

SAN GABRIEL/POMONA **REGIONAL CENTER**

NOTICE OF MEETING/TRAINING

Notice is hereby given that the Board of Directors of the San Gabriel/Pomona Valleys Developmental Services, Inc. will hold their monthly board meeting on the following date and at the listed location:

DATE: Wednesday, October 23, 2019

TIME: 7:15 p.m.

**PLACE: San Gabriel/Pomona Regional Center
75 Rancho Camino Drive
Pomona, CA 91766**

THE MEETING IS OPEN TO THE PUBLIC

Thank you.

75 Rancho Camino Drive, Pomona, CA 91766
(909) 620-7722

Program of San Gabriel/Pomona Valleys Developmental Services, Inc.

SAN GABRIEL/POMONA
REGIONAL CENTER
75 Rancho Camino Drive
Pomona, CA 91766

MEETING AGENDA
BOARD OF DIRECTORS MEETING
 (Meets 4th Wednesday of each Month)

Wednesday, October 23, 2019 at 7:15 p.m.
Assembly Room

BOARD OF DIRECTORS

Gisele Ragusa, Board President

Sheila James, 1st Vice President

Julie Chetney, 2nd Vice President

Anabel Franco, Secretary

Mary Soldato, Treasurer

Joseph Huang, Immediate Past President

David Bernstein, VAC Chairperson

Preeti Subramaniam

John Randall

Georgina Molina

Shannon Hines

Daniel Rodriguez

Natalie Webber

APPROXIMATE SCHEDULE	ITEM	ACTION	MATERIAL	COLOR
7:15 - 7:25	CALL TO ORDER (Gisele Ragusa, President)	None	None	None
	• Roll Call	Quorum	None	None
	• Review Agenda	Info	Attached	White
	• Review of POS Policy	Consent	Attached	White
7:25 - 7:30	GENERAL PUBLIC INPUT – Please sign in	Info	None	None
7:30 - 8:30	Legacy Planning <ul style="list-style-type: none"> • Alternatives to Conservatorship and CalAble by SCCD • "Navigating the Maze" by Dignity Group 	Info	None	None
<u>ADJOURNMENT OF THE BOARD OF DIRECTORS MEETING</u>				
8:35	Executive Session Regarding a Personnel Matter	Info	None	None

**SAN GABRIEL/POMONA REGIONAL CENTER
DEVELOPMENTAL SERVICES, INC.
BOARD OF DIRECTORS
DRAFT Minutes of the Meeting of the Board of Directors
(A California Corporation)**

September 25, 2019

ATTENDANCE

The following members of the Board of Director's were present at said meeting:

PRESENT:

Gisele Ragusa
Sheila James
Julie Chetney
Anabel Franco
Mary Soldato
David Bernstein
Preeti Subramaniam
John Randall
Georgina Molina
Shannon Hines

STAFF:

Anthony Hill, Executive Director
Lucina Galarza, Director of Client Services
Tim Travis, Director of Federal Revenues and
Clinical
John Hunt, Chief Financial Officer
Erika Gomez, Exec. Assistant BOD
Laura Palma, Admin Assistant

ABSENT

Joseph Huang (LOA)
Daniel Rodriguez
Natalie Webber

A. CALL TO ORDER:

Gisele Ragusa, Board President, called the meeting to order at 7:20 p.m. Roll call was taken, and a quorum was established.

The minutes for the August 28, 2019 meeting were reviewed and approved by the Board.

M/S/C (Bernstein & Soldato) The Board approved the minutes.

Abstain: Hines & Molina

B. PUBLIC INPUT:

- Carl Argila, a parent, gave an update on the status of the case of his son. He also provided information on his blog.
- Rosella Alm, advocate, shared her desire to meet with Mr. Hill.

C. PUBLIC MEETING – PERFORMANCE CONTRACT

Carol Tomblin, Director of Compliance, provided a special presentation on the draft Performance Contract at the last Board meeting for consideration of approval.

M/S/C (James & Soldato) The Board approved the draft Performance Contract.

D. EXECUTIVE/FINANCE COMMITTEE

John Hunt, Chief Financial Officer reported on the following:

Financial Report

- Operations –The allocation has met the expenditure projections, resulting in a zero-allocation balance. The operations allocation for fiscal year 2018-19 was \$29,383,054. For the month of June, expenditures were \$2,888,704 and staff have expenditures in the amount of \$28,696,357 year to date, with total expenditures remaining of \$686,697.
- Family Resource Center –The current allocation is \$154,564 with total projected expenditures for the year of \$154,564, resulting in a zero-allocation balance.
- LDC Foster Grandparent/Senior Companion Program – Has a current allocation in the amount of \$588,808 with projected expenditures for the year in the amount of \$572,607 which leaves an allocation balance remaining in the amount of \$16,201.
- FDC Foster Grandparent/Senior Companion Program – The current allocation remains at \$502,210 with projected expenditures for the year in the amount \$488,391, resulting in an allocation balance of \$13,819.
- Community Placement Plan – operations allocation is \$1,767,400. Expenditures for the year are projected to be \$1,709,328 resulting in an allocation balance of \$58,072.
- Regular Purchase of Services- The allocation is \$223,237,285. For the month of June, net expenditures were \$21,613,863, and have paid for services in the amount of \$215,897,346 year to date, with projected expenditures and late bills remaining in the amount of \$3,097,185. This results in an allocation balance of \$4,242,754, or 1.9% of allocation.
- Community Placement Plan – current allocation of \$1,958,646 with total projected expenditures for the year in the amount of \$1,862,063 leaving an allocation balance in the amount of \$96,583.

Contract Amendments - Staff received notification on Friday, August 30, that the A-1 Contract Amendment should be received by the regional center in the next few weeks, followed shortly thereafter by the A-2 Amendment. According to DDS the A-1 allocation (intent letter) had to go out by September 1st and they don't have the final decisions on the methodologies for new policy items. Their plan is to issue

the A-2 allocation very quickly with the new policies and CPP, hopefully in September. It appears that the A-1 will include approximately \$5.4 million in Operations and approximately \$51.6 million in Purchase of Service for SG/PRC.

Authorization of Board President's Signature – M/S/C (James & Soldato) The Board approved the Board President's signature on the A1 Contract upon its arrival.

Audit - The DDS Audit went smoothly. More information will be available when it is received.

E. COMMUNITY RELATIONS/LEGISLATIVE COMMITTEE

Gisele Ragusa reported on behalf of Daniel Rodriguez that the committee was presented with the monthly Community Outreach Report.

F. CLIENT SERVICES ADVISORY COMMITTEE

Mary Soldato shared that the committee had a presentation about the Specialty Positions at SG/PRC. She also reported that the committee approved an amendment to the POS Policy and will present it to the Board next month for approval.

G. VENDOR ADVISORY COMMITTEE (VAC)

David Bernstein reported that six more individuals have joined the VAC.

H. STRATEGIC DEVELOPMENT COMMITTEE

Gisele Ragusa shared the following information:

- Board Survey - Results from the survey helped the committee decide on future Board training topics. The topic for the October training will be on "Legacy Planning."
- Strategic Timeline – The members continue to work to meet the deadlines of the timeline. They are also working with staff, as a partnership to accomplish their goals.

I. BOARD OVERVIEW

Gisele Ragusa covered the following information:

- Board Training – The Chairpersons were asked to encourage their

- committee members to attend the Board training.
- Immigration – The following was discussed:
 - If/how intake numbers have been affected and if SG/PRC is able to track this
 - How does SG/PRC ensure the community knows there should be no fear of immigration and deportation if they partake of regional center services.
- Prioritization of Board Meeting Discussion Topics – The Board decided on the following order for the discussion topics:
 - December – Vendor staffing challenges and rates
 - January – Adult Residential Services
 - February – *Board Training*
 - March – Board’s Role and the Brown Act
 - April - *Board Training*
 - May – IEP
 - June – Social and Vocational Programs
- ARCA – The next ARCA meeting is scheduled for October.
- Ms. Ragusa would like input from all the committees about the Bylaws as the Bylaws Committee will start to revise them.
- The members were prompted to read the previous Executive Director’s report for more information.
- Lastly, everyone was encouraged to participate in the 31st Annual Richard D. Davis Foundation Golf Tournament scheduled for October 7, 2019.

J. EXECUTIVE DIRECTOR’S REPORT:

Anthony Hill, Executive Director, shared with the Board some of his goals:

- Partnering with the Board, vendor community and staff
- Partner with the work that is taking place with the revision of the Bylaws
- Meet statutory requirements and be transparent on the website
- Meet overall compliance
- Provide necessary trainings to the Board
- Work with the Community Relations/Legislative Committee to track bills and impact policy at the state level

SG/PRC DRAFT Board Meeting Minutes. EXECUTIVE DIRECTOR'S REPORT
CONTINUED
September 25, 2019
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Mr. Hill expressed his gratitude to his Executive Assistant, Willanette Satchell for helping him during this transitional time.

EXECUTIVE SESSION

None

Next meeting on Wednesday, October 23, 2019 at 7:15 p.m.

BOARD MINUTES FROM THE SEPTEMBER 25, 2019 MEETING
Submitted by:

Anabel Franco, Board Secretary

Date

SAN GABRIEL/POMONA
REGIONAL CENTER

Committee Reports & Information



September-Oct. 2019

**SAN GABRIEL/POMONA VALLEYS
DEVELOPMENTAL SERVICES, INC.
Executive/Finance Committee Meeting DRAFT MINUTES**

October 9, 2019

PRESENT

Gisele Ragusa, President
Julie Chetney, 2nd VP
Mary Soldato, Treasurer
Daniel Rodriguez, Director
Anabel Franco, Secretary
Natalie Webber, Director

STAFF:

Anthony Hill, Executive Director
Lucina Galarza, Interim Executive
Director
Tim Travis, Director of Federal
Revenues and Clinical
Erika Gomez, Exec. Assistant – BOD
Laura Palma, Admin. Assistant

ABSENT:

Joseph Huang, Immediate Past
President (LOA)
Sheila James, 1st VP

RECOMMENDED ACTIONS

THE EXECUTIVE/FINANCE COMMITTEE RECOMMENDATION:

None

**ACTIONS TAKEN BY THE EXECUTIVE/FINANCE COMMITTEE
PURSUANT TO SECTION 20.04 OF THE BYLAWS**

None

ITEMS DISCUSSED

A. CALL TO ORDER

Gisele Ragusa, Board President, called the meeting to order at 7:18 pm. A quorum was established.

