



COMMISSION ON DISABILITIES MINUTES

**Monday, November 19, 2007
6:00 PM**

FIFTH FLOOR LARGE CONFERENCE ROOM, CITY HALL,
3900 MAIN STREET, RIVERSIDE, 92522
GENERAL SERVICES DEPARTMENT, 951-826-5427

MISSION STATEMENT

“The mission of the Commission on Disabilities is to promote greater awareness of, respect for, and the total participation of individuals with disabilities into all aspects of life.”

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1. Roll Call: Chairperson Paul Van Doren, Vice-Chair Gigi Welch, Susanne Puffer, Linda Garcia, Debbie Keller, Lesley Robinson, Donald Hawecker

ABSENT: Brosious (excused), Chmaj (excused) and Stream.

Also in attendance were General Services Director Kris Martinez, Deputy City Attorney Neil Okazaki, Deputy Human Resources Director Jeremy Hammond, and ADA Coordinator Monique Gordon.

2. **Introductions and Public Comment Period** - This is the portion of the meeting specifically set aside to invite your comments regarding any matter within the Commission's jurisdiction.

Residents Ty & Linda Lawyer, Resident Margaret Johnson, Resident Brian Circo, Resident Linda Hale and Donna Kirchoff from the Inland Regional Center.

3. Minutes:
 - a. Regular Meeting of October 15, 2007 and

M/S Welch/Hawecker to approve the minutes as presented.

AYES – 6 (Van Doren, Welch, Puffer, Keller, Robinson, Hawecker); NOES – 0; ABSTAIN – 1 (Garcia); ABSENT – Stream, Brosious, Chmaj)

- b. COD Subcommittee minutes of November 9, 2007 - Special Transportation No-Show Policy

M/S Robinson/Puffer and unanimous to approve the minutes as corrected.

AYES – 6 (Van Doren, Welch, Puffer, Keller, Robinson, Hawecker, Garcia); NOES – 0; ABSTAIN – 0; ABSENT – Stream, Brosious, Chmaj)

OLD BUSINESS

A. Revision of the Trashcan Sidewalk Obstruction –Code Enforcement Courtesy Reminder

Code Enforcement Division Chief Mark D. Salazar, advised that as of November 8, 2007, Code Enforcement would be revising the Courtesy Reminder within the next couple of weeks and getting it into print and the field. The Courtesy Reminder should be in the field before the first week of December.

The COD requested that the second side of the Courtesy Reminder be in Spanish. ADA Coordinator Monique Gordon advised that it may be too late, but the question would be asked and a response provided at the December 10, 2007 COD meeting.

The COD requested that specific statistics be provided for measurement of courtesy notice success. Code Enforcement will be contacted to determine which performance measures will be used for this project.

Resident Linda Hale, a wheelchair user, noted that:

- Weekly, trash cans block narrow sidewalks,
- if it is against the law to block sidewalks, a ticket should be given
- every trash pick up day is a problem

Resident Linda Hale specifically noted the following locations where sidewalk obstructions occur:

1. Fourteenth Street (the southwest side) is not large enough to get around trash cans.
2. There are no (curb) cut outs on the corners of this intersection.
3. There is not enough time for wheelchair users to get across the street.
4. On 14th Street between Victoria/Sedwick/Bermuda, trash cans block sidewalks every week and sidewalks are too narrow.
5. The corner of Magnolia/Arlington/Tibbits has no cut out on the south/east corner.

These concerns were forwarded to Code Enforcement on November 27, 2007.

NEW BUSINESS

A. Human Resources Proposed Policy – Reasonable Accommodation

Deputy HR Director Jeremy Hammond was present to present the proposed policy concerning reasonable accommodations. Deputy HR Director Hammond noted that this was a new policy which had been presented to the union bargaining units, the Human Resources Board, had a full public hearing and now COD comments were being sought before the Policy was presented to City Council.

In response to COD questions concerning catastrophic illnesses, Deputy HR Director Hammond noted that the proposed Policy covers the ADA and the FLMA covers catastrophic illnesses.

In response to a question from Vice-chair Welch concerning what would constitute a direct threat to the health or safety of the individual, other workers, or the public, Deputy Director Hammond responded that this was a subjective determination that would be made in conjunction with the City Attorney's office and a medical evaluation. A determination of this kind would never be arbitrary and required a legal following to determine if such a threat existed.

The COD discussed that the language stated concerning a direct threat to the health or safety of the individual, other workers, or the public was common in reasonable accommodation policy. The use of psychotropic medication was used as a discussion example of an accommodation creating a threat in the workplace. Reasonable accommodation might, for example, preclude psychotropic medication use by an armed peace officer. The determination of reasonable accommodation should be legally sustainable by the

City.

