



*The County of El Dorado*  
*Human Resources Department/Risk*  
*Allyn Bulzomi, Human Resources Director*

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October 13, 2009

Governing Board of the In Home  
Supportive Services Public Authority  
330 Fair Lane  
Placerville, CA 95667

Dear Governing IHSS PA Board Members,

On or about the afternoon of Friday, October 9, 2009, the representatives of the United Domestic Workers of America, AFSME, Local 3930, AFL-CIO (UDW) representing the Independent Provider bargaining unit as established under the California Welfare and Institutions Code and the subsequent County Ordinance No.4612, Chapter 8.76, Section 8.76.070, subsection B to establish the rules and regulations governing the labor relations responsibilities of the In Home Supportive Services Governing Board of the Public Authority and the Employer/Employee Relations Resolution IHSS 1-02, the representatives of the In Home Supportive Services Public Authority, IEDA, and Department of Human Resources, agreed to the final offer as authorized by the Governing Board of the In Home Supportive Services Public Authority (IHSS) in regard to the successor Memorandum of Understanding (MOU) between the IHSS Public Authority and the UDW representing the Independent Providers bargaining unit. The IHSS representatives, Bruce Heid of IEDA, and the Business Representative for UDW were able to reach a Tentative Agreement (TA) as part of the collective bargaining process for the successor MOU. The TA covers wages, hours, and other terms and conditions of employment for Independent Providers in this bargaining unit for the period of June 1, 2009 through June 30, 2010. The negotiated TA incorporates the changes to the successor MOU and is subject to a ratification vote by the members of the UDW bargaining unit. Once the ratification has been secured by the members, the MOU is brought before the Governing Board of the IHSS Public Authority for final adoption as attached to the Resolution. This negotiated successor Memorandum of Understanding is before the Governing Board on the November 10, 2009 Agenda.

Recommendation

Staff recommends the Governing IHSS PA Board approve, adopt, and authorize the Chair to sign the attached Resolution and MOU to authorize the adoption of the Memorandum of Understanding (MOU) between the Governing Board of the IHSS Public Authority and the United Domestic Workers of America, AFSCME, Local 3930, AFL-CIO representing the Independent Provider bargaining unit containing the cost neutral items as approved in closed session. Please see the attached documents.

Reason for Recommendation:

The parties have negotiated in good faith since October 26, 2007 in an attempt to reach a mutually agreed upon successor MOU during these tough economic times. The parties recognize the economic hardship facing the State. We were still able to reach a mutual agreement during this time.

Significant sections of this successor IHSS - UDW MOU are identified below:

- Section 6 Wages, will remain at the current rate (same as 2007) and the MOU will keep the contingency language. The contingency language provides a safeguard if either the state government or the federal government modify their cost sharing formula in any manner that would result in an increased cost to the El Dorado County Public Authority the wages will be reduced by an amount necessary to keep the cost of wages paid by the Public Authority for any IHSS Provider at a participation level and/or at a state and/or federal cost sharing formula that sufficiently and fully offsets any increases in costs for wages paid by the Public Authority. (See MOU page 7)
- Section 7 Benefits, the medical health plan change is to capture the full 60 cents per work hour as reimbursed by the state and federal governments as approved by the Governing Board of the IHSS Public Authority Board in closed session. The contribution levels are for medical health care plan specifically for the Independent Providers and allows for modifications for the third party administrator, Select Benefits/Safeco Insurance Company to provide a different level of benefits for the Independent Providers who are eligible. To be eligible each Independent Provider must have worked a minimum of seventy (70) hours for two (2) consecutive months and it is on a first-come first served basis. If an eligible Provider requests to be enrolled and there are no benefits slots available then their name shall be put onto a wait list as administered by the Public Authority. The number of Independent Providers who are eligible for health insurance is determined by multiplying the total number of individual Independent Provider paid work hours per month by the maximum allowable health benefits contribution rate (\$0.60 per hour) divided by the net premium cost of the health benefit plan.
- The parties did maintain the contingency language for the health plan (see MOU page 9).
- Section 8 Registry, the IHSS Public Authority provides assistance to consumers/clients who need assistance through the establishment of a Registry, a listing of qualified Independent Providers. Once the hours are approved and authorized by a Social Worker the consumer/client can call up the In Home Supportive Services Public authority and request someone off the Registry. Previously the IHSS PA has conducted background checks on Independent Providers before they were placed on the Registry. The background check language has not been in the MOU. The reference to the Registry is in the MOU under Section 8. (see MOU page 9) Please note there have been recent changes to the Welfare and Institutions Code in regard to a new requirement that Independent Providers will now pay for their own background checks.

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- There is a general contingency clause under Section 14, sub-section 14.5 on page 14 that if the legal requirement that counties provide for an employer of record for independent IHSS Providers is either eliminated or made optional to the counties by any change in law or judicial decision, this MOU shall become null and void upon formal action by the El Dorado County Board of Supervisors to eliminate the Employer of Record within El Dorado County. The Public Authority will provide the union with no less than thirty (30) days advance written notice of intended action by the Board of Supervisors.

Sincerely,

M. Allyn Bulzomi  
Director of Human Resources

Cc: Gayle Erbe-Hamlin, CAO  
Lou Green, County Counsel  
Deborah Kal, Senior Personnel Analyst

Attachments:

Attachment 1: Board Resolution  
Attachment 2: Successor IHSS PA MOU