AMENDED IN ASSEMBLY JUNE 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL No. 1470

Introduced by Assembly Member Vargas

February 21, 2003

An act to add Section 12302.35 to the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1470, as amended, Vargas. In-home supportive services: provider wage and benefit increases: voter initiative.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization.

Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Existing law requires that the counties and the state share the annual cost of providing IHSS services in accordance with specified requirements.

Existing law provides that when any increase in IHSS provider wages or benefits is negotiated or agreed to by a public authority or nonprofit consortium, the county shall use county-only funds for the state and county share of any increase of the cost of the program, unless otherwise provided in the Budget Act or appropriated by statute, and establishes

a formula with regard to state participation for increases for which an appropriation is provided.

This bill would authorize, in any county, the increase in in-home supportive services wages, benefits, or both, by voter initiative to the same extent that these wages and benefits may be increased by the board of supervisors under the IHSS program. *It would require a voter initiative to only be placed on the ballot of a previously scheduled county election and would specify the events that would have to occur in order for the voter initiative to take place.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) California counties have varying costs of living, levels of employment, and labor pools with different skill levels.

(2) These differences result in fluctuating degrees of difficulty in attracting persons to provide quality in-home supportive services for low-income seniors and persons with disabilities.

(3) In order to remedy this situation with respect to the City and County of San Francisco, the Legislature enacted Section 12302.3 of the Welfare and Institutions Code to provide specific authority to permit the increase of wages for in-home supportive services providers in that county.

(b) It is the intent of the Legislature in enacting this act to create an ongoing remedy for the situation described in subdivision (a) with respect to all California counties.

SEC. 2. Section 12302.35 is added to the Welfare and Institutions Code, to read:

12302.35. *(a)* Notwithstanding the authority of the board of supervisors in this article and the authority of the board of supervisors with respect to county expenditures pursuant to Division 3 (commencing with Section 29000) of Title 3 of the Government Code, in any county, in-home supportive services wages, benefits, or both, may be increased by voter initiative to the same extent that the wages and benefits may be increased under this article by the board of supervisors.

(b) A voter initiative authorized by this section shall only be placed on the ballot of a previously scheduled county election, and may not be used to require a county to hold a special election.

(c) A voter initiative under this section shall only take place when the following events have occurred:

(1) The employer of record and the employee organization have exhausted their obligations to meet and confer in good faith, within the meaning of Section 3505 of the Government Code.

(2) Impasse has been reached over increases in wages or benefits, or both, and impasse procedures have been exhausted.

(3) After two months of impasse, either party shall submit the dispute to the Public Employee Relations Board or the California State Mediation and Conciliation Service, which shall then appoint a mediator who will attempt to reach a resolution of the dispute.

(4) If, after one month, the mediator appointed by the government agency is unable to effect settlement of the dispute between the parties, the employee organization shall request that the government agency appoint a fact finder to investigate and determine the amounts of county moneys available, if any, to fund the proposed increase in wages or benefits, or both.

(5) Within one month of appointment, the fact finder shall issue an advisory determination of the amount of additional resources available outside of realignment accounts, if any, and the parties shall have one month to meet and confer in good faith over the mediator's determination. If, after the final month, the parties have not reached an agreement, the voter initiative authorized by this section may take place.

(d) Costs of mediation under subdivision (c) shall be divided one-half to the employer of record and one-half to the employee organization.

(e) The total cost of wages and benefits provided by a voter initiative under this section shall not exceed the maximum levels of wages and benefits as provided for in paragraphs (2) to (5), inclusive, of subdivision (d) of Section 12306.1.

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