



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

Health System

**DATE:** June 26, 2009  
**BOARD MEETING DATE:** July 14, 2009  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors  
Sitting as the In-Home Supportive Services Public Authority  
Governing Board

**FROM:** Jean S. Fraser, Health System Chief  
Lisa Mancini, Director, Aging and Adult Services

**SUBJECT:** Implementation of last, best and final offer for the County's  
participation in the wage for In-Home Supportive Services  
providers

**RECOMMENDATION:**

Adopt a Resolution unilaterally implementing the last, best, and final offer to contribute \$2.15 per hour for In-Home Supportive Services provider wages regardless of federal and State participation levels for one year.

**BACKGROUND:**

The purpose of this report is to provide the San Mateo County Board of Supervisors (the Board) with the background and history of the negotiations with Service Employees International Union, Local 512 (SEIU).

In 1993, the Board passed an ordinance establishing a Public Authority (PA) to administer the provider components of the In-Home Supportive Services (IHSS) program and designating the Board as the Governing Board of the PA. The Board, as the Governing Board of the PA, has previously matched the IHSS wage at the rate at which the State participates.

The current Memorandum Of Understanding (MOU) with SEIU expired on June 30, 2009. It stated that the wage for IHSS workers was to be \$11.50, contingent on State participation at that rate. In the fall of 2008, the PA was notified that the State would decrease its participation in the IHSS wage rate effective July 1, 2009, from \$11.50 to \$9.50 for IHSS Independent provider services.



After that notification, the following negotiation process took place:

January 26, 2009	SEIU contacted the County and requested that the IHSS MOU be extended.
February 2, 2009	PA's negotiator spoke with SEIU about the term SEIU would be interested in and advised SEIU that the PA would be open to discussing an extension but would want to have language similar to that agreed to in 2004 addressing conditions in the event that the state or federal governments were to reduce the hourly amount at which they will share.
February 5, 2009	SEIU rejected the PA's proposal and requested that the negotiator be authorized to continue the discussion.
March 4, 2009	Bargaining session with SEIU and PA. SEIU formally proposed a one-year extension to the current MOU. PA countered with its proposal to add contingency language. SEIU rejected the proposal and requested financial information. Both parties agreed to wait and see what actions the State might take. It was agreed that negotiations would resume at that time.
March 9, 2009	SEIU sent an email listing the providers "who were present at negotiations last week" in order to approve payment.
March 11, 2009	Director of Aging and Adult Services (AAS) provided SEIU with the financial information it had requested and answered questions that had been posed by SEIU.
April 16, 2009	SEIU sent a letter to the Director of AAS which was received on April 21, 2009 stating that the contract had been automatically extended because neither party wrote to invoke negotiations by March 30, 2009, per the terms of the current agreement.
April 20, 2009	PA provided via e-mail additional dates for continued negotiations.
April 24, 2009	PA responded via electronic and U.S. mail that negotiations began in March per the parties' written and verbal requests and again proposed dates to continue negotiations.
May 6, 2009 and May 21, 2009	PA proposed several dates/times to meet with SEIU.
June 9, 2009	PA issued its last, best and final offer to SEIU with a response back date of June 12, 2009. SEIU did not respond.
June 18, 2009	PA issued a letter requesting an impasse meeting. PA requested a response by June 23, 2009. SEIU did not respond.
June 25, 2009	PA issued a letter serving formal notification regarding utilizing either mediation or fact-finding as the next step in the impasse procedure. Response requested by July 3, 2009

The PA's last, best and final offer to SEIU is to contribute \$2.15 per hour for IHSS provider wages regardless of federal and State participation levels. This is the same amount the PA contributed when the State participated at \$11.50. This offer is

predicated on the current proposed changes to the State's participation in the wage for IHSS providers, the impact of those changes on the PA's and County's budgets, and the impact of the current economy and other changes at the State level that will have major, adverse impacts on the County and PA finances.

SEIU was requested to respond to this June 9, 2009, last, best and final offer by June 12, 2009. SEIU did not respond and on June 18, 2009, a request to SEIU for an impasse meeting was made. SEIU again failed to respond.

The net result of our keeping our contribution stable will be that the IHSS wage will be \$10.19 if the State remains at \$9.50, and \$9.21 if the State goes down to \$8.00. The wages are higher than the State maximum participation rate because we are not reducing our contribution and we are able to draw down federal matching dollars for our "extra" contribution to the wage.

This report summarizes all steps taken by the County to negotiate a wage for IHSS providers.

**FISCAL IMPACT:**

If we do not implement our last, best and final offer, the fiscal impact will be a minimum of \$673,450 and a maximum of \$2,587,243 if the State reduces the wage at which it will participate to \$8.00. These additional sums are not in the tentatively Adopted FY 2009-10 Budget.

Contributing \$2.15 per hour for IHSS provider wages regardless of federal and State participation levels is within the PA's tentatively Adopted FY 2009-10 Budget.