

ASSEMBLY BILL

No. 283

Introduced by Assembly Member Haney

(Principal coauthors: Assembly Members Bryan, McKinnor, and Soria)

(Coauthors: Assembly Members Alvarez, Bains, Bennett, Garcia, Mark González, and Lowenthal) *Lowenthal, Ávila Farías, Boerner, Bonta, Elhawary, Flora, Gipson, Jackson, Krell, Rogers, and Sharp-Collins*

(Coauthors: Senators ~~Arreguín and Wiener~~ *Arreguín, Wiener, Cervantes, Menjivar, and Padilla*)

January 22, 2025

An act to amend Sections 3552, 3555.5, and 7926.300 of, and to add Title 26 (commencing with Section 110000) to, the Government Code, and to amend Sections 12301.24, 12301.6, and 12301.61 of, and to add Sections 12300.8 and 12300.9 to, the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

AB 283, as introduced, Haney. In-Home Supportive Services Employer-Employee Relations Act.

(1) Existing law establishes the In-Home Supportive Services (IHSS) program, which is administered by the State Department of Social Services, counties, and other entities, under which qualified aged, blind, or disabled persons are provided with supportive services in order to permit them to remain in their own homes.

Existing law authorizes a county board of supervisors to elect to contract with a nonprofit consortium to provide for the delivery of in-home supportive services or to establish, by ordinance, a public

authority to provide for the delivery of those services, in accordance with certain procedures. Existing law deems a public authority created under these provisions to be the employer of in-home supportive services personnel under the Meyers-Milias-Brown Act, which governs labor relations between local public employers and employees. Existing law also deems a nonprofit consortium contracting with a county to be the employer of in-home supportive services personnel for purposes of collective bargaining over wages, hours, and other terms and conditions of employment. Existing law grants recipients of in-home supportive services the right to hire, fire, and supervise the work of any in-home supportive services personnel providing services for them.

Existing law prohibits the state and specified local public employers from deterring or discouraging public employees from becoming or remaining members of an employee organization. Existing law also requires specified public employers to provide exclusive employee representatives access to new employee orientations. Existing law generally grants the Public Employment Relations Board jurisdiction over violations of these provisions. Existing law defines “public employers” who are subject to these provisions as including, among others, public agencies, cities, counties, and districts.

This bill would expand the definition of “public employer,” for purposes of those provisions, to include an employer who is subject to the In-Home Supportive Services Employer-Employee Relations Act, which the bill would create. The bill would establish a method for resolving disputes regarding wages, benefits, and other terms and conditions of employment between the state and recognized employee organizations representing individual providers. The bill would provide for the right of employees, also known as individual providers under the act, to form, join, and participate in activities of employee organizations for the purposes of representation on all matters within the scope of employee organizations. The bill would define “employee” or “individual provider” for these purposes to mean a person authorized to provide in-home supportive services pursuant to the individual provider mode or waiver personal care services, as prescribed.

This bill would, for purposes of collective bargaining, deem the state to be the employer of record of individual providers in each county. The bill would grant the in-home supportive services recipient with the right to hire, fire, and supervise the work of the individual providers providing services to them. Among other things, the bill would specify that individual providers employed by a predecessor agency before

January 1, 2026, shall retain employee status and not be required by the state to requalify to receive payment for providing in-home supportive services.

Among other things, for purposes of collective bargaining, this bill would provide that existing bargaining units consisting of individual providers in a single county that are represented by the same recognized employee organization shall be deemed merged into the largest possible multicounty bargaining units represented by that employee organization. In counties where no recognized employee organization exists as of January 1, 2026, the bill would specify that a bargaining unit consisting of all employees in that county shall be deemed an appropriate unit for collective bargaining. Under the bill, if individual providers in a county bargaining unit are represented by a recognized employee organization on January 1, 2026, the state would be deemed the successor employer of the predecessor agency for purposes of negotiating a collective bargaining agreement, subject to the obligation to meet and confer in good faith and meet other related legal requirements.

