



The Legal Aid Society

EMPLOYMENT LAW CENTER

ANNUAL REPORT 2002

ADVOCATING ON BEHALF OF  
WORKERS, THEIR FAMILIES,  
AND COMMUNITIES

# OUR VISION

The Legal Aid Society-Employment Law Center promotes the stability of low-income and disadvantaged workers and their families by addressing issues that affect their ability to achieve self-sufficiency. Using the law as a tool, the LAS-ELC helps workers attain financial security by preserving employment opportunities. We believe that stable working conditions and adequate income strengthen families and build communities. By protecting the legitimate employment status of wage earners, we provide families the means to pull through adverse times, avoid the downward spiral caused by job loss, and be fully contributing members of society.

This was a difficult year for working families. High unemployment, few available jobs, and diminishing safety nets have been overwhelming for many low-income households, as evidenced by the rising numbers of clients, clinic visitors, and calls for advice and referrals that the LAS-ELC experienced in 2002. In response, our staff, including 17 attorneys, assisted by more than 200 interns, volunteer attorneys, and translators, applied a variety of strategies to ensure equal access to justice for the working poor, from direct services and education, to advocacy and impact litigation. We were especially active in helping those who have been disproportionately affected by the changing economy: single working mothers, recent immigrants, limited-English proficient or monolingual workers, disabled individuals, and people of color. For all the challenges of this time, we recorded major achievements and victories in 2002, which are highlighted in this report.

## DIRECT SERVICES ASSISTANCE TO LOW-WAGE WORKERS AND THEIR FAMILIES

### The Community Legal Services Program

Because low-wage workers have few places to turn for specialized legal information, the Legal Aid Society - Employment Law Center has developed one of the nation's foremost legal aid programs specializing in employment issues. Our free Workers' Rights Clinics, helplines, and extensive educational programs provide our diverse clients and communities with the most up-to-date information about the labyrinth of laws and regulations affecting work, family, health, and economic self-sufficiency.

#### FACTS AND FIGURES FROM 2002

- An estimated 7,000 people in California and throughout the nation were served through counseling, intakes and referrals, and technical assistance to community agencies and advocates.
- Nearly 3,000 low-wage clients received direct assistance at our **four** Workers' Rights Clinics in Berkeley, East San Jose, and San Francisco.
- **65%** of our clinic clients were people of color. **13%** were disabled. More than half of our clients were low-income women.
- **366** clients received help with unemployment claims issues. Of the clients we represented before the California Unemployment Insurance Board, **87%** prevailed. We are one of the very few organizations in the state that has a project specifically devoted to this area.
- **247** people were helped with wage and hour claims. Our clients prevailed in **93%** of the cases we brought before the Labor Commissioner and courts, resulting in a total of **\$312,000** awarded in illegally withheld wages.
- More than **1,500** limited-English proficient (LEP) or monolingual clients were assisted through the direct involvement of our Language Access Coordinator and a corps of **20** volunteer translators fluent in Spanish, Mandarin, Cantonese, Korean, and Vietnamese.
- As part of our efforts to serve the Bay Area's large Asian-American community, our Language Coordinator reached an estimated weekly audience of **515,000** Chinese speakers through Q&A radio programs on work-related legal issues in Mandarin (FM 96.1 KSQQ) and Cantonese (AM 1450 KEST), and through a weekly "Know Your Rights" column in the *Sing Tao Daily* newspaper.
- **Legal Fact Sheets on 74 topics** were published for laypersons, both in print and online, covering a wide array of issues, ranging from unemployment benefits, medical privacy, and work and safety issues to domestic violence, discrimination, and family leave. Most Fact Sheets are available in Spanish and Chinese as well as English.
- To reflect ever-changing employment laws and regulations, our authoritative **311-page Workers' Rights Manual** was updated, as well as a **90-page** guide to unemployment insurance claims and a **78-page** wage claims manual. Our technical publications are used in our clinics and by agencies and advocates statewide.

## PROGRAMS AND PROJECTS

In addition to direct services, clinics, and outreach, the LAS-ELC actively engages in advocacy, policy analysis, and social justice litigation. Since we began focusing on working poor issues more than 30 years ago, we have played an important role in improving the lives of thousands of low-income workers in the Bay Area, statewide, and nationally. While working collaboratively to serve our diverse clientele, the LAS-ELC staff has also initiated the following projects and areas of specialization in response to urgent community needs and emerging issues.

### The Disability Rights Program

The Disability Rights Program seeks to expand the employment and educational opportunities for people with physical and mental disabilities by enforcing and advancing federal and state laws. The program works to reduce poverty among persons with disabilities by facilitating their integration into the labor force and society.

