



- At the previous Committee meeting we briefly discussed the possibility of new Federal Overtime (OT) Regulations and how the proposed regulations would impact the IHSS program. The Federal government is proposing to change the rules for domestic workers. IHSS Providers have been exempt from overtime requirements because they meet the definition of “Companionship Services.” Companionship services are defined as services which provide fellowship, care and protection for a person who, because of advanced age or physical or mental disability, cannot care for his or her own needs. If the Federal government changes the rules and IHSS Providers are no longer exempt from OT requirements it is very likely that the State will change the IHSS program regulations and prohibit Providers from working more than 40 hours per week. As approximately 69% of IHSS Providers work for a family member, any restriction on the amount of hours that can be worked could have a huge impact on IHSS families. The collective thinking is that the new OT regulations will occur, what is uncertain is when the regulations will be adopted.
- A case out of Sonoma County could also have a significant impact on the IHSS program, the Guerrero Case. The case involves an IHSS Provider who sued the Public Authority (PA) and county of Sonoma for payment of wages. The Recipient, who was receiving advanced pay, failed to pay the Provider for the work performed. The Provider sued, citing the PA and County as co-employers. The case was originally dismissed by the Trial Court, the Provider appealed to the California Court of Appeals who ruled the PA and County as co-employers. Sonoma County will appeal to the State Supreme Court to have case nullified. If it is ultimately determined that the County and the Public Authority are employers, this could significantly change the IHSS program.
- The 10<sup>th</sup> anniversary of Disability Capitol Action Day is Wednesday, May 22<sup>nd</sup> from 9 am to 3 pm. May is mental health month and the 40<sup>th</sup> anniversary of IHSS. Thousands of people with disabilities will gather at the Capitol. Approximately 2,500 people are expected to participate. They will be there to make a presence, and march, they not trying to see legislators. More info at [www.disabilityactioncoalition.org](http://www.disabilityactioncoalition.org)

### **STATE BUDGET & LEGISLATIVE UPDATE (Combined)**

- The Governor’s May Revise Budget came out and for once the IHSS Program did not get the “whammy.” Statewide IHSS Program growth is project to be 1.2% for Fiscal Year 2013-14. The State is working on settling a number of lawsuits that have been going on since 2008. The funding mechanism for IHSS has changed; every county now has a Maintenance of Effort (MOE) level. The MOE level is composed of IHSS Administration, Public Authority Administration, IHSS Provider Wages and Benefits. The MOE was based on previous caseload levels and program expenditures. Once counties satisfy their MOE level any additional program costs would be absorbed by the State.
- Community First Choice Option (CFCO) provided additional Federal monies for the IHSS Program. The counties received a one-time payment of CFCO funds. Any future CFCO savings will go to the State. The original estimate was that all in the IHSS Program would qualify for savings but it was determined that only those who are severely disabled would qualify for enhanced CFCO funding and the number is now estimated to be approximately 41%.

- Coordinated Care Initiative (CCI) has a targeted implementation date of January, 2014. There are 8 pilot counties who will participate in the demonstration project; Stanislaus County is not one of the demonstration counties. The goal of the program is to better care for the Medi-Cal/Medicare population and reduce costly hospital readmissions. Associated with the CCI is the transition to a Statewide Public Authority. The Statewide Public Authority would assume responsibility for local labor negotiations. If all goes according to plan, Stanislaus County would transition to CCI in Fiscal Year 2015-16.
- The State has reached tentative agreement with the plaintiffs in the Oster v. Lightbourne and Dominguez v. Schwarzenegger lawsuits. The parties agree to drop their lawsuits and accept an 8% across-the-board reduction of IHSS hours. Currently, all IHSS Recipients are receiving a 3.6% across the board hours reduction, which is scheduled to sunset on June 30, 2013. As a condition to the settlement agreement the parties agree to maintain the 3.6% reduction and further agree to an additional 4.4% across-the-board reduction effective 7-1-13. Once the Governor signs the agreement, the Court can accept the agreement as final and dismiss the class action lawsuits. All actions need to be complete by May 24, 2013, in order to allow the Department of Social Services to program the Case Management, Information and Payrolling System (CMIPS) and CMIPS II computer system. Letters and Notices of Action will be sent out to all Recipients in early to mid-June. As part of the settlement agreement, the Recipients decide which of their services are to be reduced, any reduction in hours will apply to unmet needs first and the Recipient can request a reassessment based on their condition, but not on the State action.
- AB241 – Ammiano domestic workers protections. Current law protects wages, labor protection for domestic employees. (most of these bills have become 2 year bills).
- AB322 – Yamada home care services. Licensure and regulations of home care as defined by the Dept. of Social Services. Impose civil penalties on home care agencies without a license.
- AB784 – Weber IHSS UDW sponsored bill. Provider receives quality health benefits. Affordable Care Act employers with 50 or more employees will be required to provide health care or pay penalty. If seasonal there is a provision for next year. No waiting period. Work over 3 hours per week for a certain period.
- AB1217 – Lowenthal. After July, 2014 licensure and regulation of home care agencies and home care aides.
- SB554 – Anderson. Would exempt employees of non-medical out of home for developmentally disabled adults in excess of certain amount of hours.

### **FURTHER ACTION PLANNING FOR 2013**

- Handouts - Newsletter samples were distributed from various counties. We need committee input for our newsletter. This would be mailed out to both our recipients and providers. We could incorporate a form to fill out and send back if interested in joining the committee. Jeff will research the previous process. Think about any ideas.
- Restoration of stipends is being reviewed. It would provide an incentive to get more participation at our meetings.
- If we are interested in sending out surveys again, we would have to get a reduced rate. The previous surveys provided good information regarding the pulse of the community but it was expensive. The cost was \$10,000.

## **COMMITTEE MEMBERS REPORT**

- Previously the Committee agreed to join the California In-Home Supportive Services Consumer Alliance (CICA). The Committee Chair had two conference calls, one on April 17<sup>th</sup> about the issue of overtime. The proposed overtime regulations are cloaked in secrecy and not much is known about when any potential new regulation would occur. The second call was improved working relations with local Board of Supervisors members and how to improve Advisory Committees. Participants discussed issues about how budget cuts affected membership, how to get new members, community outreach, providing information about the IHSS program and educating the unions about overtime concerns.

## **AGENDA ITEMS FOR NEXT MEETING**

- Public Comment
- Acceptance of Meeting Minutes from January 25, March 15, and May 17, 2013 meetings
- Public Authority Update
- Budget Update
- Legislative Update
- Stipends
- Action Planning
- Committee Members Report

Stephy Tracey, Recorder