



Legislation Details (With Text)

File #: 20-1646 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 12/2/2020 **In control:** Board of Supervisors

On agenda: 4/20/2021 **Final action:** 4/20/2021

Title: Health and Human Services Agency recommending the Board of Supervisors, acting as the Governing Board of the In-Home Supportive Services Public Authority (IHSS PA):

- 1) Approve and authorize the Chair to sign Agreement for Services 5360 with Industrial Employers and Distributors Association, for the provision of consultation and advice on employer-employee relations between the IHSS PA and the individuals employed as IHSS workers, for the term of one year from July 1, 2021 through June 30, 2022, with a maximum contractual obligation of \$23,000;
- 2) Make findings in accordance with County Ordinance 3.13.030 that County may enter into a contract with Industrial Employers and Distributors Association for services provided under this Agreement 5360 because F) Contract is necessary to protect against conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective; for example, contracts relating to litigation or potential litigation may require independent contractors; and
- 3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 5360, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

FUNDING: Funding is approximately 50% Federal and 50% County General Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved CRS IEDA 5360, 2. B - MOU 5360 Industrial Emp. and Dist. Association, 3. Executed Agreement 5360

Date	Ver.	Action By	Action	Result
4/20/2021	1	Board of Supervisors	Approved	Pass

Health and Human Services Agency recommending the Board of Supervisors, acting as the Governing Board of the In-Home Supportive Services Public Authority (IHSS PA):

- 1) Approve and authorize the Chair to sign Agreement for Services 5360 with Industrial Employers and Distributors Association, for the provision of consultation and advice on employer-employee relations between the IHSS PA and the individuals employed as IHSS workers, for the term of one year from July 1, 2021 through June 30, 2022, with a maximum contractual obligation of \$23,000;
- 2) Make findings in accordance with County Ordinance 3.13.030 that County may enter into a contract with Industrial Employers and Distributors Association for services provided under this Agreement 5360 because F) Contract is necessary to protect against conflict of interest or to ensure independent and unbiased findings where there is a need for an outside perspective; for example, contracts relating to litigation or potential litigation may require independent contractors; and
- 3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 5360, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

FUNDING: Funding is approximately 50% Federal and 50% County General Fund.

DISCUSSION / BACKGROUND:

Each county in California is required to operate an In-Home Support Services (IHSS) program to provide personal care and domestic services to aged, blind, or disabled individuals in their own homes. The purpose of the program is to allow individuals who are recipients of these services to live safely at home rather than in costly and less desirable out-of-home placement facilities. The IHSS Public Authority (PA) is responsible for maintaining caregiver registries, providing IHSS consumers with caregiver referrals and providing for consumer and caregiver training. The Board of Supervisors sits as the Governing Board of the El Dorado County IHSS PA and designated HHSA to administer this program on behalf of the County.

The County has been designated as the employer of record for IHSS workers for the sole purpose of setting salaries and benefits in El Dorado County and the County performs this function through the El Dorado County IHSS PA. The IHSS PA does not “employ” the IHSS workers in the traditional sense, in that each IHSS client hires the IHSS worker for their care and is solely responsible for setting their schedule, working conditions, and determining the duration of their employment.

In March of 2003, United Domestic Workers of America (UDWA) successfully established itself as the bargaining unit for caregiver providers in El Dorado County. Industrial Employers and Distributors Association (IEDA) provides the expertise to meet and confer in good faith with the UDWA for and on behalf of the IHSS PA as the designated representative of the Governing Board. The County has contracted with IEDA since 2003 to assist the IHSS PA in negotiations and establishing MOUs. IEDA assisted the El Dorado County IHSS PA in establishing the most recent Memorandum of Understanding (MOU) between the IHSS PA and UDWA, Local 3930, for the years 2017 - 2024.

This new agreement #5360 is necessary to ensure consistent and ongoing information and guidance with regard to IHSS PA negotiations.

ALTERNATIVES:

Disapproval of Agreement for Services #5360 will result in the County negotiating without the benefit of professional negotiators with UDWA for any further negotiations between IHSS PA and the IHSS workers.

PRIOR BOARD ACTION:

- 1) 06/20/17, 17-0610, HHSA IEDA Agmt 538-S1710
- 2) 06/12/18, 18-0858, HHSA, A1 to Agreement 538-S1710/FENIX 977, IEDA
- 3) 03/19/19, 19-0080, HHSA IEDA Agmt 977 A2
- 4) 04/21/20, 20-0222, HHSA-IEDA AGMT 4696
- 5) 02/11/20, 20-0113, HHSA IHSS PA MOU with UDWA

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

Approved by County Counsel and Risk Management

CAO RECOMMENDATION:

Approve as recommended.

FINANCIAL IMPACT:

This Agreement for Services is a renewal of a prior year agreement. Due to the change in the IHSS Public Authority program receiving capped administrative funding from Federal and State revenues, the Public Authority administrative funding is generally 50% Federal and State funding. Any cost above the capped allocation is generally 50% County General Fund. Based on the assumption that

up to 50% of the cost for this Agreement is General Fund, the expenditure of \$23,000 could result in a Net County Cost of up to \$11,500. Sufficient appropriations have been requested for inclusion in the Fiscal Year 2021-22 Budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain signature of Chair on two (2) original Agreements for Services #5360
- 2) Clerk of the Board to return one (1) fully executed Agreement #5360 to the HHSA Contracts Unit at 3057 Briw Road.

STRATEGIC PLAN COMPONENT:

Healthy Communities and Good Governance

CONTACT

Donald Semon, Director