The committee reviewed and approved the minutes from September 11, 2019.
(M/S/C Chetney & Soldato)
Abstain: Rodriguez & Franco

B. PUBLIC INPUT:

None

C. CONTRACT REVIEW

Merakey – Presented by Dara Mikesell, Associate Director of Community Services.

The Board reviewed a contract based on their policy for contracts over \$250,000. **M/S/C (Soldato & Webber) The committee approved the Contract.**

D. BOARD OVERVIEW

Board President Gisele Ragusa reported on the following:

- Identification and discussion of key Board meeting discussion topics – The Board prioritized the list of topics they would like to discuss at their last Board meeting.
- Agenda items for 11/13/2019 Executive Finance Committee Meeting
 - Discussion of SG/PRC Employee Benefits
 - Discuss Bylaws input from all committees
- Agenda items for 10/23/2019 Board meeting training
 - POS Policy
 - Legacy Planning Training

E. INFORMATION:

Anthony Hill, Executive Director, reported the following:

Self Determination – On October 8, 2019, Mr. Hill and Lucina Galarza, Director of Client Services, met with a parent to discuss her concerns regarding procedural issues. Following the meeting with the parent they attended the Advisory Committee meeting and the “meet and greet” that was held beforehand. The following information was discussed:

- Regional centers are having a drop of members that want to participate in the program.
- The Department of Developmental Disabilities (DDS), will do another targeted drawing that will look at parents on the Advisory

**Please see attached.*

*** Please see “Attachments & Announcements” section.*

October 9, 2019

Page Three, Information Report Continued

Committee and siblings of individuals that are participating in the program. DDS will also look at individuals over the age of 42.

- Parents are concerned about the following:
 - Tax liability
 - Calculating budget tool is confusing
 - Audit findings
 - Absence and unavailability of providers
- DDS put together a subgroup to focus on the budget tool and allowable expenses.

OPS Survey- ARCA conducted this survey to try to understand what it would cost to operate regional centers if funded accordingly by the financial standards of this current time. Every regional center was asked to submit their costs. A presentation will be developed and presented to help impact the upcoming budget. Some of the results of the survey are as follows:

- The system needs 1.8 billion dollars to fix the problems it faces
- 740 more Service Coordinators are needed

Regional Center Transparency – Mr. Hill informed the committee that he took an audit of SG/PRC's website and is working with staff to update it and maintain its compliance of information.

MEETING ADJOURNED

The next regular meeting will be held on November 13, 2019 at 7:15 p.m.

EXECUTIVE SESSION

The committee had an Executive Session regarding a client matter.

**Please see attached.*

*** Please see "Attachments & Announcements" section.*

**SAN GABRIEL/POMONA VALLEYS
DEVELOPMENTALSERVICES, INC.
COMMUNITY RELATIONS/LEGISLATIVE
COMMITTEE MINUTES**

October 9, 2019

The following committee members were present at said meeting:

PRESENT

Daniel Rodriguez (Chair)
Natalie Webber
Georgina Molina
Rachel McGrath
Gisele Ragusa
Louis Jones
Penne Fode

STAFF:

Anthony Hill, Executive Director
Lucina Galarza, Director of Client Services
Tim Travis, Director of Federal Revenues
and Clinical
Carol Tomblin, Director of Compliance
Erika Gomez, Executive Assistant -BOD
Laura Palma, Administrative Assistant

ABSENT:

Joseph Huang, LOA

RECOMMENDED BOARD ACTIONS

The Community Relations/Legislative Committee recommends the following:

None

ITEMS DISCUSSED

CALL TO ORDER

Daniel Rodriguez called the meeting to order at 6:08pm. A Quorum was established.

The minutes from September 11, 2019 were approved with the correction of Natalie and Louise Webber's last name.

M/S/C (Jones & Webber) The committee approved the minutes.

A. PUBLIC INPUT

None

COMMUNITY OUTREACH MONTHLY REPORT*

Carol Tomblin, Director of Compliance, presented the monthly Outreach Report. Mrs. Tomblin informed that some information from one of the Community Outreach Specialists was missing and it will be included in next month's report. The Community Outreach Specialist have focused on the following projects:

- New Disparity Grant Projects FY 18-19
- Progress/Status of Continuing POS Equity Projects Funded by DD Disparity Grants
- Other Equity Related Activities non-supported with Disparity Grant Funds
- Family Support/ Training
- Outreach/ Events Participation
- Other major activities of the Compliance and Outreach Department

Lastly, Mrs. Tomblin informed the members of "The Great Shakeout," which will take place on October 17th at 10:17am. Everyone was encouraged to participate in the preparation drill.

LEGISLATIVE ISSUES AND OTHER INFORMATION

Anthony Hill, Executive Director, reported on the following:

Review of Intake - The committee reviewed the Intake data provided. Mr. Hill shared there was an increase in referrals of family and friends.

Self Determination – On October 8, 2019, Mr. Hill and Lucina Galarza, Director of Client Services, met with a parent to discuss her concerns regarding procedural issues. Following the meeting with the parent they attended the Advisory Committee meeting and the "meet and greet" that was held beforehand. The following information was discussed:

- Regional centers are having a drop of members that want to participate in the program.
 - The Department of Developmental Disabilities (DDS), will do another targeted drawing that will look at parents on the Advisory Committee and siblings of individuals that are participating in the program. DDS will also look at individuals over the age of 42.
- Parents are concerned about the following:
 - Tax liability
 - Calculating budget tool is confusing

- Audit findings
- Absence and unavailability of providers
- DDS put together a subgroup to focus on the budget tool and allowable expenses.

Review of Bills

- *AB 5 – Independent Contractors* – This bill will be under legislation. Regional Centers will be responsible for the correct and clear categorization of workers. Regional centers will have to use this “ABC Test” when using the services of Independent Contractors:
 - A. The worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
 - B. The worker performs work that is outside the usual course of the hiring entity's business.
 - C. The worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed.
- *AB 1643 – Developmental Services: Fair Hearings* - This bill would require regional centers to provide adequate notice to the individuals served if the regional center makes specified decisions relating to services.

COMMUNITY AND OUTREACH ACTIVITIES:

Annual Golf Tournament – The 31st Annual Richard D. Davis Foundation Golf Tournament is scheduled for October 7, 2019.

Review of Health Fair for Adults – SG/PRC held a Health and Wellness Fair for Adults on September 26, 2019. This event was designed for adult clients. There were healthy cooking demonstrations, health and dental vision screenings and exercise instruction.

End of the year calendar – This committee will not meet in December.

Bylaws – The Bylaws committee will start to work on the revision of the Board Bylaws and would like input from each committee. Feedback can be provided to Gisele Ragusa, Board President.

ADJOURNMENT:

Next meeting is on for November 13, 2019 in the Assembly Room, Section C.

Community Outreach Team Monthly Report

Community Outreach Team	Director: Carol Tomblin
Report Date	Community Outreach Specialists: Xochitl Gonzalez, Amos Byun
Report to	Month of September 2019 – *Please note that additional updates for September by Xochitl Gonzalez will be provided in the next report.
New Disparity Grant Projects – FY18-19	<ul style="list-style-type: none"> • <u>Developmental Journey of Children in the African-American Community</u> – No further events have been scheduled. • <u>Webinar development and hosting for parent training</u> – The first version of the Healthcare Benefits presentation was made available for review in early September.
Progress/Status of Continuing POS Equity Projects Funded by DD Disparity Grants	<ul style="list-style-type: none"> • <u>Parent Mentor Initiative (PMI)</u> – There has been a total of 234 parents referred by Service Coordinators (SCs) to PMI through July 2019. SG/PRC completed an application for continuation funding for PMI, which was submitted to DDS before the September 30th deadline. As part of the application process, SG/PRC reviewed the accomplishments and changes in POS to date. There have been 78 parents who have “graduated” from PMI, meaning that they have all met their self-selected goals within 12 or fewer months of parent mentoring. Of these 78 graduates, 32 parents had no POS prior to participating in PMI and ended their participation with one or more paid services. After PMI participation, graduates demonstrated an increase of 108% in POS authorizations. Of the 45 parents currently participating, 28% started with no POS services and now have one or more paid services, even before completing their goals. An attachment to this report has been provided to show more of the details of accomplishments. • <u>Navigating the Regional Center System (NRCS)</u> –The third workshop series with Key Essentials started September 17th, with these workshops scheduled in the evening. As these workshops are located at The Parents Place FRC in West Covina, SG/PRC is able to provide child supervision (paid under a separate disparity grant). This workshop will continue through October 22nd. SG/PRC submitted a continuation application to DDS for Fiscal Year 19-20, with the focus once again on the Latino Community, which has the highest POS disparity. • <u>Mandarin/Cantonese Outreach Specialist</u> – Connie worked on translating SG/PRC brochures related to Transition and Employment, “Employment and Day Program Options” in both Traditional and Simplified Chinese. She also completed the translation of “Paid Internship Program” in Traditional Chinese. This month, SG/PRC submitted a proposal to request continued disparity grant funding of additional hours for this Parent’s Place employee to continue her translations of written materials and of Person-Centered Conversations for Chinese families with Amos. It is also planned that Connie

