



**Policy & Practice Manual of
the California Association of Professional Scientists
(CAPS)**

Revised
May 20, 2023

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Last updated: 05/20/23

CAPS POLICY & PRACTICE MANUAL

I. GENERAL

- A. The name of the Association is **the California Association of Professional Scientists.** (01/05/84)
- B. The logo of the Association is reproduced below, adopted by the Board on December 14, 2016.



II. MEMBERSHIP

A. CHARTER MEMBERS

Charter members are members who were members of CAPS before the de-certification of CSEA on September 4, 1984. Their number is 145. Charter Members have no special status in CAPS. (Revised 05/04/96)

B. ACTIVE MEMBERS

Active Members shall be entitled to:

1. Full representation, as prescribed by law and CAPS policy. (02/13/84)
2. Run for election and hold office in CAPS. (Revised 05/04/96)
3. Nominate and elect officers. (02/13/84)
4. Receive CAPSule and other communications. (Revised 05/04/96)
5. Approve contracts with the state, excluding supervisory members. (Revised 07/15/95)
6. Vote on any issues, as may be determined by the Board or Officers. (11/07/84)
7. Participate in all CAPS-sponsored insurance programs and other related member benefits, subject to the prescriptions and/or limitations provided by each plan. (Revised 01/06/96)

8. Have full access to CAPS offices and staff. (Revised 01/06/96)
9. Supervisory Active Members may only run for election for the Supervisory Director position. (Bylaws VIII Section 2 (f) (09/09/00)
10. Supervisory Active Members may only vote for Association Officers, and the Supervisory Director positions. (Bylaws VIII, Section 7 (b) (09/09/00). (Revised 05/19/18)
11. Rank-and-File, as defined in Government Code Section 3513(c), Active Members shall not be eligible to vote for the Supervisory Director position. (Bylaws VIII, Section 7 (a) (09/09/00) (Revised 05/19/18)

C. ASSOCIATE MEMBERS

Associate Members of CAPS shall be entitled to:

1. Full representation, as prescribed by law and CAPS policy. (09/15/95)
2. Receive CAPSule and other communications. (Revised 01/06/96)
3. Have full access to CAPS office and staff. (Revised 01/06/96)
4. Participate in all insurance programs if eligibility is met. (Added 09/15/95)

D. RETIRED MEMBERS

Retired Members shall be entitled to:

1. Receive CAPSule and other communications. (Revised 01/06/96)
2. Participate in any insurance programs and related member benefits, subject to the prescriptions and/or limitations provided by each plan. (Revised 01/06/96)
3. Have full access to the CAPS offices and staff. (Revised 01/06/96)
4. Hold the office of Director in CAPS, except for Supervisory Director, by serving out the remainder of his or her term at the discretion of the Board. (Added 01/13/07)

E. LIFE MEMBERS

Life Members shall be entitled to the following:

1. Participate in all insurance programs and other consumer benefits, subject to the prescriptions and/or limitations provided by each plan. (Added 07/15/95)
2. Receive CAPSule and other communications. (Added 07/15/95)

F. HONORARY MEMBERS

Honorary Members shall be entitled to:

1. Receive CAPSule. (Added 07/15/95)

G. FAIR SHARE PAYERS

Unit 10 employees who are not members of CAPS, but who are subject to paying a Fair Share Fee in accordance with the provisions of a collective bargaining agreement between CAPS and the state, shall be entitled to representation from CAPS in accordance with CAPS policy and applicable law. (Added 03/22/97)

H. DUES AND FEES

1. Active Members — Effective September 1, 2016, dues are set at \$59.00 per month.

The Fair Share Fee shall be determined by a formula during the CAPS' annual Fair Share Fee Audit. (Revised 07/09/05)

2. Associate Members — The Associate Member fee shall be the same as the Active Member dues. (Revised 07/09/05)
3. Retired Members — Retirees shall pay at the part-time employee membership rate. (Revised 05/18/13)
4. Permanent Intermittent and Part-Time Employee Members
 - a. Permanent Intermittent employees shall pay one-half (1/2) of the membership dues or fees. (Revised 05/04/96)
 - b. Seasonal and/or Temporary Hourly shall pay no fees. (10/24/84)
 - c. Permanent Part-time (reduced hourly) employees pay one-half (1/2) of the membership dues or fee. (Revised 07/15/95)
5. Life and Honorary Members - exempt from paying any dues, fees, or assessments. (Added 07/15/95)
6. Affiliated Members — If any Active or Associate member has his/her salary reduced to less than 25 percent of regular pay, that member may have his/her dues reduced to \$5.00 per month which shall continue through the period of reduced income. Such dues shall only be reduced at the request of the affected employee and such request must be made prior to or during the leave. (Revised 05/03/97)
7. Political Action Committee (PAC) – Each Active, Associate, Permanent Intermittent and Part-Time member shall be charged \$5.50 per month for the PAC account.

Any member, or fee payer, objecting to withhold funds going to the PAC can have his or her dues or fees reduced by the amount of the PAC contribution. (Revised 07/12/97)

8. Dues and Fees Collection Deferral – At any time when a state budget is not enacted and state scientists do not receive a negotiable pay warrant for full salary, the State Controller shall be directed to defer collection of dues and/or fair share fees for Unit 10. Dues and fees shall be recouped when full salary payments are made. (Added 07/13/02)

I. INACTIVE MEMBERSHIP

1. Inactive Membership status is restricted to Active, Permanent Intermittent, and Part-Time Members. (Revised 05/04/96)
2. A Member may be deemed to be on inactive status during any month when he/she:
 - a. Requests from the Board inactive status. (12/05/84)
 - b. Does not receive a warrant from the State Controller. (12/05/84)
3. Reasons for Inactive Status may include:
 - a. Parental, educational, travel or other unpaid leave. (Revised 03/22/97)
4. Inactive Status shall not prevent a person from becoming a member upon return to active employment with the state. (Revised 05/04/96)
5. Inactive Members may elect to continue to receive member insurance and related benefits in place at the time of transference to inactive status; or offered during the inactive period, upon fulfillment of all conditions required by such benefit programs. (Revised 05/04/96)

