



# First of the Month

January 2011

CDSA CONFIDENTIAL

## In This Issue

CDSA Business  
Advisory Team

DLSE & \$1 per Hour

Registration for  
Policy Meetings  
Ending Soon

## Quick Links

[Legislative Center](#)  
[CDSA Website](#)

## CDSA Calendar

### January 11

PR Committee  
Teleconference  
10:00-11:00 am

Inland Empire  
Caucus  
OPARC  
10:00 am-Noon

Institute Board  
Teleconference  
3:00-4:00 pm

### January 17

State Holiday  
CDSA Office Closed  
ML King Jr. Day

### January 18

Budget Analysis  
Meeting  
CDSA Office  
10:00 am-3:00 pm

Capitol Caucus  
InAlliance

## The News

### Retroactive Cut Lawsuit

Our lawyer, Chad Carlock, has filed our briefs for the retroactive cut lawsuit. For those of you who want to follow the suit closely, copies of all documents are available for review and download on Mr. Carlock's website: [http://carlocklaw.com/CDSA\\_Lawsuit.html](http://carlocklaw.com/CDSA_Lawsuit.html) Scroll down to the bottom for the latest filings. Get a cup of coffee before you start reading.

Here's a very quick and unlaywerly summary of the arguments we're presenting. Retroactive application of the 1.25% payment reduction:

- Was not considered or intended by the state legislature.
- Would violate the Constitutional prohibition of laws impairing contracts.
- Would compel regional centers to breach fully executed contracts with service providers.
- Violates the Constitutional prohibition of ex post facto laws.
- Violates the Constitutional due process clause by taking back funds already paid out on behalf of the State of California, and doing so in a fundamentally unfair manner.
- Violates the Constitutional guarantee of equal protection of the laws, because service providers are being subjected to unequal and inconsistent applications of the same law.
- Would result in service providers repaying funds that they have already been paid, for services that have already been provided.
- Means that providers have no certainty or assurance of any particular payment level in the future, despite statutory and contractual rates in existence at the time they provide services.

The hearing was planned for February 4, but the AG representing the state in our case will be leaving the country immediately for a family emergency and will not be back until around the time their brief is due (Jan 21). They are asking all parties to agree to a continuance of the hearing. We are anxious to get a ruling as soon as possible, but unfortunately, these sorts of things happen and we have to adjust.

### Audit of Regional Centers

The Public Policy Committee has discussed the audit of Regional Centers for several months and has concluded there are two areas where legislation related to the audit might be feasible.

First, the whistleblower requirements put forth as a result of the audit findings need to expressly prohibit retaliation against any person who in good faith brings a complaint. They should be standardized, not individual to each Regional Center.

10:00 am-Noon

BAT

Teleconference  
2:00-3:00 pm

**January 20**

Bay Area Caucus  
Contra Costa Arc  
10:00 am-Noon

Public Policy  
Committee  
Teleconference  
3:00-4:30 pm

**January 24**

CDSA Board  
Teleconference  
10:00-11:30 am

**January 26**

South Policy  
Meeting  
San Gabriel Valley  
Training Center  
Bassett  
10:00 am-3:00 pm

**January 27**

North Policy  
Meeting  
CDSA Office  
Sacramento  
10:00 am-3:00 pm

**February 1**

PR Committee  
Teleconference  
10:00-11:00 am

**February 3**

Capitol Caucus  
Alta RC Provider  
Meeting  
On My Own  
6060 Sunrise Vista  
Dr. Ste 3425  
Citrus Heights, CA  
95610  
10:00 am-Noon

Second, call for DDS oversight of the IPP process based on the inadequacies identified in the audit. This involves augmenting DDS's existing fiscal audit structure to ensure compliance with the IPP process and using current requirements and documentation to catch things that have started to slip at the RC level. This could include DDS auditing to ensure that:

1. RCs are able to demonstrate consumers are being given a choice of services and service providers.
2. RCs are adhering to all requirements relative to the IPP process, such as face to face meetings, informed consent, and information on appeal rights.

In light of the ongoing budget crisis and early conversations with legislative offices, any legislation that has any cost associated with it is unlikely to pass this year. That eliminates our ability to ask for the creation of any new department/unit to provide independent oversight of the whistleblower process.

### **CDSA Business Advisory Team**

One of the key responsibilities of the CDSA Membership Committee is to maintain a current understanding of how member agencies perceive the association is aligned with their businesses. CDSA's legislative and advocacy focus, and the membership dues are typically first to be mentioned as we check in with our agencies. Not surprisingly, these are also very important items for agencies when considering CDSA membership.

