

CHA Special Meeting Conference Call

Skype: [Join Skype Meeting](#)

(360) 407-3854; Code: 4290239

Monday, August 31, 2020

2:00 PM- 3:00 PM



1. Roll Call
 - a. Commissioners
 - b. Staff
 - c. Guests
2. Vote: Proposed Bylaws
3. Adjourn

**WASHINGTON STATE
COMMISSION ON HISPANIC
AFFAIRS
ADMINISTRATIVE POLICIES**

FINAL

October 21, 2017

(updated ~~December 7, 2019~~ August 31st, 2020)

TABLE OF CONTENTS

CHAPTER	SUBJECT
1	INTRODUCTION
2	GENERAL ADMINISTRATIVE POLICIES
3	COMMISSIONER DUTIES AND RESPONSIBILITIES
4	PERSONNEL
5	TRAVEL
6	MEETINGS
7	PUBLIC RECORDS
8	PUBLIC RESPONSE
9	INFORMATION TECHNOLOGY
10	INVENTORY

Commented [CR1]: Formatting changes:
1. TITLE: Lets call it what it is and make it clear what we are talking about. For example "BY-LAWS OF WASHINGTON STATE'S COMMISSION ON HISPANIC AFFAIRS"
2. VERSION CONTROL: See notes below
3. Page numbering in the footer formatted for "Page _ of _". This helps ensure easy navigation as well as assurance that a page is not missing. Currently there is a typo in the document related to the editor having to independently update both. With this automated method, a change made in one place is reflected in the other.
4. Header is incorrectly labeled in some parts, this can also be automated.

Commented [BM2R1]: 1 – We can ask about calling them by-laws versus administrative policies and why the title has been this way for many years. I would file that as a follow-up item for future guidelines review task forces.

2 – If you have a model to propose please submit those edits or propose the concept with examples to the next task force.

3 – The page numbers are automated and there appears to be an error on the chapter 3 header that I was unable to fix.

Commented [SM(3R1)]: Rename request not accepted. State agencies employ administrative policies. "Bylaws" has been used colloquially.

Commented [SM(4)]: Change date

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Commented [CR5]: We should have a more robust and all encompassing version control measure. Tracking the dates of all changes and where to reference the notes on those changes.

Commented [CR6]: The headings are not aligned with the table of contents

ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 1

INTRODUCTION

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017
REVISED: March 24, 2018

ABOUT THESE POLICIES

The purpose of this manual is: 1) to provide accountability for the financial and administrative affairs of the Commission on Hispanic Affairs, and 2) to assist in gathering and maintaining information needed for the preparation of financial statements. The policies and procedures in this electronic manual are the minimum requirements this agency must meet.

1.10 Mission Statement

1.10.10

The Commission on Hispanic Affairs strives to improve public policy development and the delivery of government services to the Hispanic community.

1.20 Authority

1.20.10

The Washington State Commission on Hispanic Affairs is governed by [RCW Chapter 43.115](#). Implementations of these regulations are contained in [WAC Chapter 322-12](#).

1.30 Scope

RCW 43.115.010 Legislative Declaration

The legislature declared that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature believes that it is the duty of the state to improve the well-being of Hispanics by enabling them to participate fully in all fields of endeavor and assisting them in obtaining governmental services. The legislature further finds that the development of public policy and the delivery of governmental services to meet the special needs of Hispanics can be improved by establishing a focal point in state government for the interests of Hispanics.

Therefore the legislature deemed it necessary to create a commission to carry out the purposes of this chapter.

1.30.10

The administrative policies of the Commission herein adopted or as may hereafter be amended, are intended to guide the Commission in the internal operations of the agency. To that end, the administrative policies will serve as an adjunct to all applicable laws, regulations, and executive orders of the Governor, which in all instances will prevail in case there is conflict with any of these administrative policies. Amendments to these policies must be distributed to all staff and Commissioners for review.

1.30.20

Commented [CR7]: Another reason to change the title is because this is confusing. It reads as if we were viewing chapter 2.

Commented [BM8R7]: It says chapter 1 in the title and the header. Am I missing something?

Commented [CR9]: We should rename this. Currently Chapter 1 is called "Introduction" but in reality, it is mostly comprised of general administrative policies, this should help to make it easier to follow this document.

Commented [BM10R9]:

Commented [SM(11): Change date

Commented [CR12]: As currently numbered, the by-laws only allow for a maximum of 10 articles and sections. They use tenths to indicate sections instead of ones.

Current Format:
Articles: 1.10, 1.20, 1.30, etc.
Sections: 1.10.10, 1.10.20, 1.10.30, etc.

Proposed Format:
Articles: 1.01, 1.02, 1.03
Sections: 1.01.01, 1.01.02, 1.01.03, etc.

**Commission on Hispanic Affairs
Administrative Policies
Chapter 1, Page 3-**

The Commission, with the advice and ~~consent~~ ~~guidance~~ ~~consent~~ of the Executive Director, must approve amendments to these policies.

1.30.30

All staff, including interns, Commissioners, and volunteers must acknowledge through email that they have read and will abide by these policies.

1.40 Commission Powers and Duties

1.40.10 RCW 43.115.040

The Commission shall have the following powers and duties:

- (1) Elect one of its members to serve as Chair;
- (2) Adopt rules and regulations pursuant to chapter [34.05 RCW](#);
- (3) Examine and define issues pertaining to the rights and needs of Hispanics, and make recommendations to the Governor and state agencies for changes in programs and laws;
- (4) Advise the Governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of Hispanics;
- (5) Advise the legislature on issues of concern to the Hispanic community;
- (6) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for Hispanics; and
- (7) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the Commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

RCW 43.115.060 Relationships with local Government and Private Industry

In carrying out its duties the Commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity for Hispanics in government, education, and employment.

1.40.20

The Commission keeps apprised of legislative action by tracking legislation, preparing testimony and meeting with members of the Washington State Legislature to ensure equal opportunity and access to employment, education, health care and public services.

1.40.30

CHA Process for Supporting Legislation and/or Issues - Annually, no later than August 1st, the Commission will enter into discussions to determine the legislative agenda, and or priorities for the next calendar year. The Commission will seek input from community organizations, legislators, Office of the Governor, and individuals on possible legislation and issues of importance to the Latino community. The Commission will determine what legislation and/or issues the Commission will support no later than September 1st of each calendar year.

1.40.40

The Commission will use the following criteria to determine what legislation and/or issues to support:

- 1) Alignment with the Commission's legislative mandate;
- 2) Alignment with the Commission's priorities;
- 3) Alignment with the Governor's priorities;

Commented [SM(13)]: ED does not accept change

Commented [BM14R13]: Chanced back to consent. The task force specifically covered this in our meeting and opted to leave it as is.

**Commission on Hispanic Affairs
Administrative Policies
Chapter 1, Page 4-**

- 4) Impact on the Latino community;
- 5) Support by the Latino community and other community organizations; and
- 6) The Commission’s resources

1.40.50

When testifying on legislative issues that may be in opposition to the Governor’s position, the Commission will attempt to notify the Governor’s Policy Office prior to testifying on legislation. When the Commission opposes legislation and action is taken to publicly, indicating this position by either a letter or testimony, every effort will be made to notify the prime sponsor of said legislation.

1.40.60

The Commission recommends potential commissioner candidates to the Governor for review and appointment. When a commissioner position is vacant, the Commission will recommend candidates to the Governor within 90 days for potential selection to the Commission.

~~1.40.70~~

~~The Commission will can choose to publish a biennial report provided there are sufficient funds in the Commission’s budget. The report shouldwill be published no later than July 1 of the following year, and will contain an assessment of Latino issues and policy recommendations that align with the Commission’s priorities.~~

1.40.70

The Commission will publish a biennial report provided there are sufficient funds in the Commission’s budget. The report will be published no later than July 1 of the following year, and will contain an assessment of Latino issues and policy recommendations that align with the Commission’s priorities.

1.50

Commission Structure

1.50.10 **Officers**

The officers of the Commission are the Chair, ~~and two (2) Vice-Chairs, and two (2) at large elected members. The Chair-Officers will~~ will serve a term of ~~two one~~ year consistent with the cycle outlined in 1.50.20s, and the Vice Chair will serve a term of one year, with the possibility of reelection/ ~~appointment~~ for another term. An ~~Chair-officer~~ may not serve more than ~~two four~~two full, consecutive terms in any one role. Terms will terminate immediately with the election of new officers.

1.50.20

The election for ~~the Chair-officers should~~will ~~will~~ be held during the month of ~~May~~September, but no later than ~~June-October 30~~1. The Chair-Officers will be elected by a simple majority vote once a quorum is established. The elections for ~~Chair-officers~~ will take place every ~~two~~ years. The newly elected ~~Chair-officers~~ will start ~~his or her~~their term immediately.

~~1.50.30~~

~~The Chair shall nominate and appoint, with the advice and consent of the Commission, a commissioner to serve as Vice Chair, within one month after being elected.~~

1.50.340

Commented [CR15]: As written, we are in violation of our bylaws if we do not produce this report. There could be cases where we have the budget to produce but not the time, or vice-versa. If the Commission is at a time with few Commissioners it might not be prudent to use take Commission resources to use for a report.

Commented [BM16R15]: This section is a legacy item that was corrected in the legislative alignment of all commissions which took place two years ago. We can strike it from the guidelines.

For clarification, there is no violation because the commissions does not have "sufficient funds" to produce the report.

Commented [SM(17)]: ED does not accept change. This should stay in policy for future use. Historically the commission requested dollars for biennial reports. This is a report that is often requested for by constituents. Brian is correct: a budget contingency is often employed in admin policies.

Commented [BM18R17]: Added back.

Commented [CR19]: We not name the EC as officers? It feels like 1.50 should include 1.60.40 because it is talking about "Commission Structure". We can then remove 1.60

Commented [BM20R19]: The officers or the entity are the chair and vice-chairs, not the ec. That is correct because we do not have a secretary or treasurer like traditional boards of directors. The EC structure is further defined, and elected, in section 1.60.40 as mentioned.

Commented [CG21]: Was four the original term limit? I thought it was 3. Disregard if the original was 4.

Commented [SM(22)]: ED does not accept "should".
Election cycle language needs to be clear to allow for a consistent election cadence.

Language changed back to "will".

Formatted: Strikethrough

Commented [CR23]: Need for appointment is removed because of elections

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**Commission on Hispanic Affairs
Administrative Policies
Chapter 1, Page 5-**

In the temporary absence of the Chair, the Vice-Chairs will assume the duties of the Chair until ~~the return of the Chair~~their return.

1.50.~~4~~50

If it is anticipated that the Chair's absence is permanent, a new Chair will be elected and will assume the Chair's responsibilities for the remainder of the term; ~~he or she will have the opportunity to nominate and appoint a new Vice Chair and new members to the Executive Committee.~~

1.50.~~5~~60

In the event that ~~either~~the Vice-Chair leaves ~~his or her~~their position before the end of the term, ~~the Chair shall nominate and appoint, with the advice and consent of the Commission, a commissioner to serve as Vice Chair at a nomination, self or otherwise, and election will take place at~~ the next regularly scheduled Commission meeting.

1.50.~~6~~70

If the Chair or Vice-Chairs ~~are~~is completing a term left open by a departing officer, ~~he or she~~they will be eligible to serve a subsequent term.

1.60 Standing and Ad Hoc Workgroups

1.60.10

Standing workgroups for the Commission may be created based on the legislative priorities selected by the Commission for the upcoming legislative session ~~as stated under 1.40.21 and 1.40.22.~~

1.60.20

Ad hoc workgroups may be created after standing workgroups have been established to address issues, concerns, legislation, etc. that are not under the purview of any of the established standing workgroups.

1.60.30

Each workgroup will choose a lead of the workgroup based on the content expertise, time availability and current role within the Commission.

