclose all of their financial interests. Gov. Code section 87302 (b) explains when an item is reportable:

An investment, interest in real property, or income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

Refer to the Fair Political Practices Commission's website fppc.ca.gov to determine what investments, interests in property, or income must be reported by a member. Questions concerning particular financial situations and related requirements should be directed to DCA's Legal Affairs Division.

Incompatible Activities

(Gov. Code Section 19990)

Following is a summary of the employment, activities, or enterprises that might result in or create the appearance of being inconsistent, incompatible, or in conflict with the duties of state officers:

- Using the prestige or influence of a state office or employment for the officer's or employee's

private gain or advantage, or the private gain or advantage of another.

- Using state time, facilities, equipment, or supplies for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- Using confidential information acquired by the virtue of state employment for the officer's or employee's private gain or advantage or advantage of another.
- Receiving or accepting money, or any other consideration, from anyone other than the state for the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his or her state employment or as a part of his or her duties as a state officer or employee.
- Performance of an act other than in his or her capacity as a state officer or employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee of the agency by which he or she is employed. (This would not preclude an "industry" member of the Board from performing normal functions of his or her occupation.)
- Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is seeking to do business of any kind with the state or whose activities are regulated or controlled in any way by the state, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part.

The aforementioned limitations do not attempt to specify every possible limitation on member or employee activity that might be determined and prescribed under the authority of Gov. Code section 19990. DCA's Incompatible Work Activities

OHR 10-01 is included in Appendix C.

Ex Parte Communications

*(Gov. Code Section
11430.10 et seq.)*

The Government Code contains provisions prohibiting ex parte communications. An “ex parte” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Board members are prohibited from an ex parte communication with Board enforcement staff while a proceeding is pending.

Occasionally an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Board members.

If the communication is written, the person should read only far enough to determine the nature of the communication. Once he or she realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the EO.

If a Board member receives a telephone call from an applicant or licensee against whom an action is pending, he or she should immediately tell the person that discussion about the matter is not permitted, he or she will be required to recuse him or herself from any participation in the matter, and continued discussion is of no benefit to the applicant or licensee.

If a Board member believes that he or she has received an unlawful ex parte communication, he

or she should contact the Board's assigned Legal Affairs Division counsel.

**Communications with
Other Organizations/
Individuals**

(Board Policy)

All communications relating to any Board action or policy to any individual or organization including NCARB, WCARB, or a representative of the media shall be made only by the Board president, his/her designee, or the EO. Any Board member who is contacted by any of the above should immediately inform the Board president or EO of the contact. All correspondence shall be issued on the Board's standard letterhead and will be created and disseminated by the Board office.

Board members shall not act on behalf of the Board without Board approval and consensus, including but not limited to meeting or interacting with other professional organizations, governmental entities, educational institutions, architectural associations, intern associations, etc. All actions on behalf of the Board shall be documented and communicated to the EO. The EO will then convey such information to the Board via the monthly report or by other means, as determined necessary.

Legislation

(Board Policy)

In the event time constraints preclude Board action, the Board delegates to the EO the authority to take action on legislation that would change the Architects Practice Act, impact a previously established Board policy, or affect the public's health, safety, or welfare. Prior to taking a position on legislation, the EO shall consult with the Board president. The Board shall be notified of such action as soon as possible.

Contact with Candidates

(Board Policy)

Board members shall not intervene on behalf of a candidate for any reason. They should forward all contacts or inquiries to the EO or Board staff.

Gifts from Candidates

(Board Policy)

Gifts of any kind to Board members or the staff from candidates for licensure with the Board shall not be permitted.

Request for Records Access

No Board member may access a licensee or candidate file without the EO's knowledge and

(Board Policy) approval of the conditions of access. Records or copies of records shall not be removed from the Board's office.

Business Cards

(Board Policy)

Business cards will be provided to each Board member upon request with the Board's name, address, telephone, fax number, and website address. A Board member's business address, telephone, and fax number, and e-mail address may be listed on the card at the member's request.

Letterhead

(Board Policy)

Only correspondence that is transmitted directly by the Board office may be printed or written on Board letterhead stationery. Any correspondence from a Board member requiring the use of Board stationary or the Board's logo should be transmitted to the Board office for finalization and distribution.

Chapter 5**Training**

Once a Board member is appointed, the EO secretary will send an email containing a list of all the required trainings, their due dates, and instructions about their completion. Board members should send the certificate of completion or signature page to the EO secretary who maintains Board members' records. For additional information, Board members may refer to DCA's online Board Member Resource Center which may be found at: dca.boardmembers.ca.gov

Board Member Orientation

(B&P Code Section 453)

Newly appointed and reappointed Board members must attend a Board Member orientation training course offered by DCA within one year of assuming office. The orientation covers information regarding required training, in addition to other topics that will ensure a member's success, including an overview of DCA.

Ethics

(Gov. Code Section 11146 et seq.)

State appointees and employees in exempt positions are required to take an ethics orientation within the first six months of their appointment and

every two years thereafter. To comply with that directive, Board members may take the interactive course provided by the Office of the Attorney General, which can be found at oag.ca.gov/ethics.

