

**DEVELOPMENTAL DISABILITIES COUNCIL OF CONTRA COSTA COUNTY  
BOARD OF DIRECTORS MEETING  
11/18/15**

**Board and Liaison Members Present:** Suzanne Anthony, Chair (presiding), Heather Hackett, Elvia Osorio-Rodriguez, Krista Loomis, Craig Rose, Nickole Bouslog, Nina Vincent, Pam Perls, Vi Ibarra, Heidi Spaulding, Ken Talken, Barbara Maizie, Will Sanford, Jim Burton, Carl Tolentino, Paula Senigar, Kim Williams, and Gabriel Rogin.

Josh Sullivan, Staff.

**Board and Liaison Members Excused:** Peggy Black, Karen Lingenfelter-Carmen, Caroline Ortiz, and Dan Denis.

**Guests:** Carol Anne McCrary, Contra Costa ARC; Elree Langford, Contra Costa ARC; Ronke Sodipo, RCEB; Marcelle Indelicato, Contra Costa Office of Emergency Services; Geneva Ziaoure, Manos Home Care; Murri Banis, Commercial Support Services, Richmond; Ajati Sankoh, Sierra Environmental Services; Barbara Townsend, Futures Explored; Ramsay Mashy, California Autism Foundation; Shakendra Burks, Futures Explored; Judy Hunter, Las Trampas, Inc., Kelly Kramer, Toolworks; Stephanie Russell, Anka Behavioral Health, Inc.; Tom Ta, Contra Costa County EHSD; Mark Malanson, Toolworks; and Kevin Rath, Manos Home Care.

**Welcome and Introductions**

The meeting was called to order at 10:06 a.m. by Suzanne Anthony, Chair, and everyone was welcomed. Introductions were made.

- The meeting minutes for September and October 2015 were approved unanimously (M/Nickole Bouslog; S/Craig Rose).
- There was 1 **addition to today's agenda:** More surveys were put at the back table to give input into the Contra Costa County Transportation Authority plans for the future.

**Special Announcement:**

**Barbara Maizie announced the closure of Contra Costa ARC's** flagship Early Intervention program, Lynn Center in Brentwood. This program started in 1954 in a church in Danville, serving children with Down Syndrome. It grew over 61 years and has served over 3000 children. **Elree Langford started in the program as a volunteer and evolved into the Division Director for Children's Services for Contra Costa ARC.**

The Brentwood program will close on November 30<sup>th</sup>. The Pittsburg, George Miller Center Concord, and George Miller Center Richmond Early Intervention programs will remain open.

Barbara described this as a very sad day, as she tried everything she could to prevent this closure. This leaves no Early Intervention services in Antioch, Brentwood, and Oakley areas.

Legislators she repeatedly spoke to were sympathetic: **"heart-sick", "heart broken", "sad".....**however, they took no action to prevent this closure. Barbara described their inaction as a massive failure of leadership, and abuse of power. With low rates and the refusal to reimburse programs for federal mandates (Affordable Care Act), this program could not survive. Even the closure process is costly.

Barbara has decided not to close quietly. She knows of 3 other programs that have closed recently in the East Bay and they were closed quietly.

The first step in announcing this closure will be to hold 3 silent vigils on November 30<sup>th</sup>. The first will be held at Assemblymember Jim **Frazier's** office in Brentwood; the 2<sup>nd</sup> at Assemblymember **Susan Bonilla's office in Concord** and the 3<sup>rd</sup> at the State Building in Oakland, the location of the offices of Assemblymembers Tony Thurmond and Rob Bonta. Everyone is encouraged to attend to draw attention to the problem. Barbara will distribute flyers announcing the event and is preparing letters to deliver to each legislator. Their offices will be told of the events in advance. The press will be notified, as well.

Several family members thanked Elree for her service and told stories of the impact Lynn Center had on their sons/daughters. This is a valuable resource that will be missed in East County.

#### **RCEB Update by Jim Burton RCEB:**

- Jim expressed his sadness for all the program closures that are happening throughout the State. He thanked Barbara and Elree for their hard work at trying to keep the Lynn Center open and knows that they looked at all possibilities. With the low rates, there were no good options.
- RCEB is documenting local closures and Jim expects that a story will come out soon on NPR.
- Santi Rogers is retiring from the head of DDS, as he had his 70<sup>th</sup> birthday and wants to spend time with his family and other pursuits. This is a planned retirement, after working in our field for over 47 years. His last day will be Nov. 30<sup>th</sup>.
- John Doyle will fill in until a permanent replacement is appointed.
- RCEB is actively involved in the closure process of Sonoma Developmental Center. Jim expects that there will be an effort by parents to slow down the process. There have been family meetings in our area.
- DDS announced the closing of Fairview Developmental Center, along with the non-criminal portion of Porterville.
- There is nothing happening with the State Budget at this time. They did not re-convene the Special Session and are not providing leadership. The Special Session did not work and there is no clear path moving forward. Jim expects it to be rolled into the regular session that starts January 4, 2016.
- The Governor's **budget proposal for FY 2016-2017** is expected in early January 2016.
  - The Managed Care Organization Tax (MCO) sunsets on June 30, 2016 and if not renewed, will result in more than \$1.1 billion in more cuts to health and human services.
  - Jim suspects that a big fight is on the horizon, as there is no agreement, and **we need to continue to press the Governor to compromise.**

Comments from the audience included:

- We have to stop being polite;
- We may need to do more extreme rallying, like sit-ins, to be heard.