J. RELIGIOUS OBJECTIONS TO FAIR SHARE FEES

It is the policy of CAPS to deny the request of any fair share fee payer who requests to have his/her fees donated to a charitable organization, unless that employee demonstrates that he/she subscribes to a religion whose traditional tenets or teachings include objections to joining, or financially supporting, employee organizations. A fee payer who presents sufficient evidence to meet this requirement shall have his/her fees donated to a charitable organization designated by the employee and recognized by the State Controller for such purposes. (09/18/93)

K. TERMINATION OF MEMBERSHIP

Under the CAPS Bylaws, the Board may terminate membership of any CAPS member by a two-thirds majority vote of the entire Board as outlined in Article II, Section 5. The process and procedure to propose and rescind CAPS membership is as follows:

1. **Due Process.** Any CAPS member against whom charges are brought shall be afforded due process as defined in this policy. Due process shall consist of having the opportunity to see the written charge(s) and all the supporting material, to respond to those charges, to present a defense, and to get a timely response.
2. **Final Determination.** A decision by the CAPS Board concerning the validity of charge(s) for violating this policy, and the penalty imposed, if any, shall be final and binding.
3. **Member Discipline Review Committee.** The Member Discipline Review Committee shall consist of the CAPS President and Vice President, and three additional members appointed by the President. The President shall chair the committee. If the president is unavailable for any reason, the Vice-President shall chair the Committee.

4. Code of Professional Conduct for CAPS Members.

All CAPS Members Shall:

- a. Adhere to the CAPS Bylaws and Policies
- b. Pay dues promptly
- c. Support CAPS in preserving and improving the employment and professional interests of state scientists
- d. Conduct himself or herself in a professional manner in all matters related to the employment relationship
- e. Be constructive in critiquing the work of CAPS, be courteous to fellow members, and observe appropriate decorum when attending any CAPS meeting.

5. Causes for Discipline.

- a. Advocating decertification of CAPS, supporting an effort to decertify CAPS as the exclusive bargaining agent for state bargaining unit 10, or signing any document with the goal of decertifying CAPS.
- b. Portray self to others or organizations as a CAPS leader or designated activist without authorization to speak on behalf of CAPS.
- c. Harassing, abusing, defaming or threatening any other CAPS member for his or her exercise of union activities. This shall include sending repeated unsolicited email or other communications. Such communications shall be considered unsolicited if they don't include an unsubscribe feature, or if the communication continues after the recipient requests that it be discontinued.
- d. Harassing, abusing, defaming or threatening CAPS elected or appointed officials, local representative, or their agents, in the execution of their statutory or contractual duties.
- e. Interfering with the efforts of CAPS officials or its agents from performing their duties.
- f. Acting as an agent for an organization or individual seeking to decertify CAPS or undermine CAPS effectiveness in representing the employment or professional interests of state scientists.
- g. Interfering with or impeding CAPS representation of a state scientist member.

- h. Acting as an agent for a third party to undermine the employment or professional interests of a member being represented by CAPS.

6. Administrative Procedure.

- a. **Filing Charges.** Any CAPS member(s) may file a charge against another CAPS member for violating this policy. Charges shall be in writing and may be filed with any member of the Membership Discipline Review Committee (Committee) or the CAPS Sacramento Office. Such charge(s) must be filed within six weeks of the alleged violation, and shall consist of a detailed factual statement, with supporting documentation, if any. Such charges shall be distributed to each member of the Committee.
- b. **Time Defined.** References to time shall always mean calendar days.
- c. **Committee Review.** Upon receipt of the written charges, the Committee shall review them. If the Committee finds the charges do not allege a violation of CAPS' Code of Professional Conduct, are frivolous or unsubstantiated, the Committee shall notify the member(s) filing the charges of the finding and no further action shall be taken.
- d. **Recusal.** A member of the Committee shall recuses him or herself from deliberations in any review proceeding when, in his or her view, individual bias or prejudice for any reason makes impartiality, or the appearance of such, difficult or impossible. In the event a member recuses himself or herself, the President may appoint a replacement on the Committee for the matter under consideration.
- e. **Challenge for Cause.** The charged party may challenge a member of the Committee for cause. Disqualification is appropriate when it is made to appear probable that, by reason of bias or prejudice of a member of the Committee, a fair and impartial hearing cannot be held before him or her. The bias or prejudice must be sufficient to impair the Committee member's impartiality, and the charged party must allege concrete facts that demonstrate the challenged Committee member is contaminated with bias or prejudice. The determination regarding disqualification shall be made by the other Committee members by majority vote.
- f. **Investigation and Decision.** The Committee shall conduct an investigation. If the facts are not in dispute as determined by at least three of the five members of the Committee, and the recommendation is to reject the charges, no hearing is necessary. Otherwise, the Committee shall hold a hearing. This hearing shall be in person, or by conference call, or a combination of each, to begin within 30 days of the Committee's receipt of the charge(s). The Committee, after a hearing, shall make a determination whether the charges are valid and if so, whether the charged party should be issued a written admonition, suspended from membership for a finite period of time, or dismissed from membership.

- g. Notification. The charged party shall be personally notified of the hearing in writing at least 15 calendar days prior to the hearing. The notice shall contain the date, time and place of the hearing and a list of charges to be heard. Within 5 days prior to the hearing, the charged party may choose to submit a written response to the allegations. Within 5 days prior to the hearing, the charged party may choose to waive the in-person or conference call hearing. The charged party's decision to waive the in-person or conference call hearing shall be communicated to the chair of the Committee. Upon notice that the in-person hearing is being waived, the Committee chair shall inform the charging party that any additional written material the charging party wants the Committee to consider shall be filed on or before the date on which the hearing was originally scheduled. Such material must be served on the charged party in person or by mail. The charged party then has 5 days from the date of receipt of the charging party's additional written material to file a written reply to the charging party's additional written material.
- h. Representation. At the hearing, the individual filing the charge and the charged party may be represented by a party of their own choosing for the purpose of introducing evidence supporting or refuting the charges, and to cross examine any witnesses. Strict rules of evidence shall not apply. Costs of representation shall be borne by the individual parties.
- i. Board Decision. Within 10 days following the conclusion of the hearing or the charged party's final written response, the Committee shall make its written findings. If the written findings include at least three of the five Committee members recommending suspension or dismissal of membership from CAPS, the written findings shall be placed before the Board as a recommendation to suspend or dismiss the charged party from membership. A two-thirds (2/3) majority vote of the entire Board must approve such a recommendation.
- j. Recommendation for Suspension or Termination of Membership. The Committee may recommend suspension or termination of membership to the CAPS Board. Such recommendation shall be in writing.
- k. Travel Expenses. In the event the charges are not sustained, CAPS shall reimburse the charged party for reasonable travel costs to attend the hearing on the charges. Reimbursement shall be consistent with CAPS' travel reimbursement policy. The reasonableness of such costs shall be determined by a majority vote of the Committee.
- l. Reinstatement of Terminated Membership. Any member whose membership is terminated may apply for reinstatement no less than three years after the date of termination. Application for reinstatement may not be considered more than once per year thereafter. Reinstatement of a terminated member shall require 2/3 vote of the entire CAPS Board.

