

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on:
Department Name: DSS
Department No.:
Agenda Date: 1/22/02
Placement: Departmental
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Charlene A. Chase, Director, Social Services Dept.
joyce ellen lippman, Advisory Committee Chair

STAFF: Kathy Gallagher, Deputy Director

CONTACT: X-7101

SUBJECT: Recommendations to approve the Public Authority Ordinance, approve consultation with Santa Barbara Regional Health Authority (SBRHA) regarding health options, and approve the recruitment, interviewing and recommendation of appointment of the Executive Director of the Public Authority by the Department of Social Services (DSS).

Recommendation(s):

That the Board of Supervisors:

1. Approve the recommendation by DSS and the In-Home Supportive Services Advisory Committee to approve the Ordinance to establish the Public Authority for the provision of In-Home Supportive Services.
2. Direct DSS and the In-Home Supportive Services Advisory Committee to move forward with consulting with SBRHA and researching the cost of health care options with SBRHA as a possible health plan.
3. Direct DSS and the In-Home Supportive Services Advisory Committee to recruit, conduct interviews and make a recommendation on the Executive Director appointment for the Public Authority.

3. Alignment with Board Strategic Plan:

The recommendations to approve the Public Authority Ordinance, approve consultation with SBRHA regarding health options and approve the recruitment, interviewing and recommendation of appointment of the Executive Director of the Public Authority by DSS, are aligned with the County's Strategic Plan Goal II: Safe and healthy community in which to live, work and visit.

Subject: Approve Ordinance to establish a Public Authority
Agenda Date: January 22, 2002
Page : 2

Executive Summary and Discussion:

In July 1999, the Governor signed legislation (AB 1682, Chapter 90, Statutes of 1999) mandating the formation of an Employer of Record for the In-Home Supportive Services Program (IHSS). AB 1682 directs all counties to establish an Employer of Record for Employer-Employee Relations for caregivers who provide personal care and domestic services to IHSS clients. In July 2000, the Board approved the composition of the IHSS Advisory Committee and the processes for recruiting and selecting members. In October 2000, the Board appointed members to the IHSS Advisory Committee.

On July 10, 2001, the Board of Supervisors approved the IHSS Advisory Committee's recommendation that the Employer of Record for Santa Barbara County be mixed mode of delivery utilizing a Public Authority and a Contractor. The Board also adopted the recommendation by the IHSS Implementation Team that the governing body of the Public Authority be the Santa Barbara County Board of Supervisors. The Board directed DSS and the Implementation Team to return in January 2002 with the following:

- An Ordinance establishing a Public Authority;
- An Employer-Employee Relations Policy;
- Funding information; and
- Health insurance options.

The Ordinance includes the designation of the Board of Supervisors as the Governing Body of the authority and designates the IHSS Advisory Committee as the advisory committee to the Authority. The Ordinance lists the mandated functions of the Public Authority, the powers granted the Public Authority and the general requirements of its operation as stated in the legislation.

At the Board's direction, DSS initiated efforts to explore health options available to the IHSS provider population. DSS approached the Santa Barbara Regional Health Authority (SBRHA) to determine if they would be interested and if it would be feasible for them to develop a health plan for IHSS Individual Providers. Following our first meeting with SBHRA, it was recommended that we obtain more demographic information about the individual providers. A survey was developed and mailed to over 2000 providers seeking information on their current health insurance status. Pacific Health Consulting Group has been retained to work with DSS to analyze the provider population demographic data, develop cost estimates and research the level of interest and costs among the private health plans. DSS has also contacted the Public Health Department to assess the role of the county health clinics and any potential impacts on their operations. In addition, a study of programs in other PA counties has been completed

The development of health options costs will require extensive staff work in analysis and preparation. Any health plan may need to modify their license, amend provider contracts, modify group service agreements and make changes to their administrative infrastructure. This process could take a minimum of six to nine months to complete. The IHSS Advisory Committee and DSS are requesting the approval to move forward in consulting with SBRHA and researching the cost of health care options with SBRHA as a possible health plan.

