

PASC Governing Board Meeting Minutes September 8, 2014

1) CALL TO ORDER/ROLL CALL

Ms. Navarro called the meeting to order. Mr. Oliver called the roll:

Members present: Mr. Adler, Ms. Bardeaux, Ms. Becker Kennedy, Ms. Belton, Mr. Castano, Mr. Davila-Castro, Mr. MacDonald, Mr. Magady, Ms. Miles, Ms. Navarro, Ms. Otero, Ms. Poole

Members absent: Ms. Boonshaft

2) READING OF THE MISSION STATEMENT AND MOMENT OF SILENCE – ATTACHMENT B

The mission statement was read by Ms. Bardeaux.

3) COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

Elizabeth Cooper reported that she is the parent of a developmentally disabled IHSS consumer, and a member of the L.A. Care Consumer Advisory Committee. Ms. Cooper invited PASC to participate on this committee.

Archie Souter announced that the Asian and Pacific Islander Hope and Recovery Conference will be held on October 29th in Alhambra.

4) MINUTES – APPROVAL OF THE AUGUST 4, 2014 MINUTES – ATTACHMENT C-1 MINUTES – APPROVAL OF THE JULY 7, 2014 MINUTES – ATTACHMENT C-2 MINUTES – APPROVAL OF THE JUNE 2, 2014 MINUTES – ATTACHMENT C-3

August 4, 2014 minutes approved on motion of Mr. Castano, seconded by Mr. Adler, by consensus.

July 7, 2014 minutes approved on motion of Mr. Castano, seconded by Ms. Belton, by consensus.

June 2, 2014 minutes approved on motion of Ms. Belton, seconded by Mr. Adler, by consensus.

5) FINANCIAL REPORT – APPROVAL OF JULY 2014 – ATTACHMENT D-1 FINANCIAL REPORT – APPROVAL OF JULY 2014 NPER – ATTACHMENT D-2 FINANCIAL REPORT – APPROVAL OF JUNE 2014 – ATTACHMENT D-3 FINANCIAL REPORT – APPROVAL OF JUNE 2014 NPER – ATTACHMENT D-4 FINANCIAL REPORT – APPROVAL OF MAY 2014 – ATTACHMENT D-5 FINANCIAL REPORT – APPROVAL OF MAY 2014 NPER – ATTACHMENT D-6

May 2014 and June 2014 reports approved on motion of Mr. Castano, seconded by Mr. Adler, by consensus with two abstentions.

July 2014 report approved on motion of Mr. Castano, seconded by Ms. Belton, by consensus. July 2014 report, NPER, approved on motion of Mr. Castano, seconded by Ms. Belton, by consensus.

In accordance with California Government Code Section 53646(b)(1), Mr. Wagstaff reported on interest income for July 2014.

6) BOARD CHAIR'S REPORT

Ms. Navarro reported that she is working with Mr. Thompson, the Executive Committee, and committee chairs on an agenda and objectives for the upcoming Board retreat.

The Executive Committee has asked the Finance Committee, chaired by Ms. Otero, to review PASC's annual budget, and draft financial policies for Board spending based on PASC's contract with the County.

Board members discussed Board retreat scheduling and location issues. **Ms. Navarro requested that Mr. Thompson draft a retreat budget for Board approval.**

Ms. Becker Kennedy stated the following motion: That whatever the Executive Committee decides is a good budget for the retreat is fine. Seconded by Ms. Miles. Approved by consensus with one opposed and two abstaining

7) EXECUTIVE DIRECTOR'S REPORT

a) MMR – ATTACHMENT F

Mr. Thompson called Board members' attention to the report in the Board packet.

b) ULTCW-SEIU EXTENSION OF TERM OF COLLECTIVE BARGAINING AGREEMENT – ATTACHMENT G

Mr. Thompson reported that the extension to continue the current collective bargaining agreement was signed on approval of the Executive Committee.