Sexual Harassment Prevention

(Gov. Code Section 12950.1)

Board members are required to undergo sexual harassment prevention training and education once every two years, in odd years. Staff will coordinate the training with DCA.

Defensive Driver

(SAM Section 0751)

All state employees, which includes Board and committee members, who drive a vehicle (state vehicle, vehicles rented by the state, or personal vehicles for state business) on official state business must complete the Department of General Services (DGS) approved defensive driver training (DDT) within the first six months of their appointment and every four years thereafter.

APPENDIX A**Member Position Description**

The California Architects Board exists to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare. The Board is comprised of ten members, five architects and five public members. To ensure the most effective representation of the interests of both the public and the profession, the Board seeks to have among its members a broad cross-section of architects and consumers of architectural services (e.g., representatives from large and small firms, developers, building officials, educators). Whether a public or a professional member, each member of the Board is responsible first and foremost for public protection.

The Board manages its responsibilities by delegating to a number of committees and task forces and its staff, thereby enabling the Board to more effectively fulfill its mission. The Board appoints an EO to exercise the powers and perform the duties delegated by the Board. The EO manages the Board's staff (currently 29.8 positions including Landscape Architects Technical Committee [LATC] staff positions). With direction from the Board and the Strategic Plan, the Board staff implements the Board's examination, licensing, enforcement, and administration programs.

As a whole, the Board's responsibilities include the following:

- Delineation of the basic professional qualifications and performance standards for admission to and practice of the profession of architecture. The Board accomplishes this objective by setting minimum qualifications for licensure and administering the California Supplemental Examination.
- Establishment and administration of a fair and uniform enforcement policy to deter and prosecute violations of the Architects Practice Act and related regulations.
- Setting policy and procedures for the Board, its committees, task forces, and staff in carrying out the duties of the Board.
- Disseminating information to consumers, licensees, and professional and educational organizations about the Board's services and activities, and rules and regulations governing the profession.

Individual Board member responsibilities include:

- Attendance at Board meetings. (The Board regularly meets quarterly, but may meet more often if necessary. Meetings are generally one-day and are scheduled in locations throughout California. Overnight travel may be necessary. Every two years, the Board meeting includes a Strategic Planning session.)
- Participation on Board committees and task forces. (Time commitment for committees and task forces vary. Most committees meet 1-2 times per year. Meetings are generally one-day and are scheduled in locations throughout

California. Overnight travel may be necessary.)

- Board members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in Board business. Such readings include the Board Member Administrative Procedure Manual, Sunset Review Report, Board and committee packets, recent studies and reports, and related material.
- Acting as a representative of the Board to communicate information to the professional and educational communities. (Board members may be assigned an architectural school and a constituency group with which they act as a liaison.)
- Possible participation in meetings of the National Council of Architectural Registration Boards (NCARB) and Western Council of Architectural Registration Boards' (WCARB) meetings and committees. (Each organization holds at least one meeting per year. NCARB committees typically meet twice per year. Meetings are usually two days, and up to two days travel time may be required, depending on meeting location.)
- Possible participation as a WCARB or NCARB officer or director. (The Board has a goal of exercising more influence on WCARB/NCARB by encouraging its members to participate at officer levels of these two organizations.)

APPENDIX B**Committee Policy**Committees

The standing committees of the Board are the:

- Executive
- Professional Qualifications
- Regulatory and Enforcement
- Communications

Board committees are the deliberative bodies that assist the Board in developing policy. Committees make recommendations for consideration by the Board. All Board members should serve on at least one committee each year. Commencing with the committees for the 2014 Strategic Plan, no committee should have more than nine members.

The committees should meet regularly. At a minimum, once the Board's Strategic Plan is adopted in March, committees should conduct meetings to complete assigned objectives and present them to the Board for consideration, clarification, direction, etc. before the end of the biennial Strategic Plan. New issues that emerge during the course of the year, unless they are critical emergencies, should be referred to the next strategic planning session. Teleconference meetings can be utilized for meetings on urgent or single-subject issues.

In the event that additional new committee members are needed, the Board president shall ask Board and committee members for suggested interested persons; if an insufficient pool exists, the Board may request names from various organizations, including, but not limited to: The American Institute of Architects, California Council; Society of American Registered Architects; Construction Specifications Institute; California Building Officials, etc.

Chairmanships

With the exception of the Executive Committee, each committee chair and vice chair shall be appointed by the Board president (in consultation with the vice president and EO) and shall be a Board member, absent extenuating circumstances (numerous vacancies on the Board). The Executive Committee shall be comprised of the current Board president, vice president, secretary, and the immediate past Board president. Chairs should serve for two to three years, if possible, and in the best interest of the Board. The Board should endeavor to offer opportunities for all Board members to serve as a chair or vice chair during their tenure on the Board. The list of committee members will be reproduced as part of the Strategic Plan every other year so it is memorialized in a centralized location.

Review

Committee chairs should prepare a report for the Board president and president-elect by November 30th each year. The report would consist of a list of committee members, their committee meeting attendance record, and a synopsis of their contributions, as well as a recommendation as to whether they should be reappointed. Staff shall prepare a template for the report with the attendance data. Each chair shall consult with the EO in preparing the report.