(Added 08/21/2010)

III. ORGANIZATION

A. GENERAL

1. The California Association of Professional Scientists is governed by a Board, which is comprised of 12 members including four (4) Association Officers and eight (8) Directors. The Officers serve as the Officers of the Board, and of the Association.
2. The Board establishes policy, formulates and approves budgets and plans, authorizes legal expenses and legal actions, and oversees Association affairs. (Revised 03/22/97)
3. The Officers are charged with the implementation of Board policy and decisions, and supervisors of Association activities.
4. The Board has contracted with the firm of Blanning & Baker Associates for legal and representational expertise, staff offices and various services. Blanning & Baker reports to the Association President.

B. OFFICERS

1. President
 - a. General

The President serves as chief executive officer and the Association, and exerts direct supervision and direction of the business and affairs of the Association.

The President appoints committee chairpersons, and has supervision, direction and control of all committees. (Bylaws Article VII, Section 1)
 - b. In addition, the President:
 - (1) Chairs Board meetings. (01/04/84)
 - (2) Serves as an official spokesperson of the Association. (01/04/84)
 - (3) Directs public relations and publicity. (01/04/84)
 - (4) Attends Board meetings. (01/04/84)
 - (5) Oversees the newsletter. (Added 03/23/96)
2. Vice President
 - a. General

The Vice President serves as an assistant to the President, and assumes the duties of the President in the President's absence. (Bylaws Article VII, Section 2)
 - b. In addition, the Vice President:
 - (1) Serves as an official spokesperson for the Association. (01/04/84)
 - (2) Attends Board meetings. (01/04/84)
3. Secretary

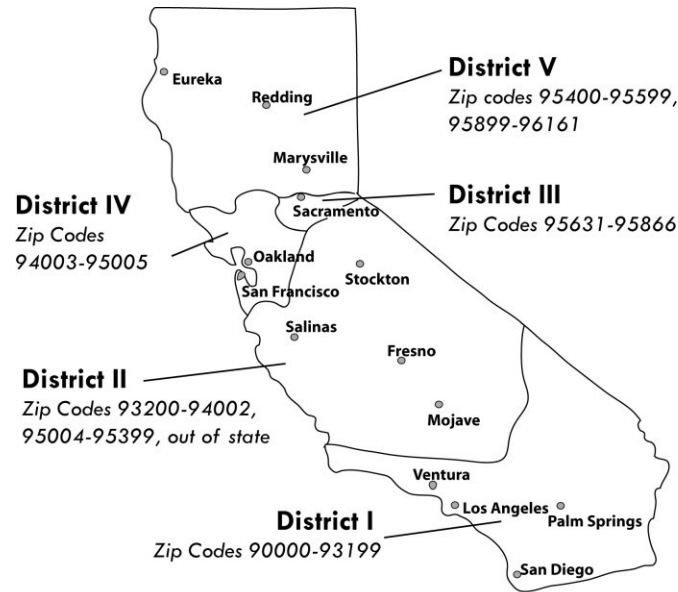
- a. General

The Secretary maintains the official records of the Association, including official documents, and aids in the transactions of Association business. (Bylaws Article VII, Section 3)
 - b. In addition, the Secretary:
 - (1) Prepares minutes of meetings. (01/04/84)
 - (2) Handles correspondence. (01/04/84)
 - (3) Serves as an official spokesperson for the Association. (01/04/84)
 - (4) Oversees the newsletter. (01/04/84)
 - (5) Attends Board meetings. (01/04/84)
4. Treasurer
- a. General

The Treasurer handles the financial affairs of the Association, including preparing financial reports and budgets. (Bylaws Article VII, Section 4)
 - b. In addition, the Treasurer:
 - (1) Heads the Budget Committee. (07/17/93)
 - (2) Attends Board meetings. (01/04/84)
 - c. The Treasurer has been authorized by the Board to appropriate funds. In the absence of the Treasurer, any officer is authorized to sign checks from the CAPS account. The Treasurer and President may jointly appoint an alternate Director to sign checks. At the next regularly scheduled Board meeting, the Board shall vote to approve the alternate appointment. If approved by the Board, the alternate shall be authorized to sign checks for the remainder of the Board term. If denied by the Board, the alternate may not be selected to sign checks for the duration of the Board term. All disbursements made by the Treasurer are subject to approval by the Board. (Revised 05/19/12)

C. DIRECTORS AND DISTRICTS

1. General
 - a. The Board of the Association consists of eight Directors, in addition to the Officers. Five of these Directors represent regional areas (Districts), as determined by the Board. Two of these Directors represent members At-Large. One Director shall be a Supervisory Active Member of the Association and shall be designated as the Supervisory Director. (Bylaws Article IV, Section 3)
 - b. Districts are defined by zip code. Districts are set out as on the map below: (Revised 2003)



