

CICA State Call

June 18, 2014

Minutes

On the call (not everyone):

Paul Van Dorf	Teresa Staples
Todd Metcalf	Shirley Adams
Doug Weir	Greg Wilde
Chandra Livingston-Blanks	Leoma Lee
John Stansbury	Richard Rangel
Janie Whiteford	Donlie Damente
Frank	Kim Porter
Ted Jackson	Cindy Calderon
Kelly Dearman	Karen Kessler
Lena Berlove	Deborah Kindley

Some names were missed...

Karen Kessler began our meeting discussing the FLSA and Governor Brown's proposal of capping care providers to only be allowed to work 40 hours per week, no over-time. Legislation did not agree and a compromise was agreed to enabling care providers could work over-time, still capped at 66 hours per week. It was figured by dividing the maximum hours a recipient could receive by the weeks of the month (283 hours ÷ 4.33 weeks = 66 hours per week).

The Legislation agreed to a hard-fast number of hours an individual could be paid: 40 hours per week straight time and no more than 26 hours per week time-and-a-half. This applies to individuals with maximum allotted hours of 283 per month. (**NOTE:** *It should be noted at this time individuals receive the NOA showing a monthly total; in the future your monthly total hours will be shown as weekly totals.*)

It was also shared there may be individuals who work for more than one recipient and they would exceed the allowed hours to be worked in a week. There is a possibility the local county Social Worker could approve this, but more research needs to be followed through if this is correct or not, more clarification is needed. SEIU on its site ([click here](#)) has an explanation of the agreement and what is in the trailer bill on how this could work, but clarification is still needed.

The FLSA requires that travel must be paid when traveling from one recipient to the next. The budget limits travel between multiple consumers per week to 7 hours to be claimed by the provider per week. When this goes into effect the allotted hours will go from a total monthly amount to a weekly amount in order to allow the state to keep track of time under the FLSA.

The legislation did not rescind the 7% cut as even though revenues are estimated to be higher.

Under the FLSA new over-time procedures there will be a grace period from January 1 through March, 2015 individual can submit over-time and there will not be a penalty if they go over the approved amount (66 hours per week). But there are statues that those who do go over the allowed over-time routinely they could be terminated by the Department of Health Services. The new FLSA rules has confusing language leaving several questions to be researched about over-time and termination at this time and as it becomes clear it will be shared.

Question: Do they plan on doing two timesheets, one for regular time and one for travel time? CAPA and County Welfare Workers recommended there be separate time sheets (many providers on have one consumer), but the state has not responded yet to email sent earlier. There will be new timesheets to meet FLSA requirements and the Americans with Disabilities Act for visionally impaired. The state proposes to create 6 focus groups involving the unions, public authorities, and other stakeholders to work on timesheets and other concerns.

Question: Is the 283 hour cap apply to the recipient only or provider? The statue states 283 hours are for the severely disabled and 195 for non-sever disabled consumer. It is not clear if you have multiple consumers as a provider if you can work more than the cap set at 66 hours per week. Though it is thought a County Social Worker may approve working more for those with multiple consumers more research needs to be looked into about this before it is followed. More clarification to follow as it comes in.

Question: When will this be rolled out to our consumers and providers?
Implementation date is January 1, 2015. When will information this be implemented to make our consumers aware? It is not set in stone but it I expected the state will be sending out All County Letters (ACL) and so forth within the next few months.

Question: Will a provider be limited to 40 hours per week? As in the trailer bill it states a provider cannot work more than 66 hours per week. With multiple consumers this needs to be clarified, especially for providers who may work more than 66 hours per week serving multiple clients. There is much needed clarification needed on this.

Question: Need to clarify travel time for the consumer or client. Referring to travel and wait time to and at a medical visit the provider will need to be compensated for this under the FLSA. If a provider has multiple clients they can be paid for travel from one client to another client (this is up to 7 hours per week). Travel to take a client to a doctor and wait time is also compensated; did not see limits on this, but it needs to be stipulated that there may be changes once language in the trailer bill is clarified.

Comment: Concern expressed about confusion and not having clarification – everything sounds very confusing and is complicated. It is a good thing we have six months before this takes effect. The state has a strong need in getting the information out in a timely manner and is working hard to get consumers educated prior to it taking affect.

