

IHSS Public Authority Advisory Board Meeting
June 17, 2014
MINUTES

Members Present: Janie Whiteford, Deane Denney, Dennis Schneider, JoAnn Disbrow, Richard Rangel, Theresa Wright (via tele-conference), Senon Hernandez

Members Absent: Ellen Rollins, Robert Stroughter, Terri Possley (ex-officio)

COA Staff Present: Mary Tinker, Leticia Sabadin

Guests Present: Vera Sokolova, IHSS IP & SEIU 521 Assistant Chief Steward

Announcements & Public Comment:

Approve Minutes: May 27, 2014 meeting minutes approved as written. Motion by JoAnn Disbrow to approve minutes, seconded by Dennis Schneider, vote was unanimous.

Nomination and Selection of Vice Chair: Dennis Schneider will assume the role of Chair having been the Vice Chair for the past year. Richard Rangel was selected as Vice Chair for the new fiscal year by unanimous vote of the Advisory Board.

CAPA Report: Mary Tinker reported CAPA met May 22 in Sacramento.

IHSS Budget: The budget allows for the payment of overtime to IHSS providers, in accordance with new federal overtime rules. The budget provides for \$66 million GF in 2014-15 and \$237 million GF in 2015-16 to provide for the Fair Labor Standards Act final rule, set to implement January 1, 2015. SB 855 provides guidance regarding the oversight of the overtime.

The measure defines a workweek and provides that a single provider cannot work more than 66 hours in a workweek – reduced by the seven percent across the board cut to 61 hours. Currently, the maximum amount of hours a consumer can receive per month is 264. The budget leaves in place the seven percent across-the-board reductions to IHSS approved hours.

Effective January 1, 2015:

- An IHSS provider shall not work more than 66 hours per workweek, regardless of the number of recipients worked for by the provider. However as long as the 7% hours reduction is in place the total number of hours a provider can work is 61 hours per workweek.
- A workweek begins at 12:00 a.m. on Sunday and concludes at 11:59 p.m. the following Saturday.
- The recipient's monthly assessed hours shall be divided by 4.33 to establish a recipient's weekly authorized number of hours.
- The weekly authorization of services shall be used solely for the purposes of ensuring compliance with the federal Fair Labor Standards Act.
- Recipients shall be timely informed of their monthly and weekly authorized hours.
- Within the limit of the monthly assessed hours, a recipient's authorized weekly hours may be temporarily adjusted to accommodate unexpected extraordinary circumstances.
- The State or County may terminate a provider who repeatedly violates the 66 hour per workweek restriction.
- A provider may be paid for up to seven hours per week of "travel time." Travel time is time spent traveling directly from one location where authorized services are provided to one recipient, to another location where authorized services are being provided to another recipient.
- Hours spent by a provider while engaged in travel time shall not be deducted from the authorized hours of service of any recipient.

CDSS FLSA Focus Groups: They will be conducting six focus groups around the state this week and next. The purpose of the focus groups is to bring a smaller set of providers together, put two draft timesheets in front of them and find out what issues they have in completing them. One is the draft OT timesheet and the second is for travel time.

We were fortunate to get one of the focus groups held here in SC County. It will be at the SEIU office on June 27th from 2:00 to 4:00 pm. Both SEIU and the Public Authority are working to get 10 IPs each to participate in the focus group.

MOE Update: The (CFL) NO. 13/14-48 was released May 13, 2014 with the final amounts for each county. This document can be found on the CDSS website.

Mary Tinker mentioned the Harris v Quinn case that was heard by the Supreme Court, their decision should be out sometime in June. This case could have a major impact on the unions that represent homecare workers. If the court determines unions cannot force workers to pay service fees it would reduce their revenue substantially. A woman providing care for a family member in Illinois filed suit to stop the service fee deduction, it wound its way through the judicial system and the Supreme Court agreed to hear the case.

AB 485 (Gomez D) In-Home Supportive Services

This bill is sponsored by SEIU and is intended to shift collective bargaining to the Statewide Authority for all counties January 1, 2015.

CAPA Position: Concerns

AB 1522 (Gonzalez D) Employment: Paid sick days

Summary: Would enact the Healthy Workplaces, Healthy Families Act of 2014 to provide that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would authorize an employer to limit an employee's use of paid sick days to 24 hours or 3 days in each calendar year.