Subject: Approve Ordinance to establish a Public Authority
Agenda Date: January 22, 2002
Page : 3

The Executive Director will play a key role in the formation of the operations and activities of the Public Authority. This individual will be responsible for hiring Public Authority administrative staff, drafting an Employer/Employee Labor Relations Policy in consultation with a Independent Provider employee organization and represent the Public Authority at all collective bargaining sessions. The Executive Director will also establish policies and procedures for Public Authority operations and functions, and will provide input for the Memorandum of Understanding between the Public Authority and the County.

With Board approval, the Department of Social Services will begin the recruiting process for the Executive Director. The Executive Director position will be a contracted position. Representatives of DSS, the IHSS Advisory Committee, and the Implementation Team will screen candidates and submit the best candidate to the Governing Board for appointment.

Government Code 3507 provides that a public agency may adopt reasonable rules and regulations after consultation in good faith with representatives of employee organizations for the administration of employer-employee relations under the Meyers-Milias-Brown Act. In the action taken by your Board, in July 2001, you directed the Department of Social Services to return with an “employee resolution” in addition to the Ordinance establishing the Public Authority. However, until the Authority is established, technically there is no “employer” that can adopt an employer-employee relations policy. Therefore, in lieu of bringing an employee relations policy forth at this time but in order to provide sufficient information for employees to begin organizing in the interim, the Ordinance specifies that “the Authority shall establish reasonable rules and regulations respecting the labor relations responsibilities of the Authority, and such rules shall provide that a showing of interest of at least thirty percent (30%) of the eligible providers, shall be a sufficient showing of interest for any labor organization to initiate any election or representation procedures established by the Authority for the purposes of certifying an exclusive representative for purposes of collective bargaining. In the alternative, if a labor organization provides a showing of interest of less than thirty percent (30%) but of at least twenty percent (20%), then an election shall be initiated but said election shall be valid only if at least thirty percent (30%) of the eligible providers vote affirmatively to certify a labor organization as the exclusive representative for purposes of collective bargaining.” Staff anticipates that this information may be used to guide interested employees and employee organizations in initial organizing efforts until an employer-employee relations policy is adopted by the Authority. The Implementation Team recommends the Public Authority Board of Directors meet as soon as possible following the effective date of the ordinance. It is suggested that the Employer Employee Labor Relations Policy be one of the first items of business.

As requested by the Board in July 2001, the Implementation Team has searched for Foundations and Endowment organizations that could be potential funding opportunities for the Public Authority. Our research focused on those foundations or endowment organizations that potentially could provide grants for the Public Authority in the following areas: to develop and market a recruitment program for home care providers that would be placed on a Provider Registry, to purchase training programs or pay stipends for

Subject: Approve Ordinance to establish a Public Authority
Agenda Date: January 22, 2002
Page: 4

home care providers and/or consumers to improve their skills, and to purchase a data system for the registry and certain payroll functions required of the Public Authority.

Mandates and Service Levels:

Implementation of the Advisory committee and establishment of an Employer of Record is mandated by Chapter 90, Statutes of 1999 (AB 1682). The intent of the statute is to enhance service quality by improving the working conditions, (i.e. wages and benefits) of the In-Home Supportive Services individual providers.

Fiscal and Facilities Impacts:

In July 2001, the Board directed the Department of Social Services and the IHSS Implementation Team to return to the Board in January 2002 with a job description and recruitment plan for the Public Authority Executive Director, plus information regarding health insurance for IHSS Individual Providers. The effect of the Board's decision was to accelerate startup costs that were not included in the Department's Fiscal Year 2001/02 budget. It is estimated that these startup costs will be approximately \$98,903.00. Since these costs do not have any funding there will be a need to draw on the Department of Social Service's fund balance for this amount. The Department has prepared a budget adjustment to increase appropriations and decrease fund balance accordingly. We may need to return to the Board at a later date for County contingency funds if CalWORK's and General Relief caseloads continue to grow to a level above what is currently available in our fund balance. The Department will continue to monitor these caseloads and costs monthly.

Special Instructions:

Please send one copy of the minute order to the Department of Social Services, attention Hilary Yost.

Concurrence:

Auditor Controller
County Counsel
Risk Manager

Attachments:

- A - Public Authority Ordinance
- B - Organizational Chart
- C - Grant/Foundation Research
- D - Executive Director Job Description