1.60.40

~~The following standing committees are permanently established. It is a further requirement that commissioners serve, at a minimum, on one (1) of the permanent standing committees. Each committee is responsible for setting and leading priorities for the Commission and fulfilling membership in any legislatively mandated advisory committee, taskforce or other related body. Each committee shall not consist of a minimum of less than three (3), but not more than five (5) commissioners.~~

~~1) Economic and Workforce Development. The Economic and Workforce Development committee shall not consist of less than three (3) commissioners but not more than five (5). The Economic and Workforce Development committee shall...~~

~~2) Law and Justice. The Law and Justice committee shall not consist of less than three (3) commissioners but not more than five (5).~~

Commented [CR24]: Updated numbering changes to reflect the removal of 1.50.30. Changes made on current 1.50.40-70

Commented [CR25]: QUESTION: We should call out terms for serving on the committees, both for regular members and for leads.

Commented [BM26R25]: Do we need to call out terms if commissioners are serving for the duration of their appointment? We could shorten that timeframe to push commissioners to serve on multiple committees but that would be for a future task force.

Commented [CR27]: These do not exist in this document.

Commented [CR28]: QUESTION: How do we resolve issues where the committee is unable to choose their own lead?

Commented [BM29R28]: Please propose an example.

Commented [CR30]: QUESTION: Should we be concerned with a cap on how many committees a Commissioner can be a part of? Or, in theory, can a Commissioner join each one?

Commented [BM31R30]: Provided they do not go beyond the 5 commissioner limit, yes, a commissioner could serve on multiple committees.

Commented [CR32]: QUESTION: What happens if only 2 people volunteer? Is it the Chair or EC's responsibility to appoint a third? What happens if more than 5 people want in on a committee? I know the hope is that we can work this out between us, but we want to also allow for ways to settle these matters.

Something else to consider, what happens if someone leaves before their term on the committee is complete? This could be challenging if it happens and a committee falls under the 3 commissioner threshold.

Commented [BM33R32]: Please propose language.

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**Commission on Hispanic Affairs
Administrative Policies
Chapter 1, Page 6-**

- 3) ~~K-12 and Higher Education. The Education committee shall not consist of less than three (3) commissioners but not more than five.~~
- 4) Physical and Behavioral Health.

1.60.40 Executive Committee Composition

1.60.40.1

~~For the purposes of these policies, the Chairman determines if an Executive Committee will be formed during his/her tenure. Members can play a vital role on the commission.~~ The role of the Executive Committee is to provide a forum for discussion on strategies before putting them before the full commission. They may handle routine matters that would otherwise take up the full commissions' limited time. Decision making power lies within the purview of the commission as a whole.

1.60.40.2

The Executive Committee is comprised of the Chair, the Vice-Chairs, Director, and ~~up to three commissionerstwo elected at-large members.~~ The Executive Committee will not consist of more than five (5) commissioners; this is to ensure quorum cannot be met within the Executive Committee.

1.60.40.3

~~Members.~~ The two (2) at-large members of the Executive Committee will be ~~selected by the Chair and the Vice Chair with the advice and consent of the Commission~~ selected at the same time as the officers of the commission under section 1.5. Members elected to the Executive Committee will serve a ~~one~~two-year term and are eligible for ~~one reappointment~~reelection to the Executive Committee.

1.60.40.4

The ~~Chair and Vice Chair Commission~~ will consider the following while ~~appointing~~electing commissioners to the Executive Committee:

- 1) Community outreach and legislative priorities -set forth by the Commission;
- 2) The subject matter expertise of the Commissioners;~~and~~
- 3) Strong leadership skills and a ~~solutions~~solution-oriented mindset; and
- 4) A demonstrated history of engagement, participation, and attendance.

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**ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 2**

GENERAL ADMINISTRATION

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: October 10, 2017

2.10 Definitions

2.10.10

For the purposes of these policies, an employee or "Commission staff" means any person who provides services for compensation to the agency unless the person is free from the employer's direction and control over the performance of work.

2.20 Sponsorship Rules

2.20.10

The Commission may not donate funds to any agency or organization. The Commission may provide financial support as a co-sponsor for efforts and events so long as: 1) the event furthers the Commission's mandate; 2) the event involves participation and presence by the Commission; and 3) the Commission's financial involvement is not disproportionate to its participation when compared to other co-sponsors.

2.30 Agency Security

2.30.10

Employees must immediately report lost State ID cards to the Executive Director.

2.30.20

Employees will not permit vendors, service personnel, or visitors to remain in the building unescorted after scheduled working hours.

2.40 Ethics

2.40.10 General Policy

2.40.10.10

Commissioners and Commission staff will demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all activities in order to inspire public confidence and trust.

2.40.10.20

Commissioners and Commission staff will serve in such a way that they do not receive or accept any undue personal benefits from the performance of official duties.

2.40.10.30

Commissioners and Commission staff will avoid any interest or activity that is in conflict with the official duties of the Commission.

2.40.10.40

Commissioners and Commission staff are encouraged to raise ethics questions and concerns. No agency representative will retaliate against another who raises an ethics question or concern.

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 2-

2.40.20 Use of State Resources

2.40.20.10

Commissioners and Commission staff will not use state resources for private benefit or to privately benefit another person(s). State resources include, but are not limited to: money, property, personnel, consumables, office supplies, computers, voice mail, scan card, etc.

2.40.20.20 Exceptions

Commissioners and Commission staff may make occasional, but limited, use of state resources (except consumables) provided all of the following conditions are met:

- 1) there is a de minimis or no cost to the state;
- 2) the use of state resources does not interfere with the performance of official duties;
- 3) the use is brief in duration and does not disrupt or distract from the conduct of state business due to volume or frequency;
- 4) the use does not compromise the security or integrity of state information or software; and
- 5) the use promotes organizational effectiveness or enhances an employee's job-related work skills.

2.40.20.30 Limitations to the limited use exception

Occasional but limited use of state resources does not include:

- 1) any use for the purpose of conducting an outside business;
- 2) use for the purpose of supporting, promoting, or soliciting for an outside organization or group unless provided for by law or authorized by the Executive Director;
- 3) any campaign or political use;
- 4) commercial uses such as advertising or selling;
- 5) any illegal activity; or
- 6) private use of any state property that has been removed from state facilities.

2.40.30 Confidential Information

Commissioners and Commission staff will not disclose confidential information for their own personal gain or benefit of another, unless the disclosure is authorized by statute.

Commission staff will not accept employment or engage in business that they might reasonably expect would induce or require them to make an unauthorized disclosure of confidential information.

For the purpose of this policy/procedure, confidential information means:

- 1) Specific information, rather than generalized knowledge, that is not available to the general public on request or,
- 2) Information made confidential by law.

2.40.40 Outside Employment

Commission staff may hold outside employment provided such employment does not interfere with the performance of the employee's job duties and does not present any conflict of interest or violation of ethics. Outside employment may not be conducted during the employee's normal work hours (unless the employee is on annual leave). All outside employment must be disclosed and approved in advance by submitting a Report of Outside Employment form to the employee's immediate supervisor and to the Human Resources Office. The Executive Director will make final determination.

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 3-

2.40.50 Political Activities

2.40.50.10

- 1) Commission staff is permitted (subject to restrictions below) to:
- 2) Register and vote as they choose;
- 3) Express their political opinions;
- 4) Solicit political contributions;
- 5) Contribute to any organization or candidate;
- 6) Hold membership in and participate in the affairs of political parties;
- 7) Assist or participate in the management of political party office;
- 8) Hold any political party office or participate in managing a partisan or nonpartisan political campaign; and
- 9) Hold part-time public office in any political subdivision of the state, provided it does not interfere with their agency duties.

2.40.50.20

Commission staff is not permitted to:

- 1) Use state resources for political activities that are not part of the normal and regular conduct of the agency, even if the cost to the state is none or de minimis;
- 2) Solicit contributions for political purposes on state property;
- 3) Demand that employees under their supervision make contributions for political purposes;
- 4) Hold a part-time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of their official duties as determined by the appointing authority. Each employee will report the holding of public office to his or her Supervisor.

2.40.50.30 Employees with authority to direct, control, or influence the actions of another.

An employee may not knowingly concur in the other employee's use of state resources for political activities.

2.40.60 Gifts

2.40.60.10

Commissioners and Commission staff may not accept, seek or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the commissioner or employee or be considered part of a reward for the commissioner's or employee's action or inaction.

2.40.60.20

A gift means something of value received by an employee that the employee did not pay for or earn. No consideration was given for the item received, and it was unsolicited by the employee.

2.40.60.30

Commissioners and Commission staff may accept unsolicited gifts as follows:

A gift or gifts that could not reasonably be expected to influence or appear to influence them to perform, not perform, or defer the performance of their job duties AND has an aggregate value of \$50 or less from a single or multiple source(s) in one calendar year.

The following gifts are without regard to the \$50 limit provided the employee is not influenced by the gift(s) as stated above:

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 4-

- 1) Flowers, plants, and floral arrangements;
- 2) Tokens or awards of appreciation in the form of a plaque, trophy, desk item, or similar item;
- 3) Publications, subscriptions, or informational materials related to official duties of the recipient;
- 4) Admission and the cost of food and beverages consumed at events sponsored by a civic, charitable, governmental, or community organization;
- 5) Advertising or promotional items of nominal value such as pens and note pads;
- 6) Items received for purpose of evaluation if the employee has beneficial interest in the eventual use or acquisition of the item by the agency;
- 7) Food and beverages consumed at a hosted reception if related to official duties;
- 8) Gifts from dignitaries intended to be personal in nature; and
- 9) Gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed \$50 on a single occasion will be reported as provided in Chapter [42.17A RCW](#).

2.40.60.40

The following items are not considered gifts and are not subject to the \$50 limit. This presumes the employee is not influenced by the item as above stated.

- 1) Items from family and friends;
- 2) Items exchanged at social events by coworkers;
- 3) Items returned or donated to charity with 30 days;
- 4) Discounts available to an employee as a member of a broad based group;
- 5) Food and beverages at hosted reception;
- 6) Customary items related to outside business and not related to performance of official duties
- 7) Items permitted by law;
- 8) Campaign contributions reported under [42.17A RCW](#);
- 9) Admission and the cost of food and beverages consumed at events sponsored by a civic, charitable, governmental, or community organization; and
- 10) Awards, prizes, scholarships, or other items provided in recognition of academic or community achievement.

2.40.60.50 Honoraria

Honoraria is defined as money or anything of economic value offered for a speech, appearance, or article in connection with an employee's official duties.

Commission staff may only accept honoraria if approved by the Director and provided all of the following conditions are met:

- 1) The person offering the honoraria is not in a contract or grant relationship with, or is not reasonably expected to seek a contract or grant from the agency and the intended recipient is not in a position to participate in the terms or award of the contract or grant;
- 2) The person offering the honoraria is not, or is not reasonably expected to seek or oppose enactment or adoption of legislation, rules, actions, or policies of the agency and the intended recipient does not participate in these activities.

2.40.70 Assisting persons in transactions involving the state

Under [RCW 45.52](#) Commission staff may not assist another person in a transaction involving the state if:

They previously participated in that transaction and it is no longer one of their official duties; or

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 5-

- 1) The transaction was under their official responsibility within two years prior to their providing the assistance and is no longer under their official responsibility.
- 2) "Participate" means to take part personally and substantially in any action or proceeding on the part of a state agency including approval, disapproval, decision, recommendation, rendering advice, investigation or otherwise.

2.40.80 Beneficial Interest in transactions involving the state

- 1) Commission staff may not have a beneficial interest in a contract that is made by, through, or is under their supervision.
- 2) "Beneficial Interest" means the right to enjoy profit, benefit, or advantage from a contract or other property.
- 3) Commission staff may not accept any compensation from any person beneficially interested in a contract that is made by, through, or is under their supervision.
- 4) Commission staff may not participate in a transaction involving the state with a partnership, association, or other person in which they own a beneficial interest.

