



NEW WORLD

For Persons with disAbilities

February 2018

Californians for DisAbility Rights, Inc.

L.A. Expo Edition

PRESIDENT’S MESSAGE

By Susan Chandler

To Improve the Quality of Life for All Persons with any Disability through Education & Training – by Working to Remove Barriers through Advocacy & Change in Public Policy. This is CDR’s mission; we are always working at the Capitol on a legislative agenda and continue to need your support at the local and state level to talk to your local, Senate and Assembly people about issues and problems. In addition, we need to keep the pressure on at the local level, to make sure access is not neglected or trampled upon.

As we begin the New Year, I am hopeful that CDR will start up with new vigor. We just recently revised our bylaws & changed the structure of CDR; there are no longer local Chapters or a State Council, just a member elected Executive Committee. This New World is a **call for NOMINATIONS** for new officers from the membership for an election in March. I have been President for far too long and the other officers feel the same way. Please volunteer to help CDR!

Be sure to **put DCAD Capitol Action Day June 7 on your calendars** and try to get to Sacramento to help educate all our legislators on **IHSS issues: EVV (Electronic Visit Verification) and issuing timely IHSS timesheets**, plus the federal **HR620 a vile attempt to roll back the ADA!**

We must fight for our CIVIL RIGHTS and stop the inclination to throw in the towel! One of the most critical issues is the Housing Crisis. Fortunately, Governor Brown signed some housing bills in 2017 that will help a little with this crisis. We all need to continue to advocate in our communities to ensure that entities are following, not only the laws that have been passed, but the spirit of these laws as well! It is for our survival and those that follow after us!

Please go to the website **www.disabilityrights-cdr.org** to see our history, and view the new bylaws. We would love for you to join CDR, which you can do via the website.

2017 LEGISLATIVE WRAP UP

By Susan Chandler

The following bills that CDR followed and supported were passed into law and chaptered.

AB470 – Arambula: Medi-Cal: specialty mental health services: performance outcome reports to provide data to inform strategies to reduce mental health disparities. Chapter 550

AB490 - Quirk-Silva: Taxation: credits: College Access Tax Credit. Extends the operation of the credit to taxable years beginning before Jan 1, 2023. Chapter 527

AB1127 – Calderon: Baby diaper changing stations mandates them and maintenance equal to restrooms. Chapter 755

AB1200 – Cervantes: Establishes the Aging & Disability Resource Connection (ARDC) program administrated by Department of Aging. Purpose provides info to consumers & families on LTSS (Long Term Services & Supports) & to assist older adults, caregivers & PWD in accessing LTSS programs at the local level, including short term service coordination & transition services. Chapter 618

AB1379 – Thurmond: Certified Access Specialist Program (CASp): funding. Increases building permit fees to help local jurisdictions pay for training CASp inspectors until 2032. Chapter 667

AB1665 - Eduardo, Garcia: Tele-communications: California Advanced Services Fund revises goal to approve funding for infra-structure projects to provide broadband access to 0 less than 98% of California households. To help CA be globally competitive. Chapter 851

SB31 – Lara: California Religious Freedom Act: state agencies: disclosure of religious affiliation information. Prohibits state or local agency or public employee from providing the federal government personal info regarding a person’s religious beliefs... when the info is sought for compiling a database of individuals based on...for law enforcement or immigration purposes. Chapter 826

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**NEW WORLD
Los Angeles
Abilities Expo Edition**

**Californians for
DisAbility Rights, Inc.**
www.disAbilityrights-cdr.org

New World Staff:
Susan Chandler, Kathleen Barajas

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Web mistress:
Kathleen Barajas -
kdbarajas@icloud.com

Legislative Committee Chair:
Randy Hicks -
rhfactor_98@yahoo.com

CDR Member's Exchange:
Kathleen Barajas and Ben Rockwell

Immediate Past Presidents:
Laura Williams, Linda Hinchey

CDR's Mission - To Improve the Quality of Life for All Persons with any DisAbility Through Education and Training - By Working to Remove Barriers Through Advocacy and Change in Public Policy.

Originally organized in 1970 as CAPH (the California Association of the Physically Handicapped) - with five members, CDR has grown to become an effective and widely respected cross-disAbility advocacy force.