Approved by the Board June 14, 2012

Revised and approved by the Board on September 12, 2018

APPENDIX C

DCA Incompatible Work Activities (OHR 14-01)

APPENDIX D

Process for Annual Performance Evaluations of Executive Officer Memorandum
(Dated March 9, 2015)



DEPARTMENTAL POLICY

TITLE	INCOMPATIBLE WORK ACTIVITIES		
POLICY OWNER	OFFICE OF HUMAN RESOURCES		
POLICY NUMBER	OHR 14-01	SUPERSEDES	OHR 10-01
ISSUE DATE	NOVEMBER 24, 2014	EFFECTIVE	IMMEDIATELY
DISTRIBUTE TO	ALL EMPLOYEES		
ORIGINAL APPROVED BY	Original signature on file Awet P. Kidane Director		
NUMBER OF PAGES	1 of 10	ATTACHMENT	ATTACHMENT A

POLICY

It is the policy of the Department of Consumer Affairs (“DCA” and “Department”) that all policy directives and all laws, rules, and regulations concerning incompatible work activities are promoted and adhered to by its employees, governmental officials, and temporary staff.

APPLICABILITY

This policy applies to all employees, governmental officials, Board members and Bureau Advisory Committee members, and temporary staff of DCA, and any of its offices, divisions, bureaus, boards, programs, commissions, committees, and other constituent agencies. Within this policy, the terms “DCA” and “Department” apply to all of these entities.

PURPOSE

The purpose of this policy is to outline the State laws set forth in the standards of conduct with which State civil service officers and employees, and appointees and employees exempt from civil service are expected to comply. All employees of the DCA have a responsibility to their employer, their fellow employees, and the people of California to conduct themselves in an ethical manner so as not to bring discredit to themselves or the State and the Department.

AUTHORITY

- CA Government Code section 11475.10
- CA Government Code section 19990 et seq.
- CA Penal Code Section 502
- Executive Order B-66-2, "Standards of Ethical Conduct"
- Political Reform Act (CA Government Code section 81000 et seq.)
- Title II of the California Code of Regulations (CCR) section 599.859

PROVISIONS

Pursuant to Government Code section 19990 and Executive Order B-66-2, there is a code of ethical standards, which is applicable to State employees and gubernatorial appointees/exempt employees. This code of ethical standards is to be followed in addition to all other statutes, executive orders, or rules (i.e. the Fair Political Practices Act) which might affect questions of conflict of interest, incompatibility, or ethics relating to gubernatorial appointees/exempt employees.

Applicable portions of the Executive Order are stated below. Exempt employees are requested to carefully read these sections and to comply with both their letter and spirit:

Standards of Ethical Conduct for Exempt Appointees

"Standards of Ethical Conduct"

"No employment, activity, or enterprise shall be engaged in by any officer or employee of the Executive Department of the State which might result in, or create the appearance of resulting in any of the following:

- (1) **Using the prestige or influence of a State office or employment** for the officer's or employee's private gain or advantage, or the private gain or advantage of another.
- (2) **Using State time, facilities, equipment, or supplies** for the officer's or employee's private gain or advantage, or the private gains or advantage of another.
- (3) **Using confidential information** acquired by virtue of State employment for the officer's or employee's 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 the performance of an act which the officer or employee would be required or expected to render in the regular course or hours of his [or her] State employment or as a part of his [or her] duties as a State officer or employee.
- (5) **Performance of an act in other than his [or her] capacity as a State officer or employee** knowing that such an act may later be subject, directly or indirectly, to the

control, inspection, review, audit or enforcement by such officer or employee or the agency by which he or she is employed. [This would not preclude an "industry" member of a board or commission from performing the normal functions of his or her occupation.]

- (6) **Receiving or accepting, directly or indirectly, any gift**, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the State or whose activities are regulated or controlled in any way by the State, under circumstances from which it reasonably could be inferred that the gift was intended to influence him or her in his or her official duties or was intended as a reward for any official action on his or her part." (Emphasis added.)

Responsibility of All Employees, Both Exempt and Civil Service

Employees of the DCA have a responsibility to their employer, their fellow employees, and the people of California to conduct themselves in an ethical manner so as not to bring discredit to themselves or the State and the Department.

This policy must be followed by each employee of the DCA in order to avoid activities which are clearly inconsistent, incompatible, or in conflict with his or her official duties. Employees must review this policy with consideration toward their particular job duties and responsibilities.

This policy specifically relates to incompatible activities and does not include all provisions of law or regulations with which employees must comply.

If an employee is uncertain as to whether certain activity, employment, or enterprise is in violation of this policy, the employee should immediately consult with his or her supervisor who will indicate in writing whether the activity, employment, or enterprise is prohibited.

To protect the integrity of the California State Civil Service, State law sets forth standards of conduct with which State civil service officers and employees are expected to comply. Section 19990 of the Government Code requires that:

“A state officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee.”

Each appointing power shall determine, subject to approval of the California Department of Human Resources (CalHR), those activities which, for employees under its jurisdiction, are inconsistent, incompatible, or in conflict with their duties as State officers or employees. Activities and enterprises deemed to fall in these categories shall include, but not be limited to, all of the following:

Using Prestige or Influence

- (a) Using the prestige or influence of the State or the appointing authority for the officer's or employee's private gain or advantage or the private gain of another.

