

California Board of Accountancy



Committee Member Resource Guide

Purpose: The purpose of the Committee Member Resource Guide is to provide new and existing committee members with important information regarding: each committee's scope of work, general committee business procedures, expectations of committee members, and various statutes and regulations governing the conduct of committee business.

This guide does not cover all areas of each committee's work. Each committee may also maintain a separate handbook or manual that provides greater detail on the specifics of each committee.

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SECTION I.

THE CALIFORNIA BOARD OF ACCOUNTANCY

For over 100 years, the California Legislature has entrusted the California Board of Accountancy (CBA) with protecting the public related to the practice of public accountancy in California. The CBA's mission evokes this charge: "To protect consumers by ensuring only qualified licensees practice public accountancy in accordance with applicable professional standards."

The breadth of the CBA's influence in the regulatory environment stretches beyond California's borders. The CBA regulates over 115,000 licensees, including individuals (certified public accountants [CPA] and public accountants [PA]) and accounting firms (partnerships, corporations, and out-of-state registered firms). Many of the accounting firms that the CBA regulates have national footprints and some with footprints worldwide. CPAs work in a wide range of areas including, accounting firms, private industry, government, and academia, and provide services to clients of all sizes and needs.

The CBA recognizes the scope of its regulatory influence. With stakeholders ranging from consumers needing accounting services; lenders, shareholders, and investors that rely on services rendered by CPAs; and businesses – large and small – that use CPAs to establish internal accounting controls (to name a few), the protection of the public shapes the policies, regulations, and enforcement decisions reached by the CBA.

By authority of the California Accountancy Act, the CBA:

- Ensures that only candidates who meet certain qualifications are allowed to take the national Uniform CPA Examination.
- Certifies, licenses, and renews licenses of individual CPAs and PAs.
- Registers accountancy partnerships, accountancy corporations, and out-of-state accountancy firms.
- Takes disciplinary action against licensees for violation of CBA statutes and regulations.
- Monitors compliance with continuing education and peer review requirements.
- Reviews work products of CPAs, PAs and accountancy firms to ensure adherence to professional standards.
- Oversees out-of-state licensees who exercise a practice privilege in California.

The CBA establishes and maintains entry-level standards of qualification and conduct within the accounting profession, primarily through its authority to license.

Through its Examination and Initial Licensure programs, the CBA qualifies California candidates for the national Uniform CPA Examination, certifies and licenses individual CPAs, and registers accountancy firms. The CBA's License Renewal and Continuing Competency Program focuses on license renewal, ensuring that licensees maintain a currency of professional knowledge to competently practice public accountancy.

Through its Practice Privilege program (commonly referred to as mobility), qualified out-of-state CPAs may practice public accountancy in California without providing notice or paying a fee. All CPAs practicing in California under the mobility program are subject to the disciplinary authority of the CBA. Further, CPAs must report certain disqualifying events prior to exercising a practice privilege or cease practicing in this state until authorized by the CBA.

To ensure that the consumers of California are protected, the CBA maintains a website with public information about individuals and firms exercising a practice privilege in California. In addition, it contains a search mechanism by which consumers can find current license status information on out-of-state licensees.

The objective of the CBA Enforcement Program is to protect consumers, minimize substandard practice, and rehabilitate and discipline licensees, as warranted. The CBA has the authority to discipline not only licenses held by individuals, but those of firms as well. Enforcement activities include investigating complaints against persons practicing public accountancy without a license and taking disciplinary action against licensees for violations of applicable statutes and regulations. The CBA's Enforcement Program receives complaints from consumers, licensees, professional societies, law enforcement agencies, other government agencies, and internal referrals.

A. MISSION AND VISION OF THE CBA.

The Mission of the California Board of Accountancy is to protect consumers by ensuring only qualified licensees practice public accountancy in accordance with established professional standards.

The Vision of the California Board of Accountancy is that all consumers are well informed and receive quality accounting services from licensees they can trust.

B. COMPOSITION (Ref. Business & Professions Code §§ 5000 & 5001).

The CBA consists of 15 members, seven of whom must be certified public accountants, and eight of whom must be public members who are not licensees of the CBA.

The Governor appoints four of the public members and all of the licensee members with individuals representing a cross section of the accounting profession. The Senate Rules Committee and the Speaker of the Assembly each appoints two public members.

SECTION II.

CBA COMMITTEES

The California Legislature has created, by writing into the Accountancy Act, three standing CBA committees – Enforcement Advisory Committee, Peer Review Oversight Committee, and Qualifications Committee. Each committee serves in an advisory capacity to the CBA.

