

County of Los Angeles
DEPARTMENT OF PUBLIC SOCIAL SERVICES

12860 CROSSROADS PARKWAY SOUTH • CITY OF INDUSTRY, CALIFORNIA 91746
Tel (562) 908-8400 • Fax (562) 908-0459



BRYCE YOKOMIZO
Director

LISA NUÑEZ
Chief Deputy



Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROS AVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

October 31, 2005

TO: Each Supervisor

FROM: Bryce Yokomizo, Director

SUBJECT: **NOTICE OF EXECUTION OF AMENDMENT NUMBER 8 TO AGREEMENT
72426 WITH THE PERSONAL ASSISTANCE SERVICES COUNCIL (PASC)**

Attached is a copy of Amendment Number 8 to County Agreement Number 72426 with the Los Angeles County Personal Assistance Services Council (PASC) which was executed on October 26, 2005 in accordance with section 3.3 of such agreement. Your Board approved the appropriation of \$9.6 million on September 20, 2005, to reflect the \$0.35 increase in the In-Home Supportive Services (IHSS) providers hourly wage rate from \$8.10 to \$8.45. Amendment Number 8 reflects the total maximum contract of \$46,008,000 for fiscal year 2005-2006 budgeted for DPSS.

The California Department of Social Services and Department of Health Services have approved DPSS' request for increased funding for the new hourly wage rate of \$8.45 effective November 1, 2005, for approximately 119,000 IHSS providers.

County Counsel and the CAO have reviewed and approved Amendment Number 8 as to form. In addition, the PASC and SEIU Local 434B have signed and agreed to accept this increase.

BY:vs

Attachment

c: Chief Administrative Officer
County Counsel
Auditor-Controller
Executive Officer, Board of Supervisors
PASC Executive Director



**AMENDMENT NUMBER 8
TO
AGREEMENT NO. 72426 BETWEEN
COUNTY OF LOS ANGELES
AND
LOS ANGELES PERSONAL ASSISTANCE SERVICES COUNCIL
(PASC)**

Prepared By
Department of Public Social Services
Adult Services Division

October 2005

**AMENDMENT NUMBER 8
TO
AGREEMENT BETWEEN
COUNTY OF LOS ANGELES
AND
LOS ANGELES PERSONAL ASSISTANCE SERVICES COUNCIL (PASC)**

THIS AMENDMENT is made and entered into this 26 day of October 2005, by and between the County of Los Angeles, hereinafter referred to as COUNTY, and the Los Angeles County Personal Assistance Services Council ("PASC").

WHEREAS, reference is made to that certain document entitled "AGREEMENT BY AND BETWEEN COUNTY OF LOS ANGELES AND LOS ANGELES COUNTY PERSONAL ASSISTANCE SERVICES COUNCIL," dated September 14, 1999 and further identified as County Agreement No. 72426 and the following Amendments: Amendment No. 1 dated October 24, 2000, Amendment No. 2, Amendment No. 3 dated November 20, 2002, Amendment No. 4 dated June 22, 2004, Amendment No. 5 dated October 28, 2004, Amendment No. 6 dated June 30, 2005, and Amendment No. 7 dated July 28, 2005, thereto (all hereafter "Agreement");

WHEREAS, it is the intent of the parties hereto to amend Agreement to appropriate certain funds to the PASC and to make the changes described hereinafter; and

WHEREAS, said Agreement provides that changes may be made in the form of a written amendment which is formally approved and executed by both parties; and

NOW THEREFORE, the parties hereby agree as follows:

1. This Amendment shall become effective upon execution of both parties.
2. Subparagraphs 4.0.5 of Section IV, FISCAL PROVISIONS is deleted in its entirety and replaced with the following:
 - 4.0.5 For Fiscal Year 2005-2006, the COUNTY'S appropriation for the PASC negotiated wage, above minimum wage, shall not exceed the total of \$46,008,000. This amount is an absolute limit on the COUNTY'S cost and the COUNTY is not obligated by this Agreement in any way to pay or subsidize beyond this appropriation amount any portion of any PASC negotiated wage increase beyond the minimum wage.