Ms. Becker Kennedy stated the following motion: That we ratify [remainder of motion not captured by microphone]. Seconded by Ms. Belton. Approved by consensus. I believe this is ratify extension of collective bargaining contract.

c) INFORMATION ON PASC SPONSORING A BILL

In response to a request from Mr. Adler at last month's meeting, Mr. Thompson reported that County Counsel has ruled that, because PASC is an independent body, separate from the County, PASC is able to take positions on bills, to take ideas for bills to the County for consideration, to approach individual Supervisors regarding legislation, or to independently sponsor a bill. Mr. Thompson emphasized that bill sponsorship is an extensive process, and that other organizations employ multiple full-time staff members for this process, and recommended that PASC continue taking ideas for legislation to these organizations.

Mr. Thompson reported that AB 45 died in committee. AB 1703 failed passage in the Senate, and will be reintroduced. AB 1744, AB 2623, SB 1124, SB 87, and SB8783 passed out of the legislature and are awaiting signature by the governor. **Ms. Navarro requested that these bills be sent by email to all Board members; Mr. Thompson agreed.**

8) PASC BOARD OFFICER ELECTIONS

Mr. Adler nominated Ms. Navarro for Chair, seconded by Mr. Castano. Ms. Bardeaux nominated Ms. Poole for Chair.

In response to a question from Ms. Miles, Mr. Thompson agreed to resend information on Board member responsibilities included in a previous Board packet.

Mr. MacDonald objected to a lack of structure and process for the officer elections. Board members discussed Mr. MacDonald's statements. Ms. Bardeaux noted Mr. Thompson's earlier recommendation for a Board Parliamentarian.

Ms. Navarro was re-elected Chair, by majority. Mrs. Poole ran for Chair and Willis has vote count.

Mr. Magady nominated Mr. Adler for Vice Chair, seconded by Mr. Castano. Ms. Belton nominated Ms. Poole for Vice Chair, seconded by Ms. Bardeaux. Mr. Adler was re-elected Vice Chair, by majority.

On nomination of Ms. Belton, seconded by Ms. Becker Kennedy, Mr. Castano was re-elected Secretary, by consensus.

Ms. Becker Kennedy nominated Ms. Otero for Treasurer. Ms. Belton nominated Ms. Poole for Treasurer. Ms. Otero was re-elected Treasurer, by majority.

On nomination of Ms. Poole, Ms. Miles was re-elected Member at Large, by consensus.

Mr. MacDonald challenged the elections on the grounds that the Board is out of compliance with terms of office, and asked that terms of office be reviewed by County Counsel.

9) BROWN ACT PRESENTATION BY LATAYVIUS ALBERTY, COUNTY COUNSEL

Ms. Alberty invited Board members to a Brown Act training and workshop on October 16th, and provided an overview of the Brown Act as it applies to Board meetings, standing subcommittees, and short-term, ad hoc committees.

Ms. Alberty clarified that PASC must have 8 Board members to make a quorums, serial meetings, Robert's Rules of Order, teleconferencing, public attendance and public comment, agendas, meeting locations, recording, closed sessions, penalties for Brown Act violations, Board member serve at the pleasure of the Board of Supervisors who can waive term limits, and re-appointment policies and procedures.

[many Board member comments and concerns on this item not captured by microphone, or obscured by cross-talk and background noise from phone lines]

10) SENIOR CONCERNS COMMITTEE

a) LACOA

Ms. Belton reported that the C4A Annual Meeting and Conference will be held in November in Los Angeles. An Aging in Place Innovations conference will be held on October 9th at USC; Ms. Belton will attend.

Mr. Thompson recommended that a Board member attend the C4A conference; Ms. Belton asked that she attend.

Ms. Belton reported that she has been invited to participate in a AAA group meeting with Senator Feinstein.

b) APPROVAL OF THE SENIOR CONCERNS COMMITTEE TO BE ADOPTED AS A STANDING COMMITTEE

Ms. Belton stated the following motion: That the Senior Concerns Committee be made a permanent committee. Seconded by Ms. Becker Kennedy.

Me. Belton stated the following motion: That it be a committee of seven, three of whom would not be Board members.

Ms. Belton stated the following motion: That the Senior Concerns Committee be of seven people that's been voted and is a permanent committee. And that there be seven people, three of whom are not Board members. Seconded by Ms. Miles.

Mr. Adler stated the following motion: Making the Senior Concerns Committee a permanent committee, consisting of four members of the PASC and three members from outside. Approved by consensus.