A. ENFORCEMENT ADVISORY COMMITTEE (Ref. Business & Professions Code § 5020).

1. Purpose.

To assist the CBA in an advisory nature with its enforcement activities by:

- Serving in a technical advisory capacity to the Executive Officer and the Enforcement Program. The Enforcement Advisory Committee members may participate in investigative hearings along with staff investigators, counsel from the Attorney General's Office and where appropriate, outside counsel.
- In an appropriate manner, consistent with the Administrative Procedure Act, reporting its findings from any investigation or hearing to the CBA, or upon direction of the CBA, to the Executive Officer.
- Reviewing open investigations upon request by Enforcement staff and providing technical assistance.
- Reviewing closed investigations and reporting its findings and recommendations to the CBA or upon direction of the CBA, to the Executive Officer.
- Making recommendations and forwarding reports to the CBA for action on any matter on which it is authorized by the CBA to consider.

2. Membership.

The Enforcement Advisory Committee is comprised of up to 13 licensees with a license in an active status.

B. PEER REVIEW OVERSIGHT COMMITTEE (Ref. Business & Professions Code § 5076.1).

1. Purpose.

To act as an advisory committee and assist the CBA in its oversight of the Peer Review Program by:

- Holding meetings as necessary in order to conduct business and report to the CBA regarding the effectiveness of mandatory peer review.
- Ensuring that Board-recognized peer review program providers (Provider) administer peer reviews in accordance with the standards set forth in CBA Regulations Section 48:

- Conduct an annual administrative site visit.
 - Attend peer review board meetings, as necessary but sufficient to evaluate and assess the effectiveness of the program.
 - Attend peer review committee meetings, as necessary but sufficient to evaluate and assess the effectiveness of the program.
 - Attend meetings conducted for the purposes of accepting peer review reports, as necessary but sufficient to evaluate and assess the effectiveness of the program.
 - Conduct reviews of peer review reports on a sample basis.
 - Attend, on a regular basis, peer reviewer training courses.
- Evaluating any *Application to Become A Board-recognized Peer Review Provider* and recommending approval or denial to the CBA.
 - Referring to the CBA any Provider that fails to respond to any request.
 - Collecting and analyzing statistical monitoring and reporting data from each Provider on an annual basis.
 - Preparing an Annual Report to the CBA regarding the results of its oversight.
 - Evaluating the Peer Reviewer Population.

2. Membership.

The Peer Review Oversight Committee is comprised of seven licensees with a license in an active status.

C. QUALIFICATIONS COMMITTEE (Ref. Business & Professions Code § 5023).

1. Purpose.

To act as an advisory committee and assist the CBA in its licensure activities by:

- Conducting personal appearances with applicants applying with foreign attest experience under the provision of California Code of Regulations (CCR), title 16, section 12.5(f).
- Conducting work paper reviews of experience of applicants appearing before the QC under the provisions of CCR sections 12.5(e) and 69(d). (**Appendices 1 and 2**).
- Interviewing licensees that appear before the committee under the provision of CCR section 69. (**Appendix 3**).
- Making recommendations and forwarding reports to the CBA for action on any matter on which it is authorized to act.

2. Membership.

The Qualifications Committee is comprised of 13 licensees with a license in an active status.

SECTION III.

MEETINGS

A. BAGLEY-KEENE OPEN MEETING ACT (Ref. Government Code § 11120-11132).

All meetings of the three standing advisory committees are subject to the Bagley-Keene Open Meeting Act. The Bagley-Keene Open Meeting Act is summarized in a document developed by the Department of Consumer Affairs (**Appendix 4**). All meetings are to occur in an open setting, with limited exceptions available to both the Enforcement Advisory Committee and Qualifications Committee, which may conduct specific portions of their business in closed session.

B. FREQUENCY OF MEETINGS AND EXPECTED TIME COMMITMENT.

1. Enforcement Advisory Committee.

The Enforcement Advisory Committee meets approximately five times annually, generally for one day each meeting.

In addition to the scheduled Enforcement Advisory Committee meetings, members spend an additional 2-3 hours per meeting reviewing meeting materials.

2. Peer Review Oversight Committee.

The Peer Review Oversight Committee meets approximately four times annually, generally for one day each meeting.

In addition to the scheduled Peer Review Oversight Committee meetings, members spend an additional 2-3 hours per meeting reviewing meeting materials. Additionally, as part of its administrative functions, Peer Review Oversight Committee members will need to spend time attending various California Society of CPAs Peer Review Administrative Committee and Report Acceptance Body meetings, which occur regularly throughout the year.

3. Qualifications Committee.

The Qualifications Committee meets approximately four times annually, generally for one day each meeting.

In addition to the scheduled Qualifications Committee meetings, members spend an additional 2-3 hours per meeting reviewing meeting materials. Additionally, Qualifications Committee members may conduct additional personal appearance reviews under the provision of CBA Regulations section 69 (Section 69 review).