#### **State Council on Developmental Disabilities Bay Area Office: Update by Gabriel Rogin**

- Gabriel will be taking a new position in Sacramento with the State Council on Developmental Disabilities. We wish him well.
- Ron Usac will be attending our meetings in his place.

#### **Committee Reports:**

- Strategic Planning Committee: They secured volunteers and will be updating the DD Council's Bylaws.
- Legislative Committee: Josh and Carl informed us that a protest will be held on December 10<sup>th</sup> in Sacramento. More information about it will be forthcoming. It is planned to start at Raley Field.

The committee is also planning for 2 Town Hall meetings in February:

- One at 1515 Clay, as usual;
- One in Sacramento.

The next meeting of the EBLC is December 2<sup>nd</sup> from 10 am-Noon @ 1000 Broadway, Fifth Floor, in Oakland. Everyone is welcome.

- Nominating Committee: A person is interested on serving on our Board and will be introduced next meeting.
- Transition Committee: Ken stated that the committee is meeting tomorrow at 3 p.m. to start the process of bringing back the Annual Transition Conference in 2017. They need lots of help and everyone is welcome to join in the planning.
- Paratransit Coordinating Council: Josh thanked the community for the response to the Transit Survey **that gave input to next year's transportation budget**. Our issues got 600 votes, while the next item only received 300 votes!

### **A short break for networking was taken.**

### **Presentation: A Dire Delay: Understanding the Issues Surrounding SLS, Respite, IHSS, and 5.8% rate increase**

**Guest Speakers:**        **Jim Burton, Regional Center of the East Bay**  
                                     **Kevin Rath, Manos Home Care**  
                                     **Kim Williams, ALIVE CAC, DD Council**  
                                     **Mark Melanson, Toolworks, California Supported Living Network**

Mark Melanson gave a history of the overtime laws for home care workers:

- 1974: Companionship exemption from overtime put in place;
- 2013: President Obama made an Executive Order to eliminate the exemption from overtime, to be implemented January 2015.
- 2014: Federal government authorized a 5.8% rate increase to supported living services, Respite services, and IHSS to cover overtime costs, effective January 2015.
- **October 13, 2015 service providers are required to pay overtime to home care workers.**
- 2015 DOL announces non-enforcement period from October 2015-December 2015.
- The State of California, who manages IHSS funds, is not ready to roll out the changes until February **2016.....and wants to roll it out for all providers at the same time.....even though compliance with overtime laws started Oct 2015.**
- California is withholding the 5.8% rate increase from all, until IHSS is ready. The funds are in the budget and not being released, resulting in providers possibly violating Federal law. **California is violating the law!**

Kim Williams told her story to Assemblymember Baker:

- This is a huge change in her personal care attendants.
- **She prides herself on her ability to hire and fire her attendants: "Queen of her Castle".**
- The quality of her staff has declined, and with the new overtime laws, she has to hire 4 more attendants, further eroding the quality and continuity of her care.
- She has ended up keeping poorly performing staff, because she has no replacement options.
- Bottom line: She suffers. She had 5 care givers, and now needs 9 (size of a small business).

- Assemblymember Baker agreed to write a letter to the Governor to release the funds now.
- **Kim stated, "I don't understand why I have to suffer over something I didn't ask for."**

**To further complicate matters:**

- SLS and IHSS are considered joint employers: hours are combined to calculate overtime.
- **For Respite providers, there are multiple schedulers, so a family needing services doesn't know who is eligible for overtime----they don't know who else the person worked for.**
- Impact on parents:
  - There are too many home care workers for a weekend getaway;
  - There is too much training time needed by parents;
  - Poor consistency and continuity of care;
  - High staff turnover.

Jim Burton explained that he is not sure if the 5.8% is enough to cover the overtime costs and the funds should have been released to providers in Oct 2015. The funds are there. He does not know if the funds released in Feb 2016 will be retroactive to **October or not. The Governor's** administration is holding this process up.

In addition, Supported Living Services are different from IHSS and should not be considered joint employers.

There have been many applications for Unanticipated Rate Adjustments for Health and Safety reasons being submitted per consumer, due to minimum wage increases and unfunded mandates, such as the Affordable Care Act. The process is over-burdened and it taking many months.

Kevin Rath of Manos Home Care said that the City of Oakland raised their minimum wage in March of 2015, but his Unanticipated Rate Adjustment is still in process.

**What can we do about it?**

- Make calls, visits, and write letter to legislators;
- Ask for legislative oversight;
- Attend Dec. 10<sup>th</sup> protest in Sacramento

**Announcements:** None.

**Upcoming Meetings:**

December 2015: No meeting scheduled  
 January 27, 2016 @ RCEB-Concord Conference Room

The meeting was adjourned at 12:05 p.m.

**Our next meeting is January 27, 2016 at  
 RCEB-Concord, Conference Room, 3<sup>rd</sup> Floor  
 2151 Salvio Street,  
 Concord, CA**

Respectfully submitted electronically by,

*Carol Anne McCrory*  
 Contra Costa ARC