



**THE IN-HOME SUPPORTIVE SERVICES
ADVISORY COMMITTEE**
Jeffrey M. Lambaren
Executive Director
251 E. Hackett Rd.
Modesto, CA 95358
Phone: 209.558.1650
Fax: 209.558.2681

**STANISLAUS COUNTY
IN-HOME SUPPORTIVE SERVICES ADVISORY COMMITTEE (IHSSAC)
MEETING MINUTES
3/14/2014**

Committee Members Present: Linda White Valerie Mitchell
Joan Blackwell
Connie Muller
Carmen Morad

Committee Members Absent: Rose Martin (advanced notice given)
Marie Cochran (advanced notice given)

Other Guests:

IHSS & Link2Care Staff Present: Jeff Lambaren Stephy Tracey
Debi Baker

OPENING REMARKS by Linda White

- Meeting called to order at 1:03 p.m.

PUBLIC COMMENT

- Debi Baker is now with the Quality Assurance Unit of IHSS at Community Services Agency. She has been with the County for 35 years and previously worked at Health Services Agency.

ACCEPTANCE OF MINUTES

- Meeting minutes from the February 14, 2014 meeting were accepted.

PUBLIC AUTHORITY UPDATE

- Handout, copy of article which was in the Modesto Bee. Carmen Morad has been nominated as one of the Outstanding Women of 2014 in Stanislaus County.
- Between now and the end of June, the State budget is supposed to be passed. If this occurs timely, this only gives us from July 1st to December 31st to implement some major logistical changes. All providers will have to sign a Work Place Agreement acknowledging that they are limited to a 40 hour work week with a "2 strike policy". If the provider works over 40 hours in a week, the first offense is a warning. The second offense is suspension in the program for one

year. The social workers will have to work with those recipients who have over 40 hours per week regarding their back-up plan. These recipients will likely need additional providers. The Public Authority will need to greatly expand its Registry list to accommodate these anticipated requests. We are currently working on improving Registry services to both Recipients and Providers. The 40 hour limit applies to a provider no matter who they work for, so if they are a back-up provider and work for someone else, we have to make sure that they are not inadvertently violating the overtime rule. We will also need an emergency back-up system. The State has proposed an emergency provider back-up system. The providers would be paid a premium rate to be on-call at a moment's notice to provide services. The cost of the program is currently \$7.2 billion. When overtime comes into play, the program cost will explode which is why it is highly unlikely that overtime would be approved. There has been some discussion to have overtime allowed in limited circumstances. The Cash and Counseling model is possible but there is no time in the current legislative cycle for that to occur by the time the State is required to complete its budget.

- Handout, "Subcommittee #3: Health and Human Services" dated March 13, 2014. Part 1 gives an overview of the program including budget, background, service delivery, and funding. Part 2 gives an update about the Coordinated Care Initiative (CCI). It will start April 1st in the pilot counties. Part 3 discusses the litigation settlement which occurred last year. Part 4 discusses the Federal Fair Labor Standards Act (FLSA) – Final Rule. The last part discusses the new computer system we have; CMIPS II.
- Handout, "U.S. Department of Labor" regarding all the Federal rules. Fact Sheet: Application of the FLSA to Domestic Service. Major provisions of the Final Rule. Minimum Wage and Overtime Protections is why California has to change its model. Fact Sheet #79A: Companionship Services Under the FLSA. Previously all IHSS providers were considered companion workers and were excluded from minimum wage overtime protection. The definition has been narrowed down and it has been determined that IHSS no longer falls in the companion service role so we are excluded from that. Fact Sheet #79B: Live-In Domestic Workers. Also not exempt from overtime. Fact Sheet #79D: Hours Worked Applicable to Domestic Service. Proposed change for wait time for medical appointments and transportation time between recipients now is time that counts and must be paid. This time will count towards their 40 hours so the net effect will be less personal care from that individual provider and more people will need additional providers. Fact Sheet #79E: Joint Employment in Domestic Service. Providers may be considered an employee of more than one recipient. Paid travel time between recipients would have to be addressed.
- Handout from California Welfare Directors Association (CWDA). This document addresses various concerns about the proposal. Additional 30,000 to 40,000 providers would need to be recruited for the back-up system. Tracking and notifying social workers of the need for a back-up provider and matching providers to recipients will be challenging.
- Handout, "IHSS Coalition; Letter to Senate Budget Subcommittee." They are an advocacy group composed of a number of associations which are listed on the

back of the handout. Discusses across-the-board cut. FLSA. Continuity of Care. IHSS providers are not interchangeable. Availability of workforce. Availability of workers for new back-up system; would have to be available on short notice. Reductions to provider income/consumer household income. Concerns about the workweek agreements and insufficient information about the back-up system.

- Handout, "IHSS Overview." Copy of power point presentation. This was presented by the Director of Social Services to the Assembly Budget Sub-Committee and doing the same thing at the Senate. Discusses IHSS history, statistics, budget, major changes (2009-present), and future changes.

BUDGET UPDATE

- Included in above.

LEGISLATIVE UPDATE

- None.

FURTHER ACTION PLANNING FOR 2014

- What would a Facebook or Twitter page contribute that our website doesn't already provide? Perhaps we could improve our website such as adding additional information or video links. We do have a link on our website where people can leave comments or messages.
- Discussed the possibility at meeting at a different location for a future IHSSAC meeting, suggestions included Gladys Lemmons Senior Center in Oakdale and Evergreen Rehab Care Center in Modesto. Our meeting location can change from County Center III. The date and time would remain the same. Carmen is involved with the Mayor's Top Teens Program. One of the things they do is visit Evergreen. This is a way to introduce them to community services and connecting with seniors. Maybe we could include something that has to do with our committee and join them on visit(s).
- AB1234 training. Per County Counsel, Committee members can complete the training on-line. Jeff gave Carmen the handout information.

COMMITTEE MEMBERS REPORT

- None.

AGENDA ITEMS FOR NEXT MEETING

- Public Comment
- Acceptance of Meeting Minutes from March 14, 2014 meeting
- Public Authority Update
- Budget Update
- Legislative Update

- Further Action Planning for 2014
- Committee Members Report
- Agenda Items for Next Meeting

Stephy Tracey, Recorder