C. LOCATIONS.

All meeting locations are compliant with the Americans with Disabilities Act, easily accessible to the public, and generally the Enforcement Advisory Committee alternates between northern and southern California locales and the Qualifications Committee and Peer Review Oversight Committee meetings take place in northern California.

D. AGENDA.

For each meeting, in consultation with the committee Chairperson, staff prepares an agenda and public meeting notice. The agenda and public meeting notice for each meeting must be posted to the CBA website no less than 10 days prior to the meeting date.

E. MINUTES.

Draft minutes are prepared and distributed to the Chairperson, DCA Legal Counsel, and committee members and are available for public viewing via the CBA website prior to the subsequent meeting. During the committee meeting, any necessary corrections are incorporated into the minutes and are then moved for adoption.

After adoption of the committee minutes, they are forwarded to the next CBA meeting for consideration and acceptance. Upon CBA acceptance, the committee Chairperson signs the minutes, which staff retains in the CBA office as a public record of the committee activities.

F. ROLL CALL AND QUORUM.

At the beginning of each meeting, the committee staff liaison shall take a roll call, the purpose of which is to establish a quorum of the committee. Before any action the committee may take on agenda items, a quorum must be established.

For purposes of the committees, a quorum is based on the majority of members appointed to the committee; vacant positions do not count toward the establishment of a quorum.

G. VOTING.

Upon establishment of a quorum, on any matter for which the committee will act, the Chairperson shall call for a vote. This may only occur after the Chairperson first inquires if any members of the public wish to comment on the proposed motion.

A motion passes based on the majority votes of the established quorum.

1. Recording.

In accordance with California Government Code section 11123, after each motion, a roll call will be taken by the staff liaison. Member's names will be called and each member will state their vote for the motion as yes, no, or abstain. Each member's vote for the action, or the abstention or recusal of each member attending the meeting, will be recorded in the minutes. Those absent are recorded after every motion unless the member is shown as absent from the entire meeting.

Excerpts from minutes must be accompanied by the first two pages of the same minutes that list those in attendance.

Subsequent modification to these procedures may be needed, as deemed appropriate and in accordance with the provisions of the Bagley-Keene Open Meeting Act.

2. Abstentions.

A committee member will abstain from voting on an issue if for any reason a conflict of interest is or may be perceived to be present.

Abstentions do not prevent a motion from carrying. For example, if five members vote in favor of a motion, four members vote against a motion, and three abstain, the motion would carry.

H. CLOSED SESSION.

1. Enforcement Advisory Committee.

The Enforcement Advisory Committee is authorized to conduct portions of its business in closed session for the following reasons:

- To review and deliberate on enforcement files (Ref. Government Code § 11126(c)(2) and Business and Professions Code § 5020).
- To interview and consider disciplinary action against an individual licensee or applicant prior to the filing of an accusation or statement of issues (Ref. Government Code § 11126(c)(2) and (f)(3) and Business and Professions Code § 5020).

2. Qualifications Committee.

The Qualifications Committee is authorized to conduct portions of its business in closed session to conduct closed hearings to interview individual applicants and employers for the purpose of CPA licensure (Ref. Government Code § 11126(c)(2) and (f)(3) and Business and Professions Code § 5023).

I. WEBCAST

All committee meetings are recorded, webcast live via Webex, provide closed captioning, and are archived on the CBA website for at least three years.

J. ADJOURNMENT.

The CBA has delegated the adjournment of the meeting to the respective committee chairs. The committee chairs will adjourn the meeting in accordance with the Bagley-Keene Open Meeting Act. If adjournment of the meeting is immediately after closed session, the meeting will be reconvened into open session prior to adjournment.

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SECTION IV.

MEMBERS RESPONSIBILITIES & DUTIES

Committee members are responsible for carrying out the statutory requirements prescribed by the Legislature and any additional activities and expectations as communicated and prescribed by the CBA. Additionally, members must adhere to any and all statutory and regulatory requirements, as well as all policies and procedures contained in this California Board of Accountancy Committee Member Resource Guide.

A. RESPONSIBILITIES.

1. Attendance.

In accepting appointment to one or more of the committees, committee members made a commitment to dedicate the time necessary to attend the meeting and participate fully in the committee's business. Therefore, committee members are expected to attend all regularly scheduled meetings, in addition to actively volunteering for other committee business. Staff takes attendance at each meeting and provides an ongoing summary of members' attendance to the committee Chairperson, Vice Chairperson, and CBA Executive Officer. Members that are absent for two meetings will be subject to review by the Chairperson and Vice Chairperson. Upon recommendation by the Chairperson or CBA Executive Officer, members may be removed from the committee by action of the CBA.