The author is not receptive to an IHSS carve out. It is currently on the suspense file, would be very costly.

CAPA Position: Concerns

AB 1703 (Hall D) In-Home Supportive Services: reading services for blind and visually impaired

Summary: Would include within the definition of supportive services designated reading assistance services to a recipient of services under the IHSS program who is blind or visually impaired, or who has another disability that affects his or her ability to read. By expanding the scope of available services under the IHSS program, this bill would impose a state-mandated local program.

The costs associated with this Bill is low enough to pull it off of the suspense file.

CAPA Position: Co Sponsor

AB 1744 (Brown) California Department of Aging

Summary: Would require the California Department of Aging to convene a blue-ribbon panel, comprised of at least 12 members, as specified, to make legislative recommendations to improve services for unpaid and family caregivers in California, as provided. The bill would require the committee to prepare a report of its findings and recommendations and provide it to the Legislature on or before July 1, 2016.

CAPA made a request that it would include CDSS staff and there was indication staff was in agreement with this.

CAPA Position: Pending

Programs Report: Mary Tinker reported:

Benefits Administration: There were 9,121 IPs enrolled in the Valley Health Plan and 9,702 IPs enrolled in the Dental/Vision plans during the month of May. There were 294 Eco Pass Clipper Cards issued.

Enrollment:

Number of IPs in May: 382

Registry Services: There are 472 active IPs on the registry.

The registry:

- Completed 48 new consumer intakes
- Attained 53 matches
- Provided 238 interventions

The **Urgent Care Registry** authorized 38 hours of service for the month of May.

IP Trainings Provided: Public Authority provided 10 training sessions with 238 individuals attending

MOA with SEIU Local 521: The first meeting Labor/Management meeting was held May 29th and provided opportunity for both groups to assign point persons for the following committees: Retirement Planning, Training, Respite Research, and Health & Safety. The training committee will be the first to meet and work on a survey tool to determine what additional training topics IPs are interested in.

The MOA was signed by several SEIU members, Labor Relations, IHSS and the Public Authority at the close of the Labor/Management meeting. The final document will be made available in electronic version on the Public Authority website as soon as the final signatures are completed.

Met with **training committee** June 6th and the next meeting is scheduled for this Friday. The committee is developing a draft training survey that will go out to a random group of IPs. First order of business is to identify what additional training classes are important to them, geographic locations they would like to have classes, days and times they would prefer.

Consumer newsletter is in final edit and will be mailed in early July, will include an article on the overtime regulations. Watch for it in your mail.

Janie Whiteford voiced some concerns regarding the CCI and how to get the word out to more Consumers. Why can't there be a more active role within IHSS and the Social Workers when they go out to Consumers' homes during an assessment or reassessment. Consumers need to know and need to know what health plan to choose from, they need help!

California IHSS Consumer Alliance Report (CICA): Janie Whiteford reported that the next CICA conference call is Wednesday, June 18th at 10am. All members are encouraged to participate in the call. Janie also announced that Cindy Calderon is stepping down from her post as President of CICA, her term is up. Effective July 1, 2014 there will be a “co-presidency” shared position with CICA. Janie Whiteford and Leona Lee will hold this position. Janie also announced that Richard Rangel has been appointed as the delegate for our AB to CICA. Janie will be the alternate when he is unable to participate.

Janie indicated SEIU is working to put an initiative on the November 2014 ballot that would mandate all IHSS providers to take 75 hours of specific training similar to what was approved in Washington State. So far she has heard that some of the signatures the union has collected to get it on the ballot are not valid. They need somewhere around 500,000 valid signatures and word is they are about halfway there. This is a very big concern for CICA—they believe very strongly in the consumer direction and do not want any mandated training.

CICA can educate on issues but cannot lobby for or against any initiative due to their non-profit status. There are plenty of ways to advocate and educate by going to the media and editorial boards and of course with all this new technology and social media outlets.

Janie also announced that Charlie Bean is the new administrative person for CICA, he is doing a tremendous job and making sure things run smoothly in the office.

Report from Social Services Agency: Terri Possley on vacation, no report available.

Next Meeting: The next meeting of the Advisory Board is scheduled for **Tuesday, July 15, 2014** from **11:30-1:30PM**, at the Sourcewise main office located at 2115 The Alameda, San Jose, CA. 95126.