

Hearing explores Lake County IHSS proposal

Contributed by Elizabeth Larson
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LAKE COUNTY — An Assembly subcommittee on Tuesday held a two-and-a-half-hour long hearing on Lake County's proposed two-tier pay system for In-Home Supportive Services (IHSS) providers.

Assemblymember Patty Berg, who represents Lake County in the Assembly, called the hearing, and informed Board Chair Jeff Smith on Oct. 9 that it was scheduled for Tuesday, as Lake County News previously reported.

With a full agenda, and with Supervisor Anthony Farrington still recovering at home from a motorcycle accident that took place late last month, the Board of Supervisors voted Tuesday morning to send Social Services Director Carol Huchingson Sacramento to testify on the board's behalf.

Supervisor Rob Brown was the lone dissenter in the 3-1 vote, saying that he felt the entire board should attend.

Brown contended that the timing of the hearing was not an accident. He said of Berg, "If she was serious about our involvement and input it would have been scheduled for another day."

Supervisor Denise Rushing said she had spoken with Berg about the hearing, and that the timing was based on the calendars of legislative staff, not Berg's.

She also reported that Berg had told her, "You've opened a can of worms" with the two-tier proposal, which would pay IHSS providers an extra \$1 per hour over their current minimum wage if they underwent drug testing, background checks and first aid training.

Rushing said she felt it was a mistake for the board or at least one member not to go to the hearing. "I would hate to not have all sides heard by the choice of this board."

Brown said the board had agreed two weeks ago to go as a body, and that they should all go together or not go at all.

The board considered sending one of its members but couldn't agree on which one.

"If we want to be passionate and confrontational, we send Supervisor Brown," said Rushing. If they wanted to reach out, they should send Robey, she added.

Brown said that, with no disrespect intended, that Rushing shouldn't go because "she does not share the same passion at this time as we do on this particular issue."

Eventually, they settled on sending Huchingson, who carried a five-page position statement signed by all four board members at Tuesday's meeting, along with exhibits and attachments, to the hearing.

County Counsel Anita Grant advised Huchingson to simply read the position statement into the record and avoid making policy statements that are the board's responsibility.

With Huchingson, the board also sent the request that Berg's Health and Human Services Subcommittee No. 1 expand the hearing to allow the board — with a recovered Farrington — to appear at a later time to give its testimony.

"This is a big, big issue, and to restrict it to just the folks they've invited to this hearing is not going to give them adequate knowledge of the scope and breadth of this issue, if that's what they really want," said Robey.

HEARING FEATURES VARIETY OF STAKEHOLDERS

Berg introduced the 1:30 p.m. hearing by saying, "I believe that good policy warrants and requires public discussion and airing."

The hearing included four panels, beginning with state and legislative staffers, and Carol Zabin, Ph.D., a UC Berkeley labor economist.

Zabin said that many important health care areas — such as caring for the children, the elderly and the disabled — feature low paid workers. She discussed the importance of controlling turnover for through higher wages and benefits, which translates into better care, a larger employee pool and job satisfaction.

Eva Lopez, deputy director of Adult Programs for the California Department of Social Services, confirmed to the Assembly subcommittee that Lake County did request clearance to pursue the two-tier system.

In order to carry out the proposal, Lopez said the county would need to go through a "labor intensive process" to make sure the drug testing, training and background checks requirements were met.

Los Angeles County, she said, is the only county so far with a two-tier IHSS pay system, but it's different in that it applies to backup providers in emergency situations.

She said the state Department of Social Service determined the county could require drug testing, although the state agency doesn't require it. The issue of drug testing is a county by county issue that depends on each county's specific labor negotiations, she added.

Four other counties — Inyo, Riverside, Sacramento and Yolo — require drug and alcohol screening before workers can be included in a registry, but they don't offer different wages, said Lopez.

Lopez said the state Department of Social Services has asked Lake County to submit additional information on its proposal in order to complete a full review.