This bill would require all recognized employee organizations, as of January 1, 2026, to negotiate jointly on behalf of all bargaining units they represent to reach a single memorandum of understanding with the employer. The bill would authorize the memorandum of understanding to contain addenda reflecting regional or county-level terms and conditions. The bill would establish procedures for voting and ratification of a memorandum of understanding, and for the employer to assume a predecessor agency's rights and obligations under a memorandum of understanding or agreement between a predecessor agency and a recognized employee organization that is in effect on January 1, 2026.

This bill would prescribe the duties of the state under the bill, including requiring the Governor to meet and confer in good faith, and to follow specified procedures regarding collective bargaining. If an agreement is reached by a representative of the Governor and the recognized employee organizations, the bill would require those parties to jointly prepare a written memorandum of understanding and present it to the Legislature for determination by majority vote. The bill would require the Governor, for any side letter, appendix, or other addendum to a memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits not included in the original memorandum or the Budget Act, to provide that to the Joint Legislative Budget Committee, as specified. The bill would also

establish mediation and arbitration procedures that would apply when the parties fail to reach an agreement.

This bill would make certain actions by an employer and other entities involved in administering the IHSS program unlawful, including imposing or threatening to impose reprisals on employees or otherwise interfering with the exercise of their rights. The bill would authorize the Public Employment Relations Board to adopt reasonable rules and regulations pursuant to the bill, including the adoption of emergency regulations, as prescribed.

(2) Existing law requires the Controller to provide for the administration of payroll deductions and salary reductions, and authorizes the Controller to establish procedures for that purpose.

This bill would require the Controller to honor a written authorization for payroll deductions executed by an employee before January 1, 2026, and to make deductions for payments of dues to a recognized employee organization pursuant to the bill consistent with the above-described payroll deduction procedures.

(3) Existing law, the California Public Records Act, requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records, and provides that every person has a right to inspect any public record, except as provided. Existing law provides that certain information regarding persons paid by the state to provide in-home supportive services, or other related public services, are not subject to disclosure under those provisions. Existing law further provides that copies of names, addresses, home telephone numbers, and other identifying information are required to be made available, upon request, to an exclusive bargaining agent and to any employee organization seeking representation rights under specified collective bargaining provisions.

This bill would, with respect to the above-described personal identifying information, instead require this information to be made available to the exclusive bargaining agent and any employee organization seeking representation under the bill. The bill would require the state, or a county, public authority, or nonprofit consortium organized pursuant to the IHSS program, to promptly make the information available to the requesting entity.

This bill would revise the IHSS program provisions to require the state to assume responsibilities as set forth in the bill. The bill would also require a county or city and county to continue to have certain

IHSS program-related functions set forth in county ordinance or contract performed in accordance with specified provisions.

(4) Existing law requires prospective providers of in-home supportive services to complete an in-person provider orientation at the time of enrollment that is developed by the department, in consultation with counties, that includes requirements to be an eligible IHSS provider and other related matters.

This bill additionally would require that in-person provider orientation include any other information required to be communicated to prospective providers by a memorandum of understanding, appendix, or side letter between recognized employee organizations and the state.

Existing law requires a specified mediation process, including a factfinding panel recommending settlement terms, to be held if a public authority or nonprofit consortium and an employee organization fail to reach agreement on a bargaining contract with in-home supportive service (IHSS) workers on or after October 1, 2023.

This bill would make that provision inoperative. The bill would also require the department to appoint an advisory committee to provide ongoing advice and recommendations regarding in-home supportive services, as specified. The bill would make other related changes to these provisions. By imposing new duties on local government officials, the bill would impose a state-mandated local program.

(5) This bill would include findings that changes proposed by this bill address a matter of statewide concern and, therefore, apply to all counties.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8)The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3552 of the Government Code is amended
2 to read:

3 3552. For the purpose of this chapter:

4 (a) "Employee organization" means an employee organization
5 within the meaning of the provisions listed in subdivision (c).

6 (b) "Public employee" means an employee granted rights by
7 the provisions listed in subdivision (c) or an employee of a public
8 transit agency, the labor relations of which are regulated by
9 provisions in the Public Utilities Code.