Examples of such activities include:

1. *Soliciting business from persons licensed by the employee's employer (DCA entity) under the guise that the licensee may receive special benefits from the employee's agency.*
2. *Soliciting money from a licensee or from other departmental employees for the employee's private gain.*
3. *Providing or using the names and/or addresses of licensees, vendors, or other entities subject to regulation by DCA for mailing lists or solicitation unless authorized to do so as part of the employee's duties.*
4. *Using the badge, uniform, or identification card of a State position for private gain or advantage.*

Use of State Time, Facilities, etc.

- (b) Using State time, facilities, equipment, or supplies for private gain or advantage.

Examples of such activities include:

1. *Using State vehicles or credit cards for personal gain or for personal transactions.*
2. *Using State letterhead stationery for private correspondence.*
3. *Using State office supplies, State postage stamping facilities, State copy machines, or computer equipment and software for home or personal business.*
4. *Selling products such as cosmetics, jewelry, stationery, plastics, etc., at times other than regularly scheduled breaks and lunch periods, or to other employees when they are not on such breaks.*

Using Confidential Information

- (c) Using, or having access to, confidential information available due to State employment for private gain or advantage or providing confidential information to persons to whom issuance of said information has not been authorized may be inconsistent, incompatible or in conflict with a State employee's or officer's duties.

Examples of such activities include:

1. *Disclosing confidential investigative reports or confidential examination materials or information.*
2. *Providing or using, unless authorized to do so by the Department or by someone to whom that responsibility has been delegated, licensee social security numbers, birth dates, gender, and/or complaint activity reports.*

3. *Requesting, acquiring, examining, or disseminating confidential or employee personnel records or personal information maintained by the Department unless authorized in the assignment of related duties.*
4. *Willfully misusing, misplacing, or destroying confidential information, including but not limited to, the disclosure of passwords or permitting access to computer information systems, programs, or other data to unauthorized personnel.*

Accepting Money or Other Consideration

- (d) Receiving or accepting money, or any other consideration, from anyone other than the State for the performance of his or her duties as a State employee.

Examples of such activities include:

1. *Requesting or accepting money, or other consideration, from applicants or licensees for the priority processing of license applications.*
2. *Charging a fee for helping an applicant complete documents for licensure.*

Performance of an Activity

- (e) Performance of an activity, in other than his or her capacity as a State employee, which is subject directly or indirectly, to the control, inspection, review, audit, or enforcement by the employee.

Each DCA entity should evaluate its own mission and job classifications to determine what activities are covered by this category. Specific applications may vary by the DCA entity. The following examples are provided for guideline purposes only:

1. *Engaging in a personal medical practice or activity which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
2. *Engaging in a nursing practice or activity which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
3. *Engaging in a construction business or activity which is regulated by the employee's licensing board, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*
4. *Engaging in an automobile related business or activity which is regulated by the employee's bureau, when the employee's duties are to review, inspect, audit, or enforce the regulated activity.*

5. *Engaging in a private legal practice where the employee represents clients in any matter or venture subject to the regulation of an agency in DCA, or represents any licensee in any enforcement matter before a DCA entity.*

Exception to this Provision

Each DCA entity may determine that it is in the interests of the agency to allow specified employees to engage in activities which would otherwise be prohibited under the above guidelines. Examples may include allowing employees holding professional or vocational licenses to engage in the licensed business or profession in order to maintain current skills.

Any DCA entity deciding to allow such employment or activities shall develop criteria to evaluate whether requests to engage in such employment or activities will be approved. The criteria must include, but need not be limited to: the time-base of the employee, the benefit to the organization of the employment or activity, a policy to avoid an actual conflict of interest or the appearance of a conflict of interest, and periodic review of the employment or activity.

Any employee currently engaged in, or desiring to engage in, such employment or activities shall submit a written request to his or her supervisor, describing the type and scope of outside employment or activity. The supervisor shall review the request and make a recommendation to approve or disapprove the request, based on the criteria developed by the DCA entity. The request and recommendation shall be submitted through the supervisory chain to the Program Manager, Division Chief, Bureau Chief, Executive Officer, Executive Director, Registrar, Commissioner, or designee who will make the determination. The approving officer may review the matter with the DCA Legal Office and request legal review and a legal opinion regarding the proposed activity. The decision of the approving officer shall be in writing with reasons set forth for the decision.

If an exception request is denied, represented employees may request further review in accordance with the terms of the employee's Memorandum of Understanding.

Gratuities, Gifts, and Other Things of Value

- (f) Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or other thing of value from anyone who is doing or seeking to do business of any kind with the employee's appointing authority, or whose activities are regulated or controlled by the appointing authority under circumstances from which it could reasonably be substantiated that the gift was intended to influence the employee in his or her official duties, or was intended as a reward for any official action performed by the employee.

Although this section does not preclude acceptance of gifts, it clearly establishes that if the intent of the giver is to influence future, or reward past, official actions, the gift cannot be accepted.