- Skadden Fellow Elizabeth Kristen joined the LAS-ELC team in October 2002 to work on a two-year project focused on aiding low-income workers with “hidden disabilities,” such as cancer, HIV, diabetes, and depression.
- A 46-page policy paper, entitled “Promoting Employment Opportunities for Californians with Psychiatric Disabilities Through Healthy and Integrated Workplaces,” was developed in cooperation with outside experts and advocates.
- Project Attorneys Lewis Bossing and Kathy Gillespie joined the staff to work on educational access issues facing disabled students. A current focal point is a major class-action lawsuit that aims to increase accessibility and safety for disabled students in San Francisco public schools.

### The Gender Equity Program

The Gender Equity Program focuses on eradicating unlawful conduct that disproportionately affects poor working women and their families. The program addresses issues such as sexual harassment, domestic violence, leaves of absence, and discrimination based on sex, pregnancy, sexual orientation, and gender identity.

- **Our Work and Family and Domestic Violence and Employment Projects** served over 1,000 low-income or disadvantaged women and men in the past year who faced complex issues such as securing unpaid leave from work to care for a sick child, and wrongful termination or retaliation of domestic abuse survivors.
- In September 2002, California’s landmark Paid Family Care Leave Act (PFCLA) was signed into law. Under the PFCLA, employees are entitled to take up to six weeks of partially paid leave per year to care for immediate family members (including domestic partners) with serious health conditions or to bond with a new child. The LAS-ELC was an instrumental member of the coalition of groups that drafted the new law and provided technical assistance to legislators.

*“I was very lucky to have the LAS-ELC represent me. The lawyers and students who helped me were professional and respectful of my wishes. I am very pleased with the outcome and could not have obtained such justice on my own.”*

## The National Origin, Immigration, and Language Rights Program

The National Origin Program combats the exploitation and discrimination workers face due to their ancestry, language characteristics, and immigration status.

- The **Language Rights Project** works on behalf of those denied access to employment and advancement opportunities because their primary language is one other than English. Through impact litigation and the **Language Rights Information Line**, the project is one of the few in the nation focusing on language discrimination.
- The **Immigrant Workers' Rights Project** defends the rights of low-wage immigrant workers, particularly those who are undocumented. Through precedent-setting litigation, the project works to protect and expand the laws that ensure justice for this community.

## The Racial Equality Program

The Racial Equality Program addresses employment practices that are racially discriminatory. It is committed to protecting affirmative action plans when threatened, and enforcing statutory or regulatory hiring/employment requirements in economic development projects.

- The **Non-Traditional Employment Project** made great strides in advancing its mission to promote employment opportunities and economic justice for people of color and women in skilled trades, public safety positions, and blue-collar work. In 2002 the NTEP increased membership in local and national resource networks, developed litigation strategies, and made progress in cases challenging the longstanding obstacles facing women and minorities in non-traditional occupations.

## Welfare-to-Work Project

In September 2002, the LAS-ELC concluded the longstanding Welfare-to-Work Project and bid a fond farewell to the project's director, Jodie Berger. Formed in 1995 to address the difficult issues stemming from welfare reform, the project worked to raise awareness and protect the employment rights of individuals transitioning off welfare benefits and into the workforce. Through a toll-free, statewide helpline, advocacy and litigation, coalition work, and outreach and education, the project played a significant role in ensuring that the implementation of welfare reform was fair and that welfare recipients in California received the proper services needed to move toward self-sufficiency. Some of the project's notable accomplishments included: ensuring that disabled participants, particularly those with learning disabilities, were provided with reasonable accommodations and modifications; ensuring that limited-English proficient participants received interpretive and translation services; providing extensive trainings on time-limit notification procedures, sanctions, transportation, and other support services; and negotiating with the City of San Francisco to protect the privacy of former welfare recipients entering the workforce. At the end of the five year phase-out period of the 1997 welfare reform laws, the project, which was made possible by generous funding from the Rosenberg Foundation, determined that it had achieved its primary goals. The LAS-ELC continues to monitor welfare-to-work issues and directs cases that arise to relevant program areas for consideration and counsel.

