



Kriss Worthington  
Councilmember, City of Berkeley, District 7  
2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704  
PHONE 510-981-7170, FAX 510-981-7177,  
EMAIL [kworthington@cityofberkeley.info](mailto:kworthington@cityofberkeley.info)

CONSENT CALENDAR  
November 13th, 2018

To: Honorable Mayor and Members of the City Council  
From: Councilmember Cheryl Davila, Kate Harrison, and Kriss Worthington  
Subject: Address the disabled and senior communities about IHSS paycheck delays by sending letters to IHSS and copies to Senator Nancy Skinner and Assemblymember Buffy Wicks ~~Tony Thurmond~~

### RECOMMENDATION

Send the attached letters to the -State Department of Social Services: IHSS, and State Department of Health Care Services: IHSS, as well as ~~and send copies to~~ Senator Nancy Skinner and Assemblymember Tony Thurmond to encourage the swifter release of paychecks for new hires.

### BACKGROUND

[1]Seniors and people with disabilities cannot sustain the rights to live independently outside of institutions that are afforded to them by the Olmstead Supreme Court decision, if they do not have an in-home care program to pay their caretakers, as all other workers are paid timely within existing labor codes. When IHSS caretakers do not receive their first paycheck for months, they are forced to leave seniors and disabled person without care outside of the afforded institutions. These people who depend on community providers face imminent [2]institutionalization[3] unless this problem is immediately rectified, and IHSS workers face imminent harm as well, when they work for long periods of time without pay, especially when the vast majority live paycheck to paycheck.

On March 16, 2017, the California State Auditor issued an audit regarding timesheet and payment systems for In-Home Supportive Services (IHSS) providers. According to this audit, Social Services have ~~has~~ not provided adequate direction or the appropriate tools” for counties to properly address issues regarding timesheets. Consequently, many IHSS providers have received delayed payments. As the audit states, these delays “result in providers being forced to seek other employment to meet their financial needs and not being able to continue serving IHSS recipients.”

This is a time-critical concern in the disabled and senior community that needs to be addressed before further damage is done. Seniors and people with disabilities find it exceedingly difficult to hire and retain in-home service employees due to reported paycheck delays within IHSS. These delays disincentivize potential providers from applying and staying on. Indeed, there have been numerous complaints by individuals working as Finance Coordinators for Supported Living Programs about the time it takes for newly hired providers to receive their first paycheck and the extremely high turnover rate it causes.

Once a provider has been hired by a recipient, the provider receives a packet containing instructions to enroll with IHSS for that particular county. Depending on the county, that enrollment

process can take from 2 weeks to 3 months to complete. Once that portion of the process has been finished, the timesheets for the provider can take up to 6 weeks to arrive. Because of this long series of delays, many recipients with disabilities have been left by multiple providers who cannot wait for months for their first paycheck.

Berkeley is the birthplace of independent living, which is essentially how seniors and people with disabilities have been able to live independently outside of institutions. However the breakdown in the administration of the program is now threatening this ability to live independently. As IHSS workers cannot wait months for their first paycheck, seniors and people with disabilities are losing one provider after another. One disabled in particular, who has brought attention to this issue, was hospitalized, due to her caretaker being forced to leave her job.

By sending a letter to Berkeley's state representatives and the State IHSS, requesting (1) the installation of a dedicated Phone Enrollment, (2) the use of a quick verification system, (3) verification of providers via E Verify, and (4) the set up of an emergency ombudsman unit, we hope to encourage them to implement the necessary changes outlined in the audit from March of 2017 to ensure that hardworking supported living providers are being treated fairly and that the people they are employed to assist are receiving the highest possible care.

CA State Auditor March 2017 Audit: <https://www.bsa.ca.gov/reports/2016-128/index.html>

FISCAL IMPACTS OF RECOMMENDATION:

Minimal

ENVIRONMENTAL SUSTAINABILITY:

No significant impact.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170

ATTACHMENTS:

1. Draft Letter to CA Department of Social Services & IHSS from City of Berkeley
2. Draft Letter to CA Health Care Services & IHSS from City of Berkeley
3. Letter from Sheila McNair from Supported Living
4. Letter from Georgie Piegaro from Community Resource Manager

ATTACHMENT 1:

California Department of Social Services

IHHS  
744 P St,  
Sacramento, CA 95814

Dear IHSS,

The City of Berkeley urges you to get involved with an important issue affecting not only many members of the senior and disabled communities (consumers), but also those directly employed by Supported Living Programs (providers).

There have been numerous complaints by individuals working as Finance Coordinators for Supported Living Programs about the time it takes for newly hired providers to receive their first paycheck and the extremely high turnover that results. This turnover is a huge detriment to the vulnerable citizens that Supported Living Programs are supposed to assist. As the pool of providers dwindles the members of the senior and disabled communities are at risk of being neglected. The convoluted and confusing process to become a provider is an active deterrent that discourages people from taking part in this program.

Once a provider has been hired as a recipient, the provider will receive a packet containing instructions to enroll with IHSS for that particular county. Depending on the county, that enrollment process can take from 2 weeks to 3 months to complete. Once that portion of the process has been finished, the timesheets for the provider can take up to 6 weeks to arrive.

Because of this huge delay in paycheck arrival, many disabled recipients have been left by multiple providers who cannot wait for months for their first paycheck. However, there are many pragmatic avenues that the state can take in order to address this pervasive issue. With that in mind, it would be wise to:

1. Install a dedicated Phone Enrollment Line for People with Disabilities to submit the designation of provider form paperlessly and provide for electronic signatures, avoiding lost paperwork and time-consuming forms sent through the mail.
2. Use a quick verification system on the dedicated Phone Enrollment Line like E-Verify or the program used by Adult Protective Services to quickly relocate an abused child in a home to check whether the prospective provider has felonies on their record. This would prevent felons from attending orientation and alert consumers that their chosen provider is not eligible to work for IHSS.
3. Make it so that if providers have been cleared by E Verify or other quick CBI systems, then the provider may attend an orientation, show their Social Security and California ID, fill out all remaining necessary forms, and receive their first timesheet, and be instructed on how to fill out and send it in at the end of the pay period.
4. Set up an emergency ombudsman unit to expedite remaining delays to ensure that providers are paid in time frames consistent with existing labor codes.

