



**COMMUNITY SERVICES AGENCY**

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**STANISLAUS COUNTY  
IHSS ADVISORY COMMITTEE MEETING  
MINUTES**

**07/26/02**

Committee Members Present:	Jeff Lambaren Ora Scruggs	Kenny Brown Rose Martin	Madelyn Amaral Connie Muller
Committee Members Absent:	Toni Hector Jose Acosta	Dwight Bateman	Bonnie Cyphers
IHSS Staff Present:	Jan Holden	Paul Birmingham	Larry Baptista
CSA Staff Present:			

**OPENING REMARKS by CHAIRMAN JEFF LAMBAREN**

- Meeting called to order at 1:29 p.m.
- Announcement made allowing for public comment.

**PUBLIC COMMENT**

- Round table of introductions by committee members.
- Members from United Domestic Workers attended the meeting.
- Brief comments made by United Domestic Workers Jorge Rivera regarding union participation.

**ACCEPTANCE OF MINUTES**

- July 12, 2002 minutes: Motion M/S/A to accept minutes with no corrections.

**BUDGET UPDATE by Paul Birmingham**

- Paul Birmingham told the committee that the short impasse on the State Budget has begun to take longer than expected.
- No cuts are expected in the IHSS program but do expect some cuts in APS.
- There is new legislation that would include an annual adjustment of the minimum wage.
- The \$1.00 trigger for Public Authority wages was left in the budget by the legislature.



## **AB 1682 RECOMMENDATION DISCUSSION**

- Passed out revised recommendation draft letter
- Looked over and discussed the draft. Found typing errors that will need to be corrected.
- Passed out Budget chart designed by Kenny Brown.
- The charts and graphs will be included with the recommendation along with Doreen Ott's new revised charts.
- Paul Birmingham stated that in the recommendation draft it is implied that the County and the Union should begin a dialogue now so the "Employer of Record" deadline would be met.
- Mr. Rivera of UDW offered to supply the committee copies of recommendations of resolutions that other counties have used.
- Mr. Rivera urged the committee to adopt a resolution so the process of election for union representation can proceed.
- Paul Birmingham stated that Mr. Rivera has requested to meet with CSA staff to begin discussing processes. The union needs some information. Paul explained that CSA staff may not be the right department or level to have these process discussions but his request would be taken to the CSA Director.

## **VOTE ON THE "EMPLOYER OF RECORD" RECOMMENDATION**

- Motion: M/S/A to accept "Employer of Record" recommendation; a mixed mode of a County Administration of the IP mode and the Homemaker mode.
- Motion made by Kenny Brown, Second by Madelyn Amaral
  - 6 - aye votes
  - 0 - no opposing votes

## **QUESTIONS AND ANSWERS**

## **AGENDA ITEMS FOR NEXT MEETING**

- Committee membership/bylaws.
- Union update.

Meeting adjourned @ 2:22pm  
Larry Baptista, Recorder

# MEMO

**To:** IHSS Advisory Committee  
**From:** Paul Birmingham and Jan Holden  
**Date:** July 17, 2002  
**Re:** Revised Draft Recommendation

**Attached is the revised Employer of Record recommendation for your review prior to the meeting of July 26, 2002.**

**Changes to the previous draft recommendation are in *Italics*.**

**DRAFT**

**IHSS ADVISORY COMMITTEE  
EXECUTIVE SUMMARY  
AB 1682 RECOMMENDATIONS  
JULY 26, 2002**

**DRAFT**

**II. RECOMMENDATIONS**

**Employer of Record**

*The IHSS Advisory Committee has a strong commitment to promoting and implementing an IHSS mode that emphasizes and provides the opportunity for maximum consumer participation and control in the IHSS Program.*

*The IHSS Advisory Committee considered both the Public Authority (PA) Mode and the County Administration of the IP Mode in depth to arrive at their recommendation. The PA Mode allows the most consumer participation and control of the two modes. The IHSS Advisory Committee visited the San Francisco Public Authority and saw an entity that was operated by and for IHSS consumers. The PA in San Francisco is an ideal model and any county and IHSS Advisory Committee would want to emulate its' structure.*