Since determining intent may be difficult, the following guidelines are provided:

1. *Does the value of the gift, in itself, suggest an intent other than routine hospitality or gratuity? It may be useful to apply the Fair Political Practices laws as a general guide. These laws require that certain employees (**only those who meet specific "Designated Employee" criteria**) shall not receive gifts that exceed \$460 during any twelve-month period from any one source; establish a financial interest between the source and the recipient; and must report gifts worth \$50 or more. Thus, it follows that gifts approaching these value limits could raise questions under Government Code Section 19990. In addition, gifts considerably below these limits can also be inappropriate if they raise concern under any of the following standards:*
 - a. *Do the circumstances surrounding the gift suggest an improper intent? For example, a gift given on the eve of an important decision involving the donor is of much greater concern than a routine holiday gift or an invitation to an annual reception. Gifts directly or indirectly identified as a reward for specific past decisions or actions usually raise questions of improper relationships.*
 - b. *Is the gift characteristic of the gratuities, hospitalities, or other items typically received from organizations and/or individuals, similar to the donor? The key here is to not accept a gift from one party, which could be viewed as an attempt to gain an advantage over others who have a similar relationship with the recipient.*
 - c. *How strongly does the form of the gift suggest that it is a routine part of an on-going business relationship as opposed to something more? For example, occasional business lunches or the receipt of mementos bearing the name or insignia of the donor raise fewer questions than gifts of cash, merchandise, extraneous travel or entertainment that have value beyond the business relationship.*

With consideration to the above-noted guidelines and rules set forth by the Fair Political Practices Commission, the best practice for addressing gifts (i.e. food, beverages, goods, etc.) is to always report them upon receipt to supervisors, regardless of the value of the gift. The supervisor will confer with Legal Affairs in making a determination to accept or return the gift.

DCA employees should not accept gifts for performing their expected scope of duties, as it creates the perception that employees can be influenced by gifts and gratuities, especially if the giver is a licensee or someone who will benefit from our services. A gift offered to one individual should not be accepted. If a gift is presented to an office, and it is determined to be acceptable, the gift may be shared with all employees within the office.

Not Devoting Full Time Efforts to State Office or Employment

- (g) Subject to any other laws, rules, or regulations as pertained thereto, not devoting his or her full time, attention, and efforts to his or her State office or employment during his or her hours of duty as a State employee.

An example of such activity would be conducting private or personal business during an employee's regular hours of duty.

Other Acts that May Be Incompatible

The aforementioned limitations do not attempt to specify every possible limitation on employee activity that might be determined and prescribed under the authority of Section 19990 of the Government Code. If later experience shows a need for additions to, deletions from, or clarification of the aforementioned limitations, the DCA will request the approval of CalHR in making changes it determines necessary. Upon such approval, the listing will be amended. Nothing in this statement or listing should be construed by any employee as the sole provisions of law and administrative rules, which should be observed by each State employee of this Department.

Procedures for Determining Incompatible Work Activity

This procedure applies to all requests to engage in outside employment or activity other than a request for an exemption from the prohibitions contained in Government Code Section 19990(e). To determine whether an activity is an Incompatible Work Activity, the following procedures shall be performed:

- Any DCA employee who is engaging, or intends to engage, in outside employment or an activity or enterprise which may be in conflict with the provisions of this policy shall submit a written request for review of the matter to his or her immediate supervisor.

The written request from the employee shall include the following information:

1. The name of the employee.
 2. The name of the DCA entity, i.e., the office, board, bureau, committee, commission, division, or program under which the person is employed.
 3. The classification of the employee.
 4. The collective bargaining unit representing the employee, if applicable.
 5. The employee's duty statement, along with a statement describing the extent to which the employee's duties pertain to any confidential information that would come under his or her direct review.
 6. A detailed description of the specific activity in which the employee intends to engage.
- The immediate supervisor shall review the request and discuss it with the head of the DCA entity, as applicable.
 - The head of the DCA entity may review the matter with the DCA's Legal Office and request a legal opinion on whether the proposed activity is prohibited by the DCA's Incompatible Work Activity Policy.
 - If the activity is determined to be compatible with the employee's duties or position, the employee's supervisor will approve the employee's request, and

the employee may continue to, or proceed to, engage in the activity or business.

- If activity is determined to be incompatible with the employee's duties or position, the supervisor shall provide a written statement detailing the reason(s) for the denial to the employee.

Represented employees may appeal a denial in accordance with the terms of the employee's Memorandum of Understanding (MOU). Non-represented employees may appeal under CCR 599.859 to the DCA Director. In all cases, the DCA Director's decision shall be final.

Appeal Process

If an employee is notified that he/she has violated any provision of this statement, or if an employee is notified that any outside employment in which the employee wishes to engage is in violation of any provision of this statement, the employee may file an appeal as follows:

1. The employee may appeal the determination to the Director/Chief Deputy Director within ten (10) working days after receipt of denial. The appeal should contain:
 - a. A copy of the original request for clarification;
 - b. The response prepared by the Deputy Director of the Administrative Services Division; and
 - c. A statement explaining why the employee believes the employment, activity, or enterprise in question is not incompatible, inconsistent, or in conflict with his/her assigned duties as a State employee.
2. Within fifteen (15) working days after receipt of the appeal, the Director/Chief Deputy Director or his/her designee will meet with the Deputy Director of the Administrative Services Division and the appropriate Division Chief to review the appeal and issue a final determination. The employee will be advised of the time and date of said meeting and will be given an opportunity to attend.

