

**CICA Statewide Call
October 15, 2014**

Notes

Roll (Names heard):

Bud Sayles, San Diego	Janie Whiteford, Santa Clara
Cindy Calderon, Humboldt	Michelle Geving, Area Board DD
Felicitas P. Connelly, Riverside	Karen Keesler, CAPA
Heidi Aharonian, Orange	Chandra Livingston-blank, Sacramento
Louise Osejo	Nancy Reding, Merced
Mark Beckwith	Jan Clark, Calaveras
Bonnie Newman, Calaveras	Lena Berlove, Orange
Randi Bardaux, Los Angeles	Charles Calavan, Alameda
Willis Oliver for Greg Thompson	Joan Weber, Contra Costa
Eileen Carroll, CDSS	Deborah Kindley, Humboldt
John Thomas, Siskiyou	Debbie Walsh, Siskiyou
Joey Riley	Michael Connelly
Michelle Rousey, Alameda	Charlie Bean, Humboldt
Connie Lathrop	S. Norman (?)

Some names were missed, if you wish to have them listed for record, email me.

Sacramento Happenings – Karen Keesler: Under the FLSA it will still go into effect on January 1, 2015 with no enforcement until after June 30, 2015. Meaning employers are to implement the new FLSA regulations and pay overtime, but there will be no enforcement until June 30, 2015. It is understood, even with the DOL date changes the State's plans of implementing SB 855 on January 1, 2015 is as planned.

(Bean's note: Remember the State plan goes into effect January 1st and enforcement goes into effect April 1st).

MOE Presentation – Eileen Carroll: A few years back under SB 1036 changes were made to IHSS and the Maintenance of Effort (MOE) was created for the funding process of services and caseloads for the counties. A baseline was established using the FY 11-12 expenditures by each county; this is the amount the county will contribute each year towards services. In FY 13-14 a yearly COLA was added to this of 3.5%. The baseline can be increased if the county increased wages and health benefits. This created the base the county will pay each year – this is about \$1 billion every year.

The baseline does not increase, except for if the county increases wages and health benefits as noted above. The provider travel and wait time are two examples of what the county will not pay, but covered by the State and Federal government. Within the next month a County Fiscal Letter (CFL) should be issued to explain each county's contribution under the MOE.

Talking about what the counties can do? The administrative costs will still go through the Department of Social Services, as well as the costs for the Public Authority. This is being raised because, as the State has moved into the Coordinated Care Initiative (CCI) there are 5 counties under this: San Diego, Los Angeles, San Bernardino, San Mateo, and Riverside. These counties have moved chunks of the caseload under the health plan under a capitated funding rate. The only reason the county will need to put more money into the program is if they increase wages and health benefits and their part in the State-wide public authority in the future.

In mentioning what the county can do, CICA dues came up. About 6 years ago it was discussed on what or how funds could be used and it was found to be a county choice and permissible. Question was asked, if this had changed?

It was shared in the past there was discussion about the funds and how they are used by the IHSS Committees. Funds to the IHSS committees could be used for CICA dues and this fell under the MOE as administrative costs. Going further under the MOE the counties could give more funding to the IHSS committee as it falls under administrative costs and it would not take from the county but from the State.

It was explained the Public Authority (through the county) receives \$3,000 to run the Advisory Boards and they have the ability to increase this to do other activities that are administrative in nature that does not necessarily have an increase on their MOE. For instance there is no cap to hire new staff to implement new overtime under the FLSA; it is not seen how this would prevent them to do other administrative activities. An example given was paying the CICA dues and where it should come from, which it was seen as a county's local decision. It was shared that it was possible to pay for the CICA dues and not touch the \$3,000 and it could not have any effect on the county's MOE. Again, this is a local decision.

It was shared and understood that IHSS committees could go over the \$3,000 and not affect the MOE. An example was given by 3 associations (CWDA, CAPA, and CSAC) to San Diego they could spend more money on the IHSS Committee with no cap and it did not affect the MOE. It was shared other counties had increased AC funding, some trying to restore funding to where it was in the past even pay CICA

dues. It was understood this is correct and it is a local decision for the county to fund the AB committee at a higher amount; still must be administrative in nature.

The question presented was: If a county funds more to the AC, was this under the MOE and does it increase the state contribution?

In order to answer this it needs to be taken back to the state fiscal office and see when the CFL is going out and then clarify if this comes under the MOE or not.

It was explained CAPA and CICA would like to see more funding to the AC, but there is so much confusion on what does or does not fall under the MOE. If it is under the MOE and it did not cost the county it would still be a local decision. The county can add to the AC budget but it needs to be clear where it comes from and further clarification is needed before a better answer can be provided.

It was asked, if the CFL would clarify the confusion and explain what has been shared? It was felt, no, the CFL would not be this detailed and further explanation would be needed. It is not a big amount of money compared to the \$50 billion they talk about in Sacramento; but, it is felt more explanation will need to be given after the CFL comes out.