The Membership Committee recently asked the CDSA Board of Directors to approve a project that would revisit how our legislative and advocacy focus is aligned with our mission, alignment with our member agencies' business models, and ensure that our membership dues structure is appropriate. The Board of Directors approved the project and the Business Advisory Team (BAT) was launched on December 15. Team members include:

- Beth Kahiga, Napa Valley Support Services
- Dave Schneider, The Arc of San Diego
- Diana DeRodeff, InAlliance
- John Stockton, Community Support Options
- Kirk Spry, VTC Enterprises
- Randy Hyatt, San Gabriel Valley Training Center
- Steve Rogers, Siskiyou Opportunity Center
- Tim Chervenak, Project Independence
- Chris Rice, CDSA Staff
- Jim Scott, CDSA Staff

The objectives for the project are as follows:

- Alignment of CDSA's public policy focus with members' business models
- Alignment of the membership dues
  - Considered fair by most members
  - Members perceive an acceptable ROI
  - Funds are sufficient to support a large portion of CDSA's activities

**February 4**  
Dynamic Solutions  
Board  
Teleconference  
11:00 am-Noon

**February 7**  
BAT  
Teleconference  
2:00-3:00 pm

**February 8**  
Upstate Caucus  
Green Barn, Red  
Bluff  
11:30 am-1:00 pm

**February 15**  
Capitol Caucus  
InAlliance  
10:00 am-Noon

Orange County  
Caucus  
Project  
Independence  
11:30 am-Noon  
BAT  
Teleconference  
2:00-3:00 pm

**February 16**  
Caucus Steering  
Committee  
Teleconference  
2:00-3:00 pm

**February 17**  
CARI & Business  
Services Committee  
Teleconference  
10:00-11:00 am

Bay Area Caucus  
Contra Costa Arc  
10:00 am-Noon

Public Policy  
Committee  
Teleconference  
3:00-4:30 pm

This large project is very important to every current and potential member agency, and the BAT is committed to completing the analyses and presenting the Board of Directors a preliminary proposal by March 15. The BAT is meeting twice a month and working in-between these formal meetings to stay on schedule, but we cannot complete the project without your support. You can make sure your agency's business model is included within the analyses by helping us in these areas:

- If you are one of the 30 agencies who have not completed your demographics survey, please complete it and return it to Jim Scott as soon as possible. The data provided in these surveys will be the basis for our understanding of the services delivered by member agencies and will validate or potentially change CDSA's legislative and advocacy focus.
- Get involved with this project by participating in one or more of our planned focus group meetings. The BAT is planning on three focus group meetings during the lifecycle of the project. These one-hour webinar meetings will be used to gain your expertise, validate BAT findings and analyses, and to communicate our process and progress. The first webinar is scheduled for February 3, so let one of the BAT members know if you would like to be invited to this and/or the future meetings.

As with any project of this magnitude, communication throughout the project is paramount. Regular updates will be provided via the CDSA newsletter and Listserv. Almost all of our caucuses are represented on the BAT, so this is another opportunity for you to stay abreast of our progress and direction. Please feel free to provide input to the BAT members at any time.

### **DLSE and \$1 per Hour**

As an earlier discussion on the listserv indicated, Deputy Labor Commissioners have indicated renewal of a sheltered workshop license requires a letter of "good standing" from DDS and special review of any program paying people less than \$1 per hour. In most cases, agencies have addressed concerns and received their licenses. In San Diego, a \$1 per hour minimum wage has become a requirement.

In a meeting in San Diego, representatives from the Dept. of Rehabilitation, DDS, and San Diego Regional Center agreed with CDSA that this seems to be philosophical position with no written regulation to support it. CDSA has written to the Department of Industrial Relations to learn what official changes have been made, the procedures used to set the \$1 per hour minimum, and the procedures for evaluating programs paying below \$1 per hour, the level of discretion given to DLSE district offices to withhold renewals, and the definition/requirements of the DDS "good standing" letter.

### **Employment First**

The Employment First Committee (created by AB 287) continues meeting, with a panoply of subcommittees and lots of work on an employment first policy. The chair looks forward to presenting legislation later this year.