If the employee submits proof to the Director/Chief Deputy Director that the length of the appeal process would cause him/her to lose the opportunity to participate in the employment, activity, or enterprise in question, an accelerated appeal procedure may be used. Under this procedure, the employee is required to submit the appeal to the Director/Chief Deputy Director within five (5) working days of receipt of the determination from the Deputy Director of the Administrative Services Division. The Director/Chief Deputy Director or her/his designee shall respond with a final determination within fifteen (15) working days.

Service on Governmental Bodies

Service on a local appointed or elected governmental board, bureau, commission, committee, program, or other body or as a local elected official by DCA attorney shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to, the

duties of the attorney as a State employee and shall not result in the automatic vacation of either office.

Nothing in this section shall be construed to prohibit a DCA attorney from serving on any other appointed or elected governmental board, commission, committee, or other body, consistent with all applicable conflict-of-interest statutes and regulations and judicial canons of ethics.

RECOMMENDED IMPLEMENTATION

This policy shall be distributed to all new employees in new employee packets or transfer packets for their review and acknowledgment.

In addition, the Department will emphasize this policy by distributing it on an annual basis to all employees to ensure everyone completes the "Incompatible Work Activities Acknowledgment" (Attachment A).

VIOLATIONS

Failure to follow any of the provisions of this policy is cause for discipline, which may include termination of employment.

In addition, any tampering, interference, damage, or unauthorized access to computer data or computer systems may constitute a criminal violation of Penal Code section 502.

REVISIONS

Determination of the need for revisions and/or the status or maintenance of this policy should be directed to the Division of Program & Policy Review at (916) 574-7970.

ATTACHMENTS

A. Incompatible Work Activities Acknowledgement OHR 14-01



Incompatible Work Activities OHR 14-01

I hereby acknowledge receipt of the Department of Consumer Affairs (DCA)
Incompatible Work Activities Policy OHR 14-01.

- ___ 1. I understand that I shall read the Policy and become familiar with its contents.
- ___ 2. I understand that I need to take all reasonable steps to comply with this policy.
- ___ 3. I understand that this completed Acknowledgement will become a permanent part of my Official Personnel File (OPF).
- ___ 4. I understand that my signature on this Acknowledgement does not modify my employment relationship with DCA as set forth in the most current Memorandum of Understanding (MOU) appropriate to my employee bargaining unit.

(Printed Name)

(Signature)

(Date)

(Board/Bureau/Committee/Commission/Program/Division/Office)

Original: Office of Human Resources (Official Personnel File)
Copies: Employee, Supervisor



MEMORANDUM

DATE	March 9, 2015
TO	Board Presidents and Chairpersons
FROM	Original Signature on File Jeffrey Sears, Personnel Officer Department of Consumer Affairs
SUBJECT	Process for Annual Performance Evaluations of Executive Officer

This memorandum revises and updates the February 14, 2013, memo that outlined the process by which boards, committees or commissions (hereafter, "Board") evaluate their Executive Officer (EO), a generic term which is intended to also include Executive Directors and Registrars.

The Performance Appraisal process, which is outlined on the following pages, is based on the principle that performance should be evaluated on a regular basis in order to provide recognition of effective performance and as a tool to provide guidance in improving future performance. In accordance with best practices, the Office of Human Resources recommends that each Board:

- Provide a written evaluation of EO performance each year, which advises the EO of past performance
- Provide constructive, job-related comments and specific examples of work done well and work that could be improved.
- If applicable, provide suggestions identifying specific ways in which the EO can improve performance in the coming year.
- Place this topic on the agenda for the next Board Meeting in 2015, and annually thereafter. For the agenda, provide a copy of this memo (or successor memos on this topic) and the Board Chair/Executive Officer Supervisory Expectations memo (attached) to ensure all Board Members are aware of the EO Evaluation Process and the administrative expectations for the EO.

This topic is now included in the orientation training for new Board Members to ensure the information is disseminated in the future.

A new revision to the *Performance Appraisal for Executive Officer (Evaluation Form)* is attached to the email distributing this process revision, and will also be available to Board staff on the DCA Intranet.

Executive Officer Performance Evaluation Process

The DCA recommends all Boards adhere to the process below, which meets Bagley-Keene Open Meeting Act requirements.

1. When a Board is ready to begin the evaluation process:
 - Determine the Board Meeting when the evaluation will occur and provide proper notice of the evaluation in the meeting agenda. Suggested language for the agenda:
Item # -- **CLOSED SESSION**
"The Board will meet in Closed Session pursuant to Government Code Section 11126(a)(1) to conduct its annual evaluation of its Executive Officer."
 - Ask DCA OHR staff or Board staff to provide the *Performance Appraisal for Executive Officer (Evaluation Form)* to each Member - ideally, two weeks prior to the Meeting.
2. Prior to the Board Meeting during which the EO evaluation will occur, each Board Member independently completes the **Evaluation Form**, rating and commenting on the EO's performance in each applicable category.
3. Prior to the Board Meeting during which the EO evaluation will occur, the Board President/Chairperson should contact the appropriate DCA OHR staff (the Personnel Officer or assigned Personnel Analyst) to discuss the EO's current salary, salary increase potential and any salary restrictions which may be in place.