2. Mentoring.

Committee Leadership and more experienced members are encouraged to act as mentors to new committee members, making themselves available to answer procedural and historical questions that may arise.

B. TENURE.

Committee members are appointed to a two-year term and may serve up to four consecutive terms. Committee members not maintaining satisfactory attendance or found not to be actively participating in committee business may be removed from the committee by action of the CBA.

C. COMMITTEE LEADERSHIP.

Annually, the CBA appoints a Chairperson and Vice Chairperson to each committee. The appointments are made at the November CBA meeting, with the individuals assuming the appointments effective January 1 of the following year. The Chairperson and Vice Chairperson are entrusted with leadership of the committee and are responsible for ensuring the committee meets the charges as directed by statute and the expectations as communicated by the CBA.

1. Chairperson.

The appointment tenure for Chairperson is a one-year term. The Chairperson can serve multiple one-year terms; however, in general, a committee member will not be appointed to serve as Chairperson during their final year on the committee. This will allow for the

Chairperson to serve in the capacity of immediate-past Chairperson and assist the new Chairperson in the role.

Duties.

- Preside over the committee meetings
- Approve agenda
- Perform evaluations of committee members
- Attend CBA meetings to provide a report on committee activities to the CBA
- Review candidate interest letters, performs candidate interviews, and makes recommendations to the CBA Vice President and Executive Officer regarding initial appointments to the committee
- Make recommendations to the CBA Vice President and Executive Officer regarding reappointments to the committee
- Monitor attendance, proactively addressing any attendance issues with members and reports any attendance issues to the CBA Vice President and Executive Officer
- Mentor Vice Chairperson

2. Vice Chairperson.

The appointment tenure for Vice Chairperson is a one-year term. In general, a committee member will not serve more than one year as a committee Vice Chairperson. This allows for multiple committee members to cycle through the Vice Chairperson position and allows the CBA a pool of candidates to select from when considering a new committee Chairperson.

Duties.

- Act in the absence of the Chairperson
- Attend CBA meeting to provide a report of committee activities when Chairperson is unable to attend
- Actively participates in the recommendation process for committee appointments and reappointments
- Assist the Chairperson in ensuring satisfactory attendance of committee members

SECTION V.

LIAISONS

In an effort to ensure the committees meet their respective charges, the committees are assigned liaisons. All committees are assigned a staff liaison and two CBA member liaisons.

A. STAFF LIAISONS.

The staff liaison provides numerous support activities for the committee. From an administrative aspect, the staff liaison will assist members with travel arrangements and expense reimbursement. The staff liaison, working in conjunction with the Chairperson, prepares the meeting agenda, meeting materials, and minutes.

The staff liaisons for each committee are as follows:

Enforcement Advisory Committee

Tyler Wipfli

(279) 236-3063

Tyler.wipfli@cba.ca.gov

Peer Review Oversight Committee

Matthew Parsons

(279) 236-3091

Matthew.parsons@cba.ca.gov

Qualifications Committee

Melissa Cardenas

(279) 236-3077

Melissa.cardenas@cba.ca.gov

B. CBA-APPOINTED LIAISONS.

For the Enforcement Advisory Committee and Qualifications Committee and Peer Review Oversight Committee, the CBA President appoints one CBA member liaison. The CBA-appointed liaisons are responsible for keeping the CBA informed regarding emerging issues and recommendations made at the committee meetings, including assisting the Chairperson with providing the committee report at the CBA meetings. In addition, the CBA-appointed liaisons are to keep the committee informed of the CBA policies and assignments, and to make recommendations to the CBA regarding Chairperson and Vice Chairperson appointments. This process is facilitated by the staff liaison to the committee.

The CBA-appointed liaisons are responsible for evaluating committee Chairpersons, Vice Chairpersons, and committee members for whom they have specific knowledge of their performance, and report those evaluations to the CBA Vice President and Executive Officer, as required. The CBA-appointed liaisons perform these evaluations by completing the Committee Member Evaluation (**Appendix 5**).

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SECTION VI.

APPOINTMENT/REAPPOINTMENT PROCESS

In order to ensure appropriate staffing of its committees, the CBA continually recruits new committee members and evaluates those presently serving on the committees. The CBA works to ensure that a broad cross-section of knowledge, skills, and abilities, covering public practice, private industry, and government are represented to ensure the committees can perform their respective charges. Additionally, the CBA works to ensure proper succession planning for its committees, thus, when necessary committee members may be cycled off to ensure that committee members have varying term expiration dates.

A. QUALIFICATIONS.

To qualify for appointment to a CBA advisory committee, an individual interested in serving must be actively licensed to practice public accounting for a minimum of two years prior to the appointment and, if appointed, must maintain an active license status during tenure on the committee. Additionally, there must be no pending enforcement actions against their license.