*The IHSS Advisory Committee looked at all aspects of the modes, not just consumer participation and control. In addition to consumer participation, the Committee also considered cost effectiveness, liability and the time needed to implement the Employer of Record portion of AB 1682.*

*The IHSS Advisory Committee's preference would have been to recommend a PA be the Employer of Record based upon consumer participation and control, however taking into account the following:*

- *The 2002/2003 state and county budget.*
- *The most cost effective option up until the time the \$7.11 IP wage cap is reached is a County Administration of the IP mode.*

- *The time involved in creating a PA is considerable and it is doubtful that a PA could be up and functioning by the deadline of 01/01/03.*

*The IHSS Advisory Committee recommends that the Employer of Record in Stanislaus County for the IHSS Program be the County Administration of the IP Mode.*

*The IHSS Advisory Committee's commitment to seeing a Public Authority Mode in Stanislaus County remains a priority. It is the Committee's intention to return to the Board of Supervisors with a recommendation of a PA once IP wages in the county reach \$7.11 per hour.*

After careful consideration, the IHSS Advisory Committee makes the following recommendation for a unified series of County actions. These actions would represent the County's comprehensive response to the mandates of AB 1682.

The Board of Supervisors will direct that Stanislaus County change to the **County Administration of the IP Mode as specified in AB 1682. This action will address the issue of the employer of record.** The Board would direct that prior to Jan 1, 2003, the Chief Executive Officer (CEO) and the Community Service Agency (CSA) Director take the necessary actions to ensure that that Stanislaus County is recognized as the employer of record of Stanislaus County IHSS Individual Providers for the purposes and provisions of statutory law regarding employer-employee relations. The CEO's and CSA Director's actions would include being ready by Jan 1, 2003, to conduct normal union management relations with any union representing or organizing IHSS Individual Providers.

This recommendation is conditioned on the concurrence of the CEO Risk Manager and the County Counsel with this action. The CEO Risk Manager and County Counsel must concur that a County Administered IP Program creates no new "special" or unreasonable county liability beyond that associated with the current operation of the IHSS Program.

The Committee recommends that the County continue the Supported Individual Provider mode enhancements in place in Stanislaus County. The Committee also recommends that the CSA be directed to work with the current Non Profit Organization providing IP registry service to monitor the

quality of that service. That CSA and the registry vendor evaluate and if possible obtain proven software that matches IHSS recipients and Providers in an advanced manner.