At the Board Meeting, the EO's performance is discussed by all Board Members in a closed session under Government Code section 11126(a)(1), in accordance with the agenda. Assigned DCA Counsel may assist the Board during this process. The Board may NOT take any action to dismiss or hear any charges brought against the EO.

4. Board Members must:
 - Discuss ratings for each category and any job-related comments for that category.
 - Determine the final ratings for each category and which, if any, comments will be included in the final evaluation.
 - If applicable¹, determine a recommended salary increase and effective date.
5. After the Board has reached consensus on the final ratings and on which comments will be included, the Board's designee – generally, the Board President/Chairperson - prepares a final **Evaluation Form** reflecting the Board's assessment of the EO's performance and includes any job-related comments which the Members deem necessary in order to communicate successes in the past year and any suggestions for improvement.

¹ The Board, via the **Evaluation Form**, may make a recommendation to the Administration to authorize a salary increase. The increase may not exceed the maximum of the salary range for the exempt level assigned to the EO for that Board.

- If applicable, the final Evaluation Form should provide the EO with specific examples of areas for improvement. The Board's suggestions for improvement must be realistic.
 - The Board's salary increase recommendation and a prospective effective date are reported on the final Evaluation Form. Note: The effective date is typically at the beginning of a month, and should be at least thirty (30) days from the meeting date, to allow adequate time for review and approval of the request.
6. After the final Evaluation Form is completed, the Board President/Chairperson or designee meets with the EO to discuss his/her performance, the ratings and any comments provided by the Board Members. At the conclusion of the meeting, both must sign the final Evaluation Form. A signed copy is provided to the EO.
 7. After the Board President/Chairperson and the EO sign the final Evaluation Form, the original is forwarded in a confidential envelope to the Office of Human Resources (Attention: DCA Personnel Officer, at the address on page 1 of this memo), to be filed in the EO's Official Personnel File.
 8. If the Board has recommended a salary increase, the DCA OHR will prepare the documents to submit the request for final approval, based on the salary increase information and effective date indicated on the final Evaluation Form.

Reporting Board Action at Next Board Meeting

The Open Meeting Act requires that, after a closed session where there was an action taken to appoint, employ, or dismiss a public employee, the Board must, during open session at a subsequent public meeting, report that action and the roll call vote, if any was taken. A routine annual evaluation does not need to be reported out. If a Board meeting was held via teleconference, a roll call vote is required, and it will therefore be reported.

Questions regarding this process should be directed to Christine Lally, DCA Deputy Director for Board and Bureau Relations, at (916) 574-8200 or Jeffrey Sears, DCA Personnel Officer, at (916) 574-8301.

Attachment: Board Chair/Executive Officer Supervisory Expectations memo

cc: Awet Kidane, Director
Tracy Rhine, Chief Deputy Director
Christine Lally, Deputy Director, Board and Bureau Relations
Doreatha Johnson, Deputy Director, Legal Affairs
Tonya Corcoran, Deputy Director, Office of Administrative Services
All Board Executive Officers, Executive Directors and Registrars
All DCA Attorneys
OHR Classification and Pay Managers and Analysts



PERFORMANCE APPRAISAL

FOR

EXECUTIVE OFFICER

(including
Executive Director
and
Registrar)

*Prepared by
Department of Consumer Affairs
Office of Human Resources
1625 N. Market Blvd. Suite N-321
Sacramento, CA 95834
(Revised February 2015)*



Executive Officer PERFORMANCE APPRAISAL

INSTRUCTIONS

1. The DCA Performance Appraisal process system is based on the principle that performance should be evaluated on a regular basis in order to provide recognition of effective performance and as a tool to provide guidance in improving future performance.
2. If the Executive Officer (hereafter, "EO", which includes Executive Director and Registrar) is not at the maximum range of salary, the Board, Committee or Commission (hereafter, "Board") may recommend a salary increase for the EO. To qualify for such increases, the EO must meet or exceed performance expectations, as determined by the Board. This form is used to document the Board's recommendation for a salary increase.
3. To indicate the rating of any performance factor, an "X" mark should be placed in the appropriate rating column and in the "Overall Rating" column on each page. Additional spaces have been provided to accommodate other critical performance factors identified by the Board.
4. Comments to the Executive Officer should:
 - Be constructive and provide guidance for future performance;
 - Include factual examples of work especially well or poorly done, and
 - Give specific suggestions for performance improvement.
5. The Overall Ratings must be consistent with the factor ratings and comments, but there is no prescribed formula for computing the Overall Rating.
6. Overall Comments may consist of a summary of comments from specific categories, general comments or comments on other job-related factors which the rater wishes to discuss. Additional pages may be attached.
7. The Board President/Chairperson will discuss the appraisal with the EO and give him or her a signed copy. In signing the appraisal, the EO merely acknowledges that s/he has reviewed the appraisal and has discussed it with the rater. His/her signature does not indicate agreement with the ratings or comments.
8. The original copy of the appraisal, signed by both the Board President/Chairperson and the EO, will be maintained by the Department of Consumer Affairs, in the Executive Officer's Official Personnel File.



