



SONOMA COUNTY

IHSS PUBLIC AUTHORITY ADVISORY COMMITTEE

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April 8, 2014

The Honorable Ellen Corbett, Chair
Senate Budget Subcommittee #3
California State Capitol
Sacramento, CA 95814

Subject: **Governor's Proposed Budget – FLSA Overtime Prohibition for IHSS Providers**
OPPOSED

Dear Senator Corbett:

We, the Sonoma County In-Home Supportive Services (IHSS) Public Authority Advisory Committee, strongly oppose the Governor's budget proposal to impose a cap on IHSS providers to no more than 40 hours of work a week to avoid paying overtime.

The Governor's proposal, if enacted, would be devastating to IHSS consumers and providers. The following consequences are sufficiently compelling for the Legislature to reject this budget proposal and appropriate sufficient funds to pay overtime to IHSS providers.

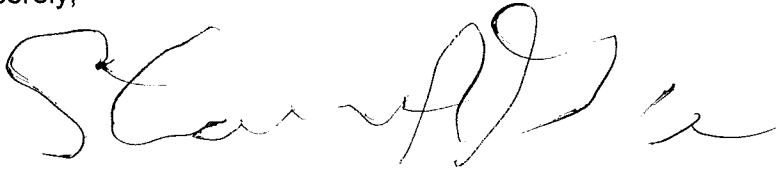
- **Continuity of Care:** The overtime prohibition would force those who have an IHSS provider working more than 40 hours a week to find one or more providers to work the hours above 40. Seniors and people with disabilities who require care beyond 40 hours a week would be forced to rely on other caregivers with less experience and familiarity to their unique needs. Especially concerning are the impacts on children and adults with disabilities who have complex needs for whom consistency is an essential part of care, including people with dementia and other cognitive conditions who can suffer adverse consequences in the hands of unfamiliar caregivers.
- **IHSS providers are not interchangeable:** Personal care is very private. Consumers, including seniors, have strong preferences and needs when it comes to the people who provide their care. Some consumers are monolingual in a language other than English, some prefer a worker of one gender, or from a similar cultural background. Some will not accept care from anyone other than a spouse or family member or other trusted provider.
- **Consumer choice is a cornerstone of the IHSS program,** which will be deeply eroded by this proposal. IHSS consumers have the right to hire, fire, and supervise their provider and they take into consideration their unique needs along with the intimate nature of the personal care service.
- **Availability of workforce:** The Governor's proposal assumes that somewhere around 30,000 – 50,000 individuals, who are not now IHSS providers, will somehow be willing and available to do this work. There is no factual basis for this assumption. In correct California, often the only available person to provide the care is a family member.
- **Availability of workers for new Provider Back-up System:** The Governor's proposal assumes the creation of a new system of back-up providers, who would be available, on short notice, to fill any unexpected needs of consumers who are unable to have their scheduled provider perform the needed work. The challenges and expense of such a system are underestimated; nowhere has such a service been created on anywhere near the scale required.
- **Reduction to provider income/consumer household income:** By prohibiting work beyond 40 hours a week, the proposal sharply limits the ability of caregivers to provide for their family. The

sole source of income for 63% of providers is from the IHSS program. Because of the loss of hours, providers would lose income. IHSS providers who are living at near or below the poverty level will be severely impacted by these cuts. In about half of the cases, IHSS providers live in the same household as the IHSS recipient. The loss of income to the provider would impact the overall household income, leaving the consumer with insufficient funds to pay rent. The unintended consequence could force many IHSS consumers to move out of their homes and into institutional care.

IHSS provides a humane, compassionate, and cost-effective alternative to nursing home or other institutional placement. Restricting IHSS providers to 40 hours a week would cause many of our most vulnerable frail seniors and persons with disabilities to experience additional unnecessary health problems that will result in much costlier medical care, emergency room visits, acute care hospital stays, and nursing home placements.

We urge you to oppose the proposal to cap IHSS provider hours to avoid paying overtime. Thank you for your consideration of this vitally important matter!

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Gow". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Stan Gow, Chairperson
Sonoma County IHSS Public Authority Advisory Committee

cc: Members, Senate Budget Subcommittee #3
The Honorable Jerry Brown
The Honorable Darrell Steinberg
The Honorable John Pérez