- c. For the District Director positions, the candidate must work in the District sought. If the District Director moves to another district during his/her term, the Director shall be allowed to complete the term. (Revised 05/19/18)
2. Board Members Representing Districts
 - a. Serve as a liaison between the Board, CAPS representatives and the local members. (Revised 03/22/97)
 - b. Attend Board meetings.
 - c. Heads, participates in, or oversees CAPS Committees. (Revised 03/22/97)
3. Board Members serving At-Large
 - a. Deal with matters that affect the Association on a statewide basis. (01/04/84)
 - b. Assist local communities as needed. (01/04/84) Serve as a liaison between the Board, CAPS representatives, and local members. (Revised 03/22/97)
 - c. Attend Board meetings. (01/04/84)
 - d. Heads, participates in, or oversees CAPS committees. (Revised 03/22/97)
4. Board Members Serving Supervisors
 - a. Deal with matters that affect supervisors on a statewide basis. (Added 11/18/00)
 - b. Attend Board meetings. (Added 11/18/00)
 - c. Serve as Chairperson for the Supervisor's Committee. (Added 11/18/00)
 - d. Head, participate in, or oversee CAPS committees. (Added 11/18/00)

D. COMMITTEES

1. General
 - a. The President may appoint, from the membership, chairpersons for such committees as may be necessary. Each chairperson shall select the remainder of the committee from the membership. (Bylaws Article IV, Section 4(a))

2. **Benefits Committee**

This Committee is responsible for the establishment and administration of insurance and related benefit programs of CAPS. The committee is also responsible for administering any grants in aid given by CAPS. (Revised 05/20/23)
3. **Budget Committee**

This Committee is responsible for the preparation of an annual budget. The Treasurer of CAPS shall be the chairperson of this committee. (07/17/93)
4. **Bargaining Committee**

This Committee is responsible for the compilation of relevant data regarding issues of concern to Unit employees, and the negotiation of any MOU or contracts with the state, to address those concerns. No confidential, supervisory or managerial members may serve on this committee. (07/17/93)
5. **Membership and Communication Committee**

This Committee is responsible for overseeing Association publications, and for matters concerning membership, including recruitment. (07/17/93)
6. **Representation Committee**
 - a. This Committee is responsible for the establishment and supervision of CAPS representation policy and organization. This committee authorizes arbitrations and unfair practice charges. (Revised 03/22/97)
 - b. This committee shall be comprised of five members, including at least three rank-and-file CAPS Board members. No confidential, supervisory or managerial members may serve on this committee. (Revised 03/22/97)
 - c. If representation is denied by the Representation Committee, the appellant may appeal to the Board for reconsideration of the matter. The Board is the final authority on representation issues. (07/17/93)
7. **Elections Committee**

The Elections Committee shall conduct elections for the Board of Directors in accordance with the applicable provisions of the Bylaws. (Added 05/04/96)
8. **Governmental Affairs Committee**

This Committee is responsible for recommending to the Board positions on and sponsorship of, legislation of interest to state scientists. This committee may also recommend to the Board endorsement of political candidates and positions on ballot initiatives. The Board must approve any support for a political candidate or a ballot initiative position as described in the CAPS Bylaws Article VI. (Revised 11/14/98)
9. **Political Action Committee**

This committee directs CAPS' political action funds for the purpose of furthering CAPS legislative objectives. One committee member shall be the Governmental Affairs Committee chairperson. Expenses of the Committee shall

come from PAC monies. The committee operates within the regulations of the Fair Political Practices Commission (FPPC). (Revised 05/04/96)

10. Supervisors Representation Committee
This committee is responsible for addressing unit-wide supervisory, managerial and confidential member issues, and negotiates benefits through the meet-and-confer process with the state as provided for under applicable state laws and rules. (07/17/93)
11. Public Relations Committee
 - a. This Committee is responsible for the production of materials to further the image of state scientists and CAPS. (1987)
 - b. CAPS further entrusts the annual State Scientist Day event to this committee. (1989)
 - c. The Outstanding Young Scientist program will be administered by this committee. (05/20/23)
 - d. This committee oversees the development and implementation of the Media Relations Program. (Added 05/20/23)
12. Bylaws and Policy Review Committee
 - a. Reviews all proposed changes to the CAPS Bylaws and Policy & Practice Manual prior to review by the Board. (Added 05/04/96)
 - b. Periodically reviews and updates Bylaws and Policy & Practice Manual. (Added 05/04/96)
13. Executive Committee
 - a. This committee has full authority to act for the Board as specified by the Corporations Code section 7212 if there are less than five (5) days required for action as determined by the President, and the full Board is not scheduled to meet within this period. This committee may not endorse a political candidate or ballot initiative. (Added 11/14/98)
 - b. This committee has full authority to execute a written agreement confirming an interest schedule for current and future loans made to the CAPS PAC by the CAPS General Fund. (Added 03/08/03)
14. Member Discipline Review Committee (Added 08/21/2010)
 - a. The Committee is responsible for overseeing the CAPS Discipline Policy. This committee evaluates any alleged violations of CAPS Code of Professional Conduct as described in the CAPS Policy Manual, Article II, Section K.
 - b. The committee shall be comprised of five members and consist of the CAPS President and Vice President, and three additional members appointed by the President. The President shall chair the committee.
15. Member Action Committee
 - a. This Committee is responsible for the ongoing coordination of union actions in support of contract campaigns, organizing participation and engagement in actions, and oversight of the Contract Action Team (CAT). The CAT is defined as a statewide network of CAPS leaders dedicated to organizing State

Scientists to win a fair contract. No confidential, supervisory, or managerial members may serve on this committee. (05/20/23)

16. Ad Hoc Committees

The President or the Board may establish an Ad Hoc Committee for the purpose of addressing a special interest or concern of the Board. (05/20/23)

IV. REPRESENTATION

A. POLICY AND PRACTICE

1. General

a. CAPS policy is to provide, subject to the financial ability of the organization, representational services in State Personnel Board matters and collective bargaining related matters as defined below:

- (1) "Representation" means representation by CAPS staff consultants, attorneys, or representatives or other persons designated by CAPS.
- (2) "Services" means advice, counsel, and assistance, and may include investigation, negotiation, and settlement as well as appearances before administrative, judicial, or legislative tribunals.
- (3) "State Personnel Board matters" means matters that are within the jurisdiction of the State Personnel Board except the prosecution of discrimination complaints, whistle blower complaints, and requests to file charges. (Revised 05/04/96)
- (4) "Collective bargaining related" means within contract (MOU) negotiation and administration, including the meet-and-confer process under the Dills Act (SEERA).