	<p>will promote Chinese ADEPT with her Chinese support group meeting at the Parents' Place.</p> <ul style="list-style-type: none"> • <u>Vietnamese Outreach Specialists</u> – Tony provided verbal translation during VSG meeting held on 9/24/19. Tony also continues work on translating SG/PRC brochures and preparing for the next round of physician office visits. SG/PRC submitted a continuation proposal for FY19-20, to maintain and grow the Vietnamese support group and to continue translations of SG/PRC written materials. • <u>Introductory Curriculum for Families (CHLA)</u> – – Dr. Wheeler and her team at CHLA continue their work on the “Understanding Your Child’s Disability” modules. Modules are to be delivered for review by SG/PRC and for MAGNUS to begin translating the modules into Cantonese, Mandarin, Korean, Vietnamese and Spanish. • <u>ADEPT Vietnamese translations</u> – MAGNUS completed the Vietnamese translation of ADEPT at the end of April – which was the third and last translation that SG/PRC undertook regarding ADEPT. The Vietnamese translation is on the SG/PRC Parent Learning Portal for Vietnamese families to access.
<p>Other Equity-Related Activities not supported with Disparity Grant Funds.</p>	<ul style="list-style-type: none"> • <u>Person-Centered Conversations (PCC)</u> – On 9/25/19, Amos met with Korean parents at the COF location at the Good Stewards Church to provide information related with employment opportunities. • <u>KASEC Child Developmental Screening</u> – On 9/14/19, Amos represented SG/PRC at the KASEC Screening for 65 Korean infants at Los Angeles Chung Hyun Mission Church. Total of 13 infants were referred to regional centers for intake, including two (2) infants to SG/PRC. • <u>Outreach to Asian Community through Mass Media</u> – On 9/17/19, Amos was invited by KGBC AM 1190 Korean radio station to record an interview. Amos provided general information regarding developmental disabilities and the regional center system. This interview aired on 9/23/19 and 9/30/19. Amos requested to provide a bimonthly interview to maximize the effect for Korean community, and the producer said he will discuss with his administration team.
<p>Family Support/ Training</p>	<ul style="list-style-type: none"> • <u>The Vietnamese Support Group (VSG) meeting at The Parents' Place</u> – The Vietnamese Support Group met at the Parents' Place on 9/28/19 to hear a presentation by Aimee Delgado, OCRA’s Clients’ Rights Advocate for the SG/PRC area about SSI and Related Services. Five (5) Vietnamese adults plus one other parent attended. Child supervision was provided for the families. The next meeting is scheduled for October 26th.

	<ul style="list-style-type: none"> • ADEPT Korean & Chinese – On 9/16/19, Amos participated with Circle of Friends (COF) to discuss facilitating ADEPT Korean and Chinese classes at COF in October 2019. It was planned to provide three (3) to four (4) facilitation sessions at the COF site in West Covina for Korean and Chinese parents. • ADEPT Spanish & English for Alma Parent Mentors – On 9/16/19, Amos provided a hands-on training regarding using ADEPT Spanish version for six (6) Alma staff and PMI mentors for them to help PMI participants to access ADEPT available in Spanish. Gaby Madrazo from Alma provided translation for the training. • Translation for Korean families – Amos completed translating a one-page Introduction of SG/PRC’s new Executive Director. Amos completed the revised Korean version of “PASSPORT to SG/PRC services”, as requested by Lucina Galarza. Amos also provided a verbal translation for Intake on 9/13/19 as well. • The American Filipino Parent Support Group –This group met on 9/28/19 to hear a presentation by Mayra Pizeno regarding Healthcare Benefits, called “New Changes in Medical, Medicare and IHSS.” This topic had a very positive response from the individuals present.
<p>Outreach/Events Participation</p>	<ul style="list-style-type: none"> • Critical Issues Forum –Critical Issues Forum was held on September 18th, with the topic presented by SG/PRC’ Education Specialist, Nora Perez-Givens. • Arcadia USD “Coffee with Director” - On 9/10/19, Amos presented information about the ADEPT ABA Modules and the Navigating the Regional Center System workshop being held in West Covina to six (6) parents and two (2) ABA providers in attendance. • LA County Library Family Workshop – On 9/16/19, Amos presented SG/PRC Early Intervention services and other generic resource information at the Rowland Heights library for their Family Workshop with Tony from the Parents’ Place. There were 11 infants with 11 adults in attendance. On 9/27/19, Amos provided the same presentation at the Diamond Bar library for 16 infants with 17 adults. • TIGER Korean Beginner Course – On 9/12/19, Amos continued providing support and facilitation for Korean TIGER program at SG/PRC.
<p>Other Major Activities of the Compliance and Outreach Department</p>	<p><u>“Informate!”</u>, a new evening Spanish-only educational forum -- Next meeting will be in October 2019.</p> <p>On September 25th, the Board of Directors approved the draft SG/PRC Performance Contract Plan for calendar year 2020. The approved draft incorporated the suggestions by the Board and Board Committee members submitted during the review meeting on August 28th. The draft was sent to DDS on September 26th, for DDS to complete its review process.</p>

The major activity of September was completing seven (7) Disparity Funds Program continuation proposals, which included a thorough review of past accomplishments of each project and data analysis of change in terms of POS and access to generic resources.

On September 10th, Xochitl and another member of SG/PRC attended an all-day training on how to enroll individuals in Cal Fresh. SG/PRC will be receiving funds from the state to help with Cal Fresh enrollments, including hosting The Parents' Place once a week to do in-person enrollments at SG/PRC.

On September 26th, Xochitl and Carol participated in the Health Fair for Adults. Xochitl informed participants about Cal Fresh and helped them sign up for Cal Fresh benefits. Carol provided emergency preparedness materials in a variety of languages, as well as a FEMA flyer on preventing heat-related illnesses.

DATA FROM INITIAL REFERRALS TO INTAKE
Fiscal Year 2019-2020

REFERRAL SOURCES	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total 2019 2020	Average 2019-2020	Average 2018-2019	Average 2017-2018
Hospitals (see ** below)	17	17	10	0	0	0	0	0	0	0	0	0	44	3.6666667	17	17
Family/Friend/Self	117	124	134	0	0	0	0	0	0	0	0	0	375	31.25	107	80
Schools	11	1	7	0	0	0	0	0	0	0	0	0	19	1.5833333	8	9
Early Start-Head Start	10	10	19	0	0	0	0	0	0	0	0	0	39	3.25	13	16
DCFS-Total Referrals	37	22	35	0	0	0	0	0	0	0	0	0	94	7.8333333	31	25
DCFS/CAPTA-under 3	36	22	31	0	0	0	0	0	0	0	0	0	89	7.4166667	26	22
Clinical Professionals	27	32	16	0	0	0	0	0	0	0	0	0	75	6.25	29	44
Regional Center Staff	5	4	1	0	0	0	0	0	0	0	0	0	10	0.8333333	3	2
Other Resources	20	7	6	0	0	0	0	0	0	0	0	0	33	2.75	15	12

****SPECIFIC REFERRING HOSPITALS/CLINICS**

CHLA/CHOC	2	1	4	0	0	0	0	0	0	0	0	0	7	0.5833333	3	3
Queen of the Valley/Citrus	1	4	2	0	0	0	0	0	0	0	0	0	7	0.5833333	2	4
Pomona Valley Hospital	3	3	2	0	0	0	0	0	0	0	0	0	8	0.6666667	2	1
LAC/USC	1	0	0	0	0	0	0	0	0	0	0	0	1	0.0833333	1	0.0833333
Huntington Mem. Hosp.	0	1	2	0	0	0	0	0	0	0	0	0	3	0.25	1	1
Kaiser	7	6	0	0	0	0	0	0	0	0	0	0	13	1.0833333	6	5
Other hospitals/clinics	3	2	0	0	0	0	0	0	0	0	0	0	5	0.4166667	2	3

REASONS FOR REFERRALS	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total 2019 2020	Average 2019-2020	Average 2018-2019	Average 2017-2018
Intellectual Disability	9	3	4	0	0	0	0	0	0	0	0	0	16	1.3333333	12	9
Autism	48	29	34	0	0	0	0	0	0	0	0	0	111	9.25	34	30
Cerebral Palsy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Epilepsy	0	0	1	0	0	0	0	0	0	0	0	0	1	0.0833333	1	1
Speech Delays	80	91	83	0	0	0	0	0	0	0	0	0	254	21.1666667	95	88
High Risk	42	26	18	0	0	0	0	0	0	0	0	0	86	7.1666667	23	27
Developmental Delays	63	66	81	0	0	0	0	0	0	0	0	0	210	17.5	56	48
Established Risk	2	2	7	0	0	0	0	0	0	0	0	0	11	0.9166667	2	2

San Gabriel Pomona Regional Center
MONTHLY INTAKE STATISTICS
 Fiscal year 2019-2020

MONTH	Reactivation Assessment		Transfer-In		Total Intake for Assessment			Closed or Inactivated During Assessment		Net Consumers				
	Under 3 Yrs	3 Yrs & Older	Under 3 Yrs	3 Yrs & Older	Under 3 Yrs	3 Yrs & Older	All Ages	Under 3 Yrs	3 Yrs & Older	Under 3 Yrs	3 Yrs & Older	All Ages		
Jul-19	191	53	5	20	17	10	213	83	296	25	24	188	59	247
Aug-19	200	17	7	9	14	4	221	30	251	29	21	192	9	201
Sep-19	195	33	7	7	1	8	203	48	251	13	20	190	28	218
Oct-19	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nov-19	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dec-19	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jan-20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb-20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar-20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apr-20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
May-20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jun-20	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	586	103	19	36	32	22	637	161	798	67	65	570	96	666
Monthly Avg.	48.83	8.58	1.58	3	2.67	1.83	53.08	13.42	66.5	5.58	5.42	47.5	8	55.5

INTAKE STATISTICAL DATA
Fiscal year 2019-

Intake C In

	Under 3 years of age				3-12 years of age				13-21 years of age				22 years yrs and above				Totals
	New	Re-Acts	Xfers In	Total	New	Re-Acts	Xfers In	Total	New	Re-Acts	Xfers In	Total	New	Re-Acts	Xfers In	Total	
Jul	191	5	17	213	42	17	8	67	5	3	2	10	6	0	0	6	296
Aug	200	7	14	221	13	5	3	21	2	4	1	7	2	0	0	2	251
Sep	195	7	1	203	23	7	4	34	8	0	3	11	2	0	1	3	251
Oct	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nov	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dec	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jun	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	586	19	32	637	78	29	15	122	15	7	6	28	10	0	1	11	798