B. RECRUITMENT.

The CBA maintains a permanent page on its website focused to volunteering and serving on a CBA advisory committee. Further, as necessary, staff will coordinate recruitment efforts to ensure committees are properly staffed. Staff will use all avenues necessary to facilitate recruitment to include running articles in the CBA publication UPDATE, use of social media outlets (*i.e.* Facebook, Twitter, LinkedIn), and various professional associations (*i.e.* the California Society of CPAs).

Additionally, the CBA encourages present committee members to encourage qualified colleagues to consider service on one of the CBA's standing advisory committees.

C. APPLICATION.

An individual interested in serving on one or more of the CBA's standing advisory committees should submit a letter of interest, along with a resume, curriculum vitae (CV), or both to the CBA Executive Officer at the contact information below. Please include your CPA license number with any letter of interest.

Dominic Franzella
Executive Officer
California Board of Accountancy
2450 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Outreach@cba.ca.gov

D. INITIAL APPOINTMENT EVALUATION PROCESS.

1. Prospective Committee Member Compliance Evaluation.

Upon receipt of a letter of interest, staff will perform a prospective committee member compliance evaluation to ensure that potential appointees adhere to California's various statutory and regulatory requirements.

2. Professional Affiliations Statement.

Concurrent with the compliance evaluation, a potential appointee will receive the Professional Affiliations Statement (**Appendix 6**). The completed form must be returned to the CBA office prior to further consideration.

3. Interview Process.

The Chairperson will evaluate the qualifications of a potential appointee, paying attention to the Committee Skills Matrix (**Appendix 7**) that identifies the areas of need for the committee and the various expertise of the present members.

After review by the committee Chairperson, a potential appointee may be scheduled for an interview with the committee Chairperson, Vice Chairperson, and appropriate CBA Program Chief (Enforcement Advisory Committee – Enforcement Chief, Qualifications Committee and Peer Review Oversight Committee – Licensing Chief). The interviews generally are done via telephone, but can be conducted in person, if preferred, and possibly in conjunction with one of the committee's regularly scheduled meetings.

4. Recommendations for Appointment.

After the interview process, the Chairperson shall evaluate the potential appointee with the Vice Chairperson and CBA Program Chief to determine if a recommendation to the committee should be made. If a recommendation is warranted, the Chairperson will provide the recommendation to the CBA Vice President and Executive Officer.

If the CBA Vice President concurs with the recommended appointment, they will bring the appointment before the full CBA for consideration and possible adoption.

E. REAPPOINTMENT PROCESS.

1. Annual Evaluations.

The Chairperson is responsible for completing bi-annual evaluations of the committee members. The Chairperson shall complete the Committee Member Evaluation (**Appendix 5**). The Chairperson shall assess the committee members' interpersonal skills, communication, leadership, preparedness, and participation.

The Chairperson shall complete the evaluation approximately three months prior to the term expiration for a particular committee member. The evaluation will be due within two weeks of receipt, at which time the Chair, CBA Vice President and Executive Officer will review the completed evaluation.

2. Committee Member Reappointment Interest.

Approximately three months prior to the expiration of a committee member's term, the committee member will receive correspondence inquiring about their interest in reappointment to the committee. If the committee member is seeking reappointment, they must submit a Professional Affiliations Statement and updated resume, CV, or both.

3. Recommendations for Reappointment.

Upon receipt of a completed Professional Affiliations Statement and updated resume, CV, or both, in which the committee member affirmatively states they are seeking reappointment, the committee Chairperson, Vice Chairperson, and appropriate CBA Program Chief will evaluate the committee member for reappointment, which includes reviewing the member's compliance evaluation and ensuring the member has completed all mandatory trainings and forms. The Chairperson shall provide their recommendation, whether for reappointment or non-reappointment, to the CBA Vice President and Executive Officer.

On those appointments with which the CBA Vice President concurs, the CBA Vice President will bring the appointments before the full CBA for consideration and possible adoption.

F. LEADERSHIP APPOINTMENT/REAPPOINTMENT PROCESS.

1. Committee Member Leadership Interest.

Staff will send correspondence to present committee members requesting that those interested in serving in a Leadership capacity on the committee should indicate such an intent by submitting a Statement of Qualifications and current resume, CV, or both, no later than September 15.

For those already serving in a Leadership role, they must submit a Statement of Qualifications and current resume, CV, or both annually to identify whether they wish to continue to serve in a Leadership capacity.

2. Committee Chairperson/Vice Chairperson Evaluations.

For those individuals that have expressed interest in a committee Leadership position, the Committee Member Evaluation (**Appendix 5**) will be circulated to the current Chairperson, Vice Chairperson, and Program Chief.

