United Domestic Workers of America
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May 19, 2011

The Honorable Holly J. Mitchell, Chair
Budget Subcommittee No. 1 on Health and Human Services
California State Assembly
State Capitol
Sacramento, CA 95814

RE: In-Home Supportive Services

Dear Assembly Member Mitchell and Members of the Committee:

On behalf of UDW, I am writing to express our concerns regarding the reduction in Public Authority Administration funding in the May Revision.

As you are aware, the State's appropriation for Public Authority Administration in FY 11-12 is $6.647 million, a reduction of $2.203 million from the State's appropriation in the March 2011 Conference budget ($8.850 million). The total reduction in PA Administration funding is $7.670 million, from $24.687 million in March to $17.017 million in the May Revision.

Should the Legislature decide to restore funding, which may be ideal in the short term, UDW believes that Public Authorities should be funded to the degree necessary to fulfill their duties as mandated by law.

WIC Section 12301.6(e) outlines the primary functions of the Public Authority. These include, but are not limited to, 1- "the provision of assistance to recipients in finding in-home supportive services personnel through the establishment of a registry"; 2- "the investigation of the qualifications and background of potential personnel", which includes conducting criminal background checks; 3- "Establishment of a referral system under which in-home supportive services personnel shall be referred to recipients"; 4- "Providing for training for providers and recipients"; 5- "Performing any other functions related to the delivery of in-home supportive services" including providing criminal background check information to a recipient who requests this information; and 6- "Ensuring that the requirements of the personal care option pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code are met".

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The State should be as well informed as possible about the costs associated with the provision of these services.

Should the Legislature choose to not restore funding, leading to the closure of any Public Authority that currently serves as a UDW employer of record, the county must establish an alternate employer of record for IHSS providers. Welfare and Institutions Code Section 12302.25 (a) states:

> … each county shall act as, or establish, an employer for in-home supportive service providers under Section 12302.2 for the purposes of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code and other applicable state or federal laws. Each county may utilize a public authority or nonprofit consortium as authorized under Section 12301.6, the contract mode as authorized under Sections 12302 and 12302.1, county administration of the individual provider mode as authorized under Sections 12302 and 12302.2 for purposes of acting as, or providing, an employer under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code, county civil service personnel as authorized under Section 12302, or mixed modes of service authorized pursuant to this article and may establish regional agreements in establishing an employer for purposes of this subdivision for providers of in-home supportive services.

Should there be a change in the IHSS employer of record, it is our expectation that all existing agreements (written or verbal) between UDW and the Public Authority will be maintained and honored by the new employer of record. Throughout the process in which a new employer of record is established, UDW expects that members of its bargaining units will be held harmless; they should not lose any current or future wages or benefits to which they are entitled.

Thank you for the opportunity to submit our comments during this very important process. We look forward to hearing back from you.

Sincerely,

Jovan Agee
Political & Legislative Director

C: Nicole Vazquez, Assembly Budget Committee
Gail Gronert, Office of the Speaker
Christian Griffith, Assembly Budget Committee
Christopher Woods, Office of the Speaker
Greg Campbell, Office of the Speaker
Eileen Carroll, Department of Social Services