2.40.90 Post-state employment and beneficial interest

2.40.90.10

A former agency employee may not accept employment or compensation from an employer within one year of leaving state employment if all three of the following conditions are present:

- 1) The employee negotiated or administered a contract with the new employer during the two years immediately preceding termination from the Commission;
- 2) The contract(s) had a total value in excess of \$10,000; and
- 3) Duties with the new employer would include fulfilling or implementing the contract.

2.40.90.20

For two years following termination from the agency, an employee must not have a beneficial interest in a contract or grant expressly authorized or funded by action in which the employee participated while in agency employment.

2.40.90.30

Employees may not accept an offer of post-state employment if it could reasonably be expected to influence the performance or nonperformance of their job duties.

2.40.100 Violation of Ethics Policies

Violation of these policies may be grounds for disciplinary action up to and including termination of employment for agency staff.

2.50

Sexual Harassment

2.50.10

Sexual harassment is a form of employee misconduct and sanctions will be enforced against any member of the staff and or commissioner engaging in sexual harassment and against the Executive Director or supervisor who knowingly allows such behavior to continue.

2.50.20

As used in this policy, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature will constitute sexual harassment when: submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment;

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 6-

submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or the conduct has the purpose or effect of unreasonably interfering with the affected person's work performance or creating an intimidating, hostile, or offensive work environment.

2.50.30

The Executive Director will ensure that agency employees, commissioners, interns, and volunteers know and understand their rights of redress, and the availability of complaint resolution channels and assistance with incidents of sexual harassment.

2.50.40

All commissioners and agency employees will be provided with a copy of this policy and provided with appropriate training to instruct and sensitize staff and commissioners.

2.50.50

Because of the sensitivity of the issue, particular efforts will be made to ensure protection of the complainant and the accused. The Executive Committee will inform victims of the various administrative and legal remedies available to resolve these matters.

2.50.60

The complaint procedure will provide subsequent review to determine if the sexual harassment has been effectively stopped.

2.60

Reasonable Accommodation

2.60.10 Scope

This policy affects all employees and commissioners. Persons with disabilities have the right to request and receive reasonable accommodation in all aspects of employment or service with the state, including but not limited to: application; recruitment; selection/hiring; promotion; testing; medical examinations; layoff/recall; assignments; termination; evaluation; compensation; disciplinary actions; leave; training; the terms, conditions and benefits of employment including insurance benefits; and employer supported activities.

2.60.20 Definitions

"Reasonable accommodation" means modification or adjustment to a job, work environment, policies, practices, or procedures that enables a qualified individual with a disability to enjoy equal employment opportunity. For purposes of the agency's dealings with the general public, "reasonable accommodation" means action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitation.

"Equal Employment Opportunity" means an opportunity to perform the essential job functions, or to enjoy equal benefits and privileges of employment as are available to a similarly-situated applicant or employee without a disability.

"Person with a disability" means a person with a physical or mental impairment that substantially limits one or more major life activities; or a person who has an abnormal condition that is medically cognizable or diagnosable, and who is denied reasonable accommodation or is discriminated against on the basis of that condition.

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 7-

“Undue hardship” means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the agency.

2.60.30 Policy

The agency will recruit, hire, train, promote, and transfer any individual who can perform the essential job duties with reasonable accommodation without regard to sensory, mental, or physical disability. The agency will not discriminate because of sensory, mental, or physical disability in any term or condition of employment.

Examples of reasonable accommodation include, but are not limited to, the following:

- 1) changes to work schedules or job structure;
- 2) physical changes or office relocation to make facilities accessible and usable;
- 3) use of readers, sign language interpreters, or other aids.

2.60.40

It is the obligation of the person with the disability to request a reasonable accommodation. A person may refuse an accommodation. If an employee cannot perform the essential functions of the job without such accommodation, the individual will not be considered an employee with a disability.

2.60.50

Reasonable accommodation is determined by the circumstances in each case. Not all possible accommodations are reasonable. To help determine if an accommodation is reasonable, the agency will consider the following factors:

- 1) the cost of providing the accommodation in relation to the expected benefit derived for the employment of that person or persons;
- 2) the extent of general use of the accommodations, including use by non-disabled persons;
- 3) useful life of the accommodation; and
- 4) whether the accommodation would increase or decrease the productivity of the work location.

2.60.60 Verification

When an applicant or employee makes a request for a reasonable accommodation, and the disability is not readily apparent and previously documented, the supervisor may request that the applicant or employee provide verification from a health care professional. The agency may obtain a second opinion at its own expense from a health care professional of its own selection.

2.60.70 Access to meetings

All meetings, hearings, or conferences held by the agency will be held, to the greatest extent feasible, in hotels, motels, restaurants, state facilities, and other locations that are ADA accessible. Upon request and with adequate notice, the agency will provide interpreters for deaf individuals and Braille or taped information for blind individuals at agency meetings.

2.70

Purchase Card Policies

2.70.10 Limitations on use

The agency purchase card is to be used to procure small dollar amount goods and services. The purchase card can only be used to purchase goods and services for the agency.

Purchase cards may not be used to:

- 1) Obtain cash advances from financial institutions;
- 2) Make personal purchases;
- 3) Purchase materials or services from any member of the card custodian’s immediate family.

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 8-

2.70.20 Purchasing Card Manager

The senior administrative staff is designated the Purchasing Card Manager and custodian. He/She will:

- 1) Maintain appropriate purchasing card records, including the amount of purchases made with the card within a stated period, the reasons for the purchases, and written reports of any problems encountered with the use of the purchase card;
- 2) Update the agency purchasing card policies as necessary;
- 3) Review the purchase card program at least annually to ensure that proper procedures are being followed;
- 4) Establish card renewal procedures;
- 5) Ensure timely reconciliation of monthly statements;
- 6) Maintain and reconcile a purchase card transaction log for all transactions made according to agency procedures;
- 7) Keep the purchase card in a secure place;
- 8) Report a lost or stolen card immediately; and
- 9) Notify the Executive Director promptly of any known or suspected inappropriate use of the purchase card.

2.70.30 Ordering a purchase card

If the agency chooses to participate in a new purchase card program, the senior administrative staff member will contact the purchase card provider by phone or written correspondence.

Written correspondence should be on agency letterhead and signed by the agency director or director's designee.

2.70.40 Payment of the purchase card bill

The agency will pay the purchase card bill within 14 days in order to take advantage of rebate incentives. The agency will make every effort to make timely payments.

The agency will immediately notify the purchase card provider or merchant, as appropriate, of any items in dispute. Disputed items should be documented in writing, investigated, and resolved within 60 days from discovery of the charge or from the first statement on which the disputed charge appears.

2.70.50 Purchase card abuse

Abuse or misuse of the agency purchase card is sufficient enough for disciplinary action, including dismissal.

2.80

Risk Assessment

2.80.10 Definitions

A "risk assessment" is an ongoing process to identify, analyze, and manage risk, both external and internal. The assessment should help the agency understand how those risks affect its activities, assess their significance, manage their effect, and provide for continuous monitoring.

- 1) "External risks" arise from activities outside the agency. Technological developments, changing public expectations, legislative directives, natural catastrophes and economic changes all have the potential for creating external risks in an agency.
- 2) "Internal risks" are less predictable and arise from activities inside the agency. Disruption of the central computer system or telephone system causes obvious operational problems. When

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 9-

a new agency director is appointed, changes in management style can affect internal control objectives.

- 3) "Risk analysis" involves a careful, rational process of estimating the significance of a risk, assessing the likelihood of its occurrence and considering what actions and controls need to be taken to manage it. Risk analysis also involves estimating the cost to the agency if something does go wrong. That analysis is based on the agency's assumptions about the risk and costs associated with reducing it. Sometimes an actual risk may appear to require one set of actions, but the perceived risk coupled with media reaction to the risk, requires a more expensive set of actions.
- 4) "Control activities" are the policies and procedures that help ensure management directives are carried out. They help ensure that necessary actions are taken to address risks to the achievement of an agency's objectives. Control activities occur throughout the agency, at all levels and in all functions. Control activities are actions taken to minimize risks. The need for a control activity is established in the risk assessment process. When the assessment has identified a significant risk to the achievement of an objective, a corresponding control activity should be determined. If control activities are in place for each significant agency operation and if management makes sure those activities are carried out properly, staff can be reasonably confident the management control system will provide the necessary assurances.
- 5) Control activities include, but are not limited to: physical controls, performance indicators, and segregation of duties. Physical controls are efforts to physically secure and account for assets such as equipment, inventories, securities, and cash. Performance indicators are efforts to identify certain operating results by investigating unexpected results or unusual trends. Performance indicators can help to identify circumstances that jeopardize the achievement of agency objectives. "Segregation of duties" involves dividing duties among different people to reduce the risk of error or inappropriate actions.

2.80.20 General Procedures for Assessing Risk

The Executive Director is responsible for establishing and maintaining an effective system of internal control throughout the agency. The internal control system will provide reasonable assurance that the agency will accomplish its objectives, including delivery of services to the public; maintaining and reviewing financial information; and inspecting or maintaining physical assets. The concept of reasonable assurance recognizes that the cost of an internal control activity should not exceed the benefit derived.

2.80.21

The Executive Director will identify and analyze the risks to achieving agency objectives and then determine how those risks should be managed. Management defines the level of risk that the organization is willing to accept and strives to maintain risks within those levels.

2.80.22

The Executive Director will coordinate and schedule the overall agency-wide effort of improving control activities. This may include contracting with an external auditor to perform agency risk assessments. The Executive Director will document this effort, in a written report, once per year. The yearly risk assessment will address identification, review, and management of risks that affect agency objectives including control objectives such as safeguarding state assets and resources. The assessment will also certify the results of the agency's compliance with this policy, including an attached summary description of material internal control weaknesses, if any, and a brief corrective action plan.

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 10-

2.80.30 Encouragement to Report Risk

Agency staff and commissioners should communicate with the Executive Director regarding any problems in operations, non-compliance with codes of conduct, violations of policy, and illegal acts.

2.90 Sustainability

2.90.10

“Sustainability” is a way of meeting present needs, without compromising future generations of their ability to meet their own needs and integrating environmental protection, economic need, and social concerns.

2.90.20

- 1) The Commission encourages the implementation of sustainable resource use in its daily operations. This includes, but is not limited to:
- 2) Efficient use of the building resources such as heating, cooling and lighting requirements;
- 3) Using carpools;
- 4) Delivering equipment to Surplus when it is no longer needed;
- 5) Providing notices for meetings and conferences via email;
- 6) Recycling paper, cardboard, aluminum cans, printer cartridges, and toner cartridges;
- 7) Using recycled paper;
- 8) Using electronic instead of hardcopy documents when feasible;
- 9) Promoting flextime and compressed workweek schedules, thereby reducing the number of drive trips to work.
- 10) Finding meeting locations requiring the least amount travel for a majority of the attendees;
- 11) Encouraging staff and commissioners to conduct meetings via telephone; and
- 12) Promoting more use of the agency webpage for documents and publications previously distributed by hardcopy.

2.91 Stipend for Personally Owned Cell/Smart Phones

2.91.10

The agency will provide a stipend for the use of a personally owned cell/smart phone for conducting state business and accessing state networks. It is the policy of the agency to use cell/smart phones when the job duties of the position necessitate its use as a justified business need. The agency may provide a cell/smart phone, or pay an employee a stipend for using a personally owned cell/smart phone, in accordance with the following rules.

2.91.20

Cell/smart phone use is based on business needs. The use of a personal phone for state business must be approved by the Executive Director. An employee with a documented business need may either use an agency-owned cell/smart phone, or request approval to receive a stipend for their personal cell/smart phone from the Executive Director.

