

CICA State-wide Call
August 20, 2014
Notes

Roll call:

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|--------------------------|-----------------|
| Bud Sayles | Teresa Sable |
| Janie Whiteford | Deborah Kindley |
| Cindy Calderon | Michelle Geving |
| Falisha ? | Chris Otero |
| Phan Vu | Karen Keesler |
| Ruben Romero | William Reed |
| Paul Van Dorn | Leoma Lee |
| Heidi Aharonian | Ron Schultz |
| Chandra Livingston-Blank | Todd Metcalf |
| Teresa Wright | Sidney Anderson |
| Jannetji Vrieze | Louis Lopez |
| Louise Osejo | Rich Simonson |
| Fran Smith | Pam Partee |
| Nancy Reding | Jan Clark |

Please help with names, if you were on the line email me with your name, correct spelling and so forth.

Member update: We have 24 members and notified Merced will be joining.

Legislation (K. Keesler): Reminded everyone Legislation will be adjourning August 31, 2014. Important to get several bills passed.

- **AB 1703:** In-home supportive services: reading services for blind and visually impaired recipients.

Summary: This bill would include within the definition of supportive services assistance in reading and completing financial and other documents essential for completing activities of daily living for a recipient of services under the IHSS program who is blind or visually impaired, or who has another disability that significantly impairs his or her ability to read. By expanding the scope of available services under the IHSS program, this bill would impose a state-mandated local program.

This has been introduced and strongly supported by the Council of the Blind. This

bill needs to be watched and pushed for passage.

- [AB 485](#): In-Home Supportive Services: Disconnects implementation of statewide collective bargaining authority for the In-Home Support Services (IHSS) program from the state's Coordinated Care Initiative (CCI) and implements it separately under the new statewide California IHSS Authority (Statewide Authority) beginning January 1, 2015.

Summary: Existing law conditions implementation of the Coordinated Care Initiative, as defined, on whether the Director of Finance estimates that the Coordinated Care Initiative will generate net General Fund savings, as specified. Existing law, with certain exceptions, specifies those provisions of law that are within the scope of the initiative to become inoperative if this condition is not met.

This bill would modify the definition of the Coordinate Care Initiative for the purposes of determining which provisions become inoperative if the condition is not met, and exclude, among others, those provisions that establish the In-Home Supportive Services Employer-Employee Relations Act, establish the Statewide Authority and determine the duties of, and when those duties are assumed by, the authority, establish the IHSS Fund, which is used to fund the Statewide Authority, and require all counties, commencing July 1, 2012, to have a County IHSS Maintenance of Effort (MOE) and to pay the County IHSS MOE instead of paying the nonfederal share of IHSS costs, as specified. The bill would make conforming changes.

CAPA is watching this! This would remove local control among other concerns.

- [AB 1522](#): **Employment: Paid Sick Leave:** **Summary:** Existing law authorizes employers to provide their employees paid sick leave. This bill would enact the Healthy Workplaces, Healthy Families Act of 2014 to provide that an employee who on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick days, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th day of employment. The bill would authorize an employer to limit an employee's use of paid sick days to 24 hours or 3 days in each year of employment.

The bill would require an employer to provide paid sick days, upon the request of

the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence, sexual assault, or stalking. The bill would prohibit an employer from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements. The bill would define terms for those purposes and make conforming changes. This bill contains other related provisions. (Based on text date 8/18/2014)

This will be a challenge to implement with the FLSA, new timesheet, and others changes effective January 1, 2015.

Trailer Bills:

- **[AB 873](#): Housing: emergency housing and assistance funding. Summary:** Existing law requires the Department of Housing and Community Development to administer the Emergency Housing and Assistance Program. Under the program, moneys from the continuously appropriated Emergency Housing and Assistance Fund are available for the purposes of providing shelter, as specified, to homeless persons at as low a cost and as quickly as possible, without compromising the health and safety of shelter occupants, to encourage the move of homeless persons from shelters to a self-supporting environment as soon as possible, to encourage provision of services for as many persons at risk of homelessness as possible, to encourage compatible and effective funding of homeless services, and to encourage coordination among public agencies that fund or provide services to homeless individuals, as well as agencies that discharge people from their institutions.

Addition discussion is to be provided.

- **[SB 878](#): In-home supportive services (clean-up of AB 855): Summary:** This bill would express the intent of the Legislature to enact legislation that would make statutory changes necessary to eliminate the 7% across-the-board reduction to in-home supportive services hours imposed by the settlement of the Dominguez v. Brown and Oster v. Lightborne court cases, as specified.

AB 855 will have effect on individuals on waivers and could lose if the Fixes ([click here](#)) proposed by Disability Rights California (DRC) do not go through. Support to amend AB 855 to fix is needed to get through.

CAPA feels suggestions made to the State about consumer concerns (PAs, recipients, and providers) have been listened to and followed through with.

FLSA/SB 855 (F. Smith): Changes to how time is recorded for: paid travel, timesheet and record keeping, new agreements, and responsibilities will go into effect January 1, 2015.

- Time will be recorded each day per week (week = Sunday 12:00 a.m. to Saturday 11:59 p.m.)
- Timesheet will be updated: ([Sample #1](#) w/travel) ([Sample #2](#) without travel)
- For providers working for multiple recipients - IHSS Program Provider Workweek and Travel Time Agreement ([SOC 2255](#))
- IHSS Provider Enrollment Agreement ([SOC 846](#))
- For recipients with multiple providers - IHSS Recipient Request for Assignment of Authorized Hours to Providers ([SOC 838](#))
- IHSS Program [Overtime and Workweek Requirements](#) Recipient Declaration
- IHSS Program Recipient Designation of Provider ([SOC 426A](#))

OVERVIEW: POLICY & OPERATIONAL ISSUES DISCUSSION FOR SB 855 REQUIREMENTS ([PDF](#)) – August 15, 2014 Meeting

Concerns/Points:

Concern about new training videos being done and distributed by October for use in training (CSUS is working on this).

Travel can only be claimed for days you go from “**recipient A**” directly to “**recipient B**” on the same day.

Even though changes go into effect January 1, 2015, the first 3 months will be a short grace period. **Penalties will be enforced April 1, 2015!**

Concern about providers with two consumers regarding travel and overtime...may need further examples.

Partnering with unions for future training is needed.

There was a positive comment about Care Providers made by Phan Vu, requested him to email.