Several CDSA members are involved in the committee process that is drafting the Employment First policy to be presented to the Legislature in

February 21  
Presidents' Day  
State Holiday  
CDSA Office closed

February 23  
Central Valley  
Caucus  
ABLE Industries  
10:00 am-Noon

Membership  
Committee  
Teleconference  
2:00-3:00 pm

February 24  
San Diego Caucus  
TMI  
10:00 am-Noon

BAT  
CDSA Office  
10:00 am-4:00 pm

February 28  
CDSA Board  
Teleconference  
10:00-11:30 am

June 2012. The draft statement distributed to the committee for review was based on the APSE position and raises serious concerns regarding how the resulting policy could be used to cut programs, or otherwise be used against providers.

The Public Policy Committee determined that this is a big issue for CDSA and that we should look at how to best influence the process as this policy is drafted. It was determined that Will Sanford, Barbara Maizie, and Diana DeRodeff would continue within the meeting process to try and get changes made to the draft language and that the membership will look at this at the North South Policy meetings, enabling us to formulate a response.

The draft document creates an unattainable outcome and needs to be revised to reflect that many, but not all, working age adults and youths can be fully integrated. The final product needs to address appropriate funding. The policy is dangerously close to changing the whole IPP & entitlement system by putting a preference on a service before knowing what an individual CAN or WANTS to do. We don't want CDSA to come across as NOT supporting employment in our efforts to make a more realistic policy.

## Upcoming Events and Opportunities

### Policy Meetings

#### **Only a few days left for early bird registration!**

Join fellow members, lobbyists, and CDSA's new Government Affairs Director, Amy Wall, for a discussion of the new budget, our public policy agenda, and our action plan for the coming year. Lobbyists will also give an overview of newly elected Legislative officials. This one day meeting includes lunch and CDSA recommendations for the upcoming year.

**South** - January 26, 10 am-3 pm

San Gabriel Valley Training Center, La Puente/Bassett

**North** - January 27, 10 am-3 pm

CDSA office, Sacramento

#### **Early bird registration is available through January 10, 2011.**

\$65 - member rate

\$45 - multiple registration discount rate\*

*\*Available for all registrations from the same member agency; only available during early bird registration.*

\$130 - non-member rate

#### **Register now!**

Southern Regional Policy Meeting - [Click here](#)

Northern Regional Policy Meeting - [Click here](#)

### Legislative Affairs Conference

People with developmental disabilities and family members have a role to play at this year's CDSA Legislative Affairs Conference, March 15-16 in Sacramento. We understand the economic challenge this poses, so we have developed a raffle that agencies can use to raise travel funds for a client or family member.

### What's the raffle prize?

A weekend getaway!

- Southwest Gift Card (\$350 value)
- Free night stay at a [Joie de Vive hotel](#) (\$200 value)

Raffle tickets will be priced at \$10 each. [Click here](#) to see the raffle flyer for more details and official rules and regulations.

### How does this work?

Participating agencies have NO risk. CDSA will provide the prize and the raffle tickets. Your agency simply sells the tickets, keeps the money, and sends the completed stubs back to CDSA. To participate:

1. Submit an [online request](#) by December 29, indicating the number of tickets you want.
2. Sell raffle tickets January 15 to March 15.
3. Use the proceeds to help a person with a developmental disability or family member attend the Legislative Affairs conference.
4. Send all ticket stubs back to CDSA by March 28.
5. Announce the winner in April.

[Click here](#) to request your tickets by this Tuesday, January 11.

## CARI and Work Contracts

### New Opportunities

We are working on identifying contract opportunities weekly. New contract opportunities are sent out on Tuesdays. If you're interested in receiving these notifications, would like bid packets or information about any of the current bid opportunities, please e-mail [Andrea Gallippi](#). More opportunities are coming soon.

## Members' Noteworthy News

### A Tale of Two Frankies...

Frankie Lee Smithle and Frankie Smithle Jr. share more than just a name. Similar struggles led to their placement in the old Sonoma State Hospital when their families could no longer take care of them.



Introduced by a friend Frankie Lee made at the hospital, the two met after they had both moved into the community. They married about a year later.

With the help of Becoming Independent (BI) Community Living Supports and the couple's enthusiastic participation in BI's Senior Connections activities, the services this duo receives from BI enable them to remain active and a fixture in the Santa Rosa community. BI is the North Bay's largest nonprofit serving people with developmental disabilities.

Notable members of the BI family, the two Frankies are looking forward to celebrating their 50th wedding anniversary in March 2011.

## **Animal Partners**

Special needs children at Stein Education Center (SEC) Main Campus have enjoyed weekly equestrian therapy at Stein for many years. The children look forward to the experience, which provides safe horseback riding that helps children build balance, coordination and self esteem. They love to spend time around Pippi; petting, brushing, feeding and riding the center's good natured horse.