2.91.30

Stipend information:

- 1) The agency will pay \$40 per month for a voice and data service plan, based on individual evaluation by the Executive Director.
- 2) The employee’s cell/smart phone and service plan must support access to the agency’s electronic mail system via the secure Microsoft Exchange remote mail portal.

Commission on Hispanic Affairs
Administrative Policies
Chapter 2, Page 11-

- 3) The employee is responsible for costs and details of the cell/smart phone and service plan.
- 4) The employee receives and pays invoices directly for the cell/smart phone and service plan.
- 5) The agency is not responsible for the employee's cell/smart phone or service plan.

2.91.40

Business related data transactions made via employee-owned cell/smart phones are subject to the existing public disclosure retention schedules as determined by content. In addition, should they be identified during a public disclosure request, an additional retention of six years may apply.

2.91.50

Employee-owned cell/smart phone information is private with the following exceptions:

- 1) For audit purposes, the employee must be able to provide proof of a qualifying voice and/or data service plan.
- 2) When notified of a litigation hold, the employee may be required to consent to the inspection and copying of data and electronically stored information on their cell/smart phone by CHA, as determined by the scope of the litigation hold.

2.91.60 Executive Director Responsibilities

- 1) Review and approve (or deny) requests to pay a stipend to employees for personal cell/smart phone use that are submitted using the CHA Cell/Smart Phone Stipend Request form.
- 2) Provide oversight and instruction to the employee for the proper use of cell/smart phone and evaluate needs whenever job duties change.
- 3) Evaluate whether or not there is still a business need for an employee to use a cell/smart phone annually.

2.91.70 Employee Responsibilities

- 1) Understand and comply with this policy and applicable state and federal laws regarding the use of cell/smart phones.
- 2) Complete and sign the CHA Cell/Smart Phone Stipend Request form and submit to the Executive Director for approval, prior to receiving a stipend for personal cell/smart phone use.

**ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 3**

COMMISSIONER DUTIES & RESPONSIBILITIES

AUTHORIZING SOURCE: WAC 322-1 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: ~~October 10, 2017~~ [August 31, 2020](#)

Commented [SM(34)]: Change date

3.10 General Duties and Responsibilities

A Commissioner's volunteer duties are extensive, and the time commitment is substantial. These duties bring both great challenges and great rewards. The Commission on Hispanic Affairs consists of individuals who are dedicated to their community, passionate about voicing issues, finding solutions, and being real agents of change for Washington Hispanics. The ideal candidate for this position will understand the unique opportunity that awaits them.

3.10.10

Commissioners will serve the public with respect, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself.

3.10.20

Commissioners will study programs and services and analyze the problems and needs of the Hispanic community. They must interpret community opinions, attitudes, and needs to the Commission for transmittal to federal, state and local agencies, the Legislature, and the Governor. Commissioners have the responsibility to maintain communication with the community they represent. They are to keep the community informed and up to date on issues, legislative activity, and statutes affecting the Hispanic community. Commissioners are expected to meet with federal, state, city and local officials regularly to advise on issues affecting the Hispanic community. Commissioners are encouraged to seek out gifts, grants, and endowments from public or private sources for the use and/or benefit of the commission.

3.10.30 Annual Time Commitment

Some of the time commitments may vary, in general some of the reporting reflects the following:

- CHA Commission meetings: 4 to 6 times a year, 8 hours each day
- CHA Conference Calls: 12 to 24 hours a year
- CHA Committee meetings: 12 to 20 hours a year
- CHA database to enter your time: 6 to 12 hours a year
- Writing letters to the state agencies and Office of the Governor: 5 to 10 hours a year
- Meetings with state agencies and Office of the Governor: 10 to 20 hours a year
- Writing letters and bill testimonies to federal, state and local elected officials: 5 hours a year
- Meetings with federal, state and local elected officials: 10 hours a year

These hours will fluctuate from year to year and will vary on commission priorities.

3.10.40

Commissioners will offer new proposals and recommend changes in programs, policies and standards.

**Commission on Hispanic Affairs
Administrative Policies
Chapter 3, Page 2-**

3.10.50

Commissioners will provide the Hispanic community with information and interpretation of CHA's policies, programs.

3.10.60

Commissioners will foster a cooperative and supportive team approach with other members of the Commission, Executive Director, and staff.

3.10.70

Commissioners will represent the Commission in a positive manner.

3.10.80

As individuals, Commissioners will use discretion to avoid the appearance of speaking for the Commission, unless specifically authorized to do so. Commissioners ought to take appropriate action when material events occur by communicating, at a minimum, to the executive committee within a reasonable time frame.

Examples of material events include, but are not limited to, the following:

- 1) Providing public opinion, commentary, or written recommendations which would reflect an official commission position
- 2) Statewide committees, task forces, or board appointments, that are the result of commission affiliation
- 3) When engaged by a member of the media to discuss information regarding the commission, its work, or legislative priorities

3.10.90

Commissioners will attend all Commission public meetings, study sessions, and special meetings, unless excused by the Chair of the Commission or the Director. A request to be excused must be submitted by e-mail, or in writing at least 24 hours prior to the meeting. No commissioner will have Any Commissioner, who has two unexcused, or three excused mandatory Commission public meetings, study sessions, and/or special meetings in a year. will be asked to resign. The Commission will recommend in writing to the Governor that the Commissioner be immediately suspended or removed from the Commission Any violation of 3.10.90 will generate a notification to the appointing authority by the Executive Committee. A monthly attendance report will also be provided to the Boards and Commission Office to ensure good standing.-

3.10.91

An absence is unexcused when no prior notification is provided to the Chair or and Director. An absence is also unexcused when notification is provided, but the reason for the absence does not meet the requirements of an excused absence. An absence is excused if it pertains to family, medical emergencies or prescheduled work-related commitments.

3.10.92

Late arrival to meetings Punctuality: All Commissioners must arrive on time to all meetings.

Commissioners must notify the Chair if they will be arriving late. Commissioners who arrive late to two or more meetings, without a valid excuse, will be given a letter of advisory by the Chair. Reason for arriving late must comply with 3.10.91. If tardiness persists further disciplinary action will be taken.

Commented [CR35]: Typo, missing words.

Commented [BM36R35]: Fixed.

Commented [CG37]: Does this mean the Gov's office and if so can we call it out so it is clear?

Commented [CG38]: Can we change to "and" and require both be notified so there is no room for questioning or cover ups.

Commented [CR39]: This could be very tricky based on work requirements

Commented [BM40R39]: Suggestion?

**Commission on Hispanic Affairs
Administrative Policies
Chapter 3, Page 3-**

3.10.93

Commissioners hosting community meetings will submit a summary of the meeting minutes to staff for public posting on CHA's website, within 30 days of the meeting.

3.10.94

Upon review of these policies and agreement to aforementioned responsibilities outlined in this chapter, Commissioners will sign and abide by the provisions set forth by the Commissioner Statement of Agreement and these policies.

3.20 Commission Chair Duties and Responsibilities

3.20.10

The Chair provides leadership to the Commission, ensuring that all meetings are conducted in an orderly manner.

3.20.20

The Chair assigns commissioners to special [internal](#) projects and/or committees.

3.20.30

The Chair advises the Executive Director on issues or other matters that may require the Director's attention.

3.20.40

The Chair keeps the Commissioners informed of all actions and activity conducted on behalf of the Commission.

3.30 Vice-Chair Duties and Responsibilities

3.30.10

The Vice-Chair~~s~~ serves on the Executive committee with the Chair. The ~~VC-Vice-Chairs~~ work ~~with the chair to determine who serves on the ex com~~ [executive committee to ensure the Commission is setting expectations and supporting commissioners in meeting statute](#). In the event that the Chair is unable to represent [CHA the Commission](#) (eg: commission general calls) ~~the a VC Vice-Chair~~ will be asked to serve in that capacity.

3.30.20

The Vice-Chair~~s~~ coordinates ~~the~~ recognition award ceremonies for the commissioners who have completed their term.

3.40 Executive Committee Duties and Responsibilities

3.40.10

The Executive Committee will be informed prior to the Commission's acceptance of any gifts, grants and endowments from public or private sources that are made for the use or benefit of the Commission.

3.40.20

The Executive Committee advises the [chair-Commission](#) on matters that require assistance from agencies and notifies the Executive Director of the need to request assistance from agencies.

**Commission on Hispanic Affairs
Administrative Policies
Chapter 3, Page 4**

3.40.30

The Executive Committee assists in the Executive Director's coordination of orientation and training for new commissioners, and serves as a mentor to newly appointed commissioners.

3.40.40

The Executive Committee and the Director will coordinate the publishing of the ~~annual~~-biennial report when necessary, consistent with 1.40.70.

3.40.50

The Executive Committee sets the agenda/approves the agenda for study sessions and community meetings (topics and length of meetings).

3.50 Commissioner Corrective Action and Discipline

3.50.10

Any violation by commissioners of the general duties and responsibilities listed in this chapter will be the basis for disciplinary action.

3.50.20

All complaints received from any entity on any of the Commissioners and Director will be presented to the Executive Committee and the Commission for their consideration at the next Commission meeting. The Executive Committee will have 30 days to act on the complaint. All complaints involving the Director will be forwarded to the Governor's Deputy Chief of Staff.

3.50.30

For the purposes of disciplinary action, the Chair is the supervisor of individual commissioners. If the Chair is the subject of discipline, the Chair will be excused from the functions involving such discipline and the Vice Chair will perform such duties and responsibilities.

3.50.40

The Chair will present all possible disciplinary actions to the Executive Committee for their deliberation.

3.60 Procedure for Disciplinary Action

3.60.10

If the Executive Committee identifies a basis for initiating disciplinary action, the Committee will take the following steps:

- 1) ~~Verbal advisory by Chair or Vice Chair~~Notification of a violation will be sent to the Commission's appointing authority, which is the Boards and Commissions Office, and the involved commissioner.
- 2) If behavior is not corrected, the Commission recognizes and supports the appointing authority's plan of action, an advisory letter will be sent as an initial written warning with the specific reason(s) for the warning and corrective action(s) that the commissioner should take.

~~3.60.20~~

~~If the Executive Committee finds that the commissioner subject to disciplinary action continues to violate Commission policy, the Committee will make a recommendation to the Commission~~

Commented [CG41]: Can we add the Chair to this section as well?

Commented [CR42R41]: At the end of the day, the Chair is a Commissioner. No need to call out for special handling as it would be redundant.

Commented [SM(43): Refer chair complaints to Boards and Commissions Office as their appointing authority? Maria will check with BCO.

Commented [CR44]: As currently stated, only the EC is involved in the decision making process and it removes the Commission as a whole from the process.

Commented [BM45R44]: Previously it was left up to the chair / vice chair (section 1) and this was changed to the Executive Committee to remove bias. They are only sending notification to the boards and commissions office, no disciplinary matters are handled by the commission at all to remove all internal conflicts.

Commented [CG46]: Can we pin-point who this is here? Gov's office?

Commission on Hispanic Affairs
Administrative Policies
Chapter 3, Page 5-

~~regarding further disciplinary action. Further disciplinary action may include a letter to the Governor formally reprimanding the commissioner, a letter to the Governor recommending suspension, or a letter to Governor recommending removal from the Commission.~~

3.70 Serious Misconduct

3.70.10

Serious misconduct includes the following actions: theft of Commission property, misappropriation of Commission funds, intentional destruction of Commission property, and violation of the State's discrimination law related to religion or sexual harassment. Violation of any of these policies will be addressed immediately.

3.70.20

If the Executive Committee believes that a commissioner has performed an act of serious misconduct, the Executive Committee ~~may recommend in writing to the Governor that the commissioner be immediately suspended or terminated. The recommendation must be presented to the full Commission and approved prior to its delivery will notify its appointing authority~~ immediately.

**ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 4**

PERSONNEL

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: October 10, 2017

4.10 General Duties and Responsibilities

4.10.10

Agency staff will serve the public with respect, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself.

4.20 Executive Director Duties and Responsibilities

4.20.10

The Executive Director is appointed by and will report to the Governor to serve as facilitator to the commissioners, so that they may carry out their duties.

4.20.20

The Executive Director functions as the liaison between the commissioners, the state agencies, and the Legislature, Governor, and the public and private sector.

4.20.30

The Executive Director must maintain timely communication with the Chair regarding all news releases and significant newsworthy items statewide.

4.20.40

The Executive Director will keep the commissioners informed regarding implementation of decisions made by the commissioners, legislative activities, and other governmental activities affecting the Hispanic community.

4.20.50

The Executive Director will present matters requiring immediate action to the Executive Committee for their review.

4.20.70

At regularly scheduled Commission meetings, the Executive Director will inform the Commission on activities taken on behalf of the Commission.

4.20.80

The Executive Director will attend all Commission public meetings, study sessions, and special meetings. If the Executive Director does not attend two public Commission meetings without valid excuse, the Executive Committee may recommend in writing to the Governor that the Executive Director be immediately suspended or terminated. The recommendation must be presented to the full Commission and approved prior to its delivery.

4.20.90

The Executive Director will manage the day-to-day operations of the Commission office, including legislative, community outreach, budget and compliance responsibilities.

4.20.100

In May of even-numbered years, the Executive Director will initiate a discussion on goals and strategic plans to initiate a general budget proposal with the commissioners.

Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 2-

4.20.110

Following the release of the agency budget by the Office of Financial Management, the Executive Director will review the appropriated budget with the commissioners at the next regularly scheduled meeting and/or by email.

4.20.120 Executive Director Staffing Responsibilities

4.20.120.10

The Executive Director will be responsible for staff assignments and annual staff performance evaluations.

4.20.110.20

The Executive Director has the hiring, terminating, and evaluating authority over the Commission staff.

4.20.130 Official Communications

4.20.130.10

The Chair and the Executive Director are the spokespersons for the Commission and have the authority to make public statements on behalf of the Commission. The Chair and the Executive Director have the responsibility to ensure that any official communications accurately reflect the position of the Commission.

4.20.130.20

Agency staff and the commissioners will notify the Chair or the Executive Director immediately before or after initiating any official communication on behalf of the Commission. Agency staff and commissioners must receive approval from either the Chair or the Executive Director before initiating any official communications on issues or legislation for which the Commission has officially not taken a stance. Official communications include, but are not limited to, in-person meetings, press interviews (written or spoken), testimony before the Legislature or local councils, boards, or committees and written or email correspondence.

4.20.130.30

All issues for which the Commission has not officially taken a stance and require official communication, will be presented to the entire Commission for discussion and decision making.

4.20.130.40

Copies of any official communication will be delivered to the Executive Director for inclusion as an agency public record.

4.30

Salary and Benefits

4.30.10 General

It is the policy of the Commission to provide all state employee benefits to all permanent staff.

4.30.20 Director Salary

The Governor sets the Executive Director's salary.

4.30.30 Exempt staff

The Executive Director will determine other exempt staff salaries. The director will consider salary increases for other exempt staff at the time of the employee's annual performance evaluation. This does not prevent the director from increasing the exempt employee's salary at any other time.

**Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 3-**

4.40 Overtime Compensation Policy

4.40.10 Accrual of Exchange time for Exempt Employees

4.40.10

Exempt employees, who wish to be granted exchange time for overtime worked, must receive prior written approval from the Executive Director. If the director is not available, the Office of the Governor can approve accrual of exchange time.

4.40.20

Following the Executive Director's written approval or written approval by the Office of the Governor if the director is unavailable, exchange time may be accrued on an hour for hour, straight time basis, for work in excess of 40 hours per week.

4.40.30

The agency staff will accrue exchange time as Exempt employees.

4.40.40

For purposes of calculating overtime, travel to and attendance at meetings, conferences, and training sessions will be considered time worked, excluding normal commute time, in accordance with travel regulations issued by the Office of Financial Management.

4.50 Exchange Time

4.50.10 Policy

The normal business hours of the agency are from 8 a.m. to 5 p.m., Monday through Friday, except on state holidays. However, in order to better utilize the workforce for the agency and increase employee productivity, the agency will make flextime hours an option available for employees, subject to the Executive Director's approval.

Flextime defines a schedule where an employee's workday begins between 7 a.m. and 9 a.m., a lunch period of either 30 or 60 minutes, and a stopping time between 4 p.m. and 6 p.m.

Employees can also choose to work longer hours per day and reduce the number of workdays per week, subject to the limitations above.

4.50.20 Procedure

An employee wishing to implement a flextime schedule will request the change of schedule in writing.

The Director will determine whether requested flextime schedules are feasible, considering office coverage and supervision needs.

4.50.30 Criteria for flextime scheduling

The Executive Director will apply the following criteria in determining whether the proposed flextime schedule is feasible:

- 1) The flextime schedule will not affect the ability of the employee to meet all work responsibilities as established prior to the flextime schedule;
- 2) The flextime schedule will not negatively affect the ability of the employee to provide services and carry out the agency's mission;
- 3) The flextime schedule will not negatively affect customers or coworkers;
- 4) The flextime schedule allows for appropriate lunch and break periods;
- 5) The flextime schedule is consistent with Washington and federal labor requirements;
- 6) The flextime schedule serves to support a legitimate and valued need of the employee; and
- 7) The flextime schedule supports effective agency employee attraction, retention, morale, and productivity strategies.

Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 4-

4.50.40 Telecommuting

- 1) The Commission recognizes and supports the use of telecommuting in order to decrease the release of carbon emission due to greenhouse gasses, improve work-life balance, increase flexibility in travel and meeting schedules, and foster a healthy work environment.
- 2) All telecommuting schedules must be reviewed and approved by the Executive Director. The Executive Director will apply the following criteria in determining whether telecommuting is feasible:
- 3) The telecommuting schedule will not affect the ability of the employee to meet all work responsibilities as established prior to the flextime schedule;
- 4) The telecommuting schedule will not negatively affect the ability of the employee to provide services and carry out the agency's mission;
- 5) The telecommuting schedule will not negatively affect customers or coworkers;
- 6) The telecommuting schedule is consistent with Washington and federal labor requirements; and
- 7) The telecommuting schedule supports effective agency employee attraction, retention, morale, and productivity strategies.

4.60

Leave

4.60.10 General Procedures

Executive Director

The Executive Director will request leave time (annual leave, sick leave, and leave without pay) from the Office of the Governor. The Director will make the request in writing and submit the request at least one week before the first day of the requested leave time, unless an emergency does not permit. The Director may accrue and use Exchange Time on a calendar year basis. Exchange Time will have no cash liquidation value during or upon termination of employment. The Deputy Chief of Staff must authorize accumulations of exchange time for agency directors in excess of five days. No Exchange Time may be carried over from one calendar year to the next.

4.60.20 Other Staff

Other staff will request leave time (annual leave, sick leave, and leave without pay) from the Executive Director or the Office of the Governor if the Director is unavailable. Staff will make the request in writing and submit the request at least one week before the first day of the requested leave time, unless an emergency does not permit.

4.60.30 Vacation Leave

4.60.30.10

- 1) No employee will accumulate vacation leave in excess of 240 hours, with the following exceptions:
- 2) an employee can exceed the 240 hour limit up to the employee's anniversary date; or
- 3) the employee requests leave and is denied, forcing accrual beyond 240 hours. If either exception is met, the vacation leave balance must be reduced to 240 hours prior the employee's anniversary date.
- 4) Excess vacation leave over 240 hours (or past the employee's anniversary date if an exception is met) is extinguished.

4.60.40 Shared Leave

Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 5-

4.60.40.10 CHA employees may donate annual, sick or personal holiday leave to another state employee to use for sick leave purposes or to another state employee called to service in the uniformed services.

4.60.40.20 Definitions

For the purposes of this section, an “employee” is any employee entitled to accrue sick, annual, or personal holiday leave and for whom an agency has maintained leave records.

- 1) A “donor” is the employee making the donation of leave.
- 2) A “donee” is the employee receiving the donation of leave (recipient).
- 3) “Donated leave” means the dollar value of the leave hours a donor donates through the Shared Leave Program.
- 4) “Shared leave” means the donated leave converted to hours by the receiving agency at the donee’s rate of pay. This may be more or less than the literal hours donated depending on the relative salary rates of the respective employees.

4.60.40.30

Employees on shared leave continue to receive the same salary, wage, and employee benefits that they normally receive when using accrued leave. (Refer to RCW 41.04.665(7)).

The employee requesting leave will submit a medical statement supporting the request. The medical statement must be provided by a licensed physician (or health care practitioner) and must verify the severity or extraordinary nature of the condition as well as determine the expected duration of the condition. For an employee called to service in the uniformed services, that employee must submit a copy of the military orders verifying the employee's required absence.

4.60.40.40 Types and limitations on leave donations

Employees may donate annual leave if this does not cause their annual leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances are pro-rated. Employees may donate any amount of sick leave provided the donation does not cause their sick leave balances to fall below 176 hours after the transfer. An employee may donate all or part of a personal holiday. Any portion of the personal holiday that is not used will be returned to the donating employee, and may be used by the donor if the returned donation occurs and is then used in the same calendar year that it was donated.

4.60.40.50 Limitations on receipt of shared leave

An employee may not receive more than 261 days of shared leave for the entire duration of state employment. An employee must use all other paid leave balances (i.e., sick leave, annual leave, personal holiday, compensatory time, and exchange time) before using shared leave for medical purposes. For work related illness or injury, the employee must diligently pursue and be found to be ineligible for benefits under chapter 51.32 RCW to qualify for shared leave for medical purposes. If the employee has been called to service in the uniformed services; all paid leave except sick leave must be depleted prior to using shared leave.

4.60.40.60 Transfer of shared leave

An employee may receive or may donate leave between agencies. Transfer of leave requires written approval from the agency head or designee of both the donor and donee agencies.

4.60.40.70 Computation of leave transferred

In transferring leave from the donor to the donee, it is the donor’s dollar value of the leave that transfers and purchases shared leave for the donee at the donee’s salary rate. To determine the

Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 6-

amount of leave transferred, the donating agency calculates the dollar value of donated leave using the donor's total current salary rate times the hours donated. The receiving agency divides the dollar value received by the donee's total current salary rate to determine the leave hours to record.

4.60.40.80 Unused shared leave

Donees will return any unused shared leave to the donor(s).

4.60.40.90

The Executive Director will refer any questions as to the calculations of leave or leave reversions to OFM-SACS.

4.60.50 Accrued sick leave buyout

4.60.50.10 Current employees

In January of the year following any year in which a minimum of sixty days (480 hours) of sick leave is accrued, and at no other time, an eligible employee may elect to receive compensation for the unused sick leave accumulated only in the previous year. Compensation is payable at 25% for any of the prior year's unused sick leave hours the employee elects to receive. However, no sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours. Payment is based on the employee's current salary. Sick leave for which compensation has been received is deducted from accrued sick leave at the rate of 4 days for every 1 day paid.

4.60.50.20 Terminating Employees

Eligible employees (or their estates) who separate from state service due to retirement or death may elect to receive compensation for unused sick leave at the rate of 25% of accumulated accrued sick leave. The compensation is based on the employee's salary at the time of separation.

4.60.60 Leave due to inclement weather

4.60.60.10

If a state office or work location becomes non-operational due to inclement weather or a natural disaster, non-emergency employees should be released at no loss in pay for the duration of the disruption to services.

4.60.60.20 Agency office operational

If the agency office is fully operational but the employee is unable to report to, or remain at, work due to inclement weather or a natural disaster, then the employee will take leave in the following order: (1) any earned compensatory or exchange time; (2) accrued vacation leave; (3) accrued sick leave up to three days; or, (4) leave without pay. If the employee reports to work but is late due to inclement weather, the employee is allowed up to one hour paid time with the remainder to be taken as leave as listed above.