3. Consideration.

Annually, the CBA Vice President and Executive Officer will discuss appointments for committee Leadership. For Vice Chairperson appointments, the Chairperson will participate in the evaluation process. Additionally, a Chairperson cycling off of a Chairperson appointment will participate in the evaluation process.

4. Recommendations.

The CBA Vice President will bring the committee Leadership appointments before the full CBA for consideration and possible adoption at the November CBA meeting.

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SECTION VII.

COMMITTEE MEMBER REQUIRED FORMS & TRAINING

After initial appointment and during their tenure on the committee, members must complete certain training and forms to ensure members are aware of, and adhere to, the applicable laws surrounding conflict of interest and ethics. Member appointments and reappointments are contingent on the completion of the mandatory training and forms.

A. PAPERWORK TO COMPLETE UPON APPOINTMENT.

Upon CBA appointment, committee members will receive a package of materials, including a congratulatory letter and several documents that must be completed and returned to the CBA. These documents are included in **Appendix 8** and are referenced below. New committee members must submit all documents to the CBA prior to participating in committee business.

- Oath of Office (must be notarized)
- Designation of Person Authorized to Receive Warrants
- Employee Action Request
- State Employee Race/Ethnicity Questionnaire
- Establishment of Headquarters
- Board and Committee Member Information
- Payee Data Record
- Authorization to use Privately Owned Vehicle on State Business
- Employment Eligibility Verification (I-9) (include copies of supporting documents)
- CalPERS Notice of Exclusion From CalPERS Membership for State Agencies
- CalPERS Reciprocal Self-Certification Form
- Incompatible Work Activities (Acknowledgment Form on the last page must be signed and returned)
- Sexual Harassment Prevention Policy (Review and acknowledge through DCA's Learning Management System)
- Non-Discrimination Policy and Complaint Procedures (Review and acknowledge through DCA's Learning Management System)
- Participation in Examination Development Workshops (sign and return Attachment B – DCA Board and Committee Member Conflict of Interest Declaration)
- DCA Emergency Information Form

B. CONFLICT OF INTEREST – GENERAL GUIDELINES.

The Political Reform Act of 1974 (Proposition 9), as it governs conflicts of interest, was primarily designed to prevent persons from financially benefiting by virtue of their official position. There are two major aspects of the Political Reform Act: one refers to disqualification, the other to financial disclosure. CBA members have responsibilities under each of these aspects which are separately discussed. **Appendix 9** is a tip sheet regarding conflict of interest reporting requirements.

This act requires each state agency to adopt a Conflict of Interest Code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The identified individuals are required to annually report their financial interests on a Statement of Economic Interests form (Form 700).

The Fair Political Practices Commission has primary responsibility for administration of the Political Reform Act. Questions about obligations under the Political Reform Act can be directed to the Fair Political Practice Commission at: <https://www.fppc.ca.gov/advice.html> 1-866-ASK-FPPC (1-866-275-3772).

1. Disqualification.

Government Code section 87100 sets forth the general prohibition: "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

Any committee member who has a financial interest must disqualify themselves from making or attempting to use their official position to influence the decision. The question of whether a committee member has a financial interest that would present a legal conflict of interest is a complex one and must be decided on a case-by-case review of the particular facts involved. For more information on disqualification due to a possible conflict of interest, please refer to the Fair Political Practice Commission's Conflicts of Interest Rules at: <https://www.fppc.ca.gov/learn/conflicts-of-interest-rules.html>.

Additionally, committee members should be disassociated from any involvement with an applicant and/or licensee file with whom the committee member may have a conflict of interest.

2. Financial Disclosure.

The Conflict of Interest Code also requires all committee members to file annual financial disclosure statements. This is accomplished by submitting a Form 700 – Statement of Economic Interest. Members may submit the Form 700 online or by mailing a hard copy. Members will receive an email from Netfile which will provide instructions on completing the Form 700 electronically. A hard copy can be found on the FPPC's website at <https://www.fppc.ca.gov/> and should be mailed to the attention of the Board Relations Analyst at the CBA office.

New committee members are required to file a disclosure statement within 30 days after assuming office. Annual financial statements must be filed not later than April 1 of each

year. A "leaving office statement" must also be filed within 30 days after an affected committee member or other official leaves office.

Committee members are not required to disclose all their financial interests. Government Code section 87302(b) indicates 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.

To determine what investments, interests in property or income must be reported by a committee member, reference should be made to the DCA's Conflict of Interest Code (**Appendix 10**). Questions concerning particular financial situations and related requirements should be directed to the DCA's Legal Office.

The Executive Officer may request assistance from DCA Legal in evaluating a possible conflict of interest.