Closed Cases

	In-activation (051)		In-activation (052-D)		Closed, not DD (096)		Closed, moved (095)		Closed, genetics (094)		Decease (097)		Transferred out		Status R
	Under 3 yrs	Over 3 yrs	Under 3 yrs	Over 3 yrs	Under 3 yrs	Over 3 yrs	Under 3 yrs	Over 3 yrs	Under 3 yrs	Over 3 yrs	Under 3 yrs	Over 3 yrs	Under 3 yrs	Over 3 yrs	
Jul	3	0	7	7	4	17	0	0	0	0	0	0	0	0	0
Aug	2	0	4	5	3	21	0	0	0	0	0	0	0	0	0
Sep	1	0	1	3	0	17	0	0	0	0	0	0	0	0	0
Oct	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nov	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dec	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jun	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals	6	0	12	15	7	55	0	0	0	0	0	0	0	2	0

Referrals

	Referrals screened		Referrals to clinical consultants	
	ES Intake	Intake	ES Intake	Intake
Jul	304	412	0	116
Aug	248	385	0	123
Sep	254	458	0	121
Oct	0	0	0	0
Nov	0	0	0	0
Dec	0	0	0	0
Jan	0	0	0	0
Feb	0	0	0	0
Mar	0	0	0	0
Apr	0	0	0	0
May	0	0	0	0
Jun	0	0	0	0
Totals	806	1255	0	360



AB-5 Worker status: employees and independent contractors. (2019-2020)

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Date Published: 09/19/2019 04:00 AM

Assembly Bill No. 5

CHAPTER 296

An act to amend Section 3351 of, and to add Section 2750.3 to, the Labor Code, and to amend Sections 606.5 and 621 of the Unemployment Insurance Code, relating to employment, and making an appropriation therefor.

[Approved by Governor September 18, 2019. Filed with Secretary of State September 18, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 5, Gonzalez. Worker status: employees and independent contractors.

Existing law, as established in the case of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (*Dynamex*), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Existing law requires a 3-part test, commonly known as the "ABC" test, to establish that a worker is an independent contractor for those purposes.

Existing law, for purposes of unemployment insurance provisions, requires employers to make contributions with respect to unemployment insurance and disability insurance from the wages paid to their employees. Existing law defines "employee" for those purposes to include, among other individuals, any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee.

This bill would state the intent of the Legislature to codify the decision in the *Dynamex* case and clarify its application. The bill would provide that for purposes of the provisions of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. The bill, notwithstanding this provision, would provide that any statutory exception from employment status or any extension of employer status or liability remains in effect, and that if a court rules that the 3-part test cannot be applied, then the determination of employee or independent contractor status shall be governed by the test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (*Borello*). The bill would exempt specified occupations from the application of *Dynamex*, and would instead provide that these occupations are governed by *Borello*. These exempt occupations would include, among others, licensed insurance agents, certain licensed health care professionals, registered securities broker-dealers or investment advisers, direct sales salespersons, real estate licensees, commercial fishermen, workers providing licensed barber or cosmetology services, and others performing work under a contract for professional services, with another business entity, or pursuant to a subcontract in the construction industry.

The bill would also require the Employment Development Department, on or before March 1, 2021, and each March 1 thereafter, to issue an annual report to the Legislature on the use of unemployment insurance in the

commercial fishing industry. The bill would make the exemption for commercial fishermen applicable only until January 1, 2023, and the exemption for licensed manicurists applicable only until January 1, 2022. The bill would authorize an action for injunctive relief to prevent employee misclassification to be brought by the Attorney General and specified local prosecuting agencies.

This bill would also redefine the definition of "employee" described above, for purposes of unemployment insurance provisions, to include an individual providing labor or services for remuneration who has the status of an employee rather than an independent contractor, unless the hiring entity demonstrates that the individual meets all of specified conditions, including that the individual performs work that is outside the usual course of the hiring entity's business. Because this bill would increase the categories of individuals eligible to receive benefits from, and thus would result in additional moneys being deposited into, the Unemployment Fund, a continuously appropriated fund, the bill would make an appropriation. The bill would state that addition of the provision to the Labor Code does not constitute a change in, but is declaratory of, existing law with regard to violations of the Labor Code relating to wage orders of the Industrial Welfare Commission. The bill would also state that specified Labor Code provisions of the bill apply retroactively to existing claims and actions to the maximum extent permitted by law while other provisions apply to work performed on or after January 1, 2020. The bill would additionally provide that the bill's provisions do not permit an employer to reclassify an individual who was an employee on January 1, 2019, to an independent contractor due to the bill's enactment.

Existing provisions of the Labor Code make it a crime for an employer to violate specified provisions of law with regard to an employee. The Unemployment Insurance Code also makes it a crime to violate specified provisions of law with regard to benefits and payments.

By expanding the definition of an employee for purposes of these provisions, the bill would expand the definition of a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) On April 30, 2018, the California Supreme Court issued a unanimous decision in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (*Dynamex*).

(b) In its decision, the Court cited the harm to misclassified workers who lose significant workplace protections, the unfairness to employers who must compete with companies that misclassify, and the loss to the state of needed revenue from companies that use misclassification to avoid obligations such as payment of payroll taxes, payment of premiums for workers' compensation, Social Security, unemployment, and disability insurance.

(c) The misclassification of workers as independent contractors has been a significant factor in the erosion of the middle class and the rise in income inequality.

(d) It is the intent of the Legislature in enacting this act to include provisions that would codify the decision of the California Supreme Court in *Dynamex* and would clarify the decision's application in state law.

(e) It is also the intent of the Legislature in enacting this act to ensure workers who are currently exploited by being misclassified as independent contractors instead of recognized as employees have the basic rights and protections they deserve under the law, including a minimum wage, workers' compensation if they are injured on the job, unemployment insurance, paid sick leave, and paid family leave. By codifying the California Supreme Court's landmark, unanimous *Dynamex* decision, this act restores these important protections to potentially several million workers who have been denied these basic workplace rights that all employees are entitled to under the law.

(f) The *Dynamex* decision interpreted one of the three alternative definitions of "employ," the "suffer or permit" definition, from the wage orders of the Industrial Welfare Commission (IWC). Nothing in this act is intended to affect the application of alternative definitions from the IWC wage orders of the term "employ," which were not addressed by the holding of *Dynamex*.

(g) Nothing in this act is intended to diminish the flexibility of employees to work part-time or intermittent schedules or to work for multiple employers.

SEC. 2. Section 2750.3 is added to the Labor Code, to read:

2750.3. (a) (1) For purposes of the provisions of this code and the Unemployment Insurance Code, and for the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that all of the following conditions are satisfied:

(A) The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

(B) The person performs work that is outside the usual course of the hiring entity's business.

(C) The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

(2) Notwithstanding paragraph (1), any exceptions to the terms "employee," "employer," "employ," or "independent contractor," and any extensions of employer status or liability, that are expressly made by a provision of this code, the Unemployment Insurance Code, or in an applicable order of the Industrial Welfare Commission, including, but not limited to, the definition of "employee" in subdivision 2(E) of Wage Order No. 2, shall remain in effect for the purposes set forth therein.

(3) If a court of law rules that the three-part test in paragraph (1) cannot be applied to a particular context based on grounds other than an express exception to employment status as provided under paragraph (2), then the determination of employee or independent contractor status in that context shall instead be governed by the California Supreme Court's decision in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341 (Borello).

(b) Subdivision (a) and the holding in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (Dynamex), do not apply to the following occupations as defined in the paragraphs below, and instead, the determination of employee or independent contractor status for individuals in those occupations shall be governed by Borello.

(1) A person or organization who is licensed by the Department of Insurance pursuant to Chapter 5 (commencing with Section 1621), Chapter 6 (commencing with Section 1760), or Chapter 8 (commencing with Section 1831) of Part 2 of Division 1 of the Insurance Code.

(2) A physician and surgeon, dentist, podiatrist, psychologist, or veterinarian licensed by the State of California pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, performing professional or medical services provided to or by a health care entity, including an entity organized as a sole proprietorship, partnership, or professional corporation as defined in Section 13401 of the Corporations Code. Nothing in this subdivision shall apply to the employment settings currently or potentially governed by collective bargaining agreements for the licensees identified in this paragraph.

(3) An individual who holds an active license from the State of California and is practicing one of the following recognized professions: lawyer, architect, engineer, private investigator, or accountant.

(4) A securities broker-dealer or investment adviser or their agents and representatives that are registered with the Securities and Exchange Commission or the Financial Industry Regulatory Authority or licensed by the State of California under Chapter 2 (commencing with Section 25210) or Chapter 3 (commencing with Section 25230) of Division 1 of Part 3 of Title 4 of the Corporations Code.

(5) A direct sales salesperson as described in Section 650 of the Unemployment Insurance Code, so long as the conditions for exclusion from employment under that section are met.

(6) A commercial fisherman working on an American vessel as defined in subparagraph (A) below.

(A) For the purposes of this paragraph:

(i) "American vessel" has the same meaning as defined in Section 125.5 of the Unemployment Insurance Code.

(ii) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Article 3 (commencing with Section 7850) of Chapter 1 of Part 3 of Division 6 of the Fish and Game Code.

(iii) "Working on an American vessel" means the taking or the attempt to take fish, shellfish, or other fishery resources of the state by any means, and includes each individual aboard an American vessel operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, including maintaining the vessel or equipment used aboard the vessel. However, "working on an American vessel" does not apply to anyone aboard a licensed commercial fishing vessel as a visitor or guest who does not directly or indirectly participate in the taking.

(B) For the purposes of this paragraph, a commercial fisherman working on an American vessel is eligible for unemployment insurance benefits if they meet the definition of "employment" in Section 609 of the Unemployment Insurance Code and are otherwise eligible for those benefits pursuant to the provisions of the Unemployment Insurance Code.

(C) On or before March 1, 2021, and each March 1 thereafter, the Employment Development Department shall issue an annual report to the Legislature on the use of unemployment insurance in the commercial fishing industry. This report shall include, but not be limited to, reporting the number of commercial fishermen who apply for unemployment insurance benefits, the number of commercial fishermen who have their claims disputed, the number of commercial fishermen who have their claims denied, and the number of commercial fishermen who receive unemployment insurance benefits. The report required by this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(D) This paragraph shall become inoperative on January 1, 2023, unless extended by the Legislature.

