



## **Bylaws**

### **Article I: Title and Purpose**

#### **Art. I, Section I: Title**

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

#### **Art. I, Section II: Purpose**

DRAC is established pursuant to the requirements of [Government Code section 19795, subdivision \(b\)](#), which requires all state agencies to establish a committee of employees who are individuals with a disability, or individuals who have an interest in disability issues, to advise the head of the agency on matters relating to the formation and implementation of a plan to overcome and correct any underrepresentation as determined pursuant to [Government Code sections 19233 and 19234](#). DRAC, through the Director of the Equal Employment Rights and Resolution (EER&R) Office, advises the Attorney General and Chief Deputy Attorney General on matters relating to Government Code section 19795, subdivision (b) as a means to enhance employment and promotional opportunities for individuals with disabilities and to provide a vehicle for consultation related to effective implementation of the [Americans with Disabilities Act of 1990 \(ADA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#).

Serving as a DRAC member provides opportunities to share ideas, collaborate with fellow members and colleagues, and advocate for DOJ employees with disabilities. All membership seats are responsible for active participation in meetings, subcommittees, voting, and events.

### **Article II: Legal Authority**

State agencies are required to establish a disability advisory committee. Specifically, Government Code section 19795, subdivision (b) states, "Each State agency shall establish a separate committee of employees who are individuals with a disability, or who have an interest in disability issues, to advise the head of the agency on issues of concern to employees with disabilities, and matters relating to the formulation and implementation of the plan to overcome and correct any underrepresentation determined pursuant to [Government Code section] 19234."

### **Article III: Structure and Function**

#### **Art. III, Section I: EER&R Support**

The Director of EER&R established a DRAC Liaison to provide support and assistance to DRAC. Support services, such as interpreters, readers, or note-takers, may be necessary for meetings or other DRAC activities. Individuals attending in supportive services roles are not voting members. The DRAC Chairperson/Co-Chairpersons should provide the DRAC Liaison with sufficient advance notification (preferably at least two (2) weeks' notice) if such services are required.

Employee participation in DRAC activities is dependent on workload considerations and operational needs. In the event of conflicts, the needs of the employee's specific workload and operational needs of DOJ will prevail. Membership approval and continued participation in DRAC is contingent upon the employee not



having any pending [adverse employment action](#) or current [performance plans](#), and upon their supervisor's approval to ensure the employee's workload allows for participation.

#### **Art. III, Section II: Member Communication**

DRAC acts as one committee. Members may not independently send out letters, memoranda, communications, or take actions without the consensus of the DRAC membership, DRAC Chairperson/Co-Chairpersons and approval of the Director of EER&R. DRAC is not authorized to advocate for individual discrimination complaints, labor relations grievances, and/or personnel actions since each process has its own formal procedure and designated representatives. DRAC is also not authorized to advocate for events, causes, and organizations that are not directly related to issues impacting equal employment opportunity for DOJ employees.

Membership guidelines outline the basic composition and tenure of DRAC and the general roles and responsibilities of its members. These guidelines are not meant to address every component of committee activity, but to provide guidance to members and the EER&R Office.

#### **Article IV: Committee Composition and Tenure**

##### **Art. IV, Section I: Qualifications**

Government Code section 19795, subdivision (b) requires that each State agency establish a committee of employees who are individuals with disabilities or who have an interest in disability issues. All employees shall be invited to serve on the committee and the final selection of members will be at the discretion of the Director of EER&R, or their designee. The agency must either ensure that at least two-thirds of the members of the committee are individuals with disabilities or retain documentation that demonstrates that the number of employees invited to participate, and willing and able to serve, was insufficient to meet this requirement.

##### **Art. IV, Section II: Member's Term of Appointment**

Appointments for members will be for a two-year term, from July 1 through June 30. Prospective members shall submit the application for DRAC Membership (JUS 8909) at any time throughout the year to the EER&R Office. Any DRAC member may reapply for another two-year term.

Officers shall consist of a Chairperson/Co-Chairpersons, Secretary, and Statewide Disability Advisory Council Representative.

##### **Art. IV, Section III: Subcommittee Membership**

Subcommittees may be needed to carry out committee efforts and shall consist of at least one member. DRAC Chairperson/Co-Chairpersons, in consultation with the DRAC Liaison, will work to obtain subject matter experts from DOJ leadership for subcommittee participation.

**Subcommittee Coordination and Oversight:** DRAC Chairperson/Co-Chairpersons shall be responsible for coordination and oversight of the subcommittees.



**Subcommittee Findings:** Subcommittee findings and reports shall be submitted in writing to the DRAC Chairperson/Co-Chairpersons (cc: Director of EER&R and DRAC Liaison).