2. Eligibility for Representation

- a. Active Members in good standing and Associate Members within Unit 10 are eligible for representation in merit and collective bargaining related matters without charge therefore. (Revised 05/04/96)
- b. When no fair share fee is charged, fee payers shall not receive representation except when required by law. (Revised 07/12/97).
- c. Employees who have been designated management, confidential or supervisory employees within the meaning of the Dills Act (SEERA) and who are CAPS members may be represented to the extent authorized by law.
- d. CAPS retains the exclusive right to determine the following:
 - (1) Whether to undertake representation, and if so, the form and extent of such representation.
 - (2) Whether to discontinue representation at any time.
 - (3) Whether to recommend that a matter be settled at any time.
 - (4) Whether to refuse to continue representation in the event its recommendation of settlement is not satisfactory to the employee.
 - (5) Whether to deny representation when the individual has another representative in the same matter.
- e. When problems arise, the Local Representative contacts CAPS staff to determine the proper course of action. CAPS' professional staff will prepare any

- appropriate grievance(s) or appeal(s) and send a copy to the client after it is filed. (Revised 05/04/96)
- f. If representation is denied by the Representation Committee, the appellant may appeal to the Board for reconsideration of the matter. The Board is the final authority on representation issues. (07/17/93)
3. Denial of Representation (01/08/94)
 - a. CAPS shall deny representation that would conflict with the best interests of the organization or require CAPS to take a position in any manner inconsistent with established positions or policies of CAPS.
 - b. CAPS may deny representation in matters that appear to lack factual or legal merit.
 - c. CAPS shall not provide representation with respect to the disciplinary action arising from unapproved job actions.
 - d. CAPS may deny representation when it determines that an individual has another representative in the same matter.
 - e. CAPS does not provide representation in disputes of retirement, health, dental or vision benefit claims, unemployment insurance requests, workers' compensation appeals, or in civil or criminal litigation. (Revised 05/04/96)
 4. Local Representative Responsibilities and Application
 - a. CAPS Local Representatives (LRs) aid in the facilitation of communication between the Board, staff and members at their worksites. Their duties include, but are not limited to, disseminating CAPS information including that from Board meetings, in conjunction with CAPS staff coordinating worksite meetings (i.e. room reservations, audio/visual preparation), communicating important worksite issues with the CAPS Board and Staff, engaging with other LRs and CAPS members at their worksite, identifying potential new members and providing information to them on joining CAPS and engaging in various other activities to help strengthen CAPS and increase membership participation and morale.
 - b. Active CAPS members interested in the appointment of Local Representative shall apply for the position with the Board. The application shall include the member's current employment information, home address, and endorsements by five active members who either: 1) work at the applicant's worksite, or 2) work for the same department with a larger geographical area including small worksites. Upon review of the application, and any appropriate investigation, the Board may appoint the Local Representative applicant. (Revised 05/18/13)
 - c. CAPS Staff, with support and assistance from the Board as necessary, will be the lead for providing training and follow up communications to Local Representatives. Initial training is provided by CAPS Staff as appropriate at an agreed upon date and location.
 - d. Local Representatives may hold meetings for their worksite in coordination with CAPS Staff. LRs should include their respective District Director, if

possible, and share meeting notes on topics and issues discussed at any meeting with the CAPS Board and Staff.

- e. Each Director is encouraged to hold periodic meetings with the Local Representatives within their District. Important discussion items from the meeting should be shared with the CAPS Board and Staff.

B. REPRESENTATIONAL GOALS AND STRUCTURE

1. Goals
 - a. Communication – to facilitate communication between members, Directors, and staff. (Revised 03/22/97)
 - b. Participation – representatives are a valuable resource to accomplish such organizational tasks as membership drives, contract ratification, etc.
 - c. Problem Solving – on-site assistance in handling grievances.
2. Organizational Structure
 - a. The basic unit is one of the five geographic districts. (11/07/84)
 - b. The job-site CAPS representative is called a "Local Representative." (09/12/84)

C. BLANNING & BAKER ASSOCIATES

1. Blanning & Baker Associates (B&B) is a concern of Labor Relations specialists, which has been retained under contract to CAPS to provide certain facilities and services. B&B includes lawyers, labor relations specialists, professional negotiators and support staff. Their contractual obligation is to attend to routine representational matters, administer benefits programs, provide and staff offices and conduct other business on behalf of CAPS. (Revised 05/04/96)
2. B&B has been retained by the Board to effect CAPS policy, and as such is accountable to the Board, and reports to the Board, through the President of CAPS. In matters where there may be an apparent conflict in direction, the Board's policy is the official Association position.

V. MISCELLANEOUS

A. MEETINGS

1. Regular Meeting of the Members
Regular meetings of the members may be held at times determined by the Board. The purpose of the regular meeting of the members shall be to transact any business which may be brought before the meeting. (Bylaws Article III, Section 1) (Revised 02/12/2011)
2. Members Special Meetings
Special meetings may be called by the Board, or by petition of five percent (5%) of the members; to conduct business as outlined in the Bylaws. (Bylaws Article III, Section 2) (Revised 02/12/2011)
3. Meetings of the Board

Meetings of the Board shall be held at such times and places as the Board may prescribe or as may be called by the President. The regular meetings shall be held four times a year. These meetings are for the transaction of such Association business as may be necessary. (Bylaws Article V) (Revised 05/12/07)

4. Meeting Minutes

All CAPS Board meeting minutes shall be made available to any CAPS member upon request. The member may be required to reimburse CAPS for any reasonable cost to meet his/her request. (Revised 07/09/05)

B. ELECTIONS

1. Elections of Officers and Directors of CAPS take place under the rules outlined by the Bylaws and the Elections and Meetings Committee. (Bylaws Article VIII, Section 3)
2. Elections are held in October of each odd numbered year, with new officers being installed at the corresponding Board Meeting to be held in November (Revised 05/18/13)
3. CAPS discourages candidates for the CAPS Board from engaging in personal attacks against any other candidate in a campaign statement to be published and distributed by CAPS. (Revised 07/10/99)

