

**CICA Statewide Call
September 21, 2016
10 a.m. to 11:15 a.m.**

Notes

On Call: Maggie Dee, Tamie Orr – Shasta, Kristina Bas Hamilton – UDW, Elsa Padilia, Heidi Ahariaon – Orange, Rick Simonson – Sacramento, Felicia Connolly - , Joe Samora – Sacramento, Mel Beatle – San Francisco, Karen Keesler – CAPA, Scott Johnathan – NY, Sandy Hilton – Solano, Randi Bardeaux - PASC, Frances Smith – Yolo, Michael Condon – San Diego, Joey Riley – San Diego, Linda Roberts – Shasta, Bruce Bauer – Oakland, Julio Nester - San Diego, Randy Hicks – Sacramento, Kristine Loomis – Riverside, Paula Herman – Los Angeles, Janie Whiteford – Santa Clara, Janet Canterbury – PASC, Ivy Yolanda – San Diego, Brad Toy – Sacramento, Jason Morris – Health Net, Laurel Mildred – Sacramento, Charlie Bean – Humboldt, Noelle – Los Angeles (Hawthorne), and 8 unknowns

Karen Keesler – Minimum wage increase was signed by the governor earlier this year to be at \$15 by January 2022. Because of off-ramps within the statute, there is a possibility this may not happen based on the state budget circumstances. As of January 1, 2017 minimum wage will go to \$10.50.

Bean's notation: <http://www.lcwlegal.com/Californias-New-Schedule-For-Minimum-Wage-Increases--What-It-Means-For-Public-Vs-Private-Employers> On April 4, 2016, Governor Brown signed Senate Bill ("SB") 3, which increases California's minimum wage each year so that it will reach \$15 per hour in 2022 (unless the increases are temporarily delayed at any point due to certain economic conditions).

Currently, California's minimum wage is \$10/hour. The new law will increase this amount as follows for employers who employ 26 or more employees:

1. *On January 1, 2017, the minimum wage will increase to \$10.50 per hour.*

2. *On January 1, 2018, the minimum wage will increase to \$11 per hour.*
3. *On January 1, 2019, the minimum wage will increase to \$12 per hour.*
4. *On January 1, 2020, the minimum wage will increase to \$13 per hour.*
5. *On January 1, 2021, the minimum wage will increase to \$14 per hour.*
6. *On January 1, 2022, the minimum wage will increase to \$15 per hour.*

There is a delay in implementations for small businesses. Specifically, the above schedule is delayed at each step by one year for employers with 25 or fewer employees. Commentators have observed that under the schedule set by SB 3, California will soon have the highest minimum wage in the country.

A final complexity – Deceleration of the Schedule

SB 3 allows deviations from the established schedule of minimum wages increases, based on economic conditions. The primary possible changes are potential “off-ramps” if and when the economy performs poorly in the next several years. Under SB 3, on or before July 28 of each year, the state Director of Finance is required annually to determine, based on certain factors, whether economic conditions can support the scheduled minimum wage increase and to certify that determination to the Governor and the Legislature. SB 3 also requires the State Board of Equalization to publish specified retail sales and use tax information on its Internet Web site to be used by the Director of Finance in making that determination.

SB 1234 - is a top priority bill to establish a secure choice retirement program – creating a state sponsored investment pool to be used by employees who do not have pension plans to contribute to a fund like a 401k to be used for retirement. There is language in the bill naming providers to be eligible for this option. There are a few hurdles for this to go through, first the Governor must sign this (since the call it has been signed). Then it needs to be cleared by the State Secure Trust Fund Board and Financial Board to be sure there are no obstacles in place in the Federal government to stop providers from participating. They also have to make a determination if the CIMPS program can be programed to do this and at what cost? And, last it will need to be determined which employer will manage this (three way joint employers Consumer [hiring & firing], Social Services [payroll], & Collective Bargaining [county

PA or State PA] involved in this). The bill itself has specific language for education and outreach, these are employer responsibilities. It could be from 3% to 8% deduction from your pay to invest into a rainy day fund; this will begin low and over time the amount you wish to deduct could increase up to 8%. This is an opt-out plan at any time, unlike a health plan where you can only leave the plan during a designated time.