During her 15 minutes of testimony, Huchingson told the subcommittee, "Our board feels very strongly about our proposal," and urged them to continue the process so all board members can be heard and more stakeholders could comment on the proposal.

Sticking carefully to the position statement, Huchingson emphasized four points: that the hearing was premature pending the outcome of the state's approval process; that the issue merited more input and consideration that just one hearing could provide; the hearing could interfere with ongoing negotiations between the Lake County Public Authority and the IHSS union, California United Homecare Workers; and that the proposal was meant to give IHSS recipients the

chance to make informed choices and ensure a pool of reliable, capable providers.

Huchingson declined to answer many of the questions subcommittee members asked her, saying she deferred to the county's supervisors.

When Berg asked about the status of negotiations, Huchingson would only say that they were "ongoing."

Berg said she thought it would have been necessary to submit the two-tier system to collective bargaining with the union before taking it to the state. "I'm confused," said Berg.

Huchingson reported that, for August 2007, there were 1,611 paid IHSS providers and 1,561 authorized recipients. She said the county's current IHSS registry has 307 workers listed, of which 146 are active and 161 are on hold because they are not seeking more work.

PROPOSAL DRAWS HARSH CRITICISM

On the third panel, Deborah Doctor, policy advocate for Protection and Advocacy Inc., said the two-tier proposal offers no evidence of increased safety for clients, it diminishes statutory rights and punishes consumers for their choices. She suggested it came down to the county attempting to save money.

Doctor said her sister, who lives in another state, provides IHSS-type care for their mother. If her sister lived in Lake County, she said, "she would have to pee in a cup for the privilege" of caring for her mother, which Doctor said was "appalling."

Sitting on the same panel as Doctor, Janie Whiteford, president of the California IHSS Consumer Alliance and Santa Clara County Advisory Board member, called the proposal "inherently wrong" and demeaning to consumers.

Also speaking was Lake County resident Nancy Krook, an IHSS recipient who employs her daughter, Laurel Elliot.

"My daughter put her life on hold two years ago and came to help me out," said Krook, adding that she often needs 24-hour care.

"The county should not be making judgments where they are not welcome or needed," she said. "I can't help but feel that the caregivers are being discriminated against."

IHSS allows Krook to stay in her dream home, but she fears that's in jeopardy because her daughter may have to move on in order to make a living and have a life.

The final panel featured Tyrone Freeman, president of California United Homecare Workers.

He said there is no agreement between the union and the county to prevent discussion of what is going on in negotiations, contradicting Huchingson's earlier statement.

Freeman said he was there to address the dangerous precedent — especially for consumers — that the two-tier system represented. He added, however that protections should exist, which is why the union supported AB 868, which requires that IHSS providers undergo criminal background checks.

He said Lake County's "misguided" proposal offers no additional protections for consumers.

Freeman, who is black, said the two-tier system created a second-class citizenship situation like the Jim Crow laws that his grandparents fought during the Civil Rights Era.

Doug Moore, vice chair of the California Home Care Council, echoed Freeman's concerns, saying Lake County is attempting to undermine a fundamental consumer right.

Moore suggested Lake County's proposal was meant to avoid paying reasonable wages; he added that the legislature should make the county increase wages to its IHSS workers.

Lake County resident Laurel Elliot, who provides IHSS care to her other, said she believes the proposal is the county's effort to control the system.

"They're not looking at what's best for the provider," she said. "They're not looking at what's best for the consumer."

Minimum wage is not a livable wage, she said, and a livable wage is in everyone's best interests.

The subcommittee also welcomed public comment from residents from around the state. Overwhelmingly, those who spoke opposed the proposal.

Assemblyman Jim Beall (D-San Jose), a subcommittee member, said at the end of the hearing that he wanted to hear from the Lake County Board of Supervisors on the issue.

He pointed to increasing administrative costs for IHSS and concerns about insurance. "Ultimately we want to see everyone have health care and some kind of benefits."

The hearing adjourned shortly before 4 p.m., about five minutes before the Board of Supervisors' open session ended for the day.

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