**CDR OFFICER NOMINATIONS
FROM THE MEMBERSHIP!**

The Executive Committee is looking for new officers! Our new Bylaws specify what the officers' duties are, (from page 4). The complete bylaws are posted on the CDR website: www.disabilityrights-cdr.org.

DUTIES OF THE OFFICERS

President: The President shall be the chief administrative officer of this corporation and shall preside at all meetings. Except as otherwise provided in these bylaws, the President shall appoint all Committee Chairs, Vice Chairs, or vacant offices, on a temporary basis; and shall be an ex-officio member of all committees. All appointments are subject to the approval of the Executive Board. The President will also be an owner/moderator of all Yahoo list servers, write a column for and assist with the quarterly New World newsletter.

Vice-President: The Vice President shall be Chairperson of the Executive Board. In the absence of the President, the Vice President shall assume all the duties of the President. The Vice President shall perform such other duties as the President or Executive Board may determine.

Secretary: The Secretary shall keep, or cause to be kept, complete records and correspondence of this corporation, including a separate record of procedures, policies and operating rules, and of the Executive Board. He/she shall send or cause to be sent, by email, notices of all membership meetings. The Secretary will assist other administrative positions with correspondence whenever requested.

Treasurer: The Treasurer shall be the Chief Fiscal Officer of this corporation, shall receive and account for all monies of this corporation, and shall disburse such funds upon order of the Executive Board, in the manner provided by these bylaws. The duties of the Treasurer include, but not limited to the following: Maintenance of financial records (QuickBooks), preparation of financial reports for membership meetings and end of year, preparation of budget forecast for coming year, filing of tax form 990, annual filing of Secretary of State & Department of Justice forms, and tracking of corporate PayPal account.

At-Large Members (3): At-Large members' duties will be determined by the board and can include Legislative, Access (DSA, Title 24 codes), IHSS/Healthcare, Membership, Fundraising, or other Committees as need determines.

If you are interested in being nominated for one of these positions please fill out the form on the back of the newsletter and return it to the President at barnonhill@aol.com.

**ARE YOU BEING TREATED
DIFFERENTLY OR UNFAVORABLY
IN THE WORKPLACE
BECAUSE OF YOUR DISABILITY OR
NEED FOR AN ACCOMMODATION?**

2018 LEGISLATIVE REPORT

By Ruthee Goldkorn

The Americans with Disabilities Act (ADA) is a powerful federal law that protects the rights of persons with disabilities. When it comes to your employment, California offers even more protections under the Fair Housing and Employment Act (FEHA). California is a leader in enacting legislation that protects persons with disabilities in the workplace. If you have a known disability, your employer is required to engage in what the law calls a good faith, interactive process to determine what accommodations would help you perform the essential functions of your job without causing them undue hardship. Undue hardship is a very high standard and difficult for employers to prove. In other words, employers can almost always provide you with an accommodation under the law. But this doesn't mean that they always do.

If you have a disability – physical or mental – that affects your ability to perform your job, you have rights. Examples of reasonable accommodations include more frequent breaks, finite leaves of absence, working from home, lifting restrictions, altered workstations, etc. A disability is defined broadly by the ADA, requiring that your condition substantially affect a major life activity. The FEHA removes the “substantial” requirement, thus covering even more disabilities in the workplace.

Persons who need accommodations due to their disability often face retaliation and harassment at the hands of co-workers or supervisors. Your hours may be cut, you come back from a finite leave only to be terminated, or you suddenly start getting written up more. In addition, we often see rights violated when new supervisors are hired and start interacting with the employee with a disability.

- Here are a few things you can do if you believe you are experiencing discrimination due to your disability/need for an accommodation at work:
- Report your concerns to your direct supervisor in writing to give them a chance to remedy the situation.
- Contact your HR Representative/Hotline and make a written, formal complaint.
- A case is only as good as its evidence. Oral evidence is not very strong. Write down everything

(Cont'd on page 5)

The 2017 session ended with little fanfare or damage to our constituency. You can go to <http://leginfo.legislature.ca.gov/> to follow bills.

The 2nd half has the following bills we are tracking: You can go to leginfo.legislature.ca.gov to get more details on each bill.

AB 11: Would require and add early, periodic *developmental* screening, diagnosis and treatment program to existing law.

