

March 9, 2020

The Honorable Richard Pan, MD
Chair, Senate Budget & Fiscal Review Subcommittee No. 3
State Capitol, Room 5114
Sacramento, California 95814

Re: In-Home Supportive Services (IHSS): UDW/AFSCME Stakeholder Proposal to Increase IHSS Penalties to Seven Percent – OPPOSE

Dear Assembly Member Arambula:

On behalf of the Urban Counties of California (UCC), I am writing to respectfully oppose the In-Home Supportive Services (IHSS) United Domestic Workers/American Federation of School County and Municipal Employees (UDW/AFSCME) budget proposal. Specifically, UDW/AFSCME is proposing to increase the penalties on counties without collective bargaining agreements from one percent of the county IHSS Maintenance of Effort (MOE) to seven percent of the county IHSS MOE.

Under current law – which was enacted in 2019 — counties are subject to a one-time 1991 Realignment withholding if a county does not have a collective bargaining agreement in place. A county would be subject to withholding if all of the following conditions are met: 1) a county and provider union have completed the full IHSS mediation and factfinding process; 2) the factfinding panel has issued recommended settlement terms that are more favorable to the union; 3) the county has an expired IHSS collective bargaining agreement; and 4) the county and union have not reached an agreement within 90 days after the release of the factfinding recommendations.

The current penalty structure enacted as part of the 2019-20 budget negotiations has been in effect for approximately eight months. Additionally, last year the Administration, Legislature, counties and IHSS provider unions agreed that this new process and associated penalties would be tested through December 31, 2020. UCC represents 14 urban counties – 12 of which have collective bargaining agreements in place that were reached in either 2017 or 2019. The remaining two counties continue to bargain in good faith with their labor partners. The existing collective bargaining rules have incentivized urban counties to come to local agreements; UCC does not believe a change in the law is necessary. Further, it is unclear why the penalty is proposed to be increased by 7-fold; UDW/AFSCME asked for a 3-percent penalty in 2019. It is unreasonable and premature to change the penalties after

The Voice of Urban Counties

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March 9, 2020

Page 2

less than a year, especially when more agreements are being reached – and will likely be reached before December 31, 2020 – within the timeframe all interested parties agreed to last year.

For these reasons, UCC opposes this IHSS stakeholder request. Please do not hesitate to contact me for additional information: 916-272-0011 or kbl@hbeadvocacy.com.

Sincerely,

A handwritten signature in black ink that reads "Kelly Brooks-Lindsey". The signature is written in a cursive, flowing style.

Kelly Brooks-Lindsey

Legislative Advocate

cc: Members, Senate Budget & Fiscal Review Subcommittee No. 3
Renita Polk, Consultant, Senate Budget & Fiscal Review
Rebecca Hamilton, Consultant, Senate Republican Caucus
Keely Bosler, Director, Department of Finance
Tam Ma, Legislative Secretary, Office of the Governor