#### **Art. IV, Section IV: Member and Officer Resignations or Terminations**

**Resignations:** Members and Officers shall submit a written resignation, including the effective date, to the DRAC Chairperson/Co-Chairpersons (cc: DRAC Liaison).

**Terminations:** Membership terminates when the DRAC member is no longer employed by DOJ. Membership can also be terminated by the employee's supervisor via written request to the Director of EER&R (cc: DRAC Liaison). The employee's supervisor shall endeavor to provide their employee at least 30 calendar days notice prior to the effective date of termination.

#### **Art. IV, Section V: Role and Responsibilities of DRAC Officers – Chairperson/Chairpersons, Secretary, and Statewide Disability Advisory Council Representative**

Members of DRAC shall include a Chairperson/Co-Chairpersons, Secretary, and Statewide Disability Advisory Council Representative. The Chairperson/Co-Chairpersons may assign a temporary backup to the Secretary and Statewide Disability Advisory Council Representative when those members are unable to attend a meeting.

**Chairperson/Co-Chairpersons:** Shall be responsible for developing, posting, and distributing the meeting agendas, securing the meeting location and format, and conducting the meetings using standard parliamentary procedure, with input from the DRAC members and DRAC Liaison. The DRAC Chairperson/Co-Chairpersons is a non-voting member, allowing them to conduct the meeting in a fair and objective manner. However, when there is a tied vote, the DRAC Chairperson/Co-Chairpersons will cast the deciding vote.

**Secretary:** Shall take, finalize, file, and distribute to the DRAC members (cc: DRAC Liaison) the meeting minutes and perform other secretarial duties as necessary.

**Statewide Disability Advisory Council Representative:** Shall be responsible for attending and participating in [Statewide Disability Advisory Council meetings](#) and updating the DRAC members and DRAC Liaison on Statewide Disability Advisory Council activities.

#### **Art. IV, Section VI: Officer Elections**

Officer elections will be held every two years, or as needed to fill a vacancy. Incumbent Officers may run for office for another two-year term. Officer nominations are submitted by the DRAC members or by the incumbent Officer when running for another term. Nominations may be held during a regular DRAC meeting. To ensure a fair election, ballots are administered by, submitted to, and counted by the DRAC Liaison. When there is a tied vote, the DRAC Chairperson/Co-Chairpersons will cast the deciding vote.

#### **Article V: Committee Activities and Responsibilities**

## **Art. V, Section I: Role and Responsibilities of Members**

DRAC members must request release time (at least five business days in advance) and approval from their supervisor to work on assigned DRAC projects and attend meetings. The supervisor may deny the request for reasonable cause including, but not limited to, workload needs (e.g., a member is needed to prepare for an upcoming trial or hearing, cover for an absent colleague, etc.).

A maximum of nine hours of state release time per DRAC member per quarter may be granted to work on DRAC projects and activities. Any state time over nine hours must be approved by the member's supervisor and the member must utilize their available leave credits (e.g., vacation, annual leave, etc.). DRAC members are to utilize release time on DRAC events, projects, activities, or meetings, and **members who enter their time in ProLaw are reminded to make timely entries. All release time must also be tracked and submitted on DRAC's SharePoint site.**

DRAC members must advise the DRAC Chairperson/Co-Chairpersons in advance of any absence. Any member missing three (3) consecutive meetings without notice will need to meet with the DRAC Chairperson/Co-Chairpersons and DRAC Liaison to discuss their continued membership.

A Chairperson/Co-Chairperson's state release time is six hours per month.

## **Art. V, Section II Role and Responsibilities of the DRAC Liaison**

The DRAC Liaison shall:

- Serve as the point of contact between DRAC and the EER&R Office.
- Provide support, assistance, and guidance to the committee, as needed.
- Convey committee and EER&R Office operational procedures to the new DRAC Chairperson/Co-Chairpersons.
- Provide the DRAC Chairperson/Co-Chairpersons with relevant information pertaining to DOJ's equal employment opportunity program.
- Discuss DRAC concerns, projects, and activities with the DRAC Chairperson/Co-Chairpersons.
- Contact the supervisor of each employee expressing interest in DRAC membership.
- Send congratulation letters to new DRAC members and provide the new members with DRAC guidelines and other relevant information.
- Send out notification letters and DRAC guidelines to the new member's supervisor.
- Ensure DRAC's membership roster is current.
- Attend DRAC meetings.
- Ensure Intranet and Internet updates and postings are completed timely.

## **Article VI: Meeting Guidelines**

### **Art. VI, Section I: Open Meetings**

Regular meetings and records shall be open to the public and noticed in accordance with [Government Code section 11120 et seq.](#), the Bagley-Keene Open Meeting Act. DRAC will follow the [Bagley-Keene Open Meeting](#)



[Act procedures](#) for receiving and providing reasonable accommodation, as requested by a member of the public.