Janie asked this last month: “Will this work as a 401k to borrow against?” Yes, it will be but there is no policy at this time.

SB 1584 – This bill comes with a great cost to the state and would restore the yearly COLAs to SSI/SP recipients. There has been a lot of support by many organizations, CAPA and CICA being a couple of them. Mel from SF shared that there had been at least 900 calls from there who have called.

This bill has been vetoed since the call with the governor claiming it needed to go through the Budget committee.

SACRAMENTO – Assemblymember Cheryl R. Brown’s statement on the Governor vetoing AB 1584:

“Although I am disappointed by the Governor’s veto of AB 1584, a bill that would have lifted over one million California seniors and adults with disabilities out of poverty. I will continue to work with him and my colleagues to fully restore recession era cuts to seniors. We have an obligation to ensure our seniors can age with dignity and share in California’s economic recovery.” <http://asmdc.org/members/a47/>

Paid Sick Leave – This is to go into effect July 1, 2018. There are some drafting problems and the State is just getting started on this. The provider in 2018 can earn one hour of time and 2019 2 hours. How accrual of time will work out is in question. How will sick leave be covered notifying the consumer and the registry to be paid for this time? A robust back-up system is needed to be created, for 24/7 coverage. A lot of details to be worked out.

Electronic Timesheets – An outgrowth of criticism of late paychecks. The State is working positively with vendors for CIMPS to develop a pilot

in May and a launch of this sometime next year. It is expected to have a statewide stakeholders meeting towards the end of January. The consumer signature will be required. They are working with HP and IBM to develop this system.

It was noted a small meeting about Paid Sick Leave was held not including CICA, but [Disability Rights California](#) was critical of this pushing for the need for future inclusion.

Michael: What about the retirement is there any kind of matching contribution for this or only employee deduction? It is a straight deduction from the worker's check leaving the employer immune from participation. It was noted the investment rate has been as high as 11% in the past, but presently it is been under 7% for the past three years. It was also noted that CalPERS has been doing as well as 18% in some years when economy is doing well.

Heidi: In relation to sick leave and 401k (investment for retirement subject) will providers then become state employees? No, they will not.

Joey: San Diego had an increase in the city to \$10.50 and also given three days of sick leave. Is there a reason why the governor is not honoring the city's change in minimum wage? The state stand is a local city ordinance cannot compel the state to pay more than an agreed upon amount determined through the Statewide Public Authority or past Union agreement. It was shared the state was to get this out in writing, but as of the day of the call it has not been seen.

Janie: Reminded Advisory Committee members it is important to check with your county about wages and other topics that effect the consumer-provider relationship. A nudge from the county can make things happen.

Thank you, Karen!

Kristina Bas Hamilton – Adding to the wage issue in San Diego, UDW also filed a complaint with the local Labor office about the city's minimum wage being a higher amount than what the State is paying IHSS consumers. It needs to wind its way through the legal system.

Electronic Visit Verification (EVV) - This deals with the Federal Bill [HR 2646](#) where [section 207](#) requires states receiving Medicaid funding for Home Care Workers to initiate an EVV system by 2019. If a state does not Medicaid funding would be reduced each year it did not do this.

It was also noted that the Federal government would be providing 90% of the cost to establish an EVV system within the state.

This has passed the House of Representatives and moves on to the Senate. [UDW](#) hopes this is derailed and they have asked those representing them in DC to do whatever can be done to stop the passage of this bill that includes the EVV requirement. UDW does not support any type of an EVV system. Reason is this comes from an anti-fraud function.

If they was to happen, speaking with officials in California, a statute would need to be passed and then it could be managed to best work for consumers and providers in California. But this is hoped not to happen.

Tami: Studied this for the past 4 years in Illinois and how it works there. It is a very limiting program confining an individual to their home. Shared information about the negatives. Very glad to hear the union's stand.

Karen: Commends [UDW](#) for taking a stand on the EVV. There are many states who have the EVV for personal care: Florida, Illinois, Tennessee, Texas, Connecticut, Louisiana, Alaska, Rhode Island, and Missouri to name a few. Some systems are set up where the schedule needs to be set firmly and like in Illinois and Texas if you are one-minute late a call goes into the Adult Protective Services (APS) that the consumer has been abandoned.