10 (c) "Public employer" means any employer subject to Chapter
11 10 (commencing with Section 3500), Chapter 10.3 (commencing
12 with Section 3512), Chapter 10.4 (commencing with Section
13 3524.50), Chapter 10.7 (commencing with Section 3540), or
14 Chapter 12 (commencing with Section 3560) of Division 4 of Title
15 1, Chapter 7 (commencing with Section 71600) or Chapter 7.5
16 (commencing with Section 71800) of Title 8-~~of~~ *of, or Title 26*
17 *(commencing with Section 110000) of*, this code, or Chapter 7
18 (commencing with Section 99560) of Part 11 of Division 10 of
19 the Public Utilities Code, or Section 12302.25 of the Welfare and
20 Institutions Code. This chapter also applies to public transit districts
21 with respect to their public employees who are in bargaining units
22 not subject to the provisions listed in this subdivision.

23 SEC. 2. Section 3555.5 of the Government Code is amended
24 to read:

25 3555.5. (a) This chapter applies to public employers subject
26 to Chapter 10 (commencing with Section 3500), Chapter 10.3

(commencing with Section 3512), Chapter 10.4 (commencing with Section 3524.50), Chapter 10.7 (commencing with Section 3540), or Chapter 12 (commencing with Section 3560) of, or Chapter 7 (commencing with Section 71600) or Chapter 7.5 (commencing with Section 71800) of Title 8 of, *or Title 26 (commencing with Section 110000) of*, this code, or Chapter 7 (commencing with Section 99560) of Part 11 of Division 10 of the Public Utilities Code. This chapter, except for subdivision (c), also applies to public transit districts with respect to their public employees who are in bargaining units not subject to the provisions listed in this subdivision.

(b) For purposes of this chapter:

(1) “Exclusive representative” means the exclusive representative or recognized employee organization for the bargaining unit.

(2) “Interest arbitration” means a process whereby an employer and an exclusive representative submit a dispute concerning the terms of access to new employee orientations for resolution to a third-party arbitrator who is then authorized to approve either party’s proposal in its entirety, to approve a proposal using both the employer’s and exclusive representative’s final proposals, or to modify the proposals by the parties.

(3) “New employee orientation” means the onboarding process of a newly hired public employee, whether in person, online, or through other means or mediums, in which employees are advised of their employment status, rights, benefits, duties and responsibilities, or any other employment-related matters.

(4) “Newly hired public employee” means any employee, whether permanent, temporary, full time, part time, or seasonal, hired by a public employer, to which this chapter applies and who is still employed as of the date of the new employee orientation.

(c) (1) Except as provided in paragraph (2), the Public Employment Relations Board shall have jurisdiction over violations of this chapter. The powers and duties of the board described in Section 3541.3 shall apply, as appropriate, to this chapter.

(2) The employee relations commissions established by the County of Los Angeles and the City of Los Angeles shall have jurisdiction over violations of this chapter in the County of Los Angeles and the City of Los Angeles, respectively.

SEC. 3. Section 7926.300 of the Government Code is amended to read:

7926.300. (a) Notwithstanding any other provision of this division, information regarding persons paid by the state to provide in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code or personal care services pursuant to Section 14132.95, 14132.952, 14132.956, or 14132.97 of the Welfare and Institutions Code, and information about persons who have completed the form described in subdivision (a) of Section 12305.81 of the Welfare and Institutions Code for the provider enrollment process, is not subject to public disclosure pursuant to this division, except as provided in subdivision (b).

(b) Copies of names, addresses, home telephone numbers, personal cellular telephone numbers, written or spoken languages, if known, and personal email addresses of persons described in subdivision (a) shall be made available, upon request, to an exclusive bargaining agent and to any ~~labor~~ employee organization seeking representation rights pursuant to ~~subdivision (c) of Section 12301.6, or Section 12302.5, of the Welfare and Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4. the~~ *In-Home Supportive Services Employer-Employee Relations Act (Title 26 (commencing with Section 110000)). The state, or a county, public authority, or nonprofit consortium organized pursuant to Sections 12301.6 or 12302.25 of the Welfare and Institutions Code, shall promptly make the information available to the requesting entity.* This information shall not be used by the receiving entity for any purpose other than the employee organizing, representation, and assistance activities of the ~~labor~~ employee organization.