(c) (1) Subdivision (a) and the holding in *Dynamex* do not apply to a contract for "professional services" as defined below, and instead the determination of whether the individual is an employee or independent contractor shall be governed by *Borello* if the hiring entity demonstrates that all of the following factors are satisfied:

(A) The individual maintains a business location, which may include the individual's residence, that is separate from the hiring entity. Nothing in this subdivision prohibits an individual from choosing to perform services at the location of the hiring entity.

(B) If work is performed more than six months after the effective date of this section, the individual has a business license, in addition to any required professional licenses or permits for the individual to practice in their profession.

(C) The individual has the ability to set or negotiate their own rates for the services performed.

(D) Outside of project completion dates and reasonable business hours, the individual has the ability to set the individual's own hours.

(E) The individual is customarily engaged in the same type of work performed under contract with another hiring entity or holds themselves out to other potential customers as available to perform the same type of work.

(F) The individual customarily and regularly exercises discretion and independent judgment in the performance of the services.

(2) For purposes of this subdivision:

(A) An "individual" includes an individual providing services through a sole proprietorship or other business entity.

(B) "Professional services" means services that meet any of the following:

(i) Marketing, provided that the contracted work is original and creative in character and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the contracted work.

(ii) Administrator of human resources, provided that the contracted work is predominantly intellectual and varied in character and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

(iii) Travel agent services provided by either of the following: (I) a person regulated by the Attorney General under Article 2.6 (commencing with Section 17550) of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, or (II) an individual who is a seller of travel within the meaning of subdivision (a) of Section 17550.1 of the Business and Professions Code and who is exempt from the registration under subdivision (g) of Section 17550.20 of the Business and Professions Code.

(iv) Graphic design.

(v) Grant writer.

(vi) Fine artist.

(vii) Services provided by an enrolled agent who is licensed by the United States Department of the Treasury to practice before the Internal Revenue Service pursuant to Part 10 of Subtitle A of Title 31 of the Code of Federal Regulations.

(viii) Payment processing agent through an independent sales organization.

(ix) Services provided by a still photographer or photojournalist who do not license content submissions to the putative employer more than 35 times per year. This clause is not applicable to an individual who works on motion pictures, which includes, but is not limited to, projects produced for theatrical, television, internet streaming for any device, commercial productions, broadcast news, music videos, and live shows, whether distributed live or recorded for later broadcast, regardless of the distribution platform. For purposes of this clause a "submission" is one or more items or forms of content produced by a still photographer or photojournalist that: (I) pertains to a specific event or specific subject; (II) is provided for in a contract that defines the scope of the work; and (III) is accepted by and licensed to the publication or stock photography company and published or posted. Nothing in this section shall prevent a photographer or artist from displaying their work product for sale.

(x) Services provided by a freelance writer, editor, or newspaper cartoonist who does not provide content submissions to the putative employer more than 35 times per year. Items of content produced on a recurring basis related to a general topic shall be considered separate submissions for purposes of calculating the 35 times per year. For purposes of this clause, a "submission" is one or more items or forms of content by a freelance journalist that: (I) pertains to a specific event or topic; (II) is provided for in a contract that defines the scope of the work; (III) is accepted by the publication or company and published or posted for sale.

(xi) Services provided by a licensed esthetician, licensed electrologist, licensed manicurist, licensed barber, or licensed cosmetologist provided that the individual:

(I) Sets their own rates, processes their own payments, and is paid directly by clients.

(II) Sets their own hours of work and has sole discretion to decide the number of clients and which clients for whom they will provide services.

(III) Has their own book of business and schedules their own appointments.

(IV) Maintains their own business license for the services offered to clients.

(V) If the individual is performing services at the location of the hiring entity, then the individual issues a Form 1099 to the salon or business owner from which they rent their business space.

(VI) This subdivision shall become inoperative, with respect to licensed manicurists, on January 1, 2022.

(d) Subdivision (a) and the holding in Dynamex do not apply to the following, which are subject to the Business and Professions Code:

(1) A real estate licensee licensed by the State of California pursuant to Division 4 (commencing with Section 10000) of the Business and Professions Code, for whom the determination of employee or independent contractor status shall be governed by subdivision (b) of Section 10032 of the Business and Professions Code. If that section is not applicable, then this determination shall be governed as follows: (A) for purposes of unemployment insurance by Section 650 of the Unemployment Insurance Code; (B) for purposes of workers compensation by Section 3200 et seq.; and (C) for all other purposes in the Labor Code by Borello. The statutorily imposed duties of a responsible broker under Section 10015.1 of the Business and Professions Code are not factors to be considered under the Borello test.

(2) A repossession agency licensed pursuant to Section 7500.2 of the Business and Professions Code, for whom the determination of employee or independent contractor status shall be governed by Section 7500.2 of the Business and Professions Code, if the repossession agency is free from the control and direction of the hiring person or entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

(e) Subdivision (a) and the holding in Dynamex do not apply to a bona fide business-to-business contracting relationship, as defined below, under the following conditions:

(1) If a business entity formed as a sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation ("business service provider") contracts to provide services to another such business

("contracting business"), the determination of employee or independent contractor status of the business services provider shall be governed by Borello, if the contracting business demonstrates that all of the following criteria are satisfied:

(A) The business service provider is free from the control and direction of the contracting business entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

(B) The business service provider is providing services directly to the contracting business rather than to customers of the contracting business.

(C) The contract with the business service provider is in writing.

(D) If the work is performed in a jurisdiction that requires the business service provider to have a business license or business tax registration, the business service provider has the required business license or business tax registration.

(E) The business service provider maintains a business location that is separate from the business or work location of the contracting business.

(F) The business service provider is customarily engaged in an independently established business of the same nature as that involved in the work performed.

(G) The business service provider actually contracts with other businesses to provide the same or similar services and maintains a clientele without restrictions from the hiring entity.

(H) The business service provider advertises and holds itself out to the public as available to provide the same or similar services.

(I) The business service provider provides its own tools, vehicles, and equipment to perform the services.

(J) The business service provider can negotiate its own rates.

(K) Consistent with the nature of the work, the business service provider can set its own hours and location of work.

(L) The business service provider is not performing the type of work for which a license from the Contractor's State License Board is required, pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code.

(2) This subdivision does not apply to an individual worker, as opposed to a business entity, who performs labor or services for a contracting business.

(3) The determination of whether an individual working for a business service provider is an employee or independent contractor of the business service provider is governed by paragraph (1) of subdivision (a).

(4) This subdivision does not alter or supersede any existing rights under Section 2810.3.

(f) Subdivision (a) and the holding in *Dynamex* do not apply to the relationship between a contractor and an individual performing work pursuant to a subcontract in the construction industry, and instead the determination of whether the individual is an employee of the contractor shall be governed by Section 2750.5 and by Borello, if the contractor demonstrates that all the following criteria are satisfied:

(1) The subcontract is in writing.

(2) The subcontractor is licensed by the Contractors State License Board and the work is within the scope of that license.

(3) If the subcontractor is domiciled in a jurisdiction that requires the subcontractor to have a business license or business tax registration, the subcontractor has the required business license or business tax registration.

(4) The subcontractor maintains a business location that is separate from the business or work location of the contractor.

(5) The subcontractor has the authority to hire and to fire other persons to provide or to assist in providing the services.

(6) The subcontractor assumes financial responsibility for errors or omissions in labor or services as evidenced by insurance, legally authorized indemnity obligations, performance bonds, or warranties relating to the labor or services being provided.

(7) The subcontractor is customarily engaged in an independently established business of the same nature as that involved in the work performed.

(8) (A) Paragraph (2) shall not apply to a subcontractor providing construction trucking services for which a contractor's license is not required by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, provided that all of the following criteria are satisfied:

(i) The subcontractor is a business entity formed as a sole proprietorship, partnership, limited liability company, limited liability partnership, or corporation.

(ii) For work performed after January 1, 2020, the subcontractor is registered with the Department of Industrial Relations as a public works contractor pursuant to Section 1725.5, regardless of whether the subcontract involves public work.

(iii) The subcontractor utilizes its own employees to perform the construction trucking services, unless the subcontractor is a sole proprietor who operates their own truck to perform the entire subcontract and holds a valid motor carrier permit issued by the Department of Motor Vehicles.

(iv) The subcontractor negotiates and contracts with, and is compensated directly by, the licensed contractor.

(B) For work performed after January 1, 2020, any business entity that provides construction trucking services to a licensed contractor utilizing more than one truck shall be deemed the employer for all drivers of those trucks.

(C) For purposes of this paragraph, "construction trucking services" mean hauling and trucking services provided in the construction industry pursuant to a contract with a licensed contractor utilizing vehicles that require a commercial driver's license to operate or have a gross vehicle weight rating of 26,001 or more pounds.

(D) This paragraph shall only apply to work performed before January 1, 2022.

(E) Nothing in this paragraph prohibits an individual who owns their truck from working as an employee of a trucking company and utilizing that truck in the scope of that employment. An individual employee providing their own truck for use by an employer trucking company shall be reimbursed by the trucking company for the reasonable expense incurred for the use of the employee owned truck.

(g) Subdivision (a) and the holding in *Dynamex* do not apply to the relationship between a referral agency and a service provider, as defined below, under the following conditions:

(1) If a business entity formed as a sole proprietor, partnership, limited liability company, limited liability partnership, or corporation ("service provider") provides services to clients through a referral agency, the determination whether the service provider is an employee of the referral agency shall be governed by *Borello*, if the referral agency demonstrates that all of the following criteria are satisfied:

(A) The service provider is free from the control and direction of the referral agency in connection with the performance of the work for the client, both as a matter of contract and in fact.

(B) If the work for the client is performed in a jurisdiction that requires the service provider to have a business license or business tax registration, the service provider has the required business license or business tax registration.

(C) If the work for the client requires the service provider to hold a state contractor's license pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, the service provider has the required contractor's license.

(D) The service provider delivers services to the client under service provider's name, rather than under the name of the referral agency.

(E) The service provider provides its own tools and supplies to perform the services.

(F) The service provider is customarily engaged in an independently established business of the same nature as that involved in the work performed for the client.