Question: Will the wait time and travel time count against the 66 hours? Yes, it was the way the trailer bill is read.

The question to be answered for providers who do have multiple clients and work over 66 hours per week, can a County Social Worker approve this?

It will be the responsibility of the recipient to know how many hours the care provider works.

Question: Does the 66 hours cap per week have anything to do with a back-up system. There was no back-up system in the trailer bill language. The legislature did put in the trailer bill that it is the responsibility of the consumer to hire care providers to meet their needs and not exceed allotted hours. No mention of a back-up system.

Question: WPPS hours has more than 283 hours and wondered how this affected workers. Deborah Doctor is working on clarification of Waiver hours and it is better to answer this when a correct answer can be provided.

Question: Travel hours to the doctor and waiting hours will it count against hours allotted to the consumer? No clear answer available.

=====

Ted Jackson from CFILC – DCAD held on May 21, 2014. There were approximately 1500 in attendance at the DCAD held in Sacramento. This was sponsored by the Disability Action Coalition made up of 40 different organizations. Each year has been different in who takes a significant role in DCAD, to name a few: California Foundation for Independent Living, California Association of Public Authorities, Disability Right of California, and others, all important to making this yearly activity successful.

Had great speakers

This year Senator Hannah Beth Jackson was the legislative sponsor and others for their support and work towards legislation to improve the lives of the disabled and elderly in the State of California.

A solidarity march began the day with a mini rally with Christine Garcia from the Assembly and Jim Bell of the Senate speaking. The focus of the rally was towards youth to further include them in activities; the youth were who planned the rally with adult assistance – it is hoped to create more involvement by the youth.

The resource fair had 45 participants providing resource booths with an increase of 57 members joining Disability Organization. The resource fair has grown each year providing information about activities, equipment, and advocacy information.

Had many great speakers on stage with many legislators who all seemed eager to speak within their time schedules as arranged.

Dream Weavers were thanked for the music provided. The members of the band are all autistic and have been playing together for various venues for a few years. Traveled to different parts of the world; travel to China was noted.

All survey responses were positive and had favorable suggestions for next year. Surveys help in planning next year's DCAD.

At the last minute many unions pulled out of DCAD and though they did not participate some did not withdraw their funding. It is understood Union contributions will be returned. It was noted many unions that have participated in DCAD in the past are not in support of the "Fair Wages and Home Care Training Act of 2013" initiative introduced by SEIU-UHW. Even though, the unions choose to stay away from DCAD fearing union bashing.

It was understood random signatures are being verified by the Secretary of State regarding the proposed initiative by SEIU-UHW and so far it does not look like it will make this year's ballot.

DCAD to change future involvement and Bud Sailes and a group of individuals are to write up a new mission and by-laws for DCAD. It has been decided to only involve individuals, organizations, and groups representing the disabled in making plans for future DCADs. This is to target more activities and concerns the disabled community may have; others are able to participate through sponsorships and other activities.

In looking at the future it was decided to return funds received by a few unions. When it was heard that the Unions were not going to participate financially it was noted 65% of what they usually contributed was provided by other sponsors within a couple days. This was a good sign and provided much support in DCADs new direction in the future. CAPA doubled its contribution along with receiving individual donations from people.

The date has been set for next year's DCAD, May 20, 2015 – Mark it on your calendars.

Other County IHSS Boards or Committees are requested to forward their minutes and agendas to Charlie Bean Info@CICAIHSS.org. Will post on CICA site.

Orange County is hoping to have a full board in a few months. They hope to start monthly conference calls similar to LA. Looks for community activities they can participate in, please share ideas on how Orange County may participate in community activities.

Janie thanked Cindy for her service as president this past couple of years and looks forward to her work as a regional vice-president.

Concern expressed about possible fraud – provider recording and taking more time than authorized. Recipient paid out-of-pocket to one provider. It was agreed that this was an issue that should involve APS as well as further investigation by the County where this client was located.

Bean reported CICA has \$15,564.91 in checking.

Other discussion items were not presented due to individuals not being on the call – individuals left due to loud music from a phone being placed on hold. Other distractions happened during the call interrupting speakers – those who call in need to “mute” their phones.

Bean has to learn more about moderating these calls.

cb