We encourage you to take swift action on this issue to ensure that hardworking supported living providers are being treated fairly and that the people they are employed to assist are receiving the highest quality care.

Respectfully, the Berkeley City Council

ATTACHMENT 2:

Department of Health Care Services

IHSS

1500 Capitol Ave,

Sacramento, CA 95814

Dear IHSS,

The City of Berkeley urges you to get involved with an important issue affecting not only many members of the senior and disabled communities (consumers), but also those directly employed by Supported Living Programs (providers).

There have been numerous complaints by individuals working as Finance Coordinators for Supported Living Programs about the time it takes for newly hired providers to receive their first paycheck and the extremely high turnover that results. This turnover is a huge detriment to the vulnerable citizens that Supported Living Programs are supposed to assist. As the pool of providers dwindles the members of the senior and disabled communities are at risk of being neglected. The convoluted and confusing process to become a provider is an active deterrent that discourages people from taking part in this program.

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- 5.1. \_\_\_\_\_ Install a dedicated Phone Enrollment Line for People with Disabilities to submit the designation of provider form paperlessly and provide for electronic signatures, avoiding lost paperwork and time-consuming forms sent through the mail.
- 6.2. \_\_\_\_\_ Use a quick verification system on the dedicated Phone Enrollment Line like E-Verify or the program used by Adult Protective Services to quickly relocate an abused child in a home to check whether the prospective provider has felonies on their record. This would prevent felons from attending orientation and alert consumers that their chosen provider is not eligible to work for IHSS.
- 7.3. \_\_\_\_\_ Make it so that if providers have been cleared by E Verify or other quick CBI systems, then the provider may attend an orientation, show their Social Security and California ID, fill out all remaining necessary forms, and receive their first timesheet, and be instructed on how to fill out and send it in at the end of the pay period.
- 8.4. \_\_\_\_\_ Set up an emergency ombudsman unit to expedite remaining delays to ensure that providers are paid in time frames consistent with existing labor codes.

We encourage you to take swift action on this issue to ensure that hardworking supported living providers are being treated fairly and that the people they are employed to assist are receiving the highest quality care.

Respectfully, the Berkeley City Council

ATTACHMENT 3:

I am the Supported Living Finance Coordinator for Jay Nolan Community Service, Inc. A large part of my duties are to assist with IHSS. We have a tracking system in place starting from when we submit the IHSS New hire packets to the point the provider receive their first set of time sheets. This process could take 4-7 months. Although, we have had a couple of cases that took up to 10 months before receiving any time sheets.

Once the recipient has identified a new provider, I give them the needed paperwork to complete. Once they fill it out, I look it over to be sure it's completed correctly and there's a colored copy of both social security card and California driver's license attached (I also make sure the address on the license matches the one on the application), I type and attach a coversheet to the assigned IHSS clerk explaining what is in the envelope, the recipient name and case number, the providers name, start date and how many hours they will be claiming monthly. Then, I certify mail everything to the IHSS office.

It usually takes about 6-8 weeks for the provider to receive a letter from ihss with a date to attend their orientation class. However, there have been many times when the provider does not receive the letter and I have to resend the entire packet again. I have called and left a voicemail (I have yet to have a person answer whenever I have called) and requested an assigned date in order for a person to attend. I received a voicemail back stating that the classes are booked and all they can do is wait. They are signed into the class by the order their packets are received (it's a first come first serve basis) and once the worker receives the letter that's when they can attend the class.

The day the provider goes to the orientation class, they come into our office and we get their live scan completed that same day. It takes another 4-6 weeks for the provider to receive their clearance letter. Once they do they contact me and bring me a copy within 2-3 days. I then type a cover letter and certify mail a copy of the letter to the appropriate clerk assigned to the case. Then we wait for the provider to receive their time sheets. This could take at least 6 weeks to happen and that's after I've placed numerous calls and mailed a letter or two as a reminder.

Sheila McNair  
Supported Living Finance Coordinator  
Jay Nolan Community Services  
P: 818 361 6400 ex 135  
F: 818 837 3669

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ATTACHMENT 4:

My name is Georgie Piegaro, and I am the Community Resource Manager for S.T.E.P. Inc. Since beginning with the agency back in 2007, it has been a continued struggle with the time in which it takes for a new hire to begin the process of enrolling with IHSS to when they first receive their IHSS paycheck.

We currently work with 7 different IHSS counties as the individuals being supported by S.T.E.P. live throughout Northern California. Each IHSS Public Authority office handles the enrollment process differently dependent on how they set up the process for their county.

At time of hire by the recipient, each provider is given a packet along with instructions on how to enroll with IHSS for the county in which the recipient is residing. Because each county is different in how they handle the enrollment process, it can take up to 2 weeks to 3 months for the enrollment process to be completed.

Once the enrollment process has been completed, the timesheets may take another week to 2 weeks for the providers to receive the timesheet from IHSS. The providers must then wait another 10 days from the date in which the timesheet is mailed for IHSS to process and send an IHSS paycheck.

Due to the amount of time that it takes for the staff (provider) to get paid from IHSS, we have experienced a high turnover rate.

Georgie Piegaro  
Community Resource Manager  
Strategies To Empower People, Inc.  
916-679-1555 ext. 204