C. BOARD POSITION PAPERS

1. As deemed necessary by the Board, Position Papers representing the philosophy of the Board on controversial issues may be prepared and passed. These Position Papers are maintained with the Association minutes as part of the permanent record of the Association. (Revised 05/04/96)

D. PUBLICATIONS

1. The official means of communication with the members is through the monthly newsletter CAPSule, and secondarily through CAPS direct email communications. The newsletter will be mailed to all Unit 10 employees and any other members, by second-class mail. The current issue of CAPSule will also be available on CAPS website. The CAPSule will carry no advertising for items or programs that are not sponsored by CAPS. (Revised 01/10/04)

E. PAYMENTS AND REIMBURSEMENTS

1. Reimbursements
 - a. It is the policy of CAPS to provide reimbursement of all actual and necessary expenses incurred by members of CAPS and others as approved by the CAPS Board. Reimbursement is restricted to expenses which are incurred in activities carried out on behalf of CAPS, and which directly benefit CAPS. All reimbursement requests shall be submitted for reimbursement within six months after expenses were incurred. Personal expenses, including personal expenses incurred while carrying out CAPS' activities, will not be reimbursed.

Reimbursement under this provision is authorized for CAPS members, who serve on, or chair, CAPS committees. (Revised 08/24/19)

- b. Reimbursement shall be limited to the actual and necessary expenses incurred, but shall be no greater than the amounts listed for expense reimbursement in the CAPS Memorandum of Understanding with the State of California, under normal conditions. Under extraordinary conditions, reimbursements for expenses exceeding these amounts will also be reimbursed. When possible, extraordinary expenses must be approved in advance by the President.
 - c. Expense reimbursement shall be authorized for members of the Board when attending the following:
 - i. Meetings of the Board.
 - ii. Meetings of the members. (Revised 05/18/13)
 - iii. CAPS supported public relations functions, including the Outstanding Young Scientist luncheon, State Scientist Day, and legislative reception. (Amended 05/12/07)
 - iv. Regional meetings
 - v. Committee meetings
 - d. Overnight expenses are authorized for Officers and Directors attending a Board meeting or committee meeting when that Officer or Director must travel a significant distance to attend the meeting, and same-day travel is not practicable.
2. Stipends and Per Diem Payments

	Monthly Stipend	Board Meeting Per Diem	District Meeting Per Diem	Committee Meeting Per Diem	Bargaining Meeting Per Diem
President	\$200	\$150	\$50		
Vice President	\$100	\$150	\$50		
Treasurer	\$200	\$150	\$50		
Secretary	\$100	\$150	\$50		
Directors		\$150	\$50		
Committee Chairs				\$50	

Committee Members				\$50	
Bargaining Team					\$50

- a. Upon assuming office, Officers may receive a monthly stipend for the position held and Officers and Directors may receive meeting per diem payments for Board Meetings attended. Upon appointment, committee chairs and committee members may receive appropriate meeting per diem payments for committee meetings attended. Payment rates are established by the Board. All stipend and per diem requests shall be submitted for payment within six months after the stipend or per diem was earned. (Revised 08/24/19)
3. Questions about the application of the Payments and Reimbursement Section shall be decided by the President. Questions about the application of the Payments and Reimbursement Section to the President’s claims shall be decided by the Executive Committee. The decision of the President or the Executive Committee, respectively, shall be final. (Added 08/24/19)

F. CAPS BOARD, COMMITTEES, REPRESENTATIVES, STAFF AND OFFICES

The CAPS office will retain records of the Board, committees and representatives for distribution upon request. The official list of staff members and CAPS offices will also be retained for the Board and made available upon request. (07/17/93)

G. INVESTMENT POLICY

1. Investment Decisions - Investment of operating funds, reserves, and scholarship fund shall be made at the discretion of the Budget Committee. (Revised 09/11/04)
2. Investment Return - Investments will be made to achieve the greatest possible return. Approved investment instruments include: bank certificates of deposit, federal debt instruments, and/or indexed domestic bond funds. Such investment shall be kept liquid to the extent that they are available when they are needed, subject to a staggered investment schedule approved by the Budget Committee. (Revised 09/11/04)
3. Investment Term - The Budget Committee may, from time to time, direct funds in excess of those required for normal operations of the budget, and in excess of a prudent strategic reserve, be invested with average maturities not exceeding five years. (Revised 09/11/04)
4. Scholarship Fund - The scholarship fund was established through sources other than member dues. The Board wishes to extend the value of this fund into the future to maintain the principle, which may involve a higher level of investment risk for this fund. Therefore, the investment strategy for the scholarship fund may also include indexed domestic equity mutual funds in addition to the investment options described in subsection G.2. The scholarship fund’s average maturity for the fixed

income portion of the investment strategy shall not exceed five years. (Added 09/11/04)

H. MINIMUM EDUCATION QUALIFICATIONS FOR UNIT 10 CLASSIFICATIONS

It is the policy of CAPS that the minimum education qualifications for every Unit 10 classification include a requirement of a Bachelor's degree in a science-related discipline from an accredited college or university. (07/17/93)

I. RETIREMENT AND HEALTH BENEFITS

1. It is the policy of CAPS to take any and all steps reasonably necessary to ensure all state and contract agency employees receive retirement and health benefits as required by law. (Added 11/04/95)
2. Further, CAPS opposes consolidation of PERS HMO plans. CAPS shall take all necessary steps to ensure PERS provides state scientists quality, affordable health care throughout California. (Revised 11/16/02)

J. AUTOMATED EXTERNAL DEFIBRILLATOR

CAPS supports the deployment of Automated External Defibrillators at every worksite where state scientists and state employees generally, are employed. CAPS staff is directed to use every reasonable means necessary to encourage the deployment of these life saving devices at the earliest opportunity, including training in their use. (Added 08/20/11)

K. CAPSULE EDITORIAL REVIEW

Editorial content and format of the monthly CAPSule shall be reviewed by the Editorial Review Committee consisting of the President, Secretary and Chairperson of the Member- ship and Communication Committee. The content of each issue shall be drafted by CAPS staff, and then reviewed by the committee. Proposed changes to the editorial content or format of the CAPSule shall be brought to the Board for approval. (Added 03/23/96)