## CASE HIGHLIGHTS 2002

- The U.S. Supreme Court issued its ruling in *Barnett v. U.S. Airways*. In an opinion joined by 5 justices, the Court affirmed that reassignment to a vacant position is a reasonable modification for persons who can no longer perform their jobs due to on-the-job injuries or to worsening medical conditions. In select situations, an employee's need for reassignment may trump an internal seniority policy. The LAS-ELC was counsel of record and Staff Attorney Claudia Center argued the case before the Court.
- The LAS-ELC secured a favorable settlement in *Black v. City and County of Honolulu* on behalf of a community advocate at the Honolulu Police Department who had been subject to severe sexual harassment and retaliation by her direct supervisor, including sexual assault, intimidation, physical threats, and vandalization of her personal property. The settlement provided significant monetary damages to Ms. Black and required the HPD to institute an extensive sexual harassment training program for employees and to solidify departmental policy and procedural changes.
- A settlement was reached in a major class action suit, *Brionez v. U.S. Dept. of Agriculture*. This case addressed discrimination by the U.S. Forest Service against Latinos in hiring, and harassment and retaliation directed at those who complained. The lawsuit, co-counseled by the LAS-ELC and the Mexican American Legal Defense and Educational Fund (MALDEF), resulted in an agreement by the Department to put an end to its illegal employment practices and increase representation of Latinos in its workforce.
- LAS-ELC attorneys filed *Jane Doe v. City of San Jose*, a case on behalf of a city employee who sought reasonable accommodation for disabilities caused by severe, long-term domestic abuse. The defendants unlawfully refused to provide the accommodation and ultimately forced Ms. Doe to resign. The case reflects the many dimensions of workplace discrimination and will demonstrate the frequent overlap of disability and gender anti-discrimination laws to courts and employers.
- A settlement was reached in *McClosky v. City of Inglewood*, a case brought on behalf of a group of African-American firefighters who were systematically denied promotions and training and were regularly subjected to racial and sexual harassment. The agreement contributes toward opening fair and equal opportunities for applicants of all races to build a rewarding career with the fire department.
- The U.S. Supreme Court heard arguments and issued an opinion in *National Railroad Passenger Corporation v. Morgan*, a race discrimination case investigating an expanded application of the "continuing violations doctrine." The opinion was significant in acknowledging that racist acts in the workplace may accumulate over a long period and override existing statutes of limitation. LAS-ELC attorneys co-counseled the case before the Supreme Court, which remanded the case to the district court for re-trial.
- Following a favorable Ninth Circuit appeal ruling, the LAS-ELC reached a settlement in *Schwartz v. Electronic Data Systems*, a case brought on behalf of a developmentally disabled mailroom clerk needing reasonable accommodation to perform his job. When the company's management changed, Mr. Schwartz's accommodations ceased and after less than three months, he was terminated.
- A class-action settlement was reached in *Siddiqi v. University of California at Berkeley*, resulting in expanded services and accommodations for deaf and hearing impaired students at the Berkeley and Davis campuses of the University of California. The settlement has been cited by advocates and educators across the country as the new standard for integrating deaf students into higher education.
- A district court ruling in *Singh v. C.D.&R's Oil, Inc.* marked a victory for the rights of undocumented workers. When Mr. Singh prevailed in a wage claim for three years of unpaid labor, his employer retaliated by reporting him to immigration authorities, who then detained Mr. Singh for 14 months. The ruling allows Mr. Singh to sue his employer for emotional distress and compensatory and punitive damages.

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The Legal Aid Society-Employment Law Center is deeply grateful to the following individuals and institutions for their generous contributions and support in the past year. The enduring support of our donors and volunteers are critical in sustaining services and outreach that help to improve the lives of thousands of needy individuals every year.

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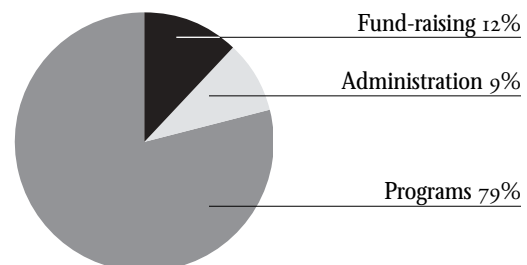
*“The LAS-ELC is a critical link between low-income employees and quality legal counseling that otherwise would be prohibitively expensive; given the current state of the economy, this assistance is more important than ever.”*

— MICHAEL L. GREENBERG  
CLINIC VOLUNTEER ATTORNEY

STATEMENT OF ACTIVITIES AND CHANGES IN NET ASSETS  
FOR THE YEAR ENDED DECEMBER 31, 2002 WITH SUMMARIZED  
INFORMATION FOR THE YEAR ENDED DECEMBER 31, 2001

