



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

**Jeffrey M. Lambaren**  
**Executive Director**  
251 E. Hackett Rd.  
Modesto, CA 95358  
Phone: 209.558.1650  
Fax: 209.558.2681

**STANISLAUS COUNTY  
IN-HOME SUPPORTIVE SERVICES ADVISORY COMMITTEE (IHSSAC)  
MEETING MINUTES  
08/15/2014**

Committee Members Present: Linda White Valerie Mitchell  
Joan Blackwell Connie Muller  
Rose Martin Marie Cochran

Committee Members Absent: Carmen Morad

IHSS & Link2Care Staff Present: Jeff Lambaren

**OPENING REMARKS by Linda White**

- Meeting called to order at 1:00 p.m.

**PUBLIC COMMENT**

- No public in attendance

**ACCEPTANCE OF MINUTES**

- Meeting minutes from the July 18, 2014 meeting were accepted.

**PUBLIC AUTHORITY UPDATE**

- Handout – CICA Executive Call 08/13/14 Minutes Membership update = 23 county members. Membership Outreach - Work will be done developing a plan to encourage individuals to join CICA. The next 2 monthly calls – August 20<sup>th</sup> and September 17<sup>th</sup> at 10:00 a.m.
- Handout – Value the Care! Minimum Wage and overtime for home care workers. States must prepare now for the new regulations to take effect on 01/01/15. Jeff pointed out the interesting FLSA “companionship exemption” timeline from 1938 - 2013 on pages 3 and the website information on page 4.
- Handout – Draft of IHSS Program Overtime and Workweek Requirements Recipient Declaration form (SOC 426A). Every recipient will be required to sign this revised form. Key notes: changes in Welfare and Institution Code (WIC) section 12300.4 of overtime and workweek start and end time; the recipient will receive a notice which will inform them of total weekly authorized hours; the process for county approval to work more than authorized weekly hour (flexible); notice of violation to overtime rule and the consequences; meal period break of at least 30 minutes where they are completely relieved of providing authorized services; and reporting any provider change within 10 calendar days.

- Handout – Draft IHSS Recipient Designation of Provider (SOC 426A). Every recipient will be required to complete and sign this revised form for EACH provider they designate. Key notes: Understanding that the provider cannot be paid until they complete the entire provider enrollment process; recipient responsibility to pay provider if provider is determined to be ineligible to perform authorized IHSS services; that the County or State is not liable to any claims and/or losses caused by the provider and overtime and workweek rules noted above.
- Handout – Draft Violation Process – breakdown of process.
  - First Violation: Provider will receive a written warning.
  - Second Violation: Provider will receive second written warning will be required to attend a mandatory training session at the county level. Failure to attend the training session within 14 calendar days of the date of the violation notice will result in a third violation.
  - Third Violation: Provider will be suspended from the IHSS program for 6 months.
  - Fourth Violation: Provider will be suspended from the IHSS program for 1 year. After this completion of this suspension, the provider must re-enroll in the IHSS program if he/she wishes to provide IHSS services again.
- Handout – Draft IHSS Provider Enrollment Agreement (SOC 846). Every provider will be required to sign this revised form. Key notes: Provider will be required to attend provider orientation. If the provider was a provider on or before 10/31/09, they have an option to attend the orientation or directly from the county IHSS office. Requirements that during the orientation they are given requirements and responsibilities to be an eligible IHSS provider; consequences of committing fraud and how to report fraud. Demonstration on how to complete their timesheet; workweek and overtime rules, violation of overtime consequences; travel time process, completion requirement of Forms I-9 and W-4; and notification process for recipient while away from home.
- Handout – Draft IHSS Recipient Request for Assignment of Authorized Hours to Providers (SOC 838). Mainly for recipients who have multiple providers to assign authorized hours to each of them.
- Handout – Draft IHSS Provider Workweek and Travel Time Agreement (to be completed by a provider who provides authorized services to multiple recipients) (SOCXXXX). Key Notes: Provider requirements under WIC section 12300.4; provider's responsibility to ensure that total hours worked for all recipients do not total more than 66 (61) hours per week; violation of overtime consequences; instructions on how to complete form and travel time (same day from recipient to recipient) form.
- There will be a 3 month (January 1st – March 31st) hold harmless training transition period with no violations cited until April 1<sup>st</sup>.
- As a result of the Supreme Court ruling on Harris v Quinn, in your August 1<sup>st</sup>-15<sup>th</sup> paycheck you shouldn't see union dues taken out if you are a non-union member. The Court's ruling invalidated the deduction of dues from non-union members. Providers now must choose to pay dues to the union.
- The PA is working on getting a nurse to give personal care training to registry providers.

## **BUDGET UPDATE**

- No updates.

## **LEGISLATIVE UPDATE**

- AB 485 – This bill would shift collective bargaining to State instead of Public Authority. Introduced late last session and reintroduced this year. It made it out of the

Appropriation Committee and proceeded to the Assembly for final vote. The governor has indicated his opposition to it, so it would likely be vetoed.

- AB1522 –This bill, effective July 1, 2015, requires employers to provide at least three paid sick days for an employee who works in California for 30 days or more, unless the employee was otherwise represented by a collective bargaining agreement, as specified. The Department of Finance is opposed to this bill due to its fiscal impact. While the bill may reduce the impact of lost productivity related to sick employees showing up to work, it results in significant unbudgeted state General Funds costs.

#### **FURTHER ACTION PLANNING FOR 2014**

- Draft of newsletter on hold until we get more information on new forms. Send newsletter items to Jeff – Rose Sept and Marie Oct – anything, trips, caretaker, volunteer work. It doesn't have to be related to IHSS.

#### **OTHER DISCUSSION**

- Getting the word out about IHSS services. Right now getting about 600 applications per month. Some are denied or withdrawn. About 2 months wait to go out and complete the application. Easier to sign up family members as providers than non-family (usually takes more than 3 months w/o payment, but will pay in arrears if provider is approved). Jeff will bring the current IHSS brochure to next meeting to review.

#### **COMMITTEE MEMBERS REPORT**

- None

#### **AGENDA ITEMS FOR NEXT MEETING**

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

*Debi Baker, Recorder*