L. MEMBER PARTICIPATION AT BOARD MEETINGS

Non-Board members are welcome to attend and participate in any regularly scheduled meetings of the CAPS Board. In order to encourage participation, all reasonable efforts shall be made to accommodate members in attendance. Members should, when possible, notify CAPS of their intent to attend a Board meeting, whether they wish to speak, and what topics they will address. In addition, every Board meeting will include as a standing agenda item, a dedicated period of time to allow any CAPS member to briefly address the Board. Members participating in Board meetings shall abide by the same rules of order as Board members and will be expected to conduct themselves in an orderly and civilized manner. (Added 03/23/96)

M. GUBERNATORIAL APPOINTMENT CONFIRMATIONS

The CAPS Board may elect to support or oppose the confirmation of a gubernatorial appointment at the request of members employed at that department or agency. The members must specify the reasons for their requested position.

Before taking any position on a gubernatorial appointment, subject to Senate confirmation, the Board should do the following:

1. Offer a personal interview to the candidate in question before the full Board or committee of Board members, as appropriate.
2. Assess the sentiments of affected members on the gubernatorial appointment.
3. Provide advance notice to members of the possible Board action. (Added 07/12/97)
4. Consult the Governmental Affairs Committee or its chairperson for a recommendation. (Revised 07/11/98)

N. EXPENSE REIMBURSEMENTS

1. All requests for reimbursement of business and travel expenses must result from representing the interests of CAPS as authorized by the CAPS Board or the CAPS President.
2. Anyone authorized to incur expenses attributable to CAPS must strive to minimize all such expenses. All reimbursements shall be for actual and necessary expenditures.
3. All reasonable expenses incurred, as a direct result of conducting CAPS business, will be reimbursed by CAPS.
4. The maximum amounts reimbursable shall be those provided for in Article 6.1, Business and Travel Expense, in the Memorandum of Understanding between CAPS and the State of California. Exceptions to these amounts shall be authorized as specified in paragraph 5 below.
5. The CAPS Treasurer shall have authority to approve extraordinary reimbursements that exceed the maximums provided for in the MOU by up to 20% in any category. The CAPS Executive Committee must approve reimbursements that exceed 20%. (Added 01/08/00)

O. SCHOLARSHIP EXCLUSION

Legal dependents of any member of the CAPS Board are excluded from consideration for any CAPS Scholarship program(s).

P. TAGLINE

The tagline for CAPS, to be used as appropriate, is: "Choose Unity. Choose Strength. Choose CAPS." (Revised 08/21/21)

Q. CEA CONVERSION

It is the policy of CAPS to oppose conversion of any state scientific positions to Career Executive Assignment status. (Added 03/10/01)

R. PUBLIC RELATIONS COMMITTEE GRANTS AND AWARDS

1. The CAPS Grant program awards four active members with \$500 grants quarterly to defray professional conference or training costs. (05/20/23)
2. The Outstanding Young Scientist program grants \$100 scholarships to Regional Science Fair winners, to the Outstanding Young Scientist for \$1000, and to two runner ups for \$500 annually.
3. Under the CAPS Dependent Scholarship Program, the Benefits Committee awards up to \$15,000 in total scholarships annually. The Benefits Committee may set the number of scholarships and amount of awards up to the cap approved by the board or by the committee to which such a function has been delegated. (05/20/23)

S. SUSTAINABILITY POLICY

CAPS recognizes its responsibilities to the environment and future generations and is committed to being a leader in environmental sustainability, both in the way we carry out our operations and in the policies and services we provide. CAPS must be a responsible steward of the environment and seeks to reduce the rate at which we contribute to greenhouse gas emissions, climate change, and the depletion and degradation of natural resources through the following steps:

1. Increase our use of renewable resources, and incorporate concepts of sustainability into our daily business affairs.
2. Develop priorities and set goals to implement decisions regarding sustainability impacts on our activities.
3. Preferentially select vendors and contractors that demonstrate sustainable practices.
4. Continually improve and upgrade water efficiency, energy utilization, and waste management within CAPS facilities when practicable (since facility is leased, options may be limited).
5. Maintain a high level of internal expertise regarding sustainability.
6. Lease or purchase the most energy efficient ENERGYSTAR office equipment.
7. When practicable for staff and Board travel, CAPS will utilize and promote the most energy efficient form of transportation, including public transportation when practicable.
8. Henceforth only purchase 100% post-consumer recycled paper whenever practicable.
9. Double-side documents to the maximum extent practicable.

10. Review office and administrative procedures to make them as paperless as practicable.
11. Waste is minimized to the maximum extent practicable and reuse and recycling of waste are maximized.
12. Offices will have free energy audits conducted and to the maximum extent possible implement the energy reduction recommendations made in the audits.
13. When practicable strive to purchase only the most environmentally sound, locally produced, organic, and recycled products.
14. Purchase and utilize reusable, rather than disposable products, whenever practicable.
15. Emphasize to employees at all levels their own responsibility to environmental sustainability, giving training and information where applicable.
16. Display and provide this Policy to all employees, including sub-contractors, and CAPS members.
17. Periodically review and update this policy.
(Added 5/22/2010)

T. WHISTLEBLOWER POLICY

1. General
CAPS requires Directors, Officers, and contract staff to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. All individuals must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

This policy is adopted to establish a procedure for submission of concerns regarding questionable accounting or auditing matters, illegal practices, or other violations of adopted policies on a confidential and anonymous basis. This policy is designed to ensure protection of individuals reporting concerns from retaliation.
2. Reporting Responsibility
It is the responsibility of all Directors, Officers and contracted staff to report ethics violations or suspected violations in accordance with this Whistleblower Policy.
3. No Retaliation
No Director, Officer or contract staff who in good faith reports an ethics violation shall suffer harassment, retaliation or adverse consequence.
4. Reporting Violations
CAPS has an open door policy and suggests that individuals share their questions, concerns, suggestions or complaints with someone who can address them properly. In many instances, this will be the CAPS President. However, if an individual is not comfortable speaking with the President, or is not satisfied with the President's response, they are encouraged to speak with someone else on the CAPS Executive

Committee, as defined in Article IV, Section 4 of the CAPS Bylaws, or contract staff whom they are comfortable in approaching. Any CAPS Executive Committee member or contract staff person presented with a concern is required to report suspected ethics violations to the CAPS Compliance Officer, who has specific responsibility to investigate all reported violations. For suspected fraud, or when an individual is not satisfied or uncomfortable with following CAPS' open door policy, individuals should contact CAPS' Compliance Officer directly.

