



# County of El Dorado

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## Legislation Text

**File #:** 10-0792, **Version:** 1

Department of Human Services recommending the Board, as the Governing Board of the In-Home Supportive Services Public Authority, authorize the Chair to sign Amendment 1 to Agreement for Services 075-S1010 with Industrial Employers and Distributors Association, doing business as IEDA, Inc., increasing the total not to exceed amount by \$19,000 from \$25,000 to \$44,000 and extending the term for an additional year to provide consultation and advice on employer-employee relations to the El Dorado County In-Home Support Services Public Authority during the term October 1, 2009 through September 30, 2011.

**FUNDING:** 85% Federal/State In-Home Supportive Services Public Authority Funds with 15% required County General Fund Match.

<b>BUDGET SUMMARY:</b>		
Total Estimated Cost		\$44,000.00
Funding		
Original Contract	\$25,000.00	
Amendment 1 Increase	\$19,000.00	
Total Funding Available	\$44,000.00	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost: No change.

Funds for this service are included in the Department's FY 10-11 Recommended Budget and will be included in the FY 11-12 County Budget Budget request.

### Compensation for Services:

Payments to Contractor are made monthly in arrears and within 45 days following the County's receipt and approval of itemized invoices identifying services rendered. Allowable services are detailed on page 2 of the original Agreement under Scope of Services.

### Termination:

Agreement includes the County's standard Fiscal Considerations termination language, as well as a provision for the County to terminate Agreement without cause in seven (7) calendar days upon written notice.

### Background:

Each county in California is required to operate an In-Home Supportive Service (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 individual recipient of services is not only the consumer of the services, but is also the actual employer of each individual 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 individual 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 care providers for the sole purpose of collective bargaining. This provided individual IHSS caregiver providers the opportunity for representation by unions to negotiate for wages and benefits. On June 10, 2002 the El Dorado County Board of Supervisors established by ordinance an IHSS Public Authority (IHSS PA) for the purpose of serving as employer of record for individual providers of services. The Board of Supervisors acts as the Governing Board for the IHSS PA and designated the Department of Human Services to administer this program on behalf of the County. Additionally, the IHSS PA is responsible for maintaining caregiver registries, providing IHSS consumers with caregiver referrals and providing for consumer and caregiver training. In March of 2003, United Domestic Workers of America (UDWA) successfully established itself as the bargaining unit for caregiver providers in El Dorado County. The County hired Industrial Employers and Distributors Association (IEDA) to provide consultation services and the expertise to negotiate with UDWA on behalf of the Governing Board. IEDA negotiates IHSS PA contracts throughout the state and is aware of the latest state, administrative and political issues relative to County IHSS PA and UDWA negotiations.

**Reason for Recommendation:**

On September 29, 2009 the Board authorized the Chair to sign Agreement 075-S1010 with IEDA to provide consultation and advice on employer-employee relations to the El Dorado County IHSS Public Authority during the term October 1, 2009 through September 30, 2010. 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. IEDA assisted the El Dorado County IHSS PA in establishing the first Memorandum of Understanding (MOU) between the IHSS PA and UWDA, which expired November 30, 2007. The County has contracted with IEDA since October 2007 to assist the IHSS PA in negotiations for a successor MOU which was finalized April 13, 2010 for the term June 1, 2009 to June 30, 2010. As the successor MOU expired June 30, 2010, negotiations remain on-going and the continuing services of IEDA are recommended to advise and consult with the Governing Board and the Director of Human Services on all matters relating to employment conditions and employer-employee relations of the IHSS provider caregivers.

**Action to be taken following Board approval:**

1. Chair to sign two (2) originals of Amendment 1 to Agreement 075-S1010
2. Board Clerk's Office to return one (1) original Agreement to Human Services at 3057 Briw Road
3. Human Services to distribute as appropriate

**Contact:** Daniel Nielson, 642-7275

**Concurrences:** County Counsel, Risk Management and Human Resources