



## Legislation Details (With Text)

**File #:** 15-1462      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 12/10/2015      **In control:** Board of Supervisors

**On agenda:** 1/5/2016      **Final action:** 1/5/2016

**Title:** Health and Human Services Agency (HHS), Community Services Division, recommending the Board of Supervisors, acting as the Governing Board of the El Dorado County In-Home Supportive Services, Public Authority (IHSS PA):

- 1) Approve and authorize the Chair to sign Memorandum of Understanding (MOU) 310-M1610 between El Dorado County IHSS PA and United Domestic Workers of America, AFSCME Local 3930 for the term July 1, 2013 through June 30, 2017;
- 2) Pursuant to the terms and conditions contained in MOU 310-M1610, authorize the HHS Director to submit to the State of California, the rate sheets adjusting the IHSS PA care provider benefits and wages, during the pay period that includes March 1, 2016; and
- 3) Pursuant to the terms and conditions contained in MOU 310-M1610, authorize the HHS Director to submit to the State of California, the rate sheets for the IHSS PA care provider wage increase effective the first full pay period that includes July 1, 2016.

**FUNDING:** State Funding and General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved Contract Routing Sheet 1-5-16, 2. B - UDWA MOU 310-M1610 1-5-16, 3. Executed UDWA MOU 310-M1610, 4. C - Rate Change 1-5-16

Date	Ver.	Action By	Action	Result
1/5/2016	1	Board of Supervisors	Approved	Pass

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

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**FUNDING:** State Funding and General Fund.

**DEPARTMENT RECOMMENDATION**

The County and United Domestic Workers of America, AFSCME Local 3930 (UDWA), on behalf of In-Home Supportive Services Public Authority (IHSS PA) care providers, have been in wage and benefit contract negotiations since July 2013. Both parties reached agreement, resulting in MOU 310-M1610. MOU 310-M1610 was ratified by UDWA on December 3, 2015. The term of the MOU is July

1, 2013 through June 30, 2017. Health and Human Services Agency (HHSA) is recommending the Board of Supervisors, acting as the Governing Board of the El Dorado County IHSS PA, approve and authorize the Chair to sign MOU 310-M1610.

## **DISCUSSION / BACKGROUND**

Each County in California is required to operate an In-Home Supportive Services 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 individual recipient of services is not only the consumer of the services, but is also the actual employer of each IHSS PA care provider, holding all powers and responsibilities of employers with the exception of determining the total number of hours that may be worked each week and the salary and benefit levels. Historically, the IHSS PA care providers were paid minimum wage and had no benefits. Pursuant to Welfare and Institutions Code Section 12302.25, enacted in 1999, each county was required to establish, on or before January 1, 2003, an employer of record for IHSS PA care providers for the sole purpose of collective bargaining. This provided individual IHSS PA care providers with the opportunity for representation by unions to negotiate for wages and benefits. Additionally, on June 10, 2002, the El Dorado County Board of Supervisors established, by Ordinance Section 8.78.030, an IHSS PA for the purpose of serving as employer of record for individual IHSS PA care providers. The Board of Supervisors acts as the Governing Board for the IHSS PA, and HHSA was designated to administer this program on behalf of the County. Further, the IHSS PA is responsible for ensuring access to skilled providers for IHSS recipients and providing training and support for a positive working relationship that improves the delivery of the IHSS program. In March of 2003, UDWA successfully established itself as the bargaining unit for IHSS PA care providers in El Dorado County. On June 18, 2013, the Board of Supervisors approved Agreement for Services 518-S1311 with Liebert Cassidy Whitmore to negotiate with UDWA, on behalf of the Governing Board (File ID 13-0668, Item 20).

With the existing MOU between El Dorado County IHSS PA and UDWA set to expire on June 30, 2013, the Board of Supervisors approved continuation of the existing terms and conditions in existing MOU, while the County engaged in negotiations with UDWA for a new MOU (File 12-0565, Item 40). Accordingly, the County and UDWA reached a tentative agreement that was ratified by UDWA on December 3, 2015, and now being presented to the Governing Board of the El Dorado County IHSS PA for final approval.

Pursuant to a change in the California minimum wage, IHSS PA care provider wages will increase to \$10 per hour effective January 1, 2016. This wage increase is not a negotiated term of MOU 310-M1610. Further, Attachment "A" marked "Trust Document," will be updated at a later date to reflect the approved and ratified changes in the MOU.

Key provisions of MOU 310-M1610 includes the following:

1. During the pay period that includes March 1, 2016, the IHSS PA care provider wages will increase from \$10.00 per hour to \$10.40 per hour. The increase in wages is a result of a shift of \$0.40 per hour from benefits to wages, leaving \$0.20 per hour to fund dental and vision benefits. UDWA and the County mutually agreed to shift funding from healthcare benefits to funding for dental and vision benefits. Additionally, there will be no change in the Maintenance of Effort for the Public Authority and no impact to the General Fund. The Maintenance of Effort requirement is in lieu of paying a share of the non-federal costs for IHSS services and IHSS PA administration.
2. During the pay period that includes July 1, 2016, IHSS PA care provider wages will increase from

\$10.40 per hour to \$10.60 per hour, resulting in General Fund increase totaling approximately \$40,000/year. There will be no change in dental and vision benefits.

3. IHSS care providers who work more than 60 hours per month are eligible for dental and vision benefits, which are administered entirely by UDWA.

HHSA requests that the Board of Supervisors, acting as the Governing Board of the El Dorado County IHSS PA, approve ratified MOU 310-M1610, and permit the HHSA Director to submit to the State of California, rate sheets relative to the wage increases and benefit change.

### **ALTERNATIVES**

Failure to approve MOU 310-M1610, as ratified by the UDWA Union, will require IHSS PA care providers to work under the terms and conditions of the expired MOU, and will require the Board of Supervisors to re-enter into negotiations with UDWA. Additionally, disapproval of MOU 310-M1610 would cause the County to be out of compliance with Welfare and Institutions Code Section 12302, as well as County Ordinance 8.78.030.

### **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 MOU through June 30, 2016. Due to the salary increase to \$10.60/hour effective July 2016, there will be an annual General Fund increase totaling approximately \$40,000/year beginning in FY 2016/17.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

1. Clerk of the Board to obtain signature of Chair on two (3) original Memorandums of Understanding 310-M1610.
2. Clerk of the Board to return two (2) fully executed Memorandums of Understanding to HHSA at 3057 Briw Road.
3. Clerk of the Board to provide one (1) Certified Minute Order to HHSA at 3057 Briw Road.

### **STRATEGIC PLAN COMPONENT**

N/A

### **CONTACT**

Don Ashton, M.P.A., Director