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- 4.0.5.1 In the event the State's share of wages pursuant to Welfare and Institutions Code §12306.1 is not forthcoming or in any way becomes unavailable, the COUNTY'S above stated obligation for any wage above minimum wage or capitation payments, shall terminate, whether or not the COUNTY reached its maximum allocation of funds for the 2005-2006 fiscal year, as set forth above. Both parties further agree that Welfare and Institutions Code §12306(c)(3) does not obligate the County in any way or at any time to fund the State share of wages or capitation payments negotiated pursuant to Welfare and Institutions Code §12306.1.
3. Subparagraph 4.3.1 of Section IV, FISCAL PROVISIONS is deleted in its entirety and replaced with the following:
- 4.3.1 For future fiscal years, contingent upon appropriation by the COUNTY'S Board of Supervisors, and the continual receipt of State funds allocated to cover benefits pursuant to Welfare and Institutions Code §12306.1, the COUNTY'S payment to the PASC for the PASC's administration of the Health Care Plan shall not exceed \$500,000 except as an additional amount may be appropriated by the County's Board of Supervisors. Such future appropriations are contingent upon the terms of the Collective Bargaining agreement by the PASC and SEIU Local 434B continuing the Health Care Plan, the continual receipt of State funds allocated to cover benefits pursuant to Welfare and Institutions Code §12306.1 and appropriation by the COUNTY'S Board of Supervisors. The COUNTY shall have no obligation to provide any amount towards the administration of the Health Care Plan for succeeding Fiscal Years, unless and until the Board of Supervisors makes such appropriation. If the Board makes such an appropriation, the PASC shall submit to DPSS a monthly invoice detailing the amounts expended by the PASC to administer the Health Care Plan. The COUNTY shall reimburse the PASC for all such valid expenses up to the annual limit set forth in this subparagraph 4.3.1.

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4. Subparagraphs 6.0.2.3 and 6.0.7 of Section IV, FISCAL PROVISIONS are deleted in their entirety and replaced with the following:

6.0.2.3 With respect to any PASC wage for IHSS providers for the period of November 1, 2005 through June 30, 2006 fiscal year, the COUNTY has calculated that the Net County Cost set forth in subparagraph 4.0.5 above would allow for \$8.45 per hour wage, as agreed to in the collective bargaining agreement entered into between the PASC and SEIU Local 434B dated October 3, 2005, presuming current state funding levels.

6.0.7 With respect to PASC wages for IHSS providers for the period November 1, 2005 through June 30, 2006, the County agrees to pay thirty-five percent of the nonfederal share of wage increase up to \$1.70 above the hourly State wide minimum wage, and pursuant to Welfare and Institutions Code §12306.1 as long as the COUNTY'S share does not exceed \$46,008,000 as specified in 4.0.5 above. Under no circumstance shall the COUNTY'S fiscal contributions exceed the amounts referenced in 4.0, 4.0.1, 4.0.2, 4.0.3, 4.0.4, 4.0.5, 4.1, 4.1.1, 4.2, 4.2.1, 4.3, and 4.3.1 above for the respective fiscal year and under no circumstance is the COUNTY obligated for any portion of a wage or any capitation payments, in excess of those amounts if such funds have been depleted or in any way become unavailable, even during the respective fiscal year. Both parties further understand and agree that in the event the State's share of any wage increase pursuant to Welfare and Institution Code §12306.1, is not forthcoming or in any way becomes unavailable, the COUNTY'S above stated obligation for any wage increase or capitation payments will terminate whether or not the funds set forth in subparagraph 4.0, 4.0.1, 4.0.2, 4.0.3, 4.0.4., 4.0.5, 4.1, 4.1.1, 4.2, 4.2.1 , 4.3 and 4.3.1 remain available. In addition, both parties agree that in the event the State's share of any wage increases pursuant to Welfare and Institution Code §12306.1 is not forthcoming or in any way becomes unavailable, the COUNTY is not obligated under any

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circumstances, to pay any portion of the State's share. Both parties further agree that Welfare and Institution Code §12306(c)(3) does not obligate the COUNTY in any way or at any time to fund the State share of a wage increase or capitation payments negotiated pursuant to Welfare and Institution Code §12306.1.

5. Except for the changes set forth herein, this Agreement shall not be changed in any respect by this Amendment.

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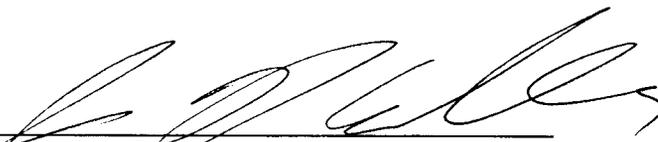
IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Amendment to be signed by the Director of the Department of Public Social Services and the PASC has caused this Contract to be signed by its duly authorized officer(s), on the 26 day of October 2005.

COUNTY OF LOS ANGELES

By 

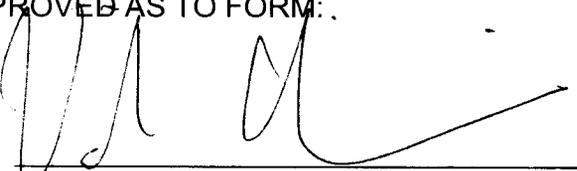
Bryce Yokomizo, Director
Department of Public Social Services

PERSONAL ASSISTANCE SERVICES COUNCIL

By 

Jim Adler, Chair
PASC Governing Board

APPROVED AS TO FORM:

By: 

Raymond G. Fortner, Jr.
County Counsel