(G) The service provider maintains a clientele without any restrictions from the referral agency and the service provider is free to seek work elsewhere, including through a competing agency.

(H) The service provider sets its own hours and terms of work and is free to accept or reject clients and contracts.

(I) The service provider sets its own rates for services performed, without deduction by the referral agency.

(J) The service provider is not penalized in any form for rejecting clients or contracts. This subparagraph does not apply if the service provider accepts a client or contract and then fails to fulfill any of its contractual obligations.

(2) For purposes of this subdivision, the following definitions apply:

(A) "Animal services" means services related to daytime and nighttime pet care including pet boarding under Section 122380 of the Health and Safety Code.

(B) "Client" means a person or business that engages a service contractor through a referral agency.

(C) "Referral agency" is a business that connects clients with service providers that provide graphic design, photography, tutoring, event planning, minor home repair, moving, home cleaning, errands, furniture assembly, animal services, dog walking, dog grooming, web design, picture hanging, pool cleaning, or yard cleanup.

(D) "Referral agency contract" is the agency's contract with clients and service contractors governing the use of its intermediary services described in subparagraph (C).

(E) "Service provider" means a person or business who agrees to the referral agency's contract and uses the referral agency to connect with clients.

(F) "Tutor" means a person who develops and teaches their own curriculum. A "tutor" does not include a person who teaches a curriculum created by a public school or who contracts with a public school through a referral company for purposes of teaching students of a public school.

(3) This subdivision does not apply to an individual worker, as opposed to a business entity, who performs services for a client through a referral agency. The determination whether such an individual is an employee of a referral agency is governed by subdivision (a).

(h) Subdivision (a) and the holding in *Dynamex* do not apply to the relationship between a motor club holding a certificate of authority issued pursuant to Chapter 2 (commencing with Section 12160) of Part 5 of Division 2 of the Insurance Code and an individual performing services pursuant to a contract between the motor club and a third party to provide motor club services utilizing the employees and vehicles of the third party and, instead, the determination whether such an individual is an employee of the motor club shall be governed by *Borello*, if the motor club demonstrates that the third party is a separate and independent business from the motor club.

(i) (1) The addition of subdivision (a) to this section of the Labor Code by this act does not constitute a change in, but is declaratory of, existing law with regard to wage orders of the Industrial Welfare Commission and violations of the Labor Code relating to wage orders.

(2) Insofar as the application of subdivisions (b), (c), (d), (e), (f), (g), and (h) of this section would relieve an employer from liability, those subdivisions shall apply retroactively to existing claims and actions to the maximum extent permitted by law.

(3) Except as provided in paragraphs (1) and (2) of this subdivision, the provisions of this section of the Labor Code shall apply to work performed on or after January 1, 2020.

(j) In addition to any other remedies available, an action for injunctive relief to prevent the continued misclassification of employees as independent contractors may be prosecuted against the putative employer in a court of competent jurisdiction by the Attorney General or by a city attorney of a city having a population in excess of 750,000, or by a city attorney in a city and county or, with the consent of the district attorney, by a city prosecutor in a city having a full-time city prosecutor in the name of the people of the State of California upon their own complaint or upon the complaint of a board, officer, person, corporation, or association.

SEC. 3. Section 3351 of the Labor Code, as amended by Section 33 of Chapter 38 of the Statutes of 2019, is amended to read:

3351. "Employee" means every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes:

(a) Aliens and minors.

(b) All elected and appointed paid public officers.

(c) All officers and members of boards of directors of quasi-public or private corporations while rendering actual service for the corporations for pay. An officer or member of a board of directors may elect to be excluded from coverage in accordance with paragraph (16), (18), or (19) of subdivision (a) of Section 3352.

(d) Except as provided in paragraph (8) of subdivision (a) of Section 3352, any person employed by the owner or occupant of a residential dwelling whose duties are incidental to the ownership, maintenance, or use of the dwelling, including the care and supervision of children, or whose duties are personal and not in the course of the trade, business, profession, or occupation of the owner or occupant.

(e) All persons incarcerated in a state penal or correctional institution while engaged in assigned work or employment as defined in paragraph (1) of subdivision (a) of Section 10021 of Title 8 of the California Code of Regulations, or engaged in work performed under contract.

(f) All working members of a partnership or limited liability company receiving wages irrespective of profits from the partnership or limited liability company. A general partner of a partnership or a managing member of a limited liability company may elect to be excluded from coverage in accordance with paragraph (17) of subdivision (a) of Section 3352.

(g) A person who holds the power to revoke a trust, with respect to shares of a private corporation held in trust or general partnership or limited liability company interests held in trust. To the extent that this person is deemed to be an employee described in subdivision (c) or (f), as applicable, the person may also elect to be excluded from coverage as described in subdivision (c) or (f), as applicable, if that person otherwise meets the criteria for exclusion, as described in Section 3352.

(h) A person committed to a state hospital facility under the State Department of State Hospitals, as defined in Section 4100 of the Welfare and Institutions Code, while engaged in and assigned work in a vocation rehabilitation program, including a sheltered workshop.

(i) Beginning on July 1, 2020, any individual who is an employee pursuant to Section 2750.3. This subdivision shall not apply retroactively.

SEC. 4. Section 606.5 of the Unemployment Insurance Code is amended to read:

606.5. (a) Whether an individual or entity is the employer of specific employees shall be determined pursuant to subdivision (b) of Section 621, except as provided in subdivisions (b) and (c).

(b) As used in this section, a "temporary services employer" and a "leasing employer" is an employing unit that contracts with clients or customers to supply workers to perform services for the client or customer and performs all of the following functions:

(1) Negotiates with clients or customers for such matters as time, place, type of work, working conditions, quality, and price of the services.

(2) Determines assignments or reassignments of workers, even though workers retain the right to refuse specific assignments.

(3) Retains the authority to assign or reassign a worker to other clients or customers when a worker is determined unacceptable by a specific client or customer.

(4) Assigns or reassigns the worker to perform services for a client or customer.

(5) Sets the rate of pay of the worker, whether or not through negotiation.

(6) Pays the worker from its own account or accounts.

(7) Retains the right to hire and terminate workers.

(c) If an individual or entity contracts to supply an employee to perform services for a customer or client, and is a leasing employer or a temporary services employer, the individual or entity is the employer of the employee who performs the services. If an individual or entity contracts to supply an employee to perform services for a client or customer and is not a leasing employer or a temporary services employer, the client or customer is the employer of the employee who performs the services. An individual or entity that contracts to supply an employee to perform services for a customer or client and pays wages to the employee for the services, but is not a leasing employer or a temporary services employer, pays the wages as the agent of the employer.

(d) In circumstances which are in essence the loan of an employee from one employer to another employer wherein direction and control of the manner and means of performing the services changes to the employer to whom the employee is loaned, the loaning employer shall continue to be the employer of the employee if the loaning employer continues to pay remuneration to the employee, whether or not reimbursed by the other employer. If the employer to whom the employee is loaned pays remuneration to the employee for the services performed, that employer shall be considered the employer for the purposes of any remuneration paid to the employee by the employer, regardless of whether the loaning employer also pays remuneration to the employee.

SEC. 5. Section 621 of the Unemployment Insurance Code is amended to read:

621. "Employee" means all of the following:

(a) Any officer of a corporation.

(b) Any individual providing labor or services for remuneration has the status of an employee rather than an independent contractor unless the hiring entity demonstrates all of the following conditions:

(1) The individual is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

(2) The individual performs work that is outside the usual course of the hiring entity's business.

(3) The individual is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

(c) (1) Any individual, other than an individual who is an employee under subdivision (a) or (b), who performs services for remuneration for any employing unit if the contract of service contemplates that substantially all of those services are to be performed personally by that individual either:

(A) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or drycleaning services, for their principal.

(B) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, their principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

(C) As a home worker performing work, according to specifications furnished by the person for whom the services are performed, on materials or goods furnished by that person that are required to be returned to that person or a designee thereof.

(2) An individual shall not be included in the term "employee" under the provisions of this subdivision if that individual has a substantial investment in facilities used in connection with the performance of those services, other than in facilities for transportation, or if the services are in the nature of a single transaction not part of a continuing relationship with the employing unit for whom the services are performed.

(d) Any individual who is an employee pursuant to Section 601.5 or 686.

(e) Any individual whose services are in subject employment pursuant to an election for coverage under any provision of Article 4 (commencing with Section 701) of this chapter.

(f) Any member of a limited liability company that is treated as a corporation for federal income tax purposes.

SEC. 6. No provision of this measure shall permit an employer to reclassify an individual who was an employee on January 1, 2019, to an independent contractor due to this measure's enactment.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



AB-1643 Developmental services: fair hearings. (2019-2020)

SHARE THIS:



Date Published: 06/20/2019 09:00 PM

AMENDED IN SENATE JUNE 20, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL

NO. 1643

Introduced by Assembly Member Eduardo Garcia

February 22, 2019

An act to amend ~~Sections 4434 and 4629.5~~ *Section 4710* of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1643, as amended, Eduardo Garcia. ~~Developmental services;~~ *services: fair hearings.*

The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for those services through other publicly funded agencies. ~~Existing law requires each regional center to post specified information on its internet website, including purchase of service policies. Existing law requires a service agency, defined, in part, as a developmental center or regional center, to have a fair hearing procedure that meets prescribed requirements, including adequate notice standards, to resolve conflicts between the service provider and recipients of, or applicants for, service. Existing law provides that adequate notice be sent to the applicant or recipient and the authorized representative in specified circumstances, including if the service agency makes certain decisions, such as to reduce, to terminate, or to change services described in an individual program plan, without the mutual consent of the service recipient or authorized representative.~~

This bill would instead require the service agency to provide adequate notice to the above-specified individuals if the service agency makes specified decisions relating to services, irrespective of whether the service agency makes this decision without mutual consent of the service recipient or authorized representative. The bill would make technical, conforming changes and other nonsubstantive changes.

