



IHSS Statewide Authority Minutes

August 6, 2015 • 1:00p.m–3:00p.m

CalEPA Headquarters Building
Byron Sher Auditorium
1001 I Street, Sacramento, CA 95814

Agenda Item 1. Call to Order, Roll Call, Welcome and Opening Remarks

Statewide Authority Chair Will Lightbourne called the meeting to order at approximately 1:14 pm. IHSS Statewide Authority Members introduced themselves and made opening remarks; roll was called.

Members Present:

Michael Cohen – Director, Department of Finance
Jennifer Kent – Director, Department of Health Care Services (DHCS)
Will Lightbourne – Director, Department of Social Services (CDSS)
Michael Powers – County Executive Officer, Ventura County
David Twa – County Administrator, Contra Costa County

Agenda Item 2. Approval of 2/23/15 Minutes

Chairperson Lightbourne called for approval of the minutes from the 2/23/15 meeting, asking if there were any corrections or changes. Chairperson Lightbourne noted that no corrections/changes were proposed.

Motion/Action: Member Powers moved to approve the minutes. Vice-Chairperson Kent seconded the motion. **Vote:** Roll was called and the motion was approved by unanimous vote.

Agenda Item 3. Administrative Officer Update

- a. **Meeting Materials:** Administrative Officer Swartzlander indicated that all materials from the last meeting, including the approved resolutions and Bylaws, had been posted on the Statewide Authority's website; <http://www.ihssstatewideauthority.ca.gov>
- b. **MOU Transition Update:** Administrator Swartzlander reported that San Mateo County will transition 2/23/16; Los Angeles, Riverside, San Bernardino and San Diego counties transitioned 7/1/15. It is still anticipated that Santa Clara County will transition January 2016, and Orange County August 2016.

Chairperson Lightbourne asked if there were any questions of Administrator Swartzlander, from the Members or the public. There were none.

Agenda Item 4. Revised Resolution: Execution of Agreement with the California Department of Social Services (CDSS)

Chairperson Lightbourne introduced a cleanup item, clarifying that the Interagency Agreement between CDSS and the Statewide Authority, which was approved at the last meeting, should be correctly identified as a Memorandum of Understanding (MOU), since no funds are involved. Chairperson Lightbourne called for a motion to approve the revised resolution.

Motion/Action: Member Twa moved to approve the revision to 2015-5. Member Powers seconded the motion. **Vote:** Roll was called and the motion was approved by unanimous vote.

Agenda Item 5. Characteristics of IHSS Program

Chairperson Lightbourne introduced Agenda Item 5 as a follow-up item from the first meeting. Chairperson Lightbourne introduced Hafida Habek, Branch Chief of the Adult Programs Division, Policy and Quality Assurance Branch. Ms. Habek presented an overview of the characteristics of In-Home Supportive Services (IHSS) program. Ms. Habek stated that the program serves income-eligible individuals who are aged, blind or disabled, giving them the ability to stay

safely in their homes while receiving the care they need. Ms. Habek went on to say the operation involves many partners such as the consumers, counties, CDSS, DHCS, Public Authorities (PAs), Labor Unions and workforce, providers, and, more recently, the Department of Human Resources (CalHR) which is responsible for collective bargaining on behalf of the Statewide Authority in seven Coordinated Care Initiative (CCI) counties.

Presentation:

<http://www.ihssstatewideauthority.ca.gov/res/pdf/CharateristicsOfTheIHSSProgram8-6-15.pdf>

Agenda Item 6. IHSS Stakeholder Advisory Committee (SAC)

Chairperson Lightbourne introduced this agenda item as an “Action Item Preceded by Discussion.” The Action Item called for the formation of the Stakeholder Advisory Committee (SAC). Chairperson Lightbourne went on to say the 13-person committee would advise on operations of the IHSS program.

a. Roles and Responsibilities of SAC.

Administrator Swartzlander reviewed the purpose, composition and expectations of the SAC members. Administrator Swartzlander stated that SAC would be responsible for providing advice on the IHSS program to CDSS, DHCS and the Statewide Authority; however, they will not be providing input on collective bargaining issues.

Administrator Swartzlander stated the composition of the committee is defined in statute as: 50 percent consumers (defined as seven, as it's a 13-member committee); two IHSS providers; two union representatives; and two advocates.

The term is set at one year or two years, after which a member may be appointed for another two-year term.

Administrator Swartzlander reported that 35 applications were received: 12 consumers; 11 providers; 10 advocates and two union representatives.

The criteria used in choosing members was the mandated composition requirements; qualifications; broad diversity representation; geography (CCI or non-CCI county); union or non-union providers; and family member provider/non-family member provider.

Chairperson Lightbourne expressed his appreciation to all who submitted applications. Chairperson Lightbourne emphasized there will be public meetings with public access, telephone access and webcasts.

b. Resolution 2016-6 to Appoint Members to the SAC

Administrator Swartzlander announced the members and their terms as:

Name	Category	County	Term (Years)
1. Charles Bean	Consumer	Humboldt	2
2. Margaret Belton	Consumer	Los Angeles	2
3. Michael Condon	Consumer	San Diego	1
4. Marcia Cracker	Provider	Butte	2
5. Deborah Doctor	Advocate	Sacramento	1
6. Lonny Lewis	Consumer	Napa	1
7. Kristine Loomis	Consumer	Riverside	1
8. Sharon Matson	Consumer	Orange	1
9. Yvonne Olivares-Maldonado	Union	San Diego	2
10. Michelle Rousey	Consumer	Alameda	2
11. Kim Selfon	Advocate	Los Angeles	2
12. Anna Vo	Provider	Orange	1
13. Brandi Wolf	Union	Sacramento	2

Chairperson Lightbourne opened the floor for public comment or input.