(c) This section applies solely to individuals who provide services under the In-Home Supportive Services Program (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code), the Personal Care Services Program pursuant to Section 14132.95 of the Welfare and Institutions Code, the In-Home Supportive Services Plus Option Program pursuant to Section 14132.952 of the Welfare and Institutions Code, the Community First Choice Option Program pursuant to Section 14132.956 of the Welfare and Institutions

Code, or the Waiver Personal Care Services Program pursuant to Section 14132.97 of the Welfare and Institutions Code.

(d) This section does not alter the rights of parties under the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor relations law.

(e) *“Employee organization” has the same meaning as set forth in subdivision (c) of Section 110003.*

SEC. 4. Title 26 (commencing with Section 110000) is added to the Government Code, to read:

TITLE 26. IN-HOME SUPPORT SERVICES EMPLOYER-EMPLOYEE RELATIONS ACT

CHAPTER 1. GENERAL PROVISIONS

110000. This title shall be known and may be cited as the In-Home Supportive Services Employer-Employee Relations Act.

110001. It is the purpose of this title to promote full communication between the state and recognized employee organizations representing individual providers by providing a reasonable method of resolving disputes regarding wages, benefits, and other terms and conditions of employment, as described in Section 110022, between the state and recognized employee organizations. It is also the purpose of this title to promote the improvement of personnel management and employer-employee relations by providing a uniform basis for recognizing the right of individual providers to join organizations of their own choice and be represented by those organizations for purposes of collective bargaining with the state. This title is intended to strengthen methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between the recognized employee organizations and the state. Except as expressly provided herein, this title is not intended to require changes in existing bargaining units or memoranda of agreement or understanding.

110002. Except as otherwise provided by the Legislature, employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters within the scope of

1 representations. Employees also shall have the right to refuse to
2 join or participate in the activities of employee organizations.

3 110003. As used in this title:

4 (a) “Board” means the Public Employment Relations Board
5 established pursuant to Section 3541.

6 (b) “Employee” or “individual provider” means any person
7 authorized to provide in-home supportive services pursuant to
8 Article 7 (commencing with Section 12300) of Chapter 3 of Part
9 3 of Division 9 of the Welfare and Institutions Code, and Sections
10 14132.95, 14132.952, and 14132.956 of the Welfare and
11 Institutions Code, pursuant to the individual provider mode, as
12 described in Section 12302.2 of the Welfare and Institutions Code,
13 or waiver personal care services pursuant to Section 14132.97 of
14 the Welfare and Institutions Code. As used in this title, “employee”
15 or “individual provider” does not include any person providing
16 in-home supportive services pursuant to the county-employed
17 homemaker mode or the contractor mode, as authorized in Section
18 12302 of the Welfare and Institutions Code. Individual providers
19 shall not be deemed to be employees of the state for any other
20 purposes, except as expressly set forth in this title.

21 (c) “Employee organization” means an organization that includes
22 employees, as defined in subdivision (b), and that has as one of
23 its primary purposes representing those employees in their relations
24 with the public employer.

25 (d) “Employer” means the employer of record for the purposes
26 of collective bargaining, which is the state, the State Department
27 of Health Care Services, or any other agency, department,
28 contractor, or subcontractor administering the In-Home Supportive
29 Services Program. The in-home supportive services recipient shall
30 be the employer of an individual provider with the unconditional
31 and exclusive right to hire, fire, and supervise the provider.

32 (e) “In-home supportive services” or “In-Home Supportive
33 Services Program” means services provided pursuant to Article 7
34 (commencing with Section 12300) of Chapter 3 of Part 3 of
35 Division 9 of the Welfare and Institutions Code, and Sections
36 14132.95, 14132.952, and 14132.956 of the Welfare and
37 Institutions Code, and waiver personal care services pursuant to
38 Section 14132.97 of the Welfare and Institutions Code.

