

AB-2819

In-Home Support Services: Collective Bargaining Penalty



Prepared by the
ELDERLY CARE
EVERYWHERE POLICY
TEAM



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Largest youth lobbying group for senior citizens and senior care in California.

Executive Summary

Assembly Bill No. 2819 (AB 2819), introduced by Assembly Member Bains during the 2023-2024 Regular Session of the California Legislature, proposes amendments to the In-Home Supportive Services (IHSS) program's collective bargaining framework. This bill seeks to adjust the penalties imposed on counties that fail to reach a collective bargaining agreement with IHSS workers within a specified timeframe after mediation and factfinding processes.

AB 2819 mandates that if a public authority or nonprofit consortium, acting as the employer of record, and the employee organization cannot reach an agreement on a bargaining contract, a mediation process must be initiated. If mediation fails, the parties must proceed to factfinding, where a panel will recommend settlement terms. If the county and employee organization do not reach an agreement within 90 days of the factfinding panel's recommendation, the county will be subjected to a withholding of 1991 Realignment funds.

The bill modifies the existing penalty structure by changing the amount of 1991 Realignment funding withholding from 10% to an unspecified percentage of the county's prior fiscal year IHSS Maintenance of Effort requirement. This withholding will continue once per fiscal year until the county enters into a collective bargaining agreement with the employee organization.

AB 2819 aims to enforce timely collective bargaining agreements, ensuring that IHSS workers receive fair and equitable contracts. The bill underscores the importance of mediation and factfinding in resolving labor disputes and holds counties accountable for delays in the bargaining process. By imposing financial penalties, AB 2819 incentivizes counties to negotiate in good faith and reach agreements promptly, thereby enhancing the stability and effectiveness of the IHSS program.

Additionally, the bill emphasizes the critical role of IHSS workers in providing essential care to aged, blind, and disabled persons, enabling them to live independently in their own homes. By ensuring that these workers receive timely and fair contracts, AB 2819 supports the continuity and quality of care that IHSS recipients depend on.

In summary, AB 2819 introduces critical changes to the collective bargaining penalty framework within the IHSS program. By revising the financial penalties for counties that fail to reach timely agreements with IHSS workers, the bill promotes fair labor practices and reinforces the importance of the mediation and factfinding processes. This legislative measure aims to ensure that IHSS workers receive timely and just contracts, ultimately supporting the welfare of aged, blind, and disabled persons who rely on these essential in-home services.



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Our Position

Assembly Bill No. 2819 (AB 2819), introduced by Assembly Member Bains during the 2023-2024 Regular Session of the California Legislature, seeks to improve the collective bargaining process within the In-Home Supportive Services (IHSS) program. This bill proposes essential changes to the penalties imposed on counties that do not promptly reach collective bargaining agreements with IHSS workers, ensuring fair treatment for these crucial service providers.

Elderly Care Everywhere strongly supports AB 2819 as it aligns with our mission to advocate for the health, welfare, and happiness of vulnerable populations. By promoting fair labor practices and emphasizing the importance of timely collective bargaining agreements, AB 2819 ensures that IHSS workers receive the respect, recognition, and resources they deserve. This, in turn, improves the quality of care provided to seniors and individuals with disabilities, allowing them to remain in their homes with dignity.

AB 2819 establishes a clear mediation and factfinding process for resolving labor disputes between IHSS workers and their employers. If no agreement is reached, the bill imposes financial penalties on counties by withholding a percentage of their 1991 Realignment funds until a collective bargaining agreement is achieved. This measure ensures good faith negotiations and holds counties accountable for delays.

The bill proposes changing the penalty structure by adjusting the 1991 Realignment funding withholding from a fixed 10% to a variable percentage. This flexibility ensures penalties match the severity of non-compliance, encouraging counties to prioritize timely agreements with IHSS workers.

AB 2819 emphasizes the critical role of IHSS workers in caring for aged, blind, and disabled individuals, allowing them to live independently. By advocating for fair contracts and timely agreements, the bill supports the IHSS program's stability and benefits those relying on these essential services.

Furthermore, AB 2819's focus on mediation and factfinding ensures transparent dispute resolution. These procedures ensure both parties are heard and solutions are based on balanced considerations, fostering a collaborative and respectful labor environment essential for the IHSS program's success.

In summary, AB 2819 enhances the collective bargaining framework within the IHSS program by revising penalties for counties that delay agreements with IHSS workers. The bill promotes fair labor practices and strengthens program stability. Elderly Care Everywhere supports AB 2819, as it aligns with our mission to advocate for the welfare of aged, blind, and disabled persons, ensuring they receive high-quality in-home care from a well-supported workforce.



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Letter of Support for AB-2819

June 2, 2024

The Honorable Alex Lee, Chair
Assembly Committee on Human Services
1021 O Street, Suite 4120
Sacramento, CA 95814

Re: Support for AB 2819

Dear Chair Lee and Members of the Assembly Committee on Human Services,

On behalf of Elderly Care Everywhere, I am writing to express our strong support for AB 2819, which aims to enhance the in-home supportive services (IHSS) program by addressing penalties related to collective bargaining agreements. This bill is crucial for ensuring that the working conditions of IHSS providers are protected, which in turn directly impacts the quality of care received by our senior citizens.

The stability and quality of in-home care are paramount for the well-being of seniors. According to the California Department of Aging, over 600,000 seniors in California rely on IHSS for their daily needs. By implementing clear penalties for breaches in collective bargaining agreements, AB 2819 ensures that IHSS providers work under fair and regulated conditions. This legislation helps retain a dedicated and motivated workforce, thereby improving the consistency and quality of care for seniors.

AB 2819 supports senior citizens by ensuring their caregivers are protected and treated fairly. Improved working conditions for IHSS providers mean that seniors can expect a higher standard of care from well-supported and adequately compensated workers. This bill is a step toward safeguarding the interests of our elderly population by maintaining a stable and efficient caregiving environment.

We strongly urge you to support AB 2819, as it plays a critical role in enhancing the care and support for our senior citizens through a strengthened IHSS program.

Sincerely,
Aakrisht Mehra
Founder/CEO
Elderly Care Everywhere



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About Elderly Care Everywhere

Elderly Care Everywhere is a transformative nonprofit organization dedicated to improving the lives of senior citizens. Since its inception, the organization has positively impacted over 40,000 seniors through a variety of programs aimed at enhancing their quality of life.

Elderly Care Everywhere has been instrumental in alleviating hundreds of thousands of dollars in medical debt, ensuring that seniors have access to the healthcare they need without the burden of financial stress. With more than 20 chapters across the United States, the organization extends its reach and resources to numerous communities, providing support and advocacy on a national scale.

Beyond U.S. borders, Elderly Care Everywhere has established flood relief camps in India, showcasing its commitment to global humanitarian efforts. The organization's impactful work has been recognized by the government of New Delhi, further highlighting its significant contributions to senior care and welfare. Through these efforts, Elderly Care Everywhere continues to lead the way in senior advocacy, ensuring that the elderly are treated with dignity and respect worldwide.

Thank you for your support of AB-2819. If you have any questions, feel free to email us at connect@elderlycareeverywhere.org