AB 1500: The ELDERS Bond Act of 2020 would allocate \$200M to help with expansion of person-centered, community-based day programs that serve a broad range of persons from low to upper-middle incomes supporting consumer choice to get services in his or her own neighborhood, improves quality of life and independence, blends public and personal funds improves access to affordable care, and avoids significantly higher taxpayer costs associated with nursing home placement!

AB 1552: Women, minority, disabled vet, and LGBT - late pay assessments against vendors who delay paying - to help them maintain their small business advantage.

AB 1547 CA ADA: Small business capital access loan program.

AB 1738, ACA 20 and AB 1596:** Pertains to property tax base year value transfer.

AB 1756: Transportation funding changes, repeals, and amends various provisions for better and continuous allocation.

AB 1767: Establishes California Kickstart My Future Loan Forgiveness Program.

SB 822: Broadband - effectuate net neutrality in California.

SB 821 Emergency notification program to assist counties with evacuation, notification and warning systems.

Please use the leginfo.legislature.ca.gov to keep up with the legislative status of any bill you have an interest in.

**** as for AB 1738/ ACA 20/AB 1596** there is a parallel effort by the California Association of Realtors to get a ballot initiative that will extend the property tax base assessment transfer for all those disabled and or over 55 which will allow them to keep their property tax assessment when they move (in CA). It will loosen up inventory in all counties not just the current ones. Many people stay in their homes longer because of the affordability of their property taxes even when they don't need their larger homes.

“APATHY AND NEGLECT SHOULD NOT BE GIVEN A PASS”

When we hear the word “discrimination,” we often think of intentional mistreatment of persons because of some personal characteristic. The classic line, “*your kind ain’t welcome here*,” mumbled over a dirty toothpick springs to mind as the archetype of discriminatory lingo. And while this type of discriminatory behavior is loathsome enough, there are other types of discrimination we should be aware of. Under the Americans with Disabilities Act, it is deemed an act of discrimination to fail to take steps to ensure that persons with disabilities enjoy physical access to facilities. And this type of discrimination—failure to ensure access—is often the result of apathy and neglect. A perfect example of this is found in parking lots. Everyone is aware that parking lots must have a certain number of accessible parking stalls, reserved for persons with disabilities by the iconic blue and white striping. Yet, our office gets more complaints about non-compliant parking lots than any other single issue.

There are a couple of reasons for this. First, parking lots are the first facility that we use when visiting a business. Any lack of accessibility with the parking is obvious and immediate. Second, parking lots are unique. Under the hot California sun, the paint and the surface of asphalt lots wear away every few years. A business can have a compliant and accessible parking lot in one year and yet be completely non-compliant the next. We often hear the lament, “*the handicap parking spaces just faded away and I did not notice*.” Now, under the law, this is not a legitimate defense. But, aside from the legal question, should we cut the hapless business owner a break because his discriminatory behavior was the result of neglect and apathy rather than malicious conduct? We don’t think so. It is a question that attorneys in our office have grappled with over the years. Here is our thinking. First, although neglect and apathy are less odious than malicious ill-will, the result is the same: a person is denied access and excluded from participation. Second, it is very difficult to verify the truthfulness of the claim. Did the business owner truly not realize that this accessible parking had faded to oblivion or did the business/property owner just not care to make the calls and spend the money to re-stripe the spaces? Third, the monetary recover in these cases are modest anyway. The law sets certain statutory penalties—such as \$1,000—for a violation. Thus, the law already treats these cases as much, much different than discriminatory-animus cases.

Finally, and most importantly, you know that a business owner is well-aware and up-to-date on all the issues *that affect the bottom line*. There is no neglect or apathy going on with maximizing *sales*. It is human nature to neglect or care less about things that do not affect you personally. But . . . get sued and be compelled to pay a penalty (as well as your attorney’s fees) and you wake up quickly. That business owner is very unlikely to adopt a neglectful and apathetic attitude toward compliance with the Americans with Disabilities Act going forward into the future. This has tremendous value. Not only does the particular business/property that is sued come into compliance but in many cases, that business/business owners/property owners have other properties and business and they rush to evaluate for compliance. That just does not happen with a stern letter or verbal complaint.

