

CICA Statewide Call Minutes

Wednesday, February 19, 2014

Moderator: Cindy Calderon, Humboldt, CICA President

Presenters: Karen Keeslar, CAPA and Ted Jackson, CFILC

On the call:

Chandra Livingston Blanks, Sacramento

Christie Rudder, Orange

Charlie Bean, Humboldt

Chris Otero, Los Angeles

Felice Connolly, Riverside

Rick Simonson, Sacramento

Leoma Lee, Sacramento

Louis Lopez, Imperial

Mark Beckwith, Alameda

Crystal Chavira, Rolling Start ILC, San Bernardino

Chris Jensen, Resources for Independent Living, Sacramento

Bonnie Newman, Calaveras

Bud Sayles, San Diego

Janie Whiteford, Santa Clara

Theresa Sable, Calaveras

Paul Van Doren, Riverside

Betty Carlton, California State Council on Developmental Disability, Area Board II

Jan Clark, Calaveras

Theresa Brown, San Joaquin

William Reed, Placer

Todd Metcalf, Lake

Pam Partee, Mendocino

Michelle Geving, San Diego

Cindy Calderon, Humboldt

Louise Osejo, Mendocino

Staff: John Stansbury

Acronyms

AC: County IHSS Advisory Committee

CAPA: California Association of Public Authorities

CCI: Coordinated Care Initiative, now known as Cal MediConnect

CDSS: California State Department of Social Services

CFILC: California Foundation of Independent Living Centers

CMIPS: Case Management Information Payrolling System

DONetwork: Disability Organizing Network

FLSA: Fair Labor Standards Act

ILC: Independent Living Center
SEIU: Service Employees International Union
PA: Public Authority

Sacramento Update

Karen Keeslar, Executive Director, CAPA

[**CICA correction:** The January 15, 2014 minutes of Karen's comments mistakenly referred to the 2013-14 Budget. It should have been the 2014-15 Budget.]

FLSA Overtime Regulations

The new regulations requiring paid overtime for IHSS providers are effective January 1, 2015. Providers must be paid overtime for any hours over 40 per week, whether for one or multiple consumers.

The Governor's budget assumes the general fund cost of paying overtime for fiscal year 2014-15 (one-half year) would be in the neighborhood of \$142.6 million and the cost of *not* paying overtime at \$99.1 million -- a difference of \$43.5 million.

Last week the state provided a chart estimating what it would cost to pay overtime, versus the complex and complicated proposals to implement *not* paying overtime. [Click here](#) for a copy of the CDSS chart.

One proposal is that back-up providers would be hired to fulfill all consumer hours over 40 a week.

In a situation where the consumer does not have a provider to work the additional hours, the budget proposes to establish a provider back-up system. It assumes back-up providers would be paid more than IHSS wages in that county.

The proposal includes a penalty for timesheets more than 40 hours a week. The first one would be paid. The second time a provider submitted a timesheet for more than 40 hours in one week; he/she would be disqualified for one year.

In summary, in order to avoid paying overtime, there are a lot of county, state, computer (CMIPS), and provider back-up system costs.

Budget Hearings

The Assembly Budget Committee will have its hearing on all the IHSS budget proposals on Wednesday, March 5 at 1:30 pm.

Senate Budget Subcommittee No. 3 is having their hearing on March 13.

CAPA has two budget priorities

- Ask legislature to fund overtime and not cap the number of hours a provider can work
- Ask legislature to reverse what is currently an 8% (going to 7% on July 1, 2014) cut in hours resulting from the IHSS Settlement Agreement

There is some hope the legislature will recommend paying overtime rather than approving the costly system to avoid paying overtime.

Regarding the 8% and then 7% across-the-board cut in consumer hours; there has been no signal from the administration that it might be willing to reinstate the cut.

Bear in mind that for fiscal year 2014-15 there is a budget surplus because voters approved Proposition 30 which temporarily increased taxes.

However, the Proposition 30 taxes will sunset in a couple of years and the Governor wants to avoid creating ongoing expenses. Instead, he wants to begin paying down the "wall of debt" of bonds, state teacher's retirement, etc.

Cal MediConnect

There was a joint hearing of the Senate Health Committee and Senate Budget Committee about two weeks ago. Janie Whiteford (CICA President Emeritus) was on a panel and did a great job of outlining IHSS consumer concerns about being forced into managed care, and potentially moving away from the current IHSS "social model" and seeing it become more mediatized, with less consumer control.