Public Support and Revenues	TEMPORARILY PERMANENTLY			TOTAL	2001 TOTAL
	UNRESTRICTED	RESTRICTED	RESTRICTED		
<i>Public support</i>					
Contributions	\$ 919,542	\$ 157,650	\$ -	\$ 1,077,192	\$ 816,776
Cy pres distributions	47	-	-	47	64,000
Legal Services Trust Fund	-	301,705	-	301,705	274,582
Fellowship grants	1,625	89,472	-	91,097	91,040
Foundation grants	65,500	393,000	-	458,500	313,434
Capital campaign	-	-	-	-	300,000
Donations in-kind	160,805	-	-	160,805	206,441
Total public support	1,147,519	941,827	-	2,089,346	2,066,273
<i>Revenues</i>					
Court-awarded attorney fees	1,239,429	-	-	1,239,429	789,151
Annual lunch proceeds	295,725	-	-	295,725	251,605
Interest and investment income	19,446	-	-	19,446	54,472
Net gain (loss) on investments	(34)	-	-	(34)	5,233
Other	31,894	-	-	31,894	15,407
Net assets released from restrictions	694,430	(694,430)	-	-	-
Total revenues	2,280,890	(694,430)	-	1,586,460	1,115,868
Total public support and revenues	3,428,409	247,397	-	3,675,806	3,182,141
<b>Expenses</b>					
Program services—Legal Support	2,476,208	-	-	2,476,208	2,474,999
Support services:					
Administrative and general	290,546	-	-	290,546	326,530
Fund-raising	386,837	-	-	386,837	426,691
Total expenses	3,153,591	-	-	3,153,591	3,228,220
Change in net assets	274,818	247,397	-	522,215	(46,079)
Net assets at beginning of year	852,302	872,255	30,000	1,754,557	1,800,636
Net assets at end of year	\$ 1,127,120	\$ 1,119,652	\$ 30,000	\$ 2,276,772	\$ 1,754,557

## EXPENSES



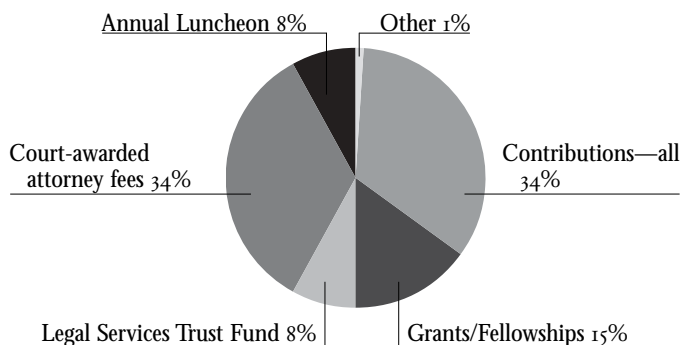
## STATEMENT OF FINANCIAL POSITION

DECEMBER 31, 2002 WITH SUMMARIZED INFORMATION AS OF  
DECEMBER 31, 2001

	2002	2001
<b>Assets</b>		
<i>Current assets</i>		
Cash and cash equivalents	\$ 1,064,619	\$ 1,240,496
Investments	348,599	21,352
Grants and other contributions receivable	683,660	429,696
Court-awarded fees receivable	77,000	27,000
Prepaid expenses	54,426	23,483
Total current assets	<u>2,228,304</u>	<u>1,742,027</u>
Long-term prepaid expenses	20,888	-
Long-term grants receivable	87,368	22,260
Property and equipment—net	162,579	223,722
Long-term investments	30,000	30,000
Total assets	<u>\$ 2,529,139</u>	<u>\$ 2,018,009</u>
<b>Liabilities and net assets</b>		
<i>Current liabilities</i>		
Accounts payable and other accrued liabilities	\$ 150,590	\$ 170,678
Accrued vacation	101,777	92,774
Total liabilities	<u>252,367</u>	<u>263,452</u>
<i>Net assets</i>		
Unrestricted	1,127,120	852,302
Temporarily restricted	1,119,652	872,255
Permanently restricted	30,000	30,000
Total net assets	<u>2,276,772</u>	<u>1,754,557</u>
Total liabilities and net assets	<u>\$ 2,529,139</u>	<u>\$ 2,018,009</u>

PUBLIC SUPPORT  
AND REVENUES

Financial presentations are excerpted from the 2002 financial statement audited by PriceWaterhouseCoopers LLP. A copy of the 2002 audited financial statement is available upon request.



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*“Whatever hardship poverty may cause in the society generally, the judicial process must make itself available to the indigent; it must free itself of sanctions born of financial inability. The core of a free and democratic society lies in full and equal access to the courts.”*

— THE HONORABLE JUSTICE MATHEW O. TOBRINER  
FORMER JUSTICE OF THE CALIFORNIA SUPREME COURT  
PAST PRESIDENT OF THE BOARD, LAS-ELC, 1961



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