



## Legislation Text

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**File #:** 15-1458, **Version:** 1

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Health and Human Services Agency recommending the Board:

- 1) Adopt and authorize the Chair to sign Resolution **001-2016** amending the Authorized Personnel Allocation Resolution for the Health and Human Services Agency to add 1.0 fulltime equivalent (FTE) Social Worker Supervisor I/II; 1.4 FTE Social Worker; 1.0 FTE Social Services Aide; 1.0 FTE Office Assistant III; and 1.0 FTE Program Coordinator; and
- 2) Acting as the Governing Board of the In-Home Support Services Public Authority, approve and authorize the Chair to sign a Budget Transfer Request to incorporate revenue and appropriations into the In-Home Supportive Services Public Authority Fiscal Year 2015/16 Budget totaling \$291,417 as a result of additional Federal and State Funding, with no increase to Net County Cost. (4/5 vote required)

**FUNDING:** Federal, State and County required match met with Realignment Funds.

**DEPARTMENT RECOMMENDATION:**

Health and Human Services Agency (HHS) recommending the Board adopt a resolution adding 5.4 fulltime equivalent (FTE) positions specific to the In-Home Supportive Services (IHSS) program in order to meet the increased obligations resulting from legislative changes taking effect February 2016. Additionally, HHS recommending the Board, acting as the Governing Board of the IHSS Public Authority approve and authorize a Budget Transfer Request to incorporate additional revenue and appropriations in the amount of \$291,417. These costs exceed the County's required Maintenance of Effort so it will be paid in full by the State.

**DISCUSSION / BACKGROUND:**

El Dorado County HHS administers both the IHSS program and the IHSS Public Authority that work together to provide personal care and domestic services to aged, blind, or disabled individuals and allow recipients of services to live safely at home rather than in costly and less desirable out-of-home placement facilities. The IHSS program receives referrals for services, determines eligibility, performs needs assessment, authorizes services, and provides ongoing case management for those receiving IHSS services. The IHSS Public Authority was established by ordinance of the Board of Supervisors (Code 1997, Section 8.78.030; Ord. No 4612, 9-24-2002) acting as the Board of Directors for the IHSS Public Authority, as an entity separate from the County of El Dorado to serve as the employer of record for the individual care providers of IHSS services. IHSS Public Authority is responsible for maintaining a registry of care providers for referral to IHSS recipients, performing background checks on providers, and providing training for care providers.

The Federal Department of Labor (DOL), Fair Labor Standards Act regulations (RIN 1235-AA05) that went into effect in November 2013 mandate paying overtime wages and other compensation to certain in-home care workers, including IHSS providers. California intends to institute these regulation changes on February 1, 2016 and has enacted State law that provides mechanisms for payments and establishes limitations on the number of hours a provider may work within a given workweek, thereby essentially requiring additional IHSS providers and support staff to meet the current workload. Counties are responsible for the implementation and enforcement of this law.

While initial implementation activities will include enhanced outreach, education, and monitoring of providers and recipients of service to ensure they understand the implications of the new requirements, the ongoing oversight and support of cases with multiple needs and providers adds increased complexity to the administrative requirements of the IHSS program. On December 1, 2015, HHSA received notification from the California Department of Social Services stating it is "imperative that counties are equipped with the necessary resources to ensure success of FLSA implementation" and that "counties will be required to hire additional staff to support all operational/administrative activities to effectively implement the new statute." The addition of the 5.4 FTE allocations will allow HHSA to manage and implement the changes required by the Federal DOL regulations, effective February 1, 2016.

In the performance of the IHSS program, HHSA is required to pay a Maintenance of Effort (MOE) for IHSS Program costs, including employee salaries and benefits. Under current regulation, the State is required to pay all additional costs in excess of the MOE that are needed to provide IHSS services. The costs of these new positions exceed the required Maintenance of Effort and, as a result, will be incurred by the State.

**ALTERNATIVES:**

Should the Board decline to adopt the Resolution for additional IHSS personnel, and decline to approve the supporting Budget Transfer Request, the County may not be able to meet the requirements of new federal regulations, which could result in sanctions against IHSS providers for failing to comply with the new overtime regulations.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

County Counsel

**CAO RECOMMENDATION:**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT:**

There is no Net County Cost associated with this Agenda item. The IHSS Program is funded through a combination of State and County Realignment funds, as well as federal Medicaid billing. The County's required match for IHSS administration and services is limited to the County's Maintenance of Effort, as established by the State. Under current State statute the addition of staff will have no fiscal impact to the County, as County costs exceeding the total MOE level will be shifted to State General Fund. Should in the future the State adjust responsibility for costs exceeding the established MOE to the County, reduction of these positions may be necessary.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

Clerk of the Board to provide one (1) certified Resolution to HHSA at 3057 Briw Road, and one (1) certified Resolution signed by the Chair to Human Resources at 330 Fair Lane.

**STRATEGIC PLAN COMPONENT:**

Health and Human Services Agency Goal 3: Program Effectiveness/Integration: To develop collaborative partnerships and community networks that focus on quality, performance standards, outcomes and accountability through mutual goals and continuous improvement.

**CONTACT**

Don Ashton, M.P.A., Director