



Legislation Text

File #: 22-0398, **Version:** 1

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

1) Make findings in accordance with County Ordinance 3.13.030(F) that County may enter into a contract with Industrial Employers and Distributors Association for services provided under this Agreement 6161 because in accordance with 3.13.030(F) this 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;

2) Approve and authorize the Chair to sign Agreement for Services 6161 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, 2022 through June 30, 2023, with a maximum contractual obligation of \$23,000; and

3) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 6161 including amendments, contingent upon approval by County Counsel and Risk Management, which do not increase the maximum dollar amount or term of the Agreement.

FUNDING: Funding is approximately 25% Federal and 25% State, and 50% County General Fund.

DISCUSSION / BACKGROUND:

Each county in California is required to operate an In-Home Supportive 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 has designated HHSA to administer this program on behalf of the County.

The County of El Dorado is the employer of record for IHSS workers for the sole purpose of setting salaries and benefits in the County, and 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 IHSS 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 Memorandums of Understanding (MOUs). IEDA assisted the El Dorado County IHSS PA in establishing the most recent MOU between the IHSS PA and UDWA, Local 3930, for the years

2017 - 2024.

This new agreement 6161 is necessary to ensure consistent and ongoing information and guidance with regard to IHSS PA negotiations.

ALTERNATIVES:

Disapproval of Agreement for Services 6161 will result in the County negotiating with UDWA without the benefit of professional negotiators, 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
- 6) 04/20/21, 20-1646, HHSA IHSS PA + IEDA MOU 5360

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. The IHSS Public Authority program receives capped administrative funding from Federal and State revenues, which 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 included in the Fiscal Year 2022-23 Recommended Budget request.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain signature of Chair on one (1) original Agreement for Services 6161.

STRATEGIC PLAN COMPONENT:

Good Governance

CONTACT

Daniel Del Monte, Interim Director