EXECUTIVE OFFICER PERFORMANCE APPRAISAL RATING SYSTEM

The rating system consists of five (5) Ratings Categories, as defined below:

Outstanding

Performance significantly exceeds the Board's expectations due to the efforts and ability of the Executive Officer when considering the job in its entirety. Significantly above-standard performance may be exhibited by consistently completing assignments in advance of deadlines; implementing plans and/or procedures to increase efficiency or effectiveness of work; working independently with little direction; and consistently meeting Board goals.

Above Average

Performance exceeds the Board's expectations due to the efforts and ability of the Executive Officer when considering the job in its entirety. Performance is beyond what is expected of an Executive Officer in this position.

Average

Performance of the Executive Officer meets the minimum expectations of the Board. The Executive Officer adequately performs the duties and responsibilities of the position.

Needs Improvement

The Executive Officer's performance fails to meet the Board's minimum expectations due to lack of effort and/or ability when considering the job in its entirety. Performance requires improvement in numerous and/or important aspects of the position.

Not Applicable

Rater is unable to assess the Executive Officer in this area, or the area is not applicable to the employee's job.



Executive Officer
PERFORMANCE APPRAISAL
OVERALL RATING

NAME OF EO:

NAME OF BOARD:

DATE OF BOARD MEETING WHEN RATING OCCURRED:

The overall rating must be consistent with the factor rating and comments, but there is no prescribed formula for computing the overall rating. The rating system is described on page 2.

OUTSTANDING

ABOVE AVERAGE

AVERAGE

NEEDS IMPROVEMENT

OVERALL COMMENTS *(Attach additional pages, if necessary)*

I HAVE PARTICIPATED IN A DISCUSSION OF OVERALL JOB PERFORMANCE

EO Signature:

Date:

Chairperson/President Signature:

Date:

Salary Increase recommendation (if applicable):

No increase No increase (at maximum) Recommended Increase: _____%

Effective Date of Salary Increase: _____



Executive Officer
PERFORMANCE APPRAISAL

Performance Factor		Ratings				
1. Relationship with the Board		Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Maintains respect and trust of Board members.					
2	Provides Board with advice during consideration of issues.					
3	Keeps Board informed of progress of Board programs on a regular basis.					
4	Remains impartial and treats all Board members in a professional manner.					
5	Functions as an effective liaison between Board and Board Staff.					
6	Provides Board with complete, clear, and accurate reports, minutes, etc.					
7	Responds promptly to requests for information from Board members.					
8	Is readily available to Board members.					
9	Responds appropriately to constructive suggestions from Board members.					
OVERALL RATING: Relationship with the Board						

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

Performance Factor		Ratings				
2. Execution of Board Policy		Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Understands and compiles with the overall policies, laws and regulations of the Board.					
2	Implements Board policies.					
3	Efforts lead toward successful accomplishment of goals.					
OVERALL RATING: Execution of Board Policy						

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

Performance Factor		Ratings				
3. Board Programs		Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Ensures effective and efficient management of enforcement programs.					
2	Keeps Board apprised of enforcement program and process developments.					
3	Maintains security of examination process.					
4	Monitors validity/defensibility of examinations and provides appropriate recommendations for action.					
5	Monitors and identifies trends in candidate qualifications, pass/fail rates, etc.					
6	Resolves problems which arise in the exam process.					
7	Keeps Board apprised of exam program and process developments.					
8	Keeps Board apprised of licensing program and process developments.					
OVERALL RATING: Board Programs						

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

Performance Factor		Ratings				
4. Governmental Relations		Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Keeps the Department of Consumer Affairs informed of Board issues, problems, and accomplishments.					
2	Maintains a positive working relationship with other State Agencies.					
3	Manages Board legislative program and efforts.					
4	Manages sunset review process.					
5	Acts a liaison and participates in national organizations, federations or alliances.					
6	Represents the Board effectively before the Legislature.					
OVERALL RATING: Governmental Relations						

Comments: (Attach additional pages, if necessary)

Executive Officer
PERFORMANCE APPRAISAL

Performance Factor		Ratings				
5. Administrative Functions		Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Plans, organizes and directs Board administrative functions and staff.					
2	Provides oversight, direction and management of the Board's annual budget, expenditures and revenues.					
3	Keeps Board apprised of budget developments.					
4	Identifies, recommends and, as directed, seeks necessary changes to laws and regulations through proposed legislation and/or the Office of Administrative Law (OAL).					
5	Ensures compliance and enforcement of departmental, state and federal policies and procedures.					
6	Develops and executes sound personnel practices and procedures.					
OVERALL RATING: Administrative Functions						

Comments: (Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

Performance Factor		Ratings				
6. Public Liaison		Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Represents the Board before the public.					
2	Directs consumer outreach programs.					
3	Manages Board's public relations effort.					
4	Directs liaison with educational institutions.					
5	Solicits and gives attention to problems and opinions of all groups and individuals.					
6	Represents the Board before industry associations to provide information regarding the Board's laws, regulations, programs and policies.					
OVERALL RATING: Public Liaison						

Comments: (Attach additional pages, if necessary)

ADJOURNMENT

Time: _____