11) MANAGED CARE COMMITTEE

a) POTENTIAL LEGISLATION – ATTACHMENT H

Ms. Becker Kennedy outlined the eight items of legislation recommended by the Managed Care Committee in the attachment in the Board packet, and stated that PASC should be an active agent in the legislative process.

Ms. Becker Kennedy stated the following motion: That we pass all these eight pieces of potential legislation and pursue them in Sacramento. Seconded by Ms. Miles.

Board members discussed concerns and strategies for how PASC should pursue these objectives and work with other organizations.

Mr. Adler restated the motion: That the PASC supports legislation to accomplish these eight points. Approved by consensus.

Ms. Navarro suggested that the Board form a Legislative Committee. Ms. Becker Kennedy disagreed.

b) ADVANCE PAY – ATTACHMENT I

Ms. Otero stated the following motion: The PASC moves that the current system of advance pay be continued, until an adequate program is developed that fully preserves the rights of those on advance pay. Seconded by Ms. Becker Kennedy. Approved by consensus with one opposed.

Mr. Thompson noted that this is an existing law all providers have to pass a CBI and complete an orientation to work as an IHSS provider. CDSS felt the need to send out a reminder specifically for advanced pay in the form of a new All-County Letter. The Department of Justice continues to takes an exorbitant amount of time to process criminal background checks causing significant delays for providers getting paid.

c) FLSA

Ms. Becker Kennedy discussed the implementation of new overtime rules in other states, and concerns for families with more than one child with a disability.

Mr. Adler stated the following motion: Because of the devastation that will result to the small remaining population of families with more than one disabled family member, PASC

moves that the cap for such families be modified to permit 61 hours for each family member. Seconded by Ms. Belton. Approved by consensus.

Mr. Thompson noted that SB 873 attempts to address this issue although it is not conclusive.

12) DPSS REPORTS

Ms. Gomez reported that her department has followed up with a concern brought by SEIU at last month's meeting regarding a provider's paystub; the department is waiting to receive additional clarification from SEIU on this individual case.

In response to a concern from Ms. Miles at last month's meeting, Ms. Gomez reported that the IHSS Program section has requested clarification from the state on provider pay issue confidentiality and policy, and is waiting for a response. **Ms. Navarro requested that Ms. Miles be contacted directly with this information; Ms. Gomez agreed.**

In response to concerns from Mr. Adler at last month's meeting, Ms. Gomez confirmed that the three-month hold harmless period is part of Welfare & Institutions Code §12300.41a, and clarified that IHSS providers have been excluded from the Healthy Workplaces, Healthy Families Act of 2014.

Ms. Gomez distributed additional information on SB 855 and AB 1522.

13) SEIU-ULTCW REPORTS

Mr. Tapia reported that the MAC generated 5286 cases in August; of these, 98% were closed. 3711 cases, or 86%, were from LA County. 559 calls from LA County were regarding MetLife benefit, and 198 regarding dental program membership.

Mr. Adler requested that Mr. Tapia end his report and distribute it for Board members to read; Mr. Tapia agreed.

Mr. Csekey reported that Harris v. Quinn was a decision that affected homecare workers in Illinois; no court in California has ruled about the California program. ULTCW's attorneys are studying the similarities with Illinois' program, and ULTCW's mission defending the IHSS Program for both providers and consumers has not changed. ULTCW will continue advocating for the best interests of workers, regardless of any Supreme Court decisions.

In response to questions and concerns from Ms. Becker Kennedy, Mr. Thompson reported that late pay is an issue for providers statewide, with the primary cause being DOJ delays in processing criminal background checks. Mr. Csekey added that timesheet rejection is also an issue, and reported that 14,000 timesheets were rejected in August.

Ms. Becker Kennedy stated her ideas for improving the new provider process; Ms. Tostado-Hernández responded that orientations have a capacity to maintain.

14) MISSION MOMENTS

15) NEW BUSINESS – FUTURE AGENDA ITEMS

16) CLOSED SESSION

None.

17) OPEN SESSION

18) ADJOURN

Approved by

Date minutes approved

ACTION POINTS

- Ms. Navarro requested that Mr. Thompson draft a retreat budget for Board approval.
- Ms. Navarro requested that these bills be sent by email to all Board members; Mr. Thompson agreed.
- Ms. Navarro requested that Ms. Miles be contacted directly with this information; Ms. Gomez agreed.