

AGENDA ITEM 15

EVALUATION OF PER DIEM POLICY, PROCESS FOR REQUESTING PER DIEM AND REVIEW OF THE FORM TO CALCULATE TIME SPENT.

The following are attached for review:

- B&P Section 103, Board Policy on per diem
- Per diem form

Business and Professions Code Section 103 regulates compensation in the form of per diem salary and reimbursement of travel and other related expenses for Board members. In relevant part, this section provides for the payment of per diem salary for Board members “for each day actually spent in the discharge of official duties,” and provides that the Board member “shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.”

Business and Professions Code Section 103 also states:

“Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.”

Accordingly, the following general guidelines shall be adhered to in the payment of per diem salary, or reimbursement for travel:

1. Board members shall be paid per diem salary for attendance at official Board and Committee meetings of which they are members. Per diem salary shall be paid for time spent preparing for Board or Committee meetings, including reading the meeting materials and reviewing enforcement cases.
Board members cannot claim per diem salary for time spent traveling to and from a Board or Committee meeting.

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

2. Board members shall be paid per diem salary for attendance at education and outreach events, or other events including but not limited to hearings, conferences or meetings other than official Board or Committee meetings that are approved by the Board President and consistent with a “substantial service” as defined. The Executive Officer shall be notified of the event prior to the Board member’s attendance. Board members will be compensated for actual time spent attending events other than official Board or Committee meetings, and preparation time for said events, based on submission of an approved attendance form.
3. Board-specified work and performance of state roles or additional assigned duties, Board members will be compensated for actual time spent performing work authorized by the Board President based on submission of an approved attendance form. That work includes, but is not limited to, authorized attendance at events, meetings, hearings, or conferences; and enforcement case review. Members must submit timesheet summary forms for actual work performed outside a Board meeting in order to be compensated.

Per diem salary shall be paid upon evidencing six (6) hours of actual time spent. Hours may be accumulated for Board-specified assignments to meet this requirement.