Lawsuits have real impact. Apathy and neglect should not be given a pass. Discrimination is discrimination and our office has focused on rooting it out for more than twenty years.

Please call us at
Center for Disability Access,
If you need our help at:
(800)383-7027 or email us at
info@potterhandy.com.

ABILITIES EXPO 2018

February 23-25:

Friday, 11 am - 5 pm

Saturday, 11am - 5 pm

Sunday, 11am-4pm

Los Angeles Convention Center,

West Hall A

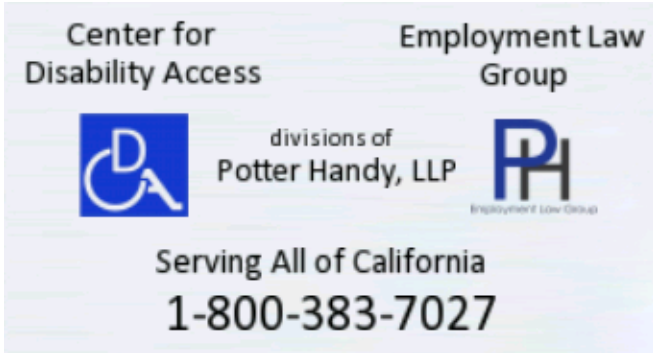
1201 South Figueroa Street

Los Angeles, CA 90015



2017 LEGISLATIVE WRAP UP
(Cont'd from page 1)

SB223 Atkins: Health care language assistance services. Comprehensive reform on the way interpretation is given to Limited English Proficient individuals. Mandates appropriate interpreters and written communication and much more. Chapter 771



ARE YOU BEING TREATED DIFFERENTLY OR UNFAVORABLY IN THE WORKPLACE?
(Cont'd from page 3)

- occurring, and make written complaints so there is a record.
- Contact the experienced employment law attorneys at Potter Handy Employment Law Group to discuss your particular situation and rights.

You should never be treated differently or afforded less opportunities because you have a disability. If you are being subjected to disability discrimination in the workplace, as an employee, you have options. You have rights.

Potter Handy Employment Law Group is here for you. Reach us at (800)383-7027, or email us at info@potterhandy.com.

CDR MEMBERSHIP APPLICATION		
FIRST NAME, MIDDLE INITIAL, LAST NAME		[] New or [] Renewal
STREET ADDRESS, APT. #		
CITY	STATE	ZIP
TELEPHONE (Home/Fax)	E-MAIL ADDRESS (print carefully)	DATE
MEMBERSHIP FEES: <input type="checkbox"/> Regular - \$25.00 <input type="checkbox"/> Family (2 people) - \$40.00 <input type="checkbox"/> Student/Low Income - \$10.00 <input type="checkbox"/> Lifetime - \$200.00		AMOUNT ENCLOSED
<input type="checkbox"/> Please put me on the CDR Members Exchange via Yahoo Groups *must supply e-mail address		
INSTRUCTIONS: Check the web site for more membership info: www.disabilityrights-cdr.org Print out this form, complete all entries, and mail it with a check for amount due, payable to: <p style="text-align: center; margin-top: 20px;"> Californians for Disability Rights, Inc. C/O Susan Chandler 1193 17th Street Los Osos, CA 93402-1425 </p>		

Californians for Disability Rights, Inc.

C/O Kathleen Barajas
1410 Simmons Avenue
Los Angeles, CA 90022

Return Service Requested

CDR, INC. OFFICER NOMINATION FORM
(You must be or become a CDR member to apply)*

Name: _____ () _____
Phone home

Address: _____ () _____
Cell phone

Email: (having regular access to email is an essential part of the job)

POSITION(S) APPLIED FOR: _____

ADVOCACY EXPERIENCE (on separate sheet):

First, tell us why you want to get involved with Californians for Disability Rights, then elaborate on your experience with helping achieve change that resulted in better access for people with disabilities. This could either be at a governmental level (City, County, State, or Federal) or any other advocacy activity. Tell us how long you have been doing this work, and whether you have worked with CDR or other organizations. Give as many details you feel are relevant.

REFERENCES (on separate sheet):

Please give us the phone numbers or email addresses of three individuals who we can talk to you about your advocacy work.

*Apply at <http://www.disabilityrights-cdr.org/membership/appandfees.html>, or submit the membership form on page 5.