Deputy Director Hammond noted that concerning psychotropic drugs: There is a separate HR policy, random drug testing and reasonable suspicion testing that would be involved and psychotropic drug accommodation would be allowed with a medical release if determined reasonable by the City.

In response to a question concerning the HIPAA Act concerning privacy and the interactive process of determining reasonable accommodations, Deputy Director Hammond noted that employee confidentiality was taken very seriously. He noted that medical and reasonable accommodation files were kept separate from regular personnel files with limited access by HR staff. It was noted that the EEOC, State, and Federal regulations are in effect along with any internal City policy which was adopted.

It was noted that this is a completely new policy which will provide a roadmap for moving forward. This policy would not be applied retroactively. The City has always followed the law, but this policy will allow all employees' access to the written Policy. Also, there may be instances where an accommodation is needed during the hiring process and the Policy would allow applicants to exercise their legal rights.

The COD requested additional time to review the policy in light of explanations provided by the HR Deputy Director. The COD thanked Deputy HR Director Hammond for bringing this policy before the COD.

M/S Robinson/Hawecker and unanimous to carry this item to the meeting of December 10, 2007.

AYES – 7 (Van Doren, Welch, Puffer, Keller, Robinson, Hawecker, Garcia); NOES – 0; ABSTAIN – 0; ABSENT – Stream, Brosious, Chmaj)

B. The Mayor has appointed Heather Chmaj for the City-wide vacancy on the Commission on Disabilities.

Item noted by the COD.

C. State Independent Living – Quarterly Meeting Invitation for December 5 and 6 2007.

Item noted by the COD.

D. Disabled Service Form for “Diamond” Public Works Solid Waste services.

Item noted by the COD.

E. COD Subcommittee Proposed Revisions to the Special Transportation No-Show Policy (NSP).

A subcommittee of the COD met on November 9, 2007 to discuss the Special Transportation No-Show Policy. Chairperson Van Doren presented a handout to the COD that contained additional suggestions for the NSP in addition to the revisions presented in the November 19, 2007 packet.

1. It was suggested that a \$5 fine be instituted for those who establish a pattern or practice of missing scheduled trips, which can be \$28-\$30 dollars if the customer has to pay \$5 for each missed ride.
2. A customer's 30 day period of assessment will begin at the time of the first cancellation or no show. After 30 days, the customer's actions will be reviewed. If the customer has accumulated 7+ points, the customer will be sent a courtesy notification letter that will indicate all no shows.
3. Moving from the points system to a percentage means that more rides can be canceled before a penalty can be considered.
4. It is the responsibility of the customer to call and cancel a ride, if necessary.
5. Same day rides would be more available if customers canceled the night before a scheduled ride. Same day rides make scheduled trips more difficult because of detours caused by same day rides

- being inserted into scheduled rides.
6. Special transportation is a civil right but there should be a penalty for abuse. If the no show is out of the customer's control, there should be no penalty.
 7. By law, transit agencies may require that appeals be filed within sixty days of the trip denial.

Next steps are:

1. A survey will be conducted of other policies from other jurisdictions by the City Attorney's office and Special Transportation.
2. A NSP would affect those who are irresponsible riders and not those who are responsible,
3. Part of the policy development process will be to incorporate the recommendations of the COD,
4. A revised draft will be developed and brought back to the COD for further discussion at a later date.

M/S Robinson/Puffer and unanimous to recommend approval of the minutes as presented to the full commission. COD can approve NSP changes and recommend approval of the full draft at the next meeting. Chairperson Van Doren will provide an electronic copy of the subcommittee's additional revisions.

AYES – 7 (Van Doren, Welch, Puffer, Keller, Robinson, Hawecker, Garcia); NOES – 0; ABSTAIN – 0; ABSENT – Stream, Brosious, Chmaj)

F. Discussion Question: What is the "H" Word? Is use of the word **Handicapped** politically correct?

The COD noted that the ADA regulations use the term handicapped and not disabled. Changing the reference from handicapped to disabled would be out of compliance with how the ADA is written. All references to disabled should be changed to handicapped. COD may not make recommendations to ADA law.

G. Work Item: Oral Report to City Council concerning the following material:

- a. Significant subject matter which occupied the COD's attention during the past year,
- b. Principal tasks which lie ahead over the next year, and
- c. Seek Council guidance on initiatives through which the Committee can enhance service to City residents.

Chairperson Van Doren will develop a list of projects for the City Council status report. This will be a standing report so that if the City Council schedule is changed by the City Clerk, the COD can be ready to appear before City Council.

FUTURE AGENDA ITEMS

- A. Parks and Recreation - detailed description of universally accessible parks
- B. Public Works Survey of Disabled Access to City Parking Lots and Garages
- C. Parking Services answers questions about Sidewalk Obstructions by Vehicles

ADJOURNMENT: 7:30 pm