The staff who run the program are certified by NARHA (North American Riders for the Handicapped Association), and they use additional qualified volunteers and staff. The program is supported entirely by donations, and SEC hopes to add another horse to the program in the future.

At St. Madeleine Sophie's Center (SMSC), Sutherland, a four-year-old poodle, nuzzles up to seniors. He patiently lets each of them reach out and pet him, bringing joy and comfort. Sutherland is more than just a pet. He is a fully trained service dog working at SMSC.

Sutherland will often spend the day with the senior population at SMSC attending various activities, providing pet therapy and companionship. He attends different outings, such as exercise, bingo at local community centers, and will visit with residents at local nursing homes. Sutherland adds a welcome dimension to the experience that individuals have at SMSC.

## **Employment Classifieds**

### **Contra Costa ARC, Program Coordinator for Supported Employment Program - Antioch/Concord**

Contra Costa ARC is a non-profit community organization which exists to enhance and enrich the lives of children at risk and adults with developmental disabilities. Toward that end we provide direct services and advocacy to assist those we serve in achieving their highest level of personal independence and self-sufficiency. We provide a full spectrum of opportunities for people with developmental disabilities. We are the largest employer of people with developmental disabilities in the county, and one of the largest providers of service to people with developmental disabilities in California.

Among other programs, we operate a Supported/Community Employment Program that supports 120 individuals with employment in the community. This position will manage services in East and Central Contra Costa County.

### **Qualifications**

The right candidate will bring a high level of enthusiasm and commitment to the mission at Contra Costa ARC and the goals of the individuals we serve. The Program Coordinator must have the ability to engage others in an articulate and professional manner. He or she must be eager to promote independence and self-sufficiency for the consumers. He or she must present a positive image for the agency and build positive working

relationships with our community partners. Teambuilding and leadership are skills intrinsic to this position.

Applicants meet the qualifications in the following ways:

- A Bachelor's degree in a related field and at least three years work experience in the habilitation of persons with developmental disabilities, additional experience may be substituted for education.
- One year of personnel supervisory experience.
- Experience and knowledge of Supported/Community Employment programs with respect to procuring community work opportunities for individuals served.
- Knowledge of and experience in current trends and practices in the assessment and training of individuals with developmental disabilities, including the administration of programs for this purpose.
- Must have ability to communicate proficiently both verbally and in writing.
- Strong management, administrative and interpersonal skills.
- Must be able to utilize MS Word, Excel, the Internet and email to enhance the quality and efficiency of services provided.
- Valid, CA Driver's license, good driving record with a vehicle with insurance that can be used for work purposes.

Rehabilitation duties include:

- Ensures and maintains compliance with all outside agency's regulatory requirements, i.e. CARF, Safety, DOL, State Wage and Hour.
- Ensures that each client's individual program plan is pertinent and effective, enabling the client to develop to his/her least restrictive level of functioning.
- Organizes and oversees all aspects of IHSP (IPP) process and related record keeping, with regard to all RCEB requirements.
- Assists Director in design and development of programs.
- Assists with initial intake evaluation and coordinates assessments for all clients.
- Develops and maintains relationships with families, case managers of clients served, staff and outside agencies/organizations and businesses with whom we work.
- Assures the highest quality of services is being provided to individuals served.

Personnel duties include:

- Assists in interviewing/hiring staff.
- Provides orientation to new staff and training to all staff.
- Supervises designated staff.
- Conducts personnel reviews.
- May assist with other personnel matters.

Hours: Monday - Friday, 8:00 - 3:30pm (exempt position) sometimes required to work varied hours and shifts - \$37,600 a year and benefits

**To apply**

Forward a COVER LETTER and RESUME to HR: Fax: 925-370-2048 or Email: [PCResume@arcofcc.org](mailto:PCResume@arcofcc.org)

Specify in subject line of Email or fax: "Program Coordinator". Only those who follow correct application procedures will be considered. No phone calls, please.

## **Las Trampas, Inc. (LTI), Executive Director**

The Board of Directors of LTI seeks an experienced leader to be the top executive of an organization dedicated since 1958 to the support of people with developmental disabilities. Serving adults in Contra Costa County, services include day programs, Independent Living Services (ILS) and Supported Living Services (SLS) as well as four licensed homes (Level 4) with nursing support. All services are guided by strong principles of consumer rights, dignity and respect, honoring consumer choice and building relationships in the community. (See [lastrampas.org](http://lastrampas.org))

### **Position Overview**

The ED oversees LTI's full range of services and the administrative and fiscal systems that support them. LTI's budget is almost \$4M and it employs about 100, full or part-time. The ED is responsible for the day to day operation of the agency in adherence to the Board approved governance policies and its strategic plan. As lead spokesperson for the agency, the ED advocates for people with developmental disabilities with regard to public policies, funding and collaboration among the systems that support them.