4.60.60.30

If the agency office is closed or partially closed due to inclement weather, the employee will be paid up to 15 days due to the closure. The employee will make all efforts in coordination with the Director to find an alternative workplace during the closure.

4.7.0 Family Medical Leave Act

4.7.10 Policy

The Family Medical Leave Act (FMLA) entitles an eligible employee to take up to 12 weeks of unpaid, job-protected leave in any 12-month period for specific family and medical reasons. FMLA leave may be used for one or more of the following reasons:

Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 7-

- 1) for the birth or placement of a child for adoption or foster care;
- 2) to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- 3) to take medical leave when the employee is unable to work because of a serious health condition.

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- 1) any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- 2) continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
 - A. A health condition (including treatment or recovery) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - treatment two or more times by or under the supervision of a health care provider; or
 - one treatment by a health care provider with a continuing regimen of treatment; or
 - B. Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; or
 - C. A chronic serious health condition that continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; or
 - D. A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; or
 - E. Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

4.60.60.20 Eligibility

To be eligible, an employee must have worked for the agency for at least 12 months and worked at least 1250 non-overtime hours in the 12 months immediately preceding the first day of leave.

4.60.60.30 Procedure

The employee must request the FMLA leave in writing. This request should include the anticipated beginning and ending dates of the requested leave, the reason for the leave, and the type of leave and inclusive dates for the use of each type of leave. During absences designated by the employee as FMLA leave, the employee may choose to use accrued paid leave to cover all or part of their FMLA absence. Accrued paid leave includes sick leave, vacation leave, personal holiday, or compensatory time accrued. The employee may use unpaid leave once paid leave is exhausted. For FMLA leave over one week in duration, the employee must provide medical certification from the treating physician prior to the absence.

4.60.60.40 Continuation of benefits

Employees on FMLA leave will continue to receive health benefits as if on paid leave.

Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 8-

4.70 Performance Evaluations

4.70.10 Executive Director

The Commission may, if requested, provide information to the Governor's Deputy Chief of Staff on the Director's performance.

4.70.20 Other Staff

The Executive Director may evaluate all staff annually, other than probationary or trial service employees. The director will conduct the evaluation of probationary and trial service employees within the initial six months of their probationary or trial service period. The director may conduct yearly, written staff evaluations no later than one month from each individual employee's anniversary date.

4.80 Corrective Action and Discipline

4.80.10 Executive Director

The Governor may remove the Executive Director at will. If the Commission finds it appropriate, the Commission may recommend to the Governor that discipline of the Executive Director is warranted. They may issue a letter recommending suspension or termination. A copy of such letter will be placed in the Executive Director's personnel file.

4.80.20 Exempt staff

Exempt staff is "at will." The Executive Director can dismiss exempt staff without notice and without cause.

4.90 Recovering Workers' Compensation Time Loss Payments

4.90.10

Employees will not receive both time loss payments and regular salary or wages during the period covered by the disability. Regular salary or wages include sick leave, but exclude other paid leave. Employees can either: choose to receive time loss payments exclusively; choose to receive leave payments exclusively (excluding shared leave); or choose a combination of time loss payments and leave payments. Employees can elect to receive both time loss payments and pay for time taken as annual leave, compensatory time, exchange time, or holiday leave.

4.100 Tuition/ Training Reimbursement

4.100.10 Authorization for reimbursement

The Executive Director may authorize an employee to be reimbursed for tuition for a course if:

- the course has the objective of furthering the employee's career development plan or changing or enhancing the employee's skills, knowledge, attitude, or behavior;
- the employee successfully completes the course by receiving a grade of C or higher on an A through F grade scale (or its numerical equivalent);
- the course was conducted by a recognized educational institution, vocational school, or professional training organization;
- the course is not one for which the agency previously reimbursed the employee; and
- attendance or class responsibilities do not interfere with agency responsibilities.

4.100.20 Procedure

An employee wishing to be reimbursed must submit a written request at least one month prior to enrollment in the course. Funds expended for tuition reimbursement are limited to tuition or registration fees, and do not include supplies, transportation, or other school expenses.

Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 9-

An employee may not be reimbursed for more than nine quarter credit hours, or six semester hours, or other equivalent credits during any one academic quarter or semester. An employee will be reimbursed only after providing written evidence of satisfactory completion of the courses for which the agency will reimburse costs.

4.110 Exit Interviews

4.110.10

All employees who terminate employment with the agency will be given an exit interview.

4.110.20

The Executive Director will be responsible for administering the exit interview, unless the departing employee prefers to have the interview conducted by the Office of the Governor.

4.110.30

Subject to confidentiality requests by the departing employee, the interviewing party will report to the Executive Director the reasons why the employee terminated employment and recommendations regarding what changes can be made to ensure that the agency retains qualified personnel.

4.120 Staff Grievance Procedure

4.120.10

If any exempt employee of the Commission has a grievance regarding treatment, work conditions, compensation or other work-related concerns, the employee's first step should be to contact the Director in writing, with a copy of the letter to the Office of the Governor. The Director has two weeks from the date received to resolve the grievance and respond in writing, with a copy of the responding letter to the Office of the Governor. If the grievance is not resolved to the employee's satisfaction, the employee has two weeks from receipt of the Director's letter to contact, in writing, the Office of the Governor directly, with a copy of the grievance letter to the Director. The employee has a right to a private meeting with the Governor's Deputy Chief of Staff or designee. Within two weeks of receiving the grievance letter, the Chief of Staff or designee will hold a resolution conference where the employee, Chief of Staff or designee and the Director meet to resolve the grievance. Within two weeks of the resolution conference, the Chief of Staff or designee will respond in writing to the grievance and copy the responding letter to the Director and all members of the Executive Committee.

4.130 Employee Disclosure Act (Whistleblower)

4.130.10 **Purpose**

RCW Chapter 42.40 encourages state employees to report improper governmental actions to the Office of the State Auditor.

4.130.20 **Scope**

This policy applies to all agency employees.

4.130.30

Improper governmental action means any action by an employee that violates state law, abuses authority, wastes public funds, or endangers public health or safety.

"Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of

Commission on Hispanic Affairs
Administrative Policies
Chapter 4, Page 10-

the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under [RCW 41.06](#), or other disciplinary action except as provided in [RCW 42.40.030](#).

4.130.40

Any state employee wishing to report improper governmental action should notify the State Auditor. The notification should include a description of the improper action, the name of the employee(s) involved, the agency, and any other details necessary to conduct an investigation. The notification may be signed, but it is not required.

4.130.50

An employee may not use or attempt to interfere with the disclosure of information to the State Auditor.

4.130.60

If the Commission is the subject of an employee disclosed investigation, the Commission may not discipline, suspend, terminate, alter employment conditions, or in any other way retaliate against the employee making the complaint.

**ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 5**

TRAVEL

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: December 7, 2019

5.10 General Rules

5.10.10

The purpose of the Travel Policy is both to provide clear guidelines for the commissioners and staff so as to comply with current Office of Financial Management (OFM) guidelines relating to travel management requirements, restrictions, authorizations, and documentation.

5.10.11 Interns and Volunteers

Interns and volunteers must sign an agreement with the Commission specifically outlining that they will only be reimbursed for travel expenses incurred while performing pre-approved Commission activities. The contract must be approved and signed by the Director.

5.10.20

The Executive Director is responsible for approving travel expenses for the commissioners, Commission staff, interns and volunteers.

5.10.30

Commissioners, interns, and volunteers will be reimbursed for meals (at the current per diem rate) when it is required to attend a meeting, conference, convention, or training session that is located more than fifty miles from either the staff person's home or official work station, and meets the five hour rule as outlined in the OFM travel regulations, Chapter 10 (considering the most direct route). Reimbursement for mileage will be only when it is required to attend a meeting, conference, convention or training session. Reimbursement for lodging will only occur if it is clear that overnight stay is the most economical to the state. Commissioners must obtain prior authorization from the Director before incurring any expenses beyond the mandatory Commission community meetings. Unauthorized expenditures will not be reimbursed.

5.10.40

Commissioners, staff, interns and volunteers must submit their claim for reimbursement within 30 days of the completion of the claimed travel.

5.10.50

Staff will be reimbursed for meals (at the current per diem rate) when it is required to attend a meeting, conference, convention, or training session that is located more than fifty miles from either the staff person's home or official work station, and meets the eleven hour rule as outlined in the OFM travel regulations, Chapter 10 (considering the most direct route). Staff will be reimbursed for mileage when they are required to attend a meeting, conference, convention or training session. Staff will be reimbursed for lodging if it is also clear that overnight stay is the most economical to the state.

5.10.60

For out of state travel by either commissioners or staff, prior approval must be made by the Executive Director and notice sent to the Governor's office prior to departure.

Commission on Hispanic Affairs
Administrative Policies
Chapter 5, Page 2-

5.10.70

For the purposes of determining reimbursement rates for staff, the official meal periods are as follows: breakfast (7am-8am), lunch (12:30-1:30pm), and dinner (6-7pm).

5.10.80

Agency travelers being reimbursed for travel by private funding sources will not be reimbursed more than the actual expenses of travel, except for meals that can be reimbursed on an allowance basis as listed in this chapter, or as directed by the private funding source.

5.10.90

Agency travel policies will comply with the requirements of the Americans with Disabilities Act. The cost of personal care attendant services required by disabled travelers in order for them to travel will be allowed as a miscellaneous travel expense. Such costs may include fees and travel expenses of the attendant, upon written approval by the Executive Director.

5.10.100

The agency will undertake to facilitate direct billing of lodging charges (excluding incidental expenses) whenever possible to reduce the significant inconvenience of commissioners and staff paying for such charges with personal funds and later seeking reimbursement.

5.20

Traveler Responsibilities

5.20.10

All travelers on official state business will be familiar with state and agency travel and transportation regulations before embarking on travel.

5.20.20

Travelers will exercise the same care in incurring expenses and accomplishing the purposes of the travel that a prudent person would exercise if traveling on personal business. Excess costs, circuitous routes, delays, or luxury accommodations unnecessary or unjustified in the performance of official state business travel are not acceptable.

5.20.30

Travelers will pay any excess costs and any additional expenses incurred for personal preference or convenience.

5.20.40

Travelers will return as promptly as possible to either the official station or official residence when the state business is completed.

5.20.50

Travelers will prepare travel expense vouchers within 30 days after travel, and will provide appropriate receipts and documentation.

5.30

Commission Staff's Responsibilities

5.30.10

Commission staff will coordinate all commissioner travel arrangements, and is responsible for obtaining travel arrangements that are the most economical for the state and that comply with OFM regulations and the Office of State Procurement purchasing requirements.

5.30.20

Commission staff will contact and offer the available travel options to the commissioners. Once each commissioner selects the preferred arrangements, staff will make proper arrangements.

Commission on Hispanic Affairs
Administrative Policies
Chapter 5, Page 3-

5.30.30

Commission staff, in accordance with OFM procurement rules, will make all air travel arrangements.

5.30.40

Commission staff maintains accountability records for all travel expenses through a state-issued charge card system.

5.30.50

Commission staff will arrange to reimburse lodging expenses for each commissioner at the designated county's per-diem rate.

5.40

Executive Director's Responsibilities

5.40.10

The Executive Director must ensure that all travel costs incurred are directly work related; obtained at the most economical price; and both critical and necessary for state business.

5.40.20

The Executive Director will use prudent judgment in approving travel-related costs.

5.40.30

Prior to approving any out-of-state travel for the office staff, the Executive Director will notify the Governor's Office.

5.40.40

The Governor's Office or designee is responsible for approving all reimbursements for travel undertaken by the Executive Director.

