



**THE IN-HOME SUPPORTIVE SERVICES
ADVISORY COMMITTEE**

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**STANISLAUS COUNTY
IN-HOME SUPPORTIVE SERVICES ADVISORY COMMITTEE (IHSSAC)
MEETING MINUTES
11/15/2013**

Committee Members Present: Linda White Marie Cochran
Joan Blackwell Valerie Mitchell
Connie Muller
Carmen Morad

Committee Members Absent: Rose Martin

Other Guests:

IHSS & Link2Care Staff Present: Jeff Lambaren Stephy Tracey
Cherise Babb

OPENING REMARKS by Linda White

- Meeting called to order at 1:15 p.m.

PUBLIC COMMENT

- None

ACCEPTANCE OF MINUTES

- Meeting minutes from the July 19, 2013, and September 20, 2013 were accepted.

PUBLIC AUTHORITY UPDATE

- Terms are up for Valerie Mitchell, Marie Cochran, Joan Blackwell, Carmen Morad and Anand Magoon. The names of Committee Members who are willing to serve another term need to indicate their desire and the information will be forwarded to the Board of Supervisors for reappointment.
- The remaining 25 counties went live on the new Case Management, Information and Payrolling System (CMIPS) II Monday, November 4th. The entire State is now on the new system. When new counties join, issues always arise, items such as duplicate records. Under the new system there can be only one master record. If a Provider worked in multiple counties, there will now be only one master record with all of the cases associated with that Provider linked. Locally, we are hoping to have the processing issues go smoother as all the counties are now using one system. Getting

good reports out of the new system continue to be an issue: for example, a management report that was formerly a few pages with much critical information has now been split into 5 reports. There are multiple workgroups from the counties that are working with the State to improve the reporting system.

- Handout from the US Department of Labor, “Wage and Hour Division (WHD). Fact Sheet #79A: Companionship Services Under the Fair Labor Standards Act (FLSA).” In 1974, Congress extended Fair Labor Standards Act (FLSA) coverage to workers who perform “domestic service.” The law also exempts certain domestic service workers from the FLSA’s minimum wage and overtime provisions. Domestic service workers employed to provide “companionship services” for an elderly person or a person with an illness, injury, or disability are not required to be paid the minimum wage or overtime pay if they meet certain regulatory requirements. The Department of Labor amended its regulations to revise the definition of companionship services that are exempt from FLSA protection. Under the revised regulations, effective January 1, 2015, the term “companionship services” means the provision of fellowship and protection for an elderly person or a person with an illness, injury, or disability who requires assistance in caring for himself or herself. The term “companionship services” also includes the provision of care, when the care is provided attendant to and in conjunction with the provision of fellowship and protection, and does not exceed 20 percent of the total hours worked per Recipient and per work week. Minimum wage and overtime now apply to the IHSS program. The question that all have been asking is how is the State going to address the overtime issue? Also of concern is the issue of working for multiple Recipients, will each be treated as a separate employer? Also of concern, counties are hearing that Waiting Time and Travel Time, which are currently not compensated, would be required to be paid. Based on these examples, significant program changes are possible. When the Governor releases his Budget in January, 2014 it should show which direction the State will take to address the change in Federal rules.
- Handout from the US Department of Labor, “Fact Sheet: Application of the Fair Labor Standards Act to Domestic Service, Final Rule.” This offers some general background information regarding the Major Provisions affected by the Final Rule regarding companionship services.
- Handout, “Value the Care!” On October 1, 2013 the US Department of Labor published its Final Rule narrowing the “companionship exemption” under the Fair Labor Standards Act. As a result, beginning January 1, 2015, most home care workers will be guaranteed federal minimum wage and overtime protections for the first time. The California minimum wage will be raised to \$9.00/hour effective July 1, 2014. Caregivers making under \$9.00 per hour will automatically be raised to \$9.00/hour.
- Handout, Link2Care. This is the existing Registry Provider/Recipient Eligibility and Complaint Policy. The purpose of this policy is to clearly define the application requirements, causes for exemption, causes for removal, complaint processes and the appeals process for both IHSS Providers and Recipients. It was requested that the Committee review the policies to provide input at the next meeting.

BUDGET UPDATE

- None

LEGISLATIVE UPDATE

- The Legislature will go into recess in mid-December; but with the start of the New Year the legislative cycle will start again and there should be more information to report at the next meeting.

FURTHER ACTION PLANNING FOR 2014

- Linda asked if a little article regarding the committee could be included in the AAA Newsletter. Perhaps a little paragraph in their newsletter with information about the committee and our meeting schedule.
- What is the status of our committee retreat? Jeff has a call into County Counsel and has received no response yet. Ethics training could be provided at our meeting.
- Carmen asked if members would be interested in having a presentation by Behavioral Health at one of our meetings. Excellent, free training is available. Topics such as coping with depression, anxiety, suicidal tendencies, prevention/early intervention and outreach are included in the training. She has attended this training and found it to be quite informative and useful.
- Connie has provided an article for the IHSS Advisory Committee Newsletter. We do not have a copy of that today. Other suggestions to include in our newsletter such as holiday stories or favorite recipes. We could publish the newsletter on-line. It would save money.

COMMITTEE MEMBERS REPORT

- None

MEETING SCHEDULE FOR NEXT CALENDAR YEAR

- Beginning in January, 2014, how often would members like to meet? Every 2 months? Monthly? Members voted and chose to meet monthly. First choice – the 2nd Friday. Second choice – the 4th Friday. Third choice – 1st Friday. There would be no meeting in December. That would leave 11 meetings for the year. Jeff will check the availability for the room reservations. We will send out advance notice for the January, 2014 meeting and have a meeting schedule.

AGENDA ITEMS FOR NEXT MEETING

- Public Comment
- Acceptance of Meeting Minutes from November 15, 2013 meeting
- Public Authority Update
- Budget Update
- Legislative Update
- Further Action Planning for 2014
- Meeting Schedule 2014
- Committee Members Report
- Agenda Items for Next Meeting