

County of Los Angeles
DEPARTMENT OF PUBLIC SOCIAL SERVICES

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

28 February 19, 2019

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February 19, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**INCREASE TO THE BACK-UP ATTENDANT PROGRAM WAGE RATE FOR
IN-HOME SUPPORTIVE SERVICES CARE PROVIDERS
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

SUBJECT

The Department of Public Social Services (DPSS) seeks approval for the In-Home Supportive Services (IHSS) Back-Up Attendant Program (BUAP) home care workers wage rate.

On October 2, 2018, the Board of Supervisors authorized a supplemental wage increase of \$1.00 over a three-year period beginning on January 1, 2019 to \$12.60 for the IHSS Public Authority (PA) wage rate.

To encourage IHSS providers to sign up as a back-up provider, in June 2009, the BUAP wage was set at \$3.00 above the IHSS PA wage rate. This program ensures that back-up providers are available to consumers whose provider is unable to provide services. To reestablish the \$3.00 wage differential, the California Department of Social Services requires the following actions.

IT IS RECOMMENDED THAT THE BOARD:

Authorize the Director of DPSS to:

1. Increase the current BUAP wage rate from \$12.00 per hour to \$12.60 to align with the current IHSS PA wage rate effective April 1, 2019;
2. Increase the \$12.60 BUAP wage rate to \$15.60 effective April 1, 2019 to ensure the differential;
3. Thereafter, maintain the BUAP wage rate at \$3.00 above the IHSS PA wage rate.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

There are approximately 225,000 aged, blind, and disabled individuals in Los Angeles County that can safely remain in their own homes with the assistance of the IHSS home care workers.

The BUAP is designed to address the critical needs of IHSS consumers in urgent need of a referral for a home care worker to assist them on a short-term basis when their regular home care worker is temporarily unavailable or their individualized "Emergency Back-Up Plan" (as described in their IHSS case record) fails. This is not an addition of hours to their monthly hours allowed under IHSS.

Currently there are approximately 17,000 IHSS consumers who meet the BUAP eligibility criteria, and 2,500 have registered with Personal Assistance Services Council in the event they need back-up services. From July 2018 to December 2018, there were 32 IHSS consumers that utilized BUAP services.

Implementation of Strategic Plan Goals

The recommended action is consistent with the principles of the Countywide Strategic Plan, Goal 1, Make Investments That Transform Lives to aggressively address society's most complicated social, health, and public safety challenges and be a highly responsive organization capable of responding to complex societal challenges – one person at a time.

FISCAL IMPACT/FINANCING

Increasing the BUAP wage differential to \$3.60 will bring the wages to \$15.60. The total estimated annual cost to increase the current BUAP wage rate to \$15.60 per hour is approximately \$4,000 including 10% in payroll taxes. This cost is based on the average number of actual BUAP provider paid hours of 1,182 hours. The County share would be approximately 50% of the total cost or \$2,000; assuming 50% of federal participation. The \$3.60 IHSS BUAP provider wage supplemental increase will take effect on the first day of the month following the month in which final approval is received from the State.

County funding shall be subject to the approval of each wage increase increment by the California Department of Social Services which determines whether the increase complies with state law, obtains approval of the State Department of Health Care Services for the increase pursuant to a determination that the increase is consistent with federal law, and ensures federal financial participation for the services under Title XIX of the federal Social Security Act.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On September 14, 1999, the County entered into Agreement 72426 with the PASC pursuant to Los Angeles County code 3.45.130 to specify the purposes, scope or nature of the agreement, the roles and responsibilities of each party, including provision which ensure compliance with all applicable State and federal labor laws, and compliance with all statutory and regulatory provisions applicable to the delivery of IHSS. Amendment Number 10, approved on August 10, 2006, implemented a Back-Up Attendant Pilot Program (BUAPP) in Los Angeles County. Amendment Number 12, approved April 16, 2008, extended the BUAPP to June 30, 2009. Amendment 16, approved on June 16, 2009, made the BUAPP a permanent program and renamed it Back-Up Attendant Program.

Welfare & Institutions Code Section 12306.1 requires that when a Public Authority (PA)/Nonprofit Consortium (NPC) Rate increase is requested, that each County Board of Supervisors approve the rate increase and funding to cover both the county's share and the State's share, including wages and related expenditures until State approval is received. Because of the IHSS PA wage rate increase on January 1, 2019, the newly implement wage rate of \$12.60 surpassed the BUAP wage rate of \$12.00 and effectively eliminated the wage rate differential. DPSS has submitted a letter of intent to continue the BUAP wage differential and documentation requested by the State to process the rate. The BUAP wage rates will be contingent on Departmental funding to ensure adequate, stable, and timely revenue sources to support such wage increases. Should your Board decide to approve making the BUAP wage differential a permanent feature, the State will be provided with a copy of the approved Board Letter.

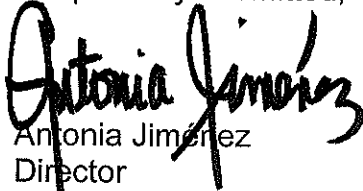
IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended action will continue to support IHSS consumers with severe disabilities to remain safely at home. This will provide an incentive for home care workers to participate in the BUAP.

CONCLUSION

Upon Board approval and execution, the Executive Office, Board of Supervisors, is requested to return one adopted stamped Board Letter to the Department of Public Social Services.

Respectfully submitted,


Antonia Jiménez
Director

AJ:PG:RM:pg

c: Chief Executive Office
Executive Office, Board of Supervisors
County Counsel