Mr. Gary Passmore inquired about the race composition and age breakdown of committee members. Chairperson Lightbourne stated that information wasn't available, noting he wasn't sure if people were even asked. Chairperson Lightbourne stated a self-voluntary survey might have to be done.

Ms. Kristine Loomis noted consumers don't have access to bargaining and can't advise, and asked why consumers are not allowed. Chairperson Lightbourne stated that the statute specifically states that the SAC will provide input on the IHSS program only, and that Statewide Authority is solely charged with the responsibility for bargaining.

Ms. Joey Riley asked: 1) Of the monies coming from the general fund, what is the break down for administrative costs versus services costs? and 2) How were the SAC member terms decided?

Administrator Swartzlander addressed question two, stating the applications were reviewed for preference and then it was random assignment.

Chairperson Lightbourne addressed question one, stating information will be gathered. It will be posted on the website and referenced at the next meeting.

Ms. Karen Keeslar asked if travel costs (for SAC members) would be reimbursed. Chairperson Lightbourne responded yes. Chairperson Lightbourne reiterated that every effort will be made to utilize call-in and webcast capabilities for those who cannot attend meetings in person.

Agenda Item 7. Resolution to Appoint Members to the SAC

Chairperson Lightbourne called for a motion to approve the nomination of the 13 SAC members, Resolution 2015-6.

Motion/Action: Member Cohen moved to approve the nomination of the SAC members. Member Powers seconded the motion. **Vote:** Roll was called and the motion was approved by unanimous vote.

Chairperson Lightbourne congratulated the appointed members, noting the first meeting would be Tuesday, October 20, 2016, in Sacramento.

Due to calendar conflicts, someone asked if members could be polled and the October 20, 2016, date can be adjusted. Administrator Swartzlander said yes.

Ms. Joey Riley noted the SAC is supposed to have one, in-person meeting. She asked if the October 20, 2016 meeting would be that specific meeting. Chairperson Lightbourne responded that the initial meeting (October 20th) would satisfy the requirement, but members will be polled to see what works. Ms. Riley, noting there will be four meetings a year, asked if members can choose which meeting to attend, or are they required to attend the first meeting. Chairperson Lightbourne stated the Authority would like, and expects, committee members to attend as many meetings as they can, in person or by using technology; and he believed attending by technology would be okay. Administrator Swartzlander interjected that the committee actions are subject to Bagley-Keene, so they would have to work through the requirements of a remote location. Administrator Swartzlander noted it was “doable, just more complicated.”

Chairperson Lightbourne stated there isn't a specific requirement for when members must be present “in person,” but if not present in person and they want to be present as a voting member, a process will have to be setup for a member to do so. Chairperson Lightbourne assured the Authority will try to work with members in that category.

Agenda Item 8. Agenda Items for Future Meetings

Chairperson Lightbourne asked for agenda items to discuss at future meetings.

Ms. Karen Keeslar, California Association of Public Authorities (CAPA) noted there was considerable tension between Statewide Authority advocates and local Public Authorities (PAs), when the original statute for the Statewide Authority was enacted, naming the statutes for the IHSS Employee/Employer Relations Act. Ms. Keeslar said PAs felt many issues were not addressed, stating that many local agencies have their own ordinances like the Employee/Employer Act. Ms. Keeslar went on to state “there are components in ours that aren't part of your statutes that we think you should think about.” Ms. Keeslar cited the No Strike/No Lockout Ordinance, indicating it had been very important to consumers

and is the foundation of the program. Ms. Keeslar said the PAs think it's a valuable exercise for the Statewide Authority to consider. Ms. Keeslar concluded with the PAs recommendation to adopt a unique set of labor relations rules to enhance the Authority's ordinances.

Chairperson Lightbourne asked if there was a list of items that PAs want the Statewide Authority to consider. Ms. Keeslar stated they would put something together working jointly with the California State Association of Counties (CSAC) and County Welfare Directors Association of California (CWDA).

Ms. Keeslar reiterated there were considerable items that weren't sufficiently addressed when statute was being debated. Ms. Keeslar requested the Authority consider more things like more specificity in rules; more flexibility in what the statute specifically outlines. Ms. Keeslar said "the No Strike/No Lockout provision is a high priority but there are other more minute, more technical things we can bring to your attention."

Chairperson Lightbourne asked Ms. Keeslar to give the Statewide Authority a list of items that CAPA, CWDA and CSAC are considering and they will be forwarded to CalHR, "who's responsible on behalf of Statewide Authority for all areas of negotiation and collective bargaining." Ms. Keeslar said she would be happy to do so, noting they will "jointly submit after speaking with local governments and unions, so to submit something that is not controversial, but rather something to enhance Statewide Authority role." Chairperson Lightbourne said it was not his intention to suggest what process they should use, reiterating the Statewide Authority would process through CalHR, rather than through the stakeholder process.

Vice-Chairperson, Ms. Jennifer Kent suggested having a discussion on pending federal rules that comments were just closed on, regarding Medicaid-managed care. Vice-Chairperson Kent went on to say there is a provision which proposes that all states be required to have all Medicaid providers come through a state providers enrollment portal. Vice-Chairperson Kent said they interpreted the draft regulation to mean IHSS providers would have to come through the DHCS provider enrollment section. Vice-Chairperson Kent said that would be ramifications on the program in general.

Chairperson Lightbourne asked if there were any other future agenda items, noting “the meeting will be scheduled and agendized as appropriate, given the dynamics of all other agendas the Authority will have to pursue.”

Agenda Item 9. Adjournment

Chairperson Lightbourne thanked everyone and stated that since there weren't any additional items, the meeting was adjourned.

The IHSS Statewide Authority meeting of August 6, 2015, adjourned at 2:14 p.m.

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