It was asked, How can ACs get back to the level of funding in the past to enable them to do work they once did, like newsletters, travel for training, and etc.? It was not known if this needed to be legislatively or if it came under the MOE. Important to get clarification from fiscal when the CFL comes out. It was also noted the 3 associations (CAPA, CWDA, CSAC) as a work group are looking for answers and solutions to support AC in their work, very supportive and look for how increased funding to ACs can be done. It was noted there are a lot of complicated questions on what was in the base funding and what was not, meaning what is or is not covered by the MOE.

San Diego Public Authority shared their experience of requesting additional funding. They moved ahead in asking because of what they understood talking to others. They set-up a sub-committee with the county staff and all looked good until it got to county fiscal. Completing Form 448 (used to bill for PA expenses) it was discovered it clearly states the budget was limited to \$3,000. Then going to the local contacts an representative from Social Services they were told it did not come under the MOE (shows confusion). Carried the conversation back to CAPA and here they are now in the "wait and see" mode for clarifying what does and does not come under the MOE. San Diego is waiting for clarification, but developed plans if funding is approved to do what they once did by being involved in the community through town hall meetings, newsletters and other activities that involved the AC and the community.

(Heidi Aharonian) It was noted ACs once got \$52,800 and it was reduce to the present amount. With so little money ACs can't do their jobs. Concern expressed about what the ACs are to do. Introduced a drastic suggestion about there being AC's. Response was shared that it is frustrating not to have the ability to do as in the past when a larger budget was received.

Asking about funding and getting clarification brought forth the original question that has come out in the earlier conversation: How can ACs get more funding to do their jobs? Eileen Carroll is to take back to Social Service and fiscal for further clarification and discussion.

Alameda Public Authority shared appreciation for his Advisory Board explaining that when the funding went from \$53,000 to \$3,000 with the federal match of \$3,000, their Advisory Board went to the County BOS. To the BOS they explained they could not function on this low of a budget and luckily the BOS respects the work of the Advisory Board and Public Authority. This was a positive action, and it is annually funded for \$50,000 with one catch, it comes out of the Public Authority's budget. This has been made to work and the function of the Alameda Advisory Board has been positive.

It was asked if Alameda ever had to ask for additional funding under the MOE for its Advisory Board and the response received was "no." There has not been a need to with \$50,000 being annually included in the budget for the PA for the AB. It was recognized that the county would get some of the funds back through the state and federal governments for their shares and it has worked out well. The AB has used this for travel to Sacramento to hearings and lobbies for issues surrounding IHSS, other travel related and community involvement projects such as newsletters.

(Unknown speaker) It was asked if Alameda ever asked for additional funds for the AB under the MOE and received "no" as a response.

(Alameda PA) They have not had to because the county shows it under the PA's budget and it is shown separately and the state pays what its share is as well as the federal government.

(Unknown Speaker) It was also asked how many counties got \$50,000 like Alameda? The individual shared they had created a budget and it never went anywhere and they had to stay within the \$3,000 given to them by the state. It was also understood that some counties did not allow the AB to use this \$3,000 and the county could do what they wanted with this and they did not have a budget to work with.

(Alameda PA) It was clarified that the money Alameda was using came from the County, not the state and if any reimbursement came to the county it would be from the federal government, not the state. The \$50,000 annual budget was being provided by the county! The only contribution the county receives from the state is the \$3,000.

(Unknown speaker) It was questioned about who borne the cost of the wages at \$12.50 an hour (totally not related to the AB). It was explained the county funds cover this and until bargaining moved to the state it comes out of the county funds with limited reimbursement from the state.

(San Diego PA) When is the statewide Public Authority going to go into effect? San Diego is estimated to go into effect in May. It also depends on the county and getting all consumers signed up who are eligible for the CCI and Cal-Medi Connect programs. According to San Diego's PA they are about half-way through in getting individuals signed up – Once everyone is signed up then it will be moved to the statewide authority. Social Services has hired an individual to help prepare for the switch; it was noted they would have a statewide advisory committee of 13 members and a 5 member board authority statewide. It is estimated for those under the CCI to begin around the beginning of next fiscal year.

(CDSS) San Mateo is going to be under the Statewide Public Authority in February, 2015 and they do not have a firm date on the other counties. San Mateo is the only county they have a for sure time on.

(Unknown speaker) When the counties are all under the statewide public authority will there be one wage and health care benefit statewide?

(CDSS) No, was the response and it will still be determined through bargaining and the individual county. There was no timeline given for when the state would be under the Statewide Public Authority. They are in the process of working though the MOUs to see what is to be moved into the statewide PA from the counties. It was noted that it also involves the different union representation in the counties being put under the Statewide PA and there is more to do to get this underway. Basically the statewide authority will be doing the bargaining while the state Social Services will be doing the administrative work.

(CICA) Will the contracts that are in place now stay in place or will the state redo these or do new contracts as the present ones are up or do new contracts? It is believed it will be a mixture. Going through the MOUs and finding what the state sees as acceptable and letting the labor organizations know and how they respond. There could be some with no concerns and they would expire as they are set forth;

while there may be others with differing concerns and we may need to renegotiate for an earlier expiration date.