3. DCA's Policy: Incompatible Activities (Ref. Government Code § 19990).

The following is a summary of the employment, activities, or enterprises, which 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.
- 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 such information has not been authorized.
- Receiving or accepting money, or any other consideration, from anyone other than the state for the performance of their duties as a state officer or employee.
- Performing an activity, in other than their capacity as a state officer or employee, which may be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the officer or employee. [This, of course, would not preclude an "industry" member of a CBA or commission from performing the normal functions of their occupation.]
- 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 is seeking to do business of any kind with the officer or employee's appointing authority under circumstances from which it could reasonably be substantiated that the gift was intended to influence the officer or employee in his or her official duties, or was intended as a reward for any official action performed by the officer or employee.

- Subject to any other laws, rules, or regulations as pertain thereto, an officer or employee is prohibited from 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 officer or employee.
- 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. DCA's Incompatible Work Activities Policy and Procedure LGL 23-01 is included in **Appendix 11**. This policy acknowledgement is required when a member is initially appointed.

C. ETHICS TRAINING REQUIREMENT

With the passage of Assembly Bill 2179 (Chapter 364, Statutes of 1998), state appointees and employees in exempt positions are required to receive an ethics orientation within the first six months of their appointment and every two years thereafter. To comply with that directive, you may complete the interactive training on the website of the Office of the Attorney General. Ethics training information may be found at: https://www.dca.ca.gov/about_us/board_members/board_training_and_forms.pdf.

D. SEXUAL HARASSMENT PREVENTION TRAINING REQUIREMENT

In accordance with the DCA Sexual Harassment Prevention (SHP) Policy (EEO 22-01), (**Appendix 12**) and to ensure compliance with Assembly Bill 1825 (Chapter 933, Statutes of 2004), all DCA employees are required to receive biennial Sexual Harassment Prevention training. The training is mandatory for Rank-and-File Employees, Temporary Employees (Retired Annuitants, Proctors, Seasonal Employees, and Student Assistants), Managers, Supervisors, Board, Committee Members, and Commission Members. The Sexual Harassment Prevention training titled *2024-2025 Sexual Harassment Prevention Training (SB 1343)* offers real life scenarios and interactive question and answer segments. DCA requires that all employees complete Sexual Harassment Prevention Training within 60 days of appointment and in every odd calendar year. Training is offered via webinars and can be accessed through the Learning Management System.

E. DEFENSIVE DRIVERS TRAINING

Pursuant to the State Administrative Manual, all State employees, which includes CBA and Committee Members, who drive a vehicle on official state business must complete the Department of General Services approved Defensive Driver Training within the first six months of their appointment and every four years thereafter. Defensive Driver Training information may be found at: <https://www.dgs.ca.gov/Services/Page-Content/Service-List/Enroll-in-Defensive-Driver-Training>.

F. WORKPLACE VIOLENCE PREVENTION TRAINING AND POLICY REQUIREMENT

In accordance with the DCA Workplace Violence Prevention Policy (**Appendix 13**) and to ensure compliance with Senate Bill 553 (Chapter 289, Statutes of 2023, Cortese), CBA Members are required to complete DCA's Workplace Violence Prevention training and policy acknowledgement. The purpose of the policy is to insure that DCA employees and members of the public can conduct the business of DCA free of threats and acts of violence. DCA requires that all employees complete the training and policy acknowledgement within 30 days of appointment and every year after. The training and policy can be accessed through the Learning Management System.

G. INFORMATION SECURITY AWARENESS FUNDAMENTALS TRAINING REQUIREMENT.

Committee Members are required to complete DCA's Information Security awareness Fundamentals (ISAF) training only if utilizing a CBA email address. ISAF training provides an overview of the most important issues regarding security awareness. Issues include incident response, malware, safe surfing and human firewalls, phishing and social engineering, mobile and the Cloud, backup and preventative care, physical and non-technical security, privacy, and policy. Members must complete the training upon establishment of CBA email account and annually thereafter. The training is offered via webinars and can be accessed through the Learning Management System.

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SECTION VIII.

EXPENSE REIMBURSEMENT

A. PER DIEM AND TRAVEL.

1. Committee Member Travel

CBA staff is always available to assist members with any CBA-related travel arrangements including air or train transportation, car rental, and any lodging that is not associated with a board/committee meeting room block. If a member chooses to coordinate their own travel arrangements, they should use CalTravelStore's online portal www.concur.com to book their travel. Member's Concur accounts will be setup by CBA staff using the member's personal email address and a temporary password, which will be sent to you via email by the CBA Assistant Human Resources Liaison. Prior to travel, members will need to update the temporary password and add any applicable information, including rewards/frequent flyer traveler information and TSA Pre ✓ Known Traveler Number.

