



Legislation Details (With Text)

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File created: 1/8/2019 **In control:** Board of Supervisors

On agenda: 4/2/2019 **Final action:** 4/2/2019

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 Amendment II to Agreement for Services 538-S1710 (also known as Agreement for Services 977) with Industrial Employers and Distributors Association (IEDA), for the provision of wage and health benefits negotiation assistance between the IHSS PA and the United Domestic Workers of America, to extend the term from June 20, 2017 through June 30, 2019 by one year to end June 30, 2020, and increase the maximum contractual obligation by \$24,000 to \$72,000, for the term of the Agreement;

2) Make findings in accordance with County Ordinance 3.13.030 that it is more economical and feasible to contract with IEDA for services provided under this Agreement 538-S1710 because the work performed under this Agreement requires special skills and qualifications involved in the performance of the work, and a contract is necessary to protect against a conflict of interest; and

3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 538-S1710, including amendments that do not increase the dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management. (Cont. 3/19/19, Item 8)

FUNDING: 34% State, 50% Federal, 9% Realignment, and 7% General Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved CRS IEDA 03-19-19, 2. B - IEDA Agmt 977 A2 03-19-19, 3. Executed Agreement #977

Date	Ver.	Action By	Action	Result
4/2/2019	2	Board of Supervisors	Approved	Pass
3/19/2019	1	Board of Supervisors	Continued	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 Amendment II to Agreement for Services 538-S1710 (also known as Agreement for Services 977) with Industrial Employers and Distributors Association (IEDA), for the provision of wage and health benefits negotiation assistance between the IHSS PA and the United Domestic Workers of America, to extend the term from June 20, 2017 through June 30, 2019 by one year to end June 30, 2020, and increase the maximum contractual obligation by \$24,000 to \$72,000, for the term of the Agreement;

2) Make findings in accordance with County Ordinance 3.13.030 that it is more economical and feasible to contract with IEDA for services provided under this Agreement 538-S1710 because the work performed under this Agreement requires special skills and qualifications involved in the performance of the work, and a contract is necessary to protect against a conflict of interest; and

3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 538-S1710, including amendments that do not increase the dollar amount or term of the

Agreement, and contingent upon approval by County Counsel and Risk Management. (Cont. 3/19/19, Item 8)

FUNDING: 34% State, 50% Federal, 9% Realignment, and 7% General Fund.

DISCUSSION / BACKGROUND:

Each county in California is required to operate an In-Home Supportive Services (IHSS) Public Authority (PA) 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 PA is responsible for maintaining caregiver registries, providing IHSS consumers with caregiver referrals, providing for consumer and caregiver training, and processing payments to IHSS workers on behalf of the consumer. The Board of Supervisors also acts as the Governing Board of the El Dorado County IHSS PA and has designated HHSA to administer this program on behalf of the County.

While the individual (consumer) receiving IHSS care is the employer of their IHSS worker with regard to selection, hiring, setting the work schedule, and disciplinary actions, etc., 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.

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 UDWA on behalf of the IHSS PA as the designated representative of the Governing Board. IEDA assisted the El Dorado County IHSS PA in establishing the first Memorandum of Understanding (MOU) between the IHSS PA and UDWA in 2003.

Currently, the County, with IEDA as the IHSS PA designated representative, and UDWA are in contract negotiations. Due to continued regulation changes at the State level, the parties have not come to a final agreement. It is necessary to extend the term of this Agreement by one year to allow for completion of the negotiation process. The previous maximum obligation of \$48,000 is being increased by \$24,000 for a new maximum obligation of \$72,000.

ALTERNATIVES:

Disapproval of Amendment II to Agreement for Services 538-S1710 will result in the County taking over directly negotiating with UDWA to establish a new MOU between IHSS PA and the IHSS workers.

PRIOR BOARD ACTION:

- 1) 6/20/17, 17-0610, HHSA IEDA Agmt 538-S1710
- 2) 6/12/18, 18-0858, HHSA, A1 to Agreement 538-S1710/FENIX 977

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

County Counsel, Human Resources, and Risk Management

CAO RECOMMENDATION:

It is recommended that the board approve this item.

FINANCIAL IMPACT:

Based on the assumption that 7% of the cost for this Agreement is General Fund, the increase of \$24,000 in this Amendment II would result in an increase to Net County Cost of \$1,680. Sufficient appropriations will be included in the Fiscal Year 2019-20 Recommended Budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain the Chair's signature on two originals of Amendment II to Agreement for Services 538-S1710 (also known as Agreement for Services 977).
- 2) Clerk of the Board to return one fully signed original Amendment II to HHSA Contracts Unit at 3057 Briw Road.

STRATEGIC PLAN COMPONENT:

N/A

CONTACT

Don Semon, Director