5.50

Vehicle Usage

5.50.10 General Rules

5.50.10.10

Operators must possess a valid driver's license at time of travel.

5.50.10.20

Operators of vehicles on state business are under the scrutiny of the public and are vulnerable to criticism. Operators will carefully adhere to all traffic laws, and are to drive defensively and courteously.

5.50.10.30

All charges for traffic violations, parking violations, towing resulting from parking violations, storage, etc., are the responsibility of the operator.

5.50.10.40

Transporting unauthorized passengers or family members as described in a rental or private vehicle is considered a personal decision. The state of Washington will not provide excess liability protection to any unauthorized passengers in the event of an accident.

5.50.10.50

Commission on Hispanic Affairs
Administrative Policies
Chapter 5, Page 4-

In case of an accident, the driver of the vehicle will discuss the accident with appropriate state officials or law enforcement officers only. The driver will make no comment as to the fault of the accident.

5.50.20 Use of personal vehicle for agency business

When driving his/her privately owned vehicle on official state business, each state traveler is to comply with the state of Washington's liability insurance laws, RCWs [46.29](#) and [46.30](#). If an accident occurs when the traveler is driving his/her privately owned vehicle that individual's insurance is primary and will be utilized prior to the state of Washington's possible provision of any excess liability protection.

5.50.30 Use of state contract rental vehicles for agency business

5.50.30.10

Only Commission staff and commissioners are permitted to drive rental vehicles.

5.50.30.20

The state contract for rental of motor vehicles does not authorize vehicles to be used for other than official state business. Therefore, when a traveler couples a personal vacation with official state business, the traveler is expected to execute a personal contract to rent a motor vehicle for the vacation portion of the trip.

5.50.30.30

The state contract for rental of motor vehicles usually includes full insurance coverage. The state will not reimburse travelers for the cost of additional insurance coverage purchased on state contract vehicle rentals.

5.50.40 Use of motor pool vehicle for agency business

5.50.40.10

The agency encourages the use of state motor pool vehicles whenever feasible.

5.50.40.20

Only authorized state employees, commissioners and volunteers may travel in motor pool vehicles. Only state employees are authorized to drive state motor pool vehicles.

5.50.40.30

The Department of Enterprise Services will charge to the agency any repairs to motor pool vehicles made necessary as a result of negligence, carelessness, or unauthorized use.

5.60

Alternatives to travel

5.60.10

The agency encourages alternatives to travel, as well as less expensive means of travel. These methods should include, but are not limited to:

- Teleconferencing and video conferencing;
- Video recordings and published reports;
- Making transportation arrangements through state-qualified travel agents and using centrally contracted air carriers;
- Car-pooling and greater use of public transportation;
- Reduced frequency of regularly scheduled out-of-town meetings; and
- Coordinating between agencies for joint travel arrangements when more than one agency is involved.

Commission on Hispanic Affairs
Administrative Policies
Chapter 5, Page 5-

5.70 **Ensuring the health and safety of travelers**

5.70.10

The health and safety of travelers is the agency's top priority in the conduct of travel related activities. Agency travelers are encouraged to establish and alter travel plans and itineraries with consideration of hazardous inclement weather and other situations that could threaten the health and safety of agency staff and commissioners.

**ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 6**

MEETINGS

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: October 10, 2017

6.10 Introduction

6.10.10

All meetings will be held in accordance with the [Open Public Meetings Act](#).

6.10.20

The agency will give first preference to meeting locations at state or other public (e.g., local government) facilities.

6.10.30

The location and facilities for all Commission meetings will be barrier-free in accordance with the Americans with Disabilities Act. First priority is to be given to using state-owned or other public owned barrier-free facilities in lieu of renting or leasing other facilities.

6.10.40

All meetings will be conducted in accordance with Robert's Rules of Order.

6.10.50

The Commission may provide coffee and/or light refreshments at official public meetings. This includes study sessions, special meetings, and executive sessions.

6.10.51

The Executive Director will document prior approval for all coffee and light refreshments for its upcoming official public meetings.

6.20 Public Meetings

6.20.10

CHA will hold public meetings in various locations throughout the state provided there are sufficient funds in the commission's budget. The meetings will be held in locations easily accessed by the Hispanic community. A sign-in form must be available at all meetings. Meeting date and location information will be widely distributed two weeks prior to the meeting.

6.20.11

Before January of each year, the Commission will file, with the Washington State Register, a schedule of date, time, and city or town where the meeting will be held. The meeting location will comply with the Americans with Disabilities Act.

6.20.12

Agendas and time frames will be established by the host commissioners with the assistance of staff and approved by the Chair within three weeks prior to each meeting.

Commission on Hispanic Affairs
Administrative Policies
Chapter 6, Page 2-

6.20.20

Any changes on the annual meeting schedule will be filed with the Washington State Register 20 days prior to the meeting.

6.20.30

It is the policy and goal of the Commission at all public meetings to attempt to communicate in the language preferred by the majority of the individuals present at that meeting. Interpreters in either English or Spanish will be made available for those present who do not communicate in the language utilized at each particular meeting.

6.30 Study Sessions

6.30.10

The Commission may hold a study session meeting prior to or after a general public meeting. This study session is to prepare for the community meeting; to review commissioner applications; to conduct orientation for new commissioners; to study new laws or policies needed for the Commission; and to discuss and understand other issues affecting the Hispanic community. Items discussed requiring final action will be included in the agenda of the public general meeting. Agenda and time frames will be approved by the Executive Committee. The point of contact will be the Chair. The Chair will forward the agenda at least one week before the general public meeting.

6.40 Special Meetings

6.40.10

A special meeting may be called by the Chair of the Commission, Executive Committee, and/or by the majority of the members of the Commission.

6.40.20

Special meetings may be held in-person or through conference calls.

6.50 Executive Session

6.50.10

An executive session may be held during the time scheduled for a regular or special meeting to discuss confidential or personnel issues, to consider and review charges brought against a commissioner, the Executive Director, or Commission staff.

6.50.20

If the purpose of an executive session is to discuss commissioner personnel issues, the individual who is subject of the inquiry or discussion may request that the session be conducted in front of the entire Commission to openly discuss such complaints or charges.

6.50.30

The Chair of the Commission will publicly announce the purpose for the executive session prior to convening the Executive Session.

6.50.40

Details of, personnel files, or business discussed at closed executive sessions should not be disclosed unless they are part of the public record.

Commission on Hispanic Affairs
Administrative Policies
Chapter 6, Page 3-

6.60 Meeting Minutes

6.60.10

With the exception of the executive session minutes, all other meeting minutes will be promptly recorded electronically and available to commissioners two weeks after the meeting. The minutes are available upon request for public inspection.

6.60.11

Commissioners hosting official Commission community meetings will make available on our website a summary of meeting minutes, within 30 days.

6.60.20

Executive session minutes will be marked prominently as confidential and will not be made available to the public.

6.70 Quorum

6.70.10

Pursuant to [RCW 43.115.030\(3\)](#), six members of the Commission constitute a quorum for the purpose of conducting business.

6.80 Voting

6.80.10

A majority vote of the Commission at any regular meeting, special meeting, or executive session, will be required to carry a motion, unless otherwise specifically provided for herein.

6.80.20

The Chair will not vote except in the case of a tie or in the adoption of the administrative policies or any amendments thereto, or in the election of the Commission Chair, or in the selection of a preferred recommended candidate for Executive Director.

6.80.30

Voting by mail ~~and proxy vote~~ is not permitted.

**ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 7**

PUBLIC RECORDS

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: October 10, 2017

7.10 General Rules

7.10.10

Public records of the Commission are deemed to be available for public inspection and copying pursuant to [RCW 42.56](#) and [WAC 322-12](#)

7.10.20

"Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics. "Writing" means handwriting, printing, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, discs, photographic films and prints, and other documents.

7.20 Procedures

7.20.10 Public records officer

The agency public records will be in the charge of the public records officer, who is designated by the Executive Director. The public records officer will be responsible for the following:

- 1) implementing of the Commission's rules and regulations regarding release of public records;
- 2) insuring compliance by the staff with the public records disclosure requirements of Washington state law and the agency's administrative policies; and
- 3) protecting the agency records from damage or disorganization.

7.20.20

The Executive Director will inform the Executive Committee and the Office of the Governor of any public disclosure requests of Commission records.

7.20.30 Availability

Public records will be available for inspection and copying from 9AM to 12PM and from 1PM to 4PM Monday through Friday, excluding legal holidays, unless the person making the request and the agency agree on a different time.

7.20.40 Public request requirements

Members of the public may inspect or obtain copies of agency public records upon compliance with the following procedures:

- 1) The person will make the request in writing;
- 2) The request should include:
 - a. The name of the person requesting the record;
 - b. The calendar date on which the request was made;
 - c. The nature of the request;

Commission on Hispanic Affairs
Administrative Policies
Chapter 7, Page 2-

- d. If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested records as it is described in such current index; and
- e. If the requested matter is not identifiable by reference to the Commission's current index, an appropriate description of the record requested.

The public records officer will assist the member of the public in appropriately identifying the public records requested.

7.20.50 Costs of duplication

No fee will be charged for the inspection of public records. The agency will charge a fee of ten cents per page of copy for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the Commission for its actual costs incident to such copying.

7.20.60 Prompt response

The agency will respond promptly to requests for public records. Within five business days of receiving a public record request, the agency will either:

- 1) provide the record requested;
- 2) acknowledge that the agency has received the request and provide a reasonable estimate of the time the agency will require to respond to the request (not to exceed 30 days); or
- 3) deny the request.

7.20.70

The agency may request additional time to respond to the request (if longer than 5 days) upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the agency may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it.

7.30

Exemptions

7.30.10

Availability of agency public records will be limited by the exemptions listed in [RCW 42.56](#) and [WAC 322-12.](#), including but not limited to:

- 1) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record will not be exempt when publicly cited by an agency in connection with any agency action;
- 2) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency; and
- 3) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

Commission on Hispanic Affairs
Administrative Policies
Chapter 7, Page 3-

7.30.20 Explanation of use of exemption

If the agency responds to a public records request by refusing, in whole or in part, inspection of any public record, the agency will include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

7.30.30 Review of denials

Persons denied requests for agency public records maintain all review options as detailed in [RCW 42.56](#) and [WAC 322-12](#)

7.40 Commercial use prohibited

7.40.10

The agency will not distribute lists of individuals or agencies or organizations for commercial purposes.

7.50 Records index

7.50.10

The agency will make available to all persons requesting a current index that provides identifying information as to the following records issued, adopted or promulgated since its inception:

- 1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- 2) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;
- 3) Administrative staff manuals and instruction to staff that affect a member of the public;
- 4) Planning policies and goals, and interim and final planning decisions;
- 5) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- 6) Correspondence and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

7.50.20

The index promulgated by the Commission will be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

**ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 8**

PUBLIC RESPONSE

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: October 10, 2017

8.10 Purpose

8.10.10

The purpose of the Public Response Policy is to ensure that prompt action and response is given to a constituent on issue(s) brought to the attention of the Commission during a public meeting.

8.20 Policy

8.20.10

The Executive Committee is responsible for reviewing and recommending what course of action is necessary to address the concern(s) and issue(s) of the constituent. Contact will be made within thirty days to report on the status of the issue(s) raised.

8.30 Procedure

8.30.10

If a constituent with an urgent and timely issue or concern to the Hispanic community, approaches the commissioners at a public Commission meeting, and the constituent is seeking assistance the Executive Director will hold a phone conference with the Executive Committee within two weeks to discuss the issue or concern and determine the appropriate course of action.

8.30.20

The Executive Committee will determine information needed for response and will ask the Executive Director to initiate appropriate contacts, and/or seek additional information prior to determining course of action.

8.30.30

The Executive Director will provide the updated information needed to respond to the Executive Committee within two weeks.