- Directs and facilitates ongoing strategic planning and organizational development to enable LTI to meet its commitment of services to consumers and adhere to stated policies and procedures
- Coordinates the work of the Board and staff and is responsible for LTI's public accountability and adherence to all regulations
- Responsible for overall development and supervision of agency's budget and management of reports for Board and staff
- Responsible for regulatory accountability and maintaining working relationships with entities that interface with the operation of the agency
- In collaboration with the upper management Leadership Team, is responsible for quality outcomes for consumers, the evaluation and management of all services and adherence to responsibilities under the Lanterman Act
- Currently responsible for the direct oversight and operation of four licensed residential homes (Level 4) and nursing support
- Responsible for the overall strategy to recruit, train, evaluate and retain qualified staff

### **Qualifications**

- Demonstrated commitment to our mission and best practices related to services for people with developmental disabilities
- Minimum of five years service as a high-level administrator in a non-profit organization with direct experience working in partnership with a Board of Directors
- Strong financial management skills and organizational development skills
- Knowledge and experience with CA service systems and funding processes

### **Salary and Benefits**

LTI is offering a salary based on the selected candidate's experience and qualifications. The benefits package includes employer paid medical and dental coverage plus paid vacation, holiday and sick leave.

### Application Process

- Send cover letter describing qualifications, interest and resume to: Board of Directors Search Committee, c/o Las Trampas, Inc., PO Box 515, Lafayette, CA 94549 or e-mail [ltihr@pacbell.net](mailto:ltihr@pacbell.net).
- Include salary history and requirements
- Interviews will be held on a rolling basis
- LTI is an EOE employer
- Open until filled.

### CDSA Employment Advertisements

Do you need to fill a position or are you looking for a new position or career advancement?

List your open position in the CDSA Classifieds. Your open position will be posted on the Listserv, the monthly newsletter and our web site for 30 days. Service fees are \$99 for members and \$275 for non-members; contact [Melissa Smith](#) to place an ad.

## Board & Committee Meetings



### California Disability Services Association Board

The CDSA Board did not meet in December.



### California Disability Services Institute Board

The Institute Board did not meet in December.



### Dynamic Solutions Incorporated Board

The Dynamic Solutions Board considered proposals from two insurance

brokerages that are interested in establishing a relationship to be the recommended broker for CDSA members. This will be discussed further at the February Board meeting.



### **CARI and Business Services Committee**

The Committee did not meet in December.

### **Caucus Steering Committee**

The Steering Committee discussed how caucuses handle discussions of CDSA member information when non-members are attending the caucus meetings. The objective was to heighten awareness, ensuring we contain member benefit information within the membership, and to share current best practices. In most cases, caucus meetings are kept at a general information level. E-mail messages may be used to discuss member confidential information, or the members may meet before the general meeting. At least one caucus only has members participating. Another caucus chair indicated a lack of clarity on what organizations belong to CDSA. Staff will send a roster to each chair.

### **Membership Committee**

The Membership Committee did not meet in December.

### **Public Policy Committee**

The Committee spent considerable time discussing the legislative response to the audit, the DLSE requirement in San Diego for \$1 per hour, and the Employment First committee - all discussed earlier in the newsletter. The Committee asked Carl London and Dwight Hansen to explore potential for legislation based on the audit.

The Committee discussed whether CDSA should promote a new Director of DDS. Questions were raised about how to go about doing that, as well as the opportunity to use the audit findings to highlight current shortcomings in DDS and call for change. The Committee asked that the lobbyists explore this.

Barbara Maizie reported that IHSS protective supervision is being counted as respite. This raises concerns about RC's directing care through incorrect entities without proper oversight for complex tasks.

The Brown administration may reinstitute the Industrial Welfare Commission, creating a possible avenue to address meal and break issues. Governor Brown favors the Workforce Service Center model and we should be prepared for SEIU to reintroduce it.

There will be a budget analysis meeting on January 18 from 10 am to 3 pm at the CDSA office. Any member of the Policy Committee is welcome to join.

For more information regarding CDSA's monthly newsletter, please contact [Melissa Smith](#).



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