~~This bill would additionally require each regional center to post on its internet website any other policies, guidelines, or assessment tools used to determine the service needs of a consumer, and would require the department to ensure that the purchase of service policies and other policies, guidelines, or assessment tools are available to the public on the regional center's internet website.~~

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4710 of the Welfare and Institutions Code is amended to read:

~~4710. (a) Adequate notice shall be sent.~~ *The service agency shall provide adequate notice, as described in Section 4701, to the applicant or recipient and the authorized representative, if any, by certified mail at least 30 days prior to any of the following actions:*

~~(1) The service agency makes a decision without the mutual consent of the service recipient or authorized representative to reduce, terminate, or change services set forth in an individual program plan.~~

~~(2) A recipient is determined to be.~~ *The service agency determines that the recipient is no longer eligible for agency the service agency's services.*

~~(b) Adequate notice shall be sent to the recipient and the authorized representative, if any, by certified mail no more than five working days after the service agency makes a decision without the mutual consent of the recipient or authorized representative, if any, to deny the initiation of a service or support requested for inclusion in the individual program plan.~~

~~(c) If the reason for denial of services or modification of services in a recipient's individual program plan is a lack of funds in the regional center budget, the regional center shall be the service agency responsible for giving adequate notice and participating in the fair hearing procedure under this chapter.~~

~~(d) (1) The regional center shall,~~ *shall notify, within 30 days after written notice is mailed to the applicant or client, notify client, the department in writing of the denial if a lack of funds in the regional center budget is the reason for one of the following:*

~~(1)~~

~~(A) The denial of services to an applicant.~~

~~(2)~~

~~(B) The denial of services to a current regional center client requesting services not included in the client's individual program plan but determined to be necessary by the interdisciplinary team.~~

~~(3)~~

~~(C) Denial, cutback, or termination of current services to a recipient set forth in the individual program plan.~~

~~The~~

~~(2) The notification to the department shall include the nature of the service requested, a request that the department allocate sufficient funds to the regional center within 30 days to provide the service, the projected cost for the service for the balance of the fiscal year, and information substantiating the reason for the lack of funds to purchase the service.~~

~~(e) If a person requests regional center services and is found to be ineligible for these services, the regional center shall give adequate notice to the applicant or recipient and the authorized representative, if any, pursuant to Section 4701. Notice shall be sent within five working days of the time limits set forth in Sections 4642 and 4643.~~

~~(f) The advance notice specified in subdivision (a) shall not be required when if a reduction, termination, or change in services is determined to be necessary for the health and safety of the recipient. However, adequate notice shall be given within 10 days after the service agency action.~~

~~SECTION 1. Section 4434 of the Welfare and Institutions Code is amended to read:~~

~~4434. (a) Notwithstanding preexisting rights to enforce the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)), it is the intent of the Legislature that the department ensure that the regional centers operate in compliance with federal and state law and regulation and provide services and supports to consumers in compliance with the principles and specifics of this division.~~

~~(b) The department shall take all necessary actions to support regional centers to successfully achieve compliance with this section and provide high quality services and supports to consumers and their families.~~

~~(e)The contract between the department and individual regional centers required by Chapter 5 (commencing with Section 4620) of Division 4.5 shall include a provision requiring each regional center to render services in accordance with applicable provisions of state laws and regulations. In the event that the department finds a regional center has violated this requirement, or whenever it appears that any regional center has engaged in or is about to engage in any act or practice constituting a violation of any provision of Division 4.5 (commencing with Section 4500) or any regulation adopted thereunder, the department shall promptly take the appropriate steps necessary to ensure compliance with the law, including actions authorized under Section 4632 or 4635. The department, as the director deems appropriate, may pursue other legal or equitable remedies for enforcement of the obligations of regional centers including, but not limited to, seeking specific performance of the contract between the department and the regional center or otherwise act to enforce compliance with Division 4.5 (commencing with Section 4500) or any regulation adopted thereunder.~~

~~(d)As part of its responsibility to monitor regional centers, the department shall collect and review printed materials issued by the regional centers, including, but not limited to, purchase of service policies and other policies, guidelines, or assessment tools utilized by regional centers when determining the services needs of a consumer, instructions and training materials for regional center staff, board meeting agendas and minutes, and general policy and notifications provided to all providers and consumers and families. Within a reasonable period of time, the department shall review new or amended purchase of service policies prior to implementation by the regional center to ensure compliance with statute and regulation. The department shall take appropriate and necessary steps to prevent regional centers from utilizing a policy or guideline that violates any provision of Division 4.5 (commencing with Section 4500) or any regulation adopted thereunder. The department shall ensure that purchase of service policies and other policies, guidelines, or assessment tools utilized by regional centers when determining the service needs of a consumer are available to the public as required by paragraph (5) of subdivision (b) of Section 4629.5.~~

~~SEC. 2. Section 4629.5 of the Welfare and Institutions Code is amended to read:~~

~~4629.5.(a)In addition to the requirements set forth in Section 4629, the department's contract with a regional center shall require the regional center to adopt, maintain, and post on its internet website a board approved policy regarding transparency and access to public information. The transparency and public information policy shall provide for timely public access to information, including, but not limited to, information regarding requests for proposals and contract awards, service provider rates, documentation related to establishment of negotiated rates, audits, and IRS Form 990. The transparency and public information policy shall be in compliance with applicable law relating to the confidentiality of consumer service information and records, including, but not limited to, Section 4514.~~

~~(b)To promote transparency, each regional center shall include on its internet website, as expeditiously as possible, at least all of the following:~~

~~(1)Regional center annual independent audits.~~

~~(2)Biannual fiscal audits conducted by the department.~~

~~(3)Regional center annual reports pursuant to Section 4639.5.~~

~~(4)Contract awards, including the organization or entity awarded the contract, and the amount and purpose of the award.~~

~~(5)Purchase of service policies and any other policies, guidelines, or assessment tools used to determine the service needs of a consumer.~~

~~(6)The names, types of service, and contact information of all vendors, except consumers or family members of consumers.~~

~~(7)Board meeting agendas and approved minutes of open meetings of the board and all committees of the board.~~

~~(8)Bylaws of the regional center governing board.~~

~~(9)The annual performance contract and yearend performance contract entered into with the department pursuant to this division.~~

~~(10)The biannual Home and Community based Services Waiver program review conducted by the department and the State Department of Health Care Services.~~

~~(11)The board approved transparency and public information policy.~~

~~(12)The board approved conflict of interest policy.~~

~~(13) Reports required pursuant to Section 4639.5.~~

~~(14) A link to the page on the department's internet website specified in subdivision (d).~~

~~(15) The salaries, wages, and employee benefits for all managerial positions for which the primary purpose is the administrative management of the regional center, including, but not limited to, directors and chief executive officers.~~

~~(c) The department shall establish and maintain a transparency portal on its internet website that allows consumers, families, advocates, and others to access provider and regional center information. Posted information on the department's internet website transparency portal shall include, but need not be limited to, all of the following:~~

~~(1) A link to each regional center's internet website information referenced in subdivision (b).~~

~~(2) Biannual fiscal audits conducted by the department.~~

~~(3) Vendor audits.~~

~~(4) Biannual Home and Community-based Services Waiver program reviews conducted by the department and the State Department of Health Care Services.~~

~~(5) Biannual targeted case management program and federal nursing home reform program reviews conducted by the department.~~

~~(6) Early Start Program reviews conducted by the department.~~

~~(7) Annual performance contract and year-end performance contract reports.~~

~~(d) The department shall establish and maintain a page on its internet website that includes both a list of services purchased by regional centers or provided directly to consumers by regional centers and a brief description of those services.~~



SAN GABRIEL/POMONA
REGIONAL CENTER

Client Services/Advisory Committee
Wednesday, October 23, 2019 at 6:00 p.m.
Assembly Room – Section A

Committee Members:

Staff:

Mary Soldato, Chairperson

Preeti Subramaniam

Jenny Needham

Shannon Hines

Sheila James

Lucina Galarza

Daniel Clancy

Julie Lopez

Laura Palma

Herminio Escalante

Ardena Bartlett

Elisa Herzog

David Grisey

Sherry Meng

Victor Guzman

Ning Yang

AGENDA

- **Call to Order – Chairperson, Mary Soldato (6:00 – 6:05)**
- Approve Minutes of September 25, 2019 Meeting

- Public Comment (6:05 – 6:10)

- Client Advocate – Elisa Herzog (6:10 – 6:15)

Committee Follow-up – Future Training Topics (6:15 – 6:30)

Mary Soldato, Chairperson, and Lucina Galarza, Associate Executive Director

- Review of Training Topics for 2019 as follows:

- **November – no meeting**
- **December – Quality Assurance**

TRAINING – Education Specialist – Nora Perez-Givens

Self Determination Advisory Committee Meetings & Updates

- Local Advisory meetings - held every second Tuesday of the month at 6 pm (unless cancelled by Committee).
- Meet and Greet – September 10, 2019
- Status on Participants

Cal Fresh – Update

SAN GABRIEL/POMONA REGIONAL CENTER

DEVELOPMENTALSERVICES, INC.