5. Compliance Officer

CAPS' Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations and, at his/her discretion, shall advise the CAPS President or Executive Committee. The Compliance Officer has direct access to the Board and is required to report to the Board at least annually on compliance activity.

6. Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious offense.

7. Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

8. Handling of Reported Violations

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be recommended to the Board if warranted by the investigation.

9. Compliance Officer:

CAPS Counsel
455 Capitol Mall, Suite 500
Sacramento, CA 95814
(916) 441-2629

(Added 11/07/2009)

U. DOCUMENT RETENTION AND DESTRUCTION POLICY

CAPS will maintain and destroy documents in accordance with this policy. CAPS will periodically review these procedures with CAPS Counsel and auditors to ensure they are in compliance with new or revised regulations.

CAPS contract staff will make individual determinations regarding application of this policy. For example, correspondence which impacts the collective bargaining agreement may be considered a “legal” document subject to permanent retention instead of the three year “general correspondence” retention. CAPS contract staff is responsible for identifying records that have met the required retention period and overseeing their destruction. Destruction of documents will be accomplished by shredding.

TYPE OF RECORD	RETENTION PERIOD*
Actuarial reports	Permanently
Allocation and compliance testing	6 years
Annual financial reports	Permanently
Audit reports	Permanently
Bank deposit slips	7 years
Bank reconciliations	7 years
Bank statements and cancelled checks	7 years
Brokerage/Trustee statements supporting	6 years
Contribution reports	Permanently
Correspondence:	
General	3 years
IRS and DOL	Permanently
Legal	Permanently
Personnel	7 years
Deeds and titles	Permanently
Depreciation schedules:	

*For items supporting tax returns or other government filing requirements, the retention period begins on the filing date of the return or its due date (with extension), whichever is later.

(Added 11/07/2009)

V. CONFLICT OF INTEREST POLICY

1. Purpose

CAPS is a non-profit, tax-exempt organization. The Board has the responsibility of administering the affairs of CAPS in an honest and prudent manner, exercising the best care, skill and judgment for the sole benefit of CAPS. Directors shall exercise the utmost good faith in all transactions involved in their duties, and shall not use their positions with CAPS or knowledge gained for personal benefit.

2. Persons Covered

This policy covers all members of the Board.

3. Areas in Which Conflict May Arise

Conflicts of interest may arise in the relations of Board members with any of the following third parties:

- a. Persons and firms supplying goods or services to CAPS.
- b. Persons and firms from whom CAPS leases property or equipment.
- c. Persons CAPS is dealing with, or planning to deal with, in connection with the purchase of securities.
- d. Competing organizations.
- e. Agencies, organizations and associations which affect the operation of CAPS.

4. Nature of Conflict of Interest

A conflict may be defined as an interest, direct or indirect, with any persons or firms named above in which Board members of CAPS may benefit financially from a decision made in relation to his or her capacity within CAPS.

Such an interest may arise through:

- a. Owning stock or holding debt or other proprietary interests in any third party dealing with CAPS.
- b. Holding office, serving on the board, participating in management, or being otherwise employed with any third party dealing with CAPS.
- c. Receiving remuneration for services with respect to individual transactions involving CAPS.
- d. Using CAPS time, equipment, supplies, or goodwill for other than CAPS approved activities, programs and purposes.
- e. Receiving personal gifts or loans from third parties dealing or competing with CAPS. Gifts are disapproved unless of a value of less than \$150.

5. Interpretation of this Policy

The areas of conflict listed above are not exhaustive and conflicts may arise in other areas or relations. It is assumed Board members will recognize such areas and relation by analogy.

6. Disclosure Policy and Procedure

Board members must disclose any actual or possible conflict and provide all material facts to the Board or any committee considering the proposed transaction or arrangement.

Transactions with parties with whom a conflicting interest exists may be undertaken only if all the following are observed:

- a. The conflicting interest is fully disclosed;
- b. The person with the conflict of interest is excluded from the discussion and approval of the transaction;
- c. A competitive bid or comparable evaluation exists; and
- d. The Board or Executive Committee determines that the transaction is in the best interest of CAPS.

Disclosure should be made to the CAPS President and to the CAPS contract staff director, who shall each bring the matter to the attention of the Board.

The Board or Executive Committee shall determine whether a conflict exists, and in the case of an existing conflict, whether the contemplated transaction may be authorized as just, fair, and reasonable to CAPS. The Board will have the final decision on these matters and their concern must be the welfare of CAPS.

7. Distribution

Each Board member shall annually sign an annual disclosure statement which also affirms such person:

- Has received a copy of the policy
- Has read and understands the policy
- Has agreed to comply with the policy

8. Violations of the Policy

Possible violations of the policy will be investigated and appropriate action will be taken.

(Added 11/07/2009)

W. PUBLIC EMPLOYEE RIGHTS TO BARGAIN

CAPS supports collective bargaining rights for all public employees in the United States as the best way to promote harmonious and productive employer/employee relations. CAPS strongly opposes efforts to eliminate or weaken bargaining rights where they are in place, such as in the states of Wisconsin and Ohio. (Added 11/05/11)

X. CLIMATE CHANGE POLICY

CAPS declares climate change to be the most serious threat to environmental balance that provides for the continued successful existence of humans on this planet. CAPS is committed to taking any and all steps necessary—by itself and in conjunction with others—to slow or reverse the deleterious effects of climate change. CAPS will urge that scientific work being done within state government to stem climate change should be expanded in a variety of ways. CAPS is committed to supporting any and all such efforts via legislation, executive order, administrative policy and public education. (Added 02/09/13)