More information regarding CalTravelStore can be found at:
<http://www.caltravelstore.com>.

Committee members are also encouraged to use the most economic source of transportation available. For example, if there is a shuttle from the airport to the hotel available, it is not fiscally responsible to rent a car or take a taxi. To ensure full reimbursement of travel costs, requests for using a less economical mode of transportation should be submitted prior to travel to the Staff Liaison.

2. Lodging for Committee Meeting.

Approximately four weeks before a committee meeting, the designated staff liaison will send out a memorandum detailing the name and address of the chosen hotel if a room block has been secured. If there is no room block, members must secure a sleeping room through Concur. Whenever possible, members are encouraged to secure same-day travel for the committee meetings. Staff are available to assist committee members in making travel reservations, or members are free to coordinate them on their own.

3. Reimbursement for Travel and Per Diem expenses.

All new committee members are provided with an electronic copy of the Per Diem and Travel Expense Worksheet when they are appointed (**Appendix 14**). A paper copy is also available at all in-person meetings.

The form is two forms in one: the top section authorizes the payment of Per Diem of \$100 per day for any days or portion of a day spent on committee-related activities; the bottom section is where committee members claim expenses for travel reimbursement.

NOTE: Please complete the worksheet and return it to the CBA office within two weeks following committee meetings. Staff cannot process your Per Diem or travel expense claim without it.

A few key notes regarding the completion of the form:

- To complete your travel expense claim, you must submit the worksheet, along with the required receipts via email or USPS to the Travel Claims Coordinator. This includes a copy of your airline itinerary and hotel receipt. Please make sure that the hotel receipt you submit has a zero balance. DCA will NOT pay any receipts that show a balance due.
- When requesting reimbursement for personal vehicle mileage, you must include where the trip originated from, where it ended, and the license plate number of the vehicle. For example, enter From: Home, 123 Green Street, Sacramento, CA 95815 To: CBA Office, 2450 Venture Oaks Way, Sacramento, CA 95833.
- Committee members shall have CBA President pre-approval for all travel and per diem reimbursement, except for regularly scheduled board and committee meetings to which committee member is assigned. CBA members will be reimbursed for per diem and travel expenses incurred while performing approved board business in accordance with State-mandated requirements and reimbursement criteria.

Per Diem can be claimed on days when committee-required training was completed and attendance at committee-related meetings and events (outreach events or speaking engagements).

Travel expenses are reimbursed in accordance with the policies found within the California Code of Regulations, Title 2 (Personnel Administration), Division 1 (Administrative Personnel), Chapter 3 (Department of Personnel Administration), Subchapter 1 (General Civil Service Rules), Article 2 (Travel Expenses), and employee Memoranda of Understanding (MOU).

State employees shall reserve, where available, airfares that are nonrefundable, and shall, where operationally feasible, reserve their domestic airfare(s) at least seven days prior to their anticipated travel date(s) and at least 30 days prior to their anticipated travel date(s) for international travel. Additionally, when traveling internationally, state employees shall choose the most economical airfare that meets their business needs.

In accordance with using the most economic mode of travel, flight changes for the purpose of personal convenience that incur a fee or difference in fare will be at the cost of the traveler and not paid by the state of California.

The DCA has compiled a guide to assist in interpreting the various policies, which is what staff use when processing travel expense claims. The DCA Travel Guide is provided as **Appendix 15**.

SECTION IX.

LIST OF APPENDICES

APPENDIX 1	California Code of Regulations, Title 16, Section 12.5(e)
APPENDIX 2	California Code of Regulations, Title 16, Section 69(d)
APPENDIX 3	California Code of Regulations, Title 16, Section 69
APPENDIX 4	DCA Guide to the Bagley-Keene Open Meeting Act http://www.dca.ca.gov/publications/bagleykeene_meetingact.pdf
APPENDIX 5	Committee Member Evaluation
APPENDIX 6	Professional Affiliations Statement
APPENDIX 7	Committee Skills Matrix (EAC and QC version provided for example purposes)
APPENDIX 8	Paperwork to Complete Upon Appointment (multiple documents)
APPENDIX 9	CBA Tip Sheet on Conflict of Interest Reporting Requirements
APPENDIX 10	DCA Conflict of Interest Regulations
APPENDIX 11	DCA's Incompatible Work Activities Policy and Procedure_LGL 23-01
APPENDIX 12	Sexual Harassment Prevention Policy EEO 22-01
APPENDIX 13	DCA's Workplace Violence Prevention Policy DOI 24-01
APPENDIX 14	Per Diem and Travel Expense Worksheet with Travel Reimbursement Guidelines
APPENDIX 15	DCA Travel Guide

APPENDICES AVAILABLE UPON REQUEST