The hearing touched on a lot of different problems that advocates have identified with the implementation of the Coordinated Care Initiative (CCI).

It appears that the administration is still going forward with the CCI. Enrollment is supposed to begin in April, 2014 and be completed in all counties by June 30, 2015.

The legislature is concerned about a number of aspects of the CCI, but it is unknown if there will be any changes in the CCI during the budget process.

Proposed 2014-15 Legislation

We are in the final week of the time when bills will be introduced. The California Council of the Blind has proposed a bill that would add reading services to the services an IHSS consumer can receive. Karen will send CICA a list of all bills affecting IHSS. CICA will post the list on its website.

Questions

Question: Does the Governor not want to fund IHSS overtime because he wants to put money in the state teachers' pension fund?

Answer: The teachers' pension fund has been underfunded for a while. There is a shared goal between the Assembly Speaker, the Democratic Caucus and the Governor to address the funding issue in the teachers' retirement system.

When you look at an overview of the proposed budget, it has revenues of under \$100 billion with a \$5 billion surplus. It will come down to a matter of priorities. CAPA will argue to the legislature that they have sufficient resources to address teachers' retirement, pay down bonds and still pay overtime.

CAPA will ask the legislature to consider ongoing IHSS funding on the same priority level as schools and prisons.

Question: How will the increased wages for the proposed back-up provider program be established? Will it be through the state or counties?

Answer: The budget proposes to fund a 25% wage increase for back-up providers. The back-up provider will be set 25% higher than the collective bargaining wage.

Note that the 40 hour cap would still apply. For example, a provider who works 30 hours a week for one or more consumers would be available as a back-up provider for only 10 hours. But if that provider worked 40 hours a week for one or more consumers then he/she would not be available for back-up provider hours.

The 40 hour cap is a hard cap. The first time a provider turns in a timesheet with more than 40 hours a week, they will get paid the overtime. But if they turn in two timesheets with overtime, then they will be disqualified from working as an IHSS provider for one year.

Question: Who will be responsible for finding these workers and training them?

Answer: The administration has not said whether it will be the county or the public authorities (PAs). If the state mandates that a county do something, it must provide funds to carry out the mandate. The state may not be able to mandate that PAs administer the back-up program without funding the mandate.

Rather than trying to figure out how the proposal would work, CAPA and the entire IHSS Coalition (43 organizations) is focusing on getting the state to pay the overtime.

Question: After this year will the 7% cut go away?

Answer: No, there is no proposal to eliminate the 7% cut. But, as noted above, reversing it is a top priority of CAPA and the IHSS Coalition.

Question: What is the proposed funding for training for? The SEIU ballot proposal?

Answer: The initial budget proposal was to fund the orientation that is part of the

enrollment process. That has been eliminated. The administration determined that pre-employment requirements such as a background check and orientation do not need to be compensated because the provider is not yet an IHSS employee covered by collective bargaining.

There is no proposed funding for the SEIU ballot proposal which has two different costs:

1. Require 75 hours training each year for each provider
2. Increase IHSS wages by \$2.00 per hour. This would be in addition to scheduled minimum wage increases or whatever wage is agreed on through collective bargaining.

The Legislative Analyst estimates the SEIU ballot measure would cost \$600 million a year.

CAPA opposes the SEIU ballot measure requirement for 75 hours of mandatory training a year because it encroaches on consumer control and direction.

We should also keep in mind that the more pressures there are on the IHSS budget the less likely we will be able to fund overtime.

Question: Does the Council of the Blind proposed legislation include help for people who are not blind but because of physical limitations, still need assistance to complete their paperwork?

Answer: Yes. AB 1703 includes: "assistance in reading and completing financial and other documents for a recipient who is blind or visually impaired, *or who has another disability that affects his or her ability to read*". For the Legislative Counsel Digest and the text of the bill [Click here](#)

For a copy of the Council of the Blind fact sheet [Click here](#) .

Karen feels it will be a stretch for the administration to add another task to approved IHSS tasks when it is already being asked to fund overtime and eliminate the 7% cut.

Ted Jackson, Director of Organizing, CFILC

Ted will discuss the Disability Organizing Network (DONetwork) Access Now Regional Power summits. There are three one-day summits coming up creating opportunities for network members and community members to come together and decide on priorities for the next year.

