

MOTION BY SUPERVISOR GLORIA MOLINA

September 8, 2009

AMENDMENT TO ITEM NO. 45

In the past year this Board has settled several disability discrimination claims against the County for several hundred thousand dollars each. The County was sued for violating the State’s Fair Employment and Housing Act (FEHA) and the Federal American’s with Disabilities Act (ADA). The Probation Department has developed one corrective action plan to address the deficiencies in their Return-to-Work (RTW) unit and regarding compliance with the required interactive process. To date, we have not evaluated whether this plan truly addresses the deficiencies in the department that have resulted in these claims being filed, and the County having liability, and we have not evaluated whether this plan should be implemented to other County departments.

I, THEREFORE, MOVE that the CEO Risk Manager do the following and report back to the board in 30 days:

- 1. Evaluate the effectiveness of the Probation Department’s existing return-to-work (RTW) effort, including the changes proposed in this corrective action plan. This review

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Molina _____

Ridley-Thomas _____

Yaroslavsky _____

Antonovich _____

Knabe _____

shall include an assessment of the existing departmental RTW processes, staffing qualifications/training, and a review of 10% of the existing inventory of open RTW cases to evaluate if the current caseload is being managed in accordance to current standards; and

2. Provide an inventory of the open RTW cases within the Probation Department to determine if we have complied with this CAP and all FEHA and ADA requirements, and take immediate steps to become compliant; and

3. Develop an audit/assessment process based on this review so that CEO, the Auditor-Controller, and the Department of Human Resources can conduct a similar exercise at other departments, as needed; and

4. Provide a proactive strategy in addressing the increase in disability discrimination claims in all County departments.

VS/sf