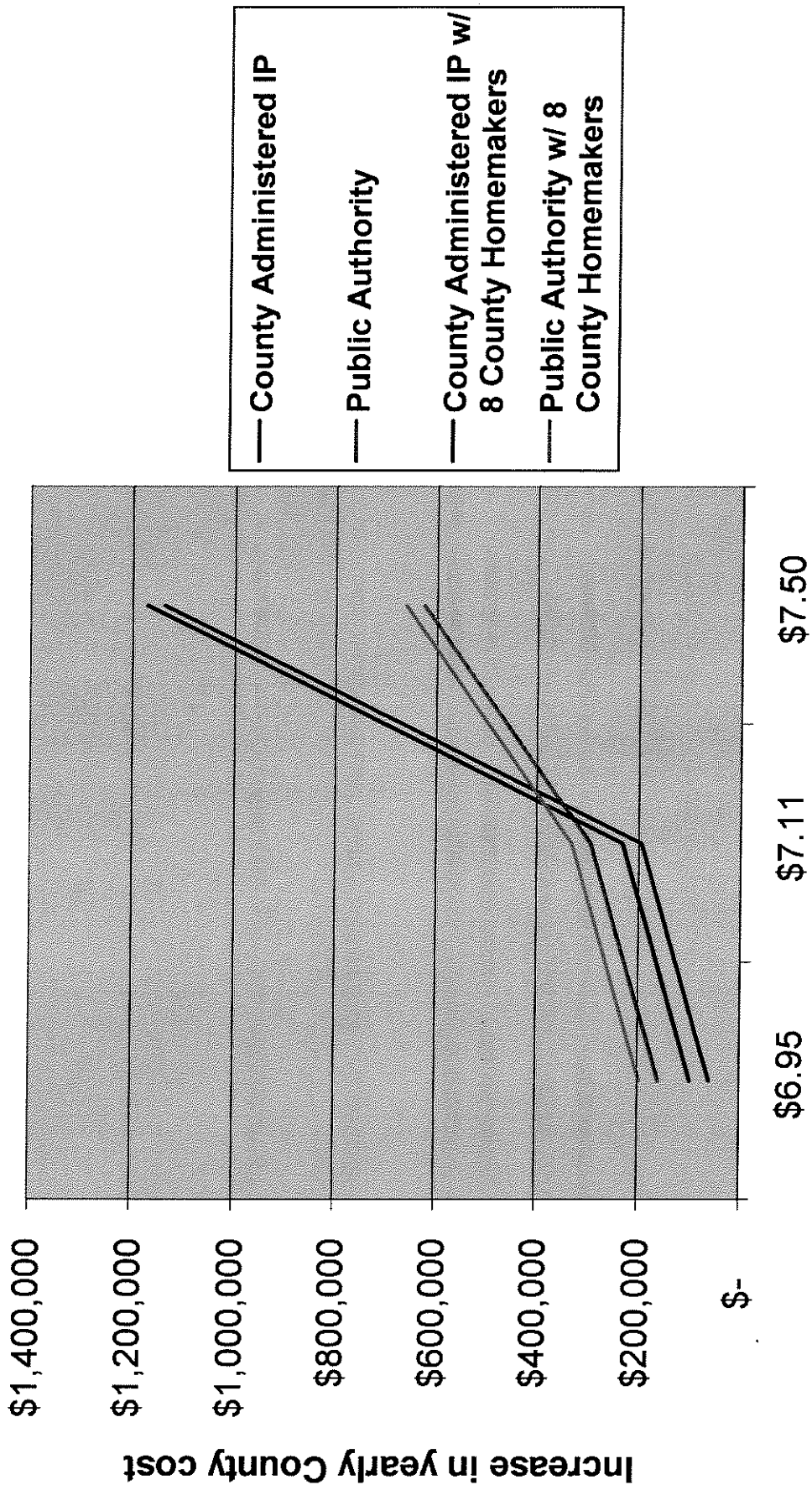
The Committee recommends that the Board of Supervisors establish the Homemaker Mode in Stanislaus County. This action will make Stanislaus County a mixed mode county. A limited use of the Homemaker Mode offers significant cost-effective enhancements to the IHSS program. These enhancements are in areas such as, emergency care, respite care, and the care of new clients. The recommended effective date of implementation of the Homemaker Mode is Jan 1, 2003.

The Committee recommends that the Board of Supervisors agree to revisit the issue of establishing a Public Authority *once the IP wage cap of \$7.11 per hour is reached*. The Board at that time should receive a report from this committee on the success of Public Authorities established under AB 1682, Public Authorities that existed prior to AB 1682, and the advisability of going forward with a Public Authority in Stanislaus County.

The Committee recommends that the Board adopt a position of advocacy for legislation that would require the State of California to treat equally all counties' IP wage rate or IP benefits arrived at through collective bargaining. This would require the State of California to participate in any wage or benefit arrived at in Stanislaus County through collective bargaining, as it would participate in any other county. In the opinion of the committee, this is an issue of "equal protection under the law" for residents of Stanislaus County.

The IHSS Advisory Committee considered both the PA option and the County Administration of the IP Mode in depth to arrive at their recommendation. The PA option had many attractive features, especially in the area of consumer participation that, at a future time, in a better budget climate could be considered an alternative to the present recommendation of County Administration of the IP Mode. The Committee has received credible testimony that a County Administered IP Mode does not contain special or new unreasonable risks of liability for the county. The committee believes, on advice, that administering a county IHSS program in any fashion always poses great potential risk *but that AB 1682 does not create new risks*.

# IHSS Employer of Record Cost Comparison



- County Administered IP
- Public Authority
- County Administered IP w/ 8 County Homemakers
- Public Authority w/ 8 County Homemakers

Increase in yearly County cost

Hourly Wage