This year we are going to review the goals developed last year and what we accomplished as far as:

- Systems change
- Building more accessible communities at the local, regional and statewide level
- Assess what to do next

- Write campaign activities together

The summits will focus on voting because it is an election year. Speakers in the morning will speak about the top priority issues identified by the community:

- Health Care
- IHSS
- Transportation

We will be looping those issues into voting and why it is important to turn out the vote. There will be breakout sessions where folks can learn how to:

- Do a voter registration drive
- Hold a candidate or voter education forum
- Run a GOTV (Get Out the Vote) campaign in their community.

The afternoon session will be about campaign planning.

The last one is in the Bay Area (San Francisco) on Saturday, March 29 (10:00 to 4:00) at Lighthouse for the Blind and Visually Impaired. It is hosted by Independent Living Resource Center of San Francisco and Lighthouse for the Blind and Visually Impaired at 214 Van Ness Avenue, San Francisco.

Go to Disability Organizing Network [Click here](#) for more information.

We expect some really good speakers and, based on the registrations, a lot of new people.

The DONetwork has expanded to include community members. Now community members can attend and have a say in what we do. They are equal stakeholders with the Systems Change Advocates.

Question: Please talk about the Systems Change Advocates throughout the state and let Advisory Committee members know how we can work with them when we work with the Board of Supervisors and other advocacy efforts.

Answer: There are Systems Change Coordinators (community organizers) at every ILC across California. What used to be the Systems Change Network has become the DONetwork. The Systems Change Advocates are here to support local IHSS Advisory Committees.

That is why it is so important to attend the summit. At the summit we write our plan for the next year and set our priorities. Come to the summit and make sure IHSS is a priority in your community.

Systems Change Advocates can be very helpful with IHSS Advisory Committees and other boards and commissions.

We just did a test run for a Leadership Academy in Southern California and hope to expand it statewide in late 2014. Consumers and community members met at an ILC and logged on to a webinar with different satellite connections. Ted was in Sacramento. Speaker topics included:

- How to get on an Advisory Committee
- How to get on a board or commission
- Developing advocacy and outreach skills

After the webinar there was a group discussion and a quiz. The DONetwork is definitely invested in promoting local leadership to be on IHSS Advisory Committees, boards and commissions.

Last year we also did local power summits in Chico, Concord and Eureka. This year we are looking at Santa Barbara, Bakersfield, San Diego and something in the Inland Empire.

DCAD (Disability Capitol Action Day)

We are starting planning for DCAD. If you are interested in participating, please e-mail Ted at ted@cfilc.org.

The legislative sponsor this year is Sen. Hannah Beth Jackson from the Santa Barbara area. The theme is "The Time is Now".

There will be fun, interactive things that will engage folks. We will be doing some interactive activities on social media. You will be able to fill in what

- *Your* time is now to do
- What *your* important thing is that you want to accomplish at DCAD

Instead of T shirts we will have visors that will say "My Time is Now to _____". The date is May 21st. This is the 11th DCAD.

Local Happenings

Christie Rudder, Orange County: We are putting together a letter to the Board of Supervisors about legislation relating to IHSS, CCI changes for dual eligible consumers and CalOptima. Are there other Advisory Committees who have experience writing to their Board of Supervisors who might be able to help the Orange County AC out? Is there a committee coordinating Advisory Committee responses?

Answer: The Humboldt County AC and Santa Clara County AC are both putting together letters regarding the FLSA overtime regulations.

Janie Whiteford: The Santa Clara County Advisory Committee, worked with CARA

(California Alliance for Retired Americans) for a leadership training. Attendance was about 25 and was geared toward the Advisory Committee and all consumers. They did a huge consumer outreach, but not many attended. Lots of people from the community. Those that did go found it helpful and enlightening. Hopefully they developed some new people who can help with outreach with the Board of Supervisors and local legislators. Contact [Janie Whiteford](#) for further information.

Next Statewide Call

Wednesday,
April 16, 2013
10:00 a.m.
Call In Number: (888) 296-6828
Participant Code: 753825#

About CICA

The California In-Home Supportive Services Consumer Alliance (CICA) is the statewide association of county IHSS Advisory Committees and citizen Governing Boards. CICA is a California nonprofit corporation and is recognized as a 501(c)(3) charitable and educational nonprofit.

CICA is committed to improving and enhancing the lives of all those who use and provide In-Home Supportive Services. We empower recipients, family, friends, community members and providers by offering education, training and networking opportunities. CICA fosters collaborations among IHSS Public Authority Advisory Committees, and all stakeholders, to strengthen the IHSS Consumer voice to elected officials, policy makers, and the public.

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