8.30.40

The Executive Director, will submit a draft response letter to the Executive Committee for review. If it is a new issue, the full commission will approve the language and the Executive Director will then send the letter to the community member/s who initiated the concern.

8.30.50

The Executive Director and the Chair of the Commission will sign the final response letter.

8.30.60

The Executive Director will include the issues raised by the community and the action taken in response to the concern in the Director's report given at the following Commission public meeting.

8.30.70

When a commissioner is approached individually with an issue that the Commission needs to address, the commissioner will inform the Executive Committee, the Chair, and the Executive Director and they will recommend action to the full commission.

**ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 9**

INFORMATION TECHNOLOGY

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: October 10, 2017

9.10 Using Electronic Communication Systems

9.10.10 Scope

This policy establishes both permissible and prohibited use of state-owned electronic communication systems (ECS). Employees are responsible for using state-owned ECS resources in an ethical, lawful, responsible, and non-discriminatory manner. Each employee will take responsibility for communications generated, responded to, sent, or posted to the Internet under his or her ID. All employees/volunteers must obtain a log on ID from the Department of Enterprise Services IT staff before using any agency computer. ECS include any electronic media that are used to generate, transmit, display, reproduce, or store communications for business purposes. Such electronic media include: personal computers, portable laptop computers, software, e-mail systems, telephones, cellular phones, voicemail systems, and other electronic message systems which store and transmit communications, including the Internet and related sources.

9.10.20 Permissible Use

Permissible use of ECS is use reasonably related to the conduct of official state duties. De minimus personal use is also permitted, so long as:

- 1) the subject matter is not prohibited (see below);
- 2) there is little or no cost to the state;
- 3) the use does not interfere with the performance of official duties;
- 4) the use is brief in duration and frequency (less than 10 minutes a day); and
- 5) the use does not compromise the security of state information or software.

9.10.30 Prohibited Use

The following uses of ECS are prohibited:

- 1) To promote outside business interests;
- 2) To support, promote, or solicit for any outside organization, charity, or group unless provided for by law or authorized in writing by the Executive Director;
- 3) To promote personal political beliefs or religious affiliations;
- 4) To promote harassment;
- 5) To infringe copyrights;
- 6) To discriminate on the basis of race, creed, color, marital status, religion, sex, national origin, Vietnam-era or veteran's status, age, sexual orientation, or the presence of any sensory, mental, or physical disability;
- 7) To promote unlawful activity;
- 8) To use to access, transmit, display, chat, or post on the Web or use the Internet for reasons or practices other than authorized business use related to assigned job duties, except permissible uses stated above; or
- 9) To download software or files via the Internet for Personal Use.

Commission on Hispanic Affairs
Administrative Policies
Chapter 9, Page 2-

9.10.40

Violation of this policy may be grounds for disciplinary action up to and including termination of employment.

9.20

IT Security

9.20.10

Employees/volunteers will use hardened passwords for access to the local network and to the Shared Exchange Server. Hardened passwords are at least eight characters long, utilizing at least one number, one upper-case letter, one lower-case letter, and one symbol. Employees/volunteers will not share their passwords with anyone. Employees/volunteers will not keep passwords or codes in plain view.

9.20.20

Employees/volunteers will not remove agency software from the office without express permission from the Executive Director. Employees/volunteers will not copy agency software for personal use.

9.20.30

Employees/volunteers will not remove any hardware from the office without express permission from the Executive Director. When an employee is authorized to use the agency laptop computer outside of the office, that employee will ensure the safety and security of that computer at all times.

9.20.40

Employees/volunteers will not dispose of media containing agency information without ensuring that all information on such media has been completely erased. Employees/volunteers will be aware that simply deleting files is insufficient to permanently erase information on media.

9.20.50

In general, employees/volunteers will only access the Internet for agency business. Employees/volunteers are allowed to access the Internet for limited periods of time (less than 10 minutes) as part of their break or lunch time. Employees/volunteers will not visit inappropriate websites at any time. If an employee has any question about the appropriateness of a website, the employee/volunteer must ask the Executive Director prior to accessing the site. Employees/volunteers will not play any games on agency computers, local or Internet-based.

9.20.60

No employee/volunteer will download any programs from the Internet without express permission from the Executive Director. "Any program" includes plug-ins, media players, browser additions, music or video, or any email attachment that is not in .doc, .wpd, .xls, or .pdf format.

9.20.70

Employees/volunteers will observe all applicable copyright law in accessing or downloading authorized material from the Internet.

9.20.80

All work performed on agency hardware is the property of the agency. The Executive Director may review any and all email traffic originating from agency workstations.

Commission on Hispanic Affairs
Administrative Policies
Chapter 9, Page 3-

9.20.90

Employees/volunteers will scan all removable media for viruses prior to accessing documents or programs on such media.

9.20.100

If an employee believes that a virus has infected a workstation, that employee must immediately report the concern to the Executive Director.

9.20.110

Microsoft Outlook's preview pane function enables the automatic triggering of malicious scripts without having to open an email message. Employees/volunteers will therefore not use the preview pane function when accessing emails on Outlook.

9.20.120

Employees will archive all of their email communication using Outlook. Employees will save their archive files so as to guarantee the backup of the files.

9.30 Disaster Recovery

9.30.10

The agency disaster recovery policy ensures that the agency's Information Technology (IT) resources are protected against disasters. Disasters include (but are not limited to): fires, floods, earthquakes, terrorist actions, or malicious computer activity.

9.30.20 Recovery Strategy

All agency files are maintained off-site through electronic vaulting services provided by DIS. Data is backed up on a real-time basis (with daily restore points) and is restorable online, instantly.

In case of power outages, each agency computer is connected to battery backups. In case of extended power outages or inability to access office hardware, the agency will be able to deliver information and update its website from its laptop computer or available offsite computers.

9.30.30 Emergency Response

In case of disaster, the primary responsibility of agency staff will be to protect the lives and safety of agency personnel, and seek immediate emergency help. After the safety of staff is secured, available staff will be responsible for securing agency data and reducing data loss as much as feasible. Agency staff will contact the Office of Emergency Management if necessary.

9.30.40 Problem Escalation and Plan Activation

Agency staff will contact the Executive Director if the disaster recovery plan may require activation. If the Executive Director is unavailable, agency staff will contact the senior staff member.

9.30.50

The senior staff member and Executive Director will work with General Administration IT staff to test recovery viability on a yearly basis. Agency staff will review its Disaster Recovery Policy on a yearly basis.

9.40 Exiting Employees

The Executive Director will complete an IT privileges checklist for every exiting employee. This checklist should include the following information:

- 1) The employee has returned any keys or keycards that give the employee access to any agency workspace;
- 2) The Executive Director has closed all email accounts used by the exiting employee;

Commission on Hispanic Affairs
Administrative Policies
Chapter 9, Page 4-

- 3) The Executive Director has changed the entry door combination or keycard code;
 - 4) The employee has returned any agency equipment not kept at the office; and
 - 5) The employee has returned any and all SCAN cards issued to the employee;
- The Executive Director will place a copy of the completed checklist in the exiting employee's/volunteer's personnel file.

ADMINISTRATIVE POLICIES
COMMISSION ON HISPANIC AFFAIRS
CHAPTER 10

INVENTORY

AUTHORIZING SOURCE: WAC 322-12 RCW 43.115

EFFECTIVE DATE: October 21, 2017

REVISED: October 10, 2017

10.10 General

10.10.10

The agency will maintain an updated inventory of all capital assets. The agency will affix and record an inventory tag to each capital asset owned by the agency.

10.10.20

The agency capital asset inventory system will include:

- 1) Agency Name and Code Number - The agency name and three digit agency code number;
- 2) Acquisition Date - The date the agency takes title to, or assumes responsibility for, an asset;
- 3) Commodity Class Code - The code assigned to a capital asset that correlates to a descriptive title. Refer to [Subsection 30.50.10](#) of the SAAM for Schedule A-Capital Asset Commodity Class Code List and Useful Life Schedule;
- 4) Cost - The total cost (value) assigned to the asset. Refer to Subsection 30.20.10 of the SAAM for clarification;
- 5) Depreciation - The portion of the cost of a capital asset representing the expiration in the service life of the asset attributable to wear and tear, deterioration, action of the physical elements, inadequacy, and/or obsolescence which is charged systematically over the useful life of the capital asset. Refer to [Subsection 30.20.70](#) of the SAAM. This element is not applicable to small and attractive assets;
- 6) Description - Name of the asset;
- 7) Disposal Authorization - When required, either the number assigned by the Department of Information Services (for information technology related equipment and proprietary software) or the Office of Commodity Redistribution, Department of General Administration (for all other capital assets), granting an agency the authority to dispose of an asset or as provided by specific statutory authority;
- 8) Disposal Date - With proper authorization, the date that the agency officially relinquishes responsibility for the asset;
- 9) Inventory Control Number - The control number inscribed on, or contained on the inventory tag attached or referring to, an asset; and
- 10) Quantity - The physical count of the inventoried items.

10.20 Small and attractive assets

10.20.10 Definition

“Small and attractive assets” are assets particularly at risk or vulnerable to loss, and have a value of \$300 or more. These include, but are not limited to, the following:

- 1) Communications Equipment, Audio and Video;
- 2) Cameras and Photographic Projection Equipment;

Commission on Hispanic Affairs
Administrative Policies
Chapter 9, Page 6-

- 3) Microcomputer Systems, Laptop and Notebook Computers;
- 4) Personal Digital Assistants;
- 5) Other IT Accessorial Equipment and Components (Scanners, Data Displays, etc.); and
- 6) Tape Recorders and VCRs.

10.20.20

The agency will perform a periodic risk assessment to identify small and attractive assets and to manage such assets so as to prevent their loss or theft.

Policies for identifying and controlling small and attractive assets, agencies must include, at a minimum, the following assets with unit costs of \$300 or more as small and attractive:

10.20 Removal of capital assets from inventory

The agency will remove in timely fashion any capital assets ready for surplus or disposal. The agency will document in writing all requests to surplus or dispose of capital assets.

10.30 Loss Procedures

10.30.10 General

In the event of the suspected loss of public funds or property, it is important that correct procedures are followed in order to:

- 1) Minimize the loss;
- 2) Ensure that investigations are not hampered;
- 3) Ensure that improvident settlements are not made;
- 4) Ensure that bond claims are not jeopardized;
- 5) Ensure that incorrect personnel actions are not taken;
- 6) Comply with RCW 43.09.185 and report losses to the Office of State Auditor (SAO); and comply with RCW 43.09.330 and include the SAO and the Office of the Attorney General in any loss settlement.

10.30.20 Procedures

10.30.20.10

When suspected or known losses of inventoried assets occur, the agency will conduct a search for the missing property.

The individual primarily responsible for the asset, as well as that individual's supervisor, should complete and sign a Property Disposal Request (Form S.F. 267-A or equivalent). The individual primarily responsible for the asset should include on the Request a description of events surrounding the disappearance of the property, which was notified of the loss, and steps taken to locate the property. CHA staff will remove the lost or stolen property from the agency's inventory and accounting records where applicable. CHA staff will maintain records for losses of inventoried assets in accordance with the agency records retention schedule.

10.30.20.20 Notification

Upon suspicion of a loss, agency staff or commissioners should notify the Executive Director immediately.

Commission on Hispanic Affairs
Administrative Policies
Chapter 9, Page 7-

- The Executive Director will consult with the agency's Assistant Attorney General on incidents involving the loss of public funds or property, when the nature or facts of the incident warrant such discussion for the purpose of acquiring legal advice.
- The Executive Director will immediately report the suspected loss to SAO. The Executive Director will also report the suspected loss to the Division of Risk Management, Office of Financial Management.
- If the suspected loss involves the health or safety of state employees or property of the agency is so advised either by the Attorney General's Office or SAO, the Executive Director will contact the appropriate local or state law enforcement officials.