(Alameda PA) Additional funding and support for the PA/IHSS programs are possible under the MOE, which covers administrative costs and only costs the county may have is for space and equipment. There are a few counties who have used the MOE to expand services under the PA. When this first came up, there was a lot of concern if it was true, it not costing the County more money and the state would cover it. It was shared some counties have replaced lost positions and expanded services under the MOE as administrative costs and the state and federal government would split the costs, not costing the counties. Alameda looks to get additional funding for training and updating its IHSS Handbook for providers and consumers as an example of work that will be accomplished with the additional funding. With the proposed additional funding they will increase the training and have ability to work with both the recipient and provider in their homes to be sure they develop schedules and are receiving appropriate assistance as approved. They are submitting an increase in funding to be approved by their BOS along with the IHSS department. Appreciation was express to Eileen Carroll and other CDSS staff for keeping the MOU simple making it clear explaining the proposed expansion would be covered under the MOU. It is also understood staff to handle local payroll concerns, changes caused by the FLSA and immediate and future training needs for providers are covered by the state and federal governments, not the county through the MOE; it was noted additional training and implementation of the FLSA will require additional staff and CDSS was encouraging the county to fill positions to meet the needs of the providers and this was covered under the MOE.

(CICA) With this, it is noted that if one county is doing this, other counties can. It is important for IHSS AB to work with your county staff and strongly advise them in meeting the needs of those using the IHSS services. It was shared that Alameda Count AB had been working on this for a while and strongly supporting its PA in getting positions needed to meet future needs. It was also noted this is an opportunity that the county should not pass up and after this phone call it should be clear staff can be added with no cost to the county to meet needs of implementing the FLSA, Training, and other necessary administrative functions not being completed because of past budget cuts.

(Alameda PA) It was noted that there is still fear about whether or not the MOE will be here 3 to 5 years into the future and what would they do with the staff they hired. Hoping the MOE is around forever, it was noted that if it was gone in the future, the counties could do as they have in the past, lay people off as the funding goes away.

(Unknown speaker) Can the MOE cover wages?

(San Diego PA) Responded with, "yes." Also wished to thank Eileen Carroll and her CDSS staff for pushing the ability to fund additional staff under the MOE to meet the new requirements of the FLSA. They are hiring temporary help to get them trained to meet the needs of the FLSA; this workload is just around the corner and there is much concern about counties not being prepared for the upcoming workload, knowing the process of needing to go through BOS and advertising for positions to meet the workload. For now, we are hiring many temps meet immediate goals.

(Unknown speaker) Actually meant could the MOE be used for care providers' wages? The answer given was "no"!

(CAPA) It was explained when there is an increase in wages and benefits for providers the MOE is increased (share county must pay), but if the county hires more administrative staff there is no effect on the MOE.

(Joey Riley) It was the understanding that the counties did not really have a share of cost for the wages because they got paid back in arrears and still the county, like San Diego kept wages low. Is this the correct understanding?

(CAPA) The county's cost for IHSS is paid for what is called the 1991 realignment which was sales taxes and gas taxes will pay for the county share. These revenue sources from time to time did not keep up with the county expenditures so the county had to go into its general fund to pay for IHSS costs. This was before the MOE. Monies that come from the 1991 realignment can be used for many things under the Social Service Programs, not just IHSS. So when you look at increased wages for Care Providers it comes from the county and it takes away from other social service programs like child welfare, mental health, and etc. It is true there is some reimbursement, but it still takes away from other programs the county must provide from its general fund.

(CICA) Wrapping up we need to hold Eileen to getting back to CICA about how the MOE will work for Advisory Boards. It is important to determine how the AB will do their work; maybe do as Alameda has done and go to our BOS and ask for additional funding through the PA. This would require closer relations with BOS, some who do and some who do not support the IHSS AB. But it needs to be done and we as a group need to make an effort to work on this in order to do our jobs. It is important for Advisory Committees to communicate and support your county in getting additional funds; possibility of looking at how it was done in Alameda to gain funding for its AB.

(John Thomas, Siskiyou Co) Fiscal Analyst for Social Services and has attended CWDA meetings and was wondering why the state created this so-called windfall, meaning if all the counties saw this as a win for them it could cause the state to go back and pull this. So, Siskiyou was being cautious about the MOE.

(CAPA) There is a concern in meeting with CAPA and CWDA about asking for too much money, but it was being encouraged to ask but not to go wild. Justification for use of funds was needed. It is felt the MOE and its purpose had not been fully understood and needed further direction. Concern expressed about the future and funds being pulled that would not be good for all involved. This does not mean you should not spend what you need to comply with the FLSA.

(CDSS – Eileen Carroll) The state did not make a mistake on this issue. Counties are encouraged to ask for more staffing to meet the needs of the new programs going into effect.

(Heidi Aharonian) Clarification asks about whether Carroll was saying spend or not spend money. It was clarified that Carroll said to ask for funds to cover what was needed to meet the needs of the new programs going into effect.

(Bud Sayles, San Diego) Believe it was in the last All County Letter telling counties to ask for funding to fill positions to meet the needs of the FLSA and so forth (need to research this: ACL 14-76).

Not quoting any one, just trying to grasp what was said to share!

Charlie Bean