Minutes of the Meeting of the Client Services /Advisory Committee

September 25, 2019

A regular meeting of the Client Services/Advisory Committee was held on Wednesday, September 25, 2019. The following committee members were present at said meeting:

PRESENT

Mary Soldato, Chair
Pretti Subramaniam
Shannon Hines
Daniel Clancy
Herminio Escalante
David Grisey
Victor Guzman
Jenny Needham
Julie Lopez
Ardena Bartlett
Sherry Meng
Ning Yang

STAFF:

Lucina Galarza
Laura Palma

ABSENT:

Sheila James

RECOMMENDED BOARD ACTIONS

THE CLIENT SERVICES/ADVISORY COMMITTEE RECOMMENDS THE FOLLOWING: None

ITEMS DISCUSSED

- A. CALL TO ORDER**
Chairperson, Mary Soldato called the meeting to order at 6:05-pm
A Quorum was established.
-The minutes were approved as written – Clancy, Needham; there was one abstain (Subramaniam)
- B. PUBLIC COMMENT – None**
- C. Introduction – Executive Director, Anthony Hill was introduced to the committee**

- D. **CLIENT ADVOCATE** – There were no client advocate items presented at tonight’s meeting however, Ms. Lucina Galarza did state that October will be the last client training at the West Covina Library. The subject will be CalFresh.
- E. **Action Item**- Ms. Lucina Galarza requested approval for a change in the Purchase Of Service (POS) Policy for “Individual and Family Training.” The existing POS Policy states that the regional center will fund half of the cost of training for families two times each fiscal year and the full training costs one time per year for adults served by SG/PRC. The proposed policy states that the regional center will provide \$500 for training to a family and \$500 to the adult served by the regional center, each fiscal year. This recommendation was being proposed so that families are not challenged with having to come up with monies to fund trainings. Ms. Galarza also stated that it is a more equitable way to fund this service. The Committee voted and approved the change as presented. It will be presented at the next Board of Directors meeting for final approval on October 23, 2019.
- F. **Committee Follow-up – Future training topics**
Mary Soldato / Lucina Galarza addressed training topics.
- The committee agreed on the following training topics to be provided:
 - ✓ October 2019-Education Specialist
 - ✓ December- QA Specialists
 - ✓ No meeting in November
- G. **Special Presentation:** Regional Center Specialist Positions - presented by Lucina Galarza, Director of Client Services. The presentation included an overview of the various specialist positions within the regional center to include:
- ✓ Early Start Compliance Specialist
 - ✓ Fair Hearing Specialist
 - ✓ Health Care Support Specialist
 - ✓ Education Specialist
 - ✓ Community Outreach Specialist
 - ✓ Forensic Specialist
 - ✓ Housing Coordinator
 - ✓ Program Evaluator and
 - ✓ Employment Specialist

Specialists were introduced to the committee and each gave a brief overview of their position.

H. **DIRECTOR REPORT**

- **Self Determination** -There will be more names drawn in October to replace the families that have opted out of the program. 35 families have opted out of the program for reasons that included:
 - ✓ Satisfied with services they are receiving now
 - ✓ Life events
 - ✓ Not interested

We will continue meeting with families and continue to provide trainings.

- **Local Advisory** – Meeting continue to be held every second Tuesday of the month (unless cancelled by committee)

I. **ADJOURN**

Chairperson Mary Soldato adjourned the meeting at 7:04 pm.

The next Client Services/Advisory Committee meeting is scheduled for Wednesday, October 23. Meeting will be held in the Assembly Room.

**SAN GABRIEL/POMONA VALLEYS
DEVELOPMENTAL SERVICES, INC.
VENDOR ADVISORY COMMITTEE MINUTES**

October 3, 2019

The following committee members were in attendance at said meeting:

PRESENT:

David Bernstein, Chairperson
Bryan Chacon
Rosalind Ford
Michelle Mainez
Nur Bandek
Jay Bhavsar
Nicole Mirikitani
Nancy Bunker
Jose Mendoza
Olaf Luevano

STAFF:

Anthony Hill, Executive Director
Erika Gomez, Exec. Assistant - BOD

MEMBERS ABSENT:

Susan Stroebel

RECOMMENDED ACTIONS

THE VENDOR ADVISORY COMMITTEE RECOMMENDATION:

None

A. CALL TO ORDER

David Bernstein called the meeting to order at 9:32 a.m. A quorum was established. Introductions were made of everyone in the room.

The minutes from the September 5, 2019 meetings were approved.
M/S/C (Ford & Chacon) The committee approved the minutes.

B. NEW EXECUTIVE DIRECTOR

The new Executive Director, Anthony Hill, was introduced and he spoke about his appreciation and support of the Vendor community. He also shared his professional background and his goals for the future.

C. COMMUNITY SERVICES UPDATES

Aaron Christian, Director of Community Services, and Tim Travis, Director of Federal Revenues and Clinical provided information on the following topics:

- CPP and RDP – there will be a posting on the website on Friday
- Self Determination – there is training for vendors on October 8, 2019
- Health Fair for Adults – this event took place on September 26, 2019. It was very well attended.

D. VENDOR CATEGORY REPORTS

Adult Programs

Vocational – Olaf Luevano (1 vacancy) had nothing to report.

Adult Day – Rosalind Ford and Jose Mendoza shared that the next subcommittee meeting will be on November 7, 2019 at 8:30am.

Infant & Children Services

Infant Development Program – Nur Bandek will give an update next month.

Transportation

Vacant

Independent Living Services

ILS Services – Nicole Mirikitani shared that the subcommittee will meet following the VAC meeting.

SLS Services – Nancy Bunker reported that there is going to be a training about CalFresh at the Covina Library on October 17, 2019. She also asked that vendors compare resources about electronic ways of clocking in and out for staff.

Residential Services

ICF – David Bernstein shared the concerns that several residential providers are facing about the day programs not having adequate staffing and having intermittent vacancies. This is affecting the people served as well as staff.

CCF –Michelle Mainez and Jay Bhavsar – Michelle requested that she be recategorized as “Specialized”

M/S/C (Bunker & Bernstein) The committee approved the recategorization of Michelle Mainez to Specialized.

Mr. Bhavsar shared his concern about staff being required to take the DSP test. Because day programs do not require it, staff move on to day programs when they

do not pass the test.

Specialized- Vacant

Other Vendored Services- Bryan Chacon informed that the California Respite Association will have their fall meeting on October 23, 2019 at OPARC.

At Large- Susan Strobel was not present.

E. SUB-COMMITTEE REPORTS

Membership and Recruitment – Bryan Chacon recommended the following individual to the Committee:

- Baldo Paseta – Transportation

M/S/C (Chacon & Bunker) The committee approved the recommendation for the above-mentioned individual to join the VAC.

Bryan Chacon recommended the following individual to the Membership and Recruitment Sub Committee:

- David Bernstein

M/S/C (Chacon & Mirikitani) The committee approved the recommendation for the above-mentioned individual to join the Membership and Recruitment Sub Committee.

Socials and Special Functions – The Holiday Social is scheduled for December 5, 2019.

Rosalind Ford recommended the following individuals to Social and Special Functions Sub Committee:

- Nicole Mirikitani
- Michelle Mainez

M/S/C (Bernstein & Mendoza) The committee approved the recommendation for the above-mentioned individuals to join the Social and Special Functions Sub Committee.

Legislation

There was a recommendation of the following individual to represent the Legislation Subcommittee

- Nur Bandek

(Bernstein & Chacon) The committee approved the recommendation for the above-mentioned individual to join the Legislation Subcommittee

Vendor Training

There was a recommendation of the following individual to represent the Vendor Training Subcommittee

- Nancy Bunker

(Mendoza & Luevano) The committee approved the recommendation for the above-mentioned individual to join the Vendor Training Subcommittee

PUBLIC COMMENTS

Members of the Richard D. Davis Foundation encouraged those in attendance to participate in the 31st Annual Golf Tournament, scheduled for October 7, 2019.

MEETING ADJOURNED

The next regular meeting will be held on November 7, 2019 at 9:30 a.m.

SAN GABRIEL/POMONA
REGIONAL CENTER
75 Rancho Camino Drive
Pomona, CA 91766

**MEETING AGENDA
Strategic Development Committee
(Meets 4th Wednesday of each Month)**

**Wednesday, October 23, 2019 25, 2019
at 6:00 p.m.
Assembly Room – Section C**

COMMITTEE MEMBERS

STAFF

Julie Chetney, Chairperson	Joseph Huang, Director (LOA)	Tim Travis, Director of Federal Revenues and Clinical
John Randall, Director	Gisele Ragusa, Director	
Bill Stewart, Committee Member	Bruce Cruickshank, Committee Member	

APPROXIMATE SCHEDULE:

AGENDA

6:00 – 6:05	<p>Call to Order – Gisele Ragusa, Committee Chairperson</p> <ul style="list-style-type: none"> • Review Agenda • Approve Minutes from September 25, 2019 • Public Input
6:05 – 6:30	<p>Goals and Objectives</p> <p>Review Strategic Timeline</p> <p>Discuss Board Bylaws Revision</p>
6:30 – 6:55	<p>Board Composition</p> <p>Trailer Bill Language</p> <p>Discuss Mentoring of New committee Members</p>
6:55 – 7:00	<p>Agenda for 12/11/19</p>
<p>Adjourn</p>	

**SAN GABRIEL/POMONA VALLEYS
DEVELOPMENTAL SERVICES, INC.
STRATEGIC DEVELOPMENT COMMITTEE MINUTES**

September 25, 2019

The following committee members were present at said meeting.

MEMBERS:

Julie Chetney, Chairperson
Gisele Ragusa
Buce Cruickshank
John Randall
Bill Stewart

STAFF:

Anthony Hill, Executive Director
Tim Travis, Director of Federal Revenues and Clinical
Erika Gomez, Exec. Assistant - BOD

MEMBERS ABSENT:

Joseph Huang (LOA)

RECOMMENDED BOARD ACTIONS

**THE STRATEGIC DEVELOPMENT COMMITTEE RECOMMENDS THAT
THEY TAKE ACTION ON THE FOLLOWING:**

None.

ITEMS DISCUSSED

A. CALL TO ORDER

Julie Chetney, Chairperson, called the meeting to order at 6:07 pm. A quorum was established.

The minutes from the August 28, 2019 were approved with one change: correct the spelling of "POTENTIAL" under section C.

M/S/C (Ragusa & Cruickshank) The committee approved the minutes.

Abstain: Stewart

B. PUBLIC INPUT

None

C. INTRODUCTION OF ANTHONY HILL, EXECUTIVE DIRECTOR

Mr. Hill was introduced to the committee members.

D. REVIEW OF BOARD SURVEY RESULTS AND TRAINING TOPICS

The committee reviewed the final results of the Board Survey.

Based on the results, the committee was able to assign topics to upcoming Board training sessions:

October 2019 – Legacy Planning

February 2020 – Roles and Responsibilities for the Board and SG/PRC Leadership

April 2020 – Legislation

July 2010 – Self Determination

E. AGENDA FOR OCTOBER 23, 2019

- Review of Strategic Timeline
- Discuss mentoring of new committee/Board members
- Discuss Bylaws revision
- Composition of the Board – Trailer Bill language

F. ADJOURNED

The next Strategic Development Committee meeting is scheduled for Wednesday, October 23, 2019.