Joey: How do consumers and providers advocate to kill the bill?

Kristina: It is suggested that organizations write to the White House and Congress to share their views on the EVV. It also demonstrates the strong need for organizations, such as unions to speak as a group to fight for individual's rights.

Kristine: This is where the consumer and provider is hand-in-hand on an issue. The union represents the providers well, but it is important for the consumer to support their providers, talk about your concerns.

Janie: This is great topic for the folks on the Advisory Committees to discuss at meetings and take to their Public Authority (PA) and Board of Supervisors (BS).

1903(a): [1930a](#) is an amendment of [1930](#), the updated version. This was a bill sponsored by [UDW](#) with Assemblymembers Lackey and Gonzales and Senator McGuire and others. It was to create an Advisory Committee to look into getting Family providers to have FICA and Medicare taken out of their pay in order to have a retirement in the future. It passed both the Assembly and Senate by majority vote.

It is expected this will be vetoed due to the cost to the state. The purpose for this was to get the discussion started about the need family providers have for retirement. This has been a success in raising awareness of the need. *This was vetoed!*

It was 80,000 to 90,000 worker that would be covered.

Michael: Meeting with Congresswoman Davis to sponsor legislation on the Federal level.

Kristine: Noted there are known situations where individuals lost the person they cared for to find out they had no unemployment or Social Security. Heard of an individual who became homeless because of the loss of their family member and no longer had a source of income.

Tami: Shared her mother as a provider for many years and now is expected to live off \$400 a month after caring for a family member leaving her without a retirement. Kristina and Tami need to connect.

Bargaining – Counties of Riverside, Orange, and San Diego are represented by [UDW](#) and they have officially been bargaining with the State Public Authority since October 2015. Slow progress, very disappointing. Have agreed to a couple items, but nothing financial.

Proposal on table is \$13 when signed, then \$14 and up to \$15 with a couple years (?). Asking for more health benefit funding to allow members to purchase Health coverage.

The state's position is they have signed SB 3 and they have met the wage increase needed.

Michael: How often do you meet with the bargaining units? How can we help with this?

Kristina: We have been meeting every 4 to 5 weeks. Calls to the Statewide Authority. Will try and mail out information to give talking points to know what to discuss.

Kristine: Is there a way consumers can be involved at the bargaining table?

Kristina: This not something I can answer, but our Chief negotiator is Matt Donovan is who you may wish to contact.

Janie: If the state holds to the \$10.50 an hour, would some counties lose? Santa Clara is at \$12.50.

Kristina: They would not go backwards or forward.

Tami: In Shasta here will be no bargaining locally, but will bargain only through Statewide Authority. This is causing delays for accomplishing local goals.

Laurel Mildred, MSW, consultant to the California Collaborative Long Term Services & Supports ([CCLTSS](#)) – [Materials about CCLTSS](#)

She shared they are a collaborative of 30 organizations started with [SCAN Foundation](#) in partnership with [AARP](#). The Mission of CCLTSS is to promote the person's well-being and social participation, promote economic independence, prevent impoverishment and remove barriers to employment. The Collaborative will use several strategies, including public education and awareness, to further its mission.

They work closely to state organizations with connections in

Sacramento, which allows them to work closely with lobbyists and advocates for similar causes.

Shared was information on the beginning of [CCLTSS](#) and their accomplishments.

In 2016, they have accomplished:

- 12 meetings, half involved officials, health plans and regional advocates
- Briefing on LTSS for Legislative staff
- 7 sets of formal recommendations submitted on behalf of [CCLTSS](#)
- Poverty fact sheet and 3 media offerings
- 20 workgroup meetings
- Work on budget bill and two long-term care insurance bills
- Work on CCI consumer rights
- 4 statewide webinars for regional advocates
- 4 mini-conferences for regional advocates north/south
- Communications upgrades
- Planning Community of Constituents Conference 9-14-16

Much of the presentation followed PDF presentation highlighted here [Materials about CCLTSS](#)