#### **Art. VI, Section II: Regular Meetings**

Regular meetings will be held monthly, or as needed. The DRAC Chairperson/Co-Chairpersons shall issue the meeting agenda and Notice of Meeting to all DRAC members and interested persons (cc: DRAC Liaison). The location and agenda will be posted on DOJ's Intranet and Internet at least 10 calendar days prior to the meeting.

#### **Art. VI, Section III: Special Meetings**

Special meetings may be called as needed by the DRAC Chairperson/Co-Chairpersons with prior approval from the Director of EER&R, Chief Deputy Attorney General, or Attorney General. The location and agenda will be posted on DOJ's Intranet and Internet at least 10 calendar days prior to the meeting.

#### **Art. VI, Section IV: Meeting Location**

DRAC meeting locations shall either be in-person at DOJ's Headquarters located at 1300 I Street, Sacramento, California; by virtual platform; by call-in; and/or through an Internet-based service. All meeting locations will be accessible to persons with disabilities and conform to state policy regarding state-sponsored meeting locations.

#### **Art. VI, Section V: Meeting Minutes**

DRAC's Secretary shall be responsible for recording, transcribing, filing, and distributing the meeting minutes to the Chairperson/Co-Chairpersons for review and distribution to members (cc: DRAC Liaison).

#### **Art. VI, Section VI: Meeting Quorum**

A meeting quorum shall be the majority of the voting members currently serving on DRAC. To ensure a quorum, fifty-one percent (51%) of the members are required to be in attendance.

#### **Art. VI, Section VII: Parliamentary Authority**

The DRAC Chairperson/Co-Chairpersons will conduct meetings using standard parliamentary procedure. Rules contained in the [Robert's Rules of Order Newly Revised, 12th edition](#), shall govern the activities of the open, regular, special, subcommittee meetings in all cases where applicable and where the rules are not in conflict with DRAC's Bylaws.

#### **Art. VI, Section VIII: Annual Memorandum**

At the beginning of each calendar year, and no later than January 15 of each year, the DRAC Chairperson/Co-Chairpersons submits an annual memorandum to the DRAC Liaison that is addressed to the Director of EER&R outlining proposed DRAC projects, status and accomplishments of existing projects, concerns, recommendations, meeting schedule, and roster of members. If January 15 falls on a weekend, the annual memorandum will be due the Friday before January 15.

#### **Article VII: Department Wide Email Guidelines**

DRAC may request to send a department-wide email (All DOJ Email) on topics and events related to the community of persons with disabilities. The EER&R Office shall be the main point of contact and distributor for



DRAC's All DOJ Emails. The DRAC Liaison will contact the DRAC Chairperson/Co-Chairpersons if the draft email requires substantive changes. The All DOJ Email will not be distributed without the required approvals.

#### **Article VIII: Event Guidelines**

DRAC may conduct events or participate in programs related to the community of persons with disabilities subject to approval by the EER&R Office. The EER&R Office shall be the main point of contact for all DRAC events. DRAC is encouraged to conduct two events each calendar year (January through December). The events may be held virtually. For an in-person event, effort should be made to hold the event in both Northern California and Southern California.

The DRAC Chairperson/Co-Chairpersons or DRAC Secretary must send an event request using EER&R's Event Memo Template and a draft of the All DOJ Email announcing the event to the DRAC Liaison (cc: EERROffice@doj.ca.gov) **at least 90 business days before** the desired event date and ensure the content does not include prohibited activities outlined in Article III, Section II: Member Communication, of these Bylaws.

After the required reviews are completed, DRAC must finalize and submit all event-related materials to the DRAC Liaison (cc: EERROffice@doj.ca.gov) **at least 60 business days prior** to the desired event date to ensure the event logistics are in place including, but not limited to, conducting a dry-run, reviewing the speaker's presentation, reviewing the questions for the speaker, etc. DRAC event requests must include all the necessities for the event, including, but not limited to, the vetting of all speakers and videos, speaker biographies, event materials and flyers, and request to post event flyers in specific physical locations (which will require building manager approval).

The DRAC Liaison will contact the DRAC Chairperson/Co-Chairpersons if the draft email requires substantive changes. The All DOJ Email will not be distributed without the required approvals.

#### **Article IX: Amendment to the DRAC Bylaws**

##### **Art. IX, Section I: Proposed Bylaw Amendment Submission**

Proposed Bylaw amendments shall be discussed at a regular meeting. Any proposed changes shall be introduced and included in the meeting agenda.

##### **Art. IX, Section II: Bylaw Ratification**

Proposed Bylaw amendments must be voted by the members and approved by three-fourths (3/4) of the membership. Bylaw ratification must be approved by the Director of EER&R.