



## Legislation Details (With Text)

**File #:** 20-0113      **Version:** 1

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

**File created:** 1/15/2020      **In control:** Board of Supervisors

**On agenda:** 2/11/2020      **Final action:** 2/11/2020

**Title:** Health and Human Services Agency recommending the Board, acting as the Governing Body of the El Dorado County In-Home Supportive Services Public Authority, approve and authorize the Chair to sign Memorandum of Understanding (MOU) UDWA/IHSS-2020 between the El Dorado County In-Home Supportive Services Public Authority and United Domestic Workers of America, AFSCME, Local 3930, AFL-CIO for the term of June 30, 2017 through December 31, 2024.

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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - El Dorado 2017-2024 MOU Signed - 20-0113 - 020420, 2. Executed Memorandum of Understanding EDCIHSS-UDWA

Date	Ver.	Action By	Action	Result
2/11/2020	1	Board of Supervisors	Approved	Pass

Health and Human Services Agency recommending the Board, acting as the Governing Body of the El Dorado County In-Home Supportive Services Public Authority, approve and authorize the Chair to sign Memorandum of Understanding (MOU) UDWA/IHSS-2020 between the El Dorado County In-Home Supportive Services Public Authority and United Domestic Workers of America, AFSCME, Local 3930, AFL-CIO for the term of June 30, 2017 through December 31, 2024.

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### **DISCUSSION / BACKGROUND**

The County contracted with Industrial Employers & Distributors Association (IEDA) to represent the County in negotiations with United Domestic Workers of America. Following previous negotiation models, on November 8, 2019, United Domestic Workers of America (UDWA) and representatives from the Health and Human Services Agency acting as representatives of the In-Home Supportive Services Public Authority, tentatively agreed to a new Memorandum Of Understanding (MOU) with a retroactive term extending from June 31, 2017 through December 31, 2024, including a wage that includes the higher of state or federal minimum wage plus an additional \$.50 per hour in year one of the four-year agreement, with no other increases. The UDWA members voted to ratify the tentative agreement on December 19, 2019, and the MOU was processed for signatures.

In preparation for this item, the County submitted the proposed rate increase to the State for approval on January 31, 2020. Subsequent to approval by the Board, the rate will become effective April 1, 2020. The rate change would be applied to payments beginning April 1, 2020.

### **History:**

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 IHSS program allows individuals who are recipients of these services to live safely in their homes rather than in costly and less desirable out-of-home placement facilities. Under the current model, the individuals benefiting from these services are the employers of each individual provider, holding all powers and responsibilities of employers with the expectation of determining the total number of hours that may be worked during each work week as well as the salary and benefit levels.

Pursuant to Welfare and Institutions Code Section 12302.25, enacted in 1999, each County was required to establish an employer of record for IHSS PA care providers with the opportunity for representation by unions to negotiate for wages and benefits. As a result, on June 10, 2002, the El Dorado County Board of Supervisors established by Ordinance (Section No. 8.78.030) an IHSS Public Authority (IHSS PA) for the purpose of serving as the employer of record for the individual providers of services. The Board of Supervisors acts as the Governing Board for the IHSS PA and, as such, designated the Health and Human Services Agency to administer this program on behalf of the County. The IHSS PA is also responsible for maintaining caregiver registries, providing IHSS consumers with caregiver referrals, and providing for consumer and caregiver training.

In March of 2003, the United Domestic Workers of America (UDWA), NUHHCE, AFSCME, AFL-CIO, successfully established itself as the bargaining unit for caregiver providers in El Dorado County. Subsequent Memorandums of Understanding have been agreed to and approved by the Board of Supervisors, acting as the IHSS PA Governing Body, the most recent of which was approved by the Board on January 5, 2016 (Item #15-1462), whereas the Board approved a Memorandum of Understanding (#310-M1610) with UDWA with a term from July 1, 2013 through June 30, 2017. Pursuant to the MOU, the Director of HHS was authorized to submit rate sheets adjusting the IHSS PA care provider benefits and wages to the State of California, commensurate with changes in California minimum wage.

Prior to July 1, 2012, the IHSS program was funded by Federal/State/County cost sharing ratios established by State law; historically, IHSS service providers were paid minimum wage. However Senate Bill (SB) 1008 (2012) and 1036 (2012) established a Maintenance of Effort (MOE) for all counties to be effective July 1, 2012, in lieu of the State/County cost sharing ratios for IHSS Administration and Services and IHSS Public Authority administration. The County's MOE for FY 2012-13 was based on actual expenditures for IHSS services and the full match amount of the County's IHSS administration allocation in FY 2011-12. Pursuant to Welfare and Institutions Code Section 12306.15(e), the County's MOE was adjusted to reflect increases in minimum wage, as required by Assembly Bill 10. In the Governor's current budget, an MOE adjustment is included at a rate of 7% for Fiscal Year 2019-20. It is projected the MOE adjustment will be at a rate of 4% annually beginning in Fiscal Year 2020-21 and continuing through Fiscal year 2023-24.

As a result, the previous MOU with UDWA (MOU # 310-M1610) included key provisions tying fixed amount wage increases to specific pay periods during the full term of the agreement, as well as identifying eligibility requirements for dental and vision benefits administered entirely by UDWA. MOU # 310-M1610 expired June 30, 2017.

## **ALTERNATIVES**

Failure to approve the negotiated MOU would result in continued negotiations with UDWA.

## **PRIOR BOARD ACTION**

1) 1/5/2016, Item #15-1462. HHS UDWA MOU.

2) 6/25/2013, Item #12-0565. Continue IHSS PA/UDWA MOU

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

**CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT**

A negotiated increase of \$.50 per hour is anticipated to cost the County approximately \$953,907 over the full term of the agreement beginning FY 2019-20. The Governor's current budget includes a 4% adjustment beginning FY 2020-21. The 4% adjustment occurs annually through FY 2023-24, resulting in anticipated increased allocation of approximately \$125,000 each year. The program is currently funded with Discretionary Social Services 1991 Realignment Funding, but if those funds are exhausted, the program would require supplemental funding from County General Fund. The FY 2019-20 fiscal impact is minimal and is included in the FY 2019-20 Adopted Budget.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain signature of Chair on three (3) original Memorandums of Understanding IHSS-2020.
- 2) Clerk of the Board to return two (2) fully executed Memorandums of Understanding to HHSA at 3057 Briw Rd.
- 3) Clerk of the Board to provide one (1) Certified Minute Order to HHSA at 3057 Briw Rd.

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

Don Semon, Director