1 (f) “In-home supportive services recipient” means the individual
2 who receives the in-home supportive services provided by the
3 individual provider.

4 (g) “Mediation” means effort by an impartial third party to assist
5 in reconciling a dispute regarding wages, benefits, and other terms
6 and conditions of employment, as defined in Section 110022,
7 between representatives of the employer and the recognized
8 employee organization or recognized employee organizations
9 through interpretation, suggestion, and advice.

10 (h) “Predecessor agency” means a county, a local public
11 authority, or a nonprofit consortium established pursuant to Section
12 12301.6 or 12302.25 of the Welfare and Institutions Code before
13 January 1, 2026.

14 (i) “Recognized employee organization” means an employee
15 organization that has been formally acknowledged as follows:

16 (1) Before January 1, 2026, by a predecessor agency, as the
17 exclusive representative of its employees.

18 (2) On or after January 1, 2026, by the employer.

19
20 CHAPTER 2. TRANSITIONAL PROVISIONS
21

22 110004. It is the intent of the Legislature to stabilize the labor
23 and employment relations of individual providers in order to
24 provide continuity of care and services to the maximum extent
25 possible, and consistent with the responsibilities of the employer
26 under the act adding this title.

27 110005. For the purposes of collective bargaining, and as
28 expressly set forth in subdivision (d) of Section 110003, the state
29 is deemed to be the employer of record of individual providers in
30 each county as of January 1, 2026. In-home supportive services
31 recipients shall retain the right to hire, fire, and supervise the work
32 of the individual providers providing services to them.

33 110006. Individual providers employed by any predecessor
34 agency as of January 1, 2026, shall retain employee status and
35 shall not be required by the state to requalify to receive payment
36 for providing services pursuant to Article 7 (commencing with
37 Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare
38 and Institutions Code. In the same manner as set forth in
39 subdivision (e) of Section 12305.86 of the Welfare and Institutions
40 Code, the employer shall accept a clearance that was obtained or

1 accepted by any predecessor agency pursuant to Article 7
2 (commencing with Section 12300) of Chapter 3 of Part 3 of
3 Division 9 of the Welfare and Institutions Code. Existence of a
4 clearance shall be determined by verification through the case
5 management, information, and payroll system of the predecessor
6 agency that the predecessor agency has deemed the provider to be
7 eligible to receive payment for providing services pursuant to
8 Article 7 (commencing with Section 12300) of Chapter 3 of Part
9 3 of Division 9 of the Welfare and Institutions Code.

10 110007. (a) On January 1, 2026, consistent with the recognition
11 of employee organizations by predecessor agencies, existing
12 bargaining units consisting of individual providers in a single
13 county that are represented by the same recognized employee
14 organization shall be deemed merged into the largest possible
15 multicounty bargaining units represented by that employee
16 organization.

17 (b) In those counties where no recognized employee organization
18 exists as of January 1, 2026, a bargaining unit consisting of all
19 employees in that county shall be deemed an appropriate unit for
20 collective bargaining. If employees thereafter select an employee
21 organization as their exclusive representative, the county bargaining
22 unit shall be deemed merged into any existing multicounty
23 bargaining unit represented by the same recognized employee
24 organization.

25 110008. If, on January 1, 2026, individual providers in a county
26 bargaining unit are represented by a recognized employee
27 organization, the state shall be deemed the successor employer of
28 the predecessor agency for the purposes of negotiating a collective
29 bargaining agreement, and shall be obligated to recognize and to
30 meet and confer in good faith with the recognized employee
31 organization on all matters within the scope of representation, as
32 defined in Section 110022, as to those individual providers. The
33 recognized employee organization shall continue to perform all
34 obligations of a recognized employee organization as to the
35 individual providers in that county.

36 110009. (a) (1) As of January 1, 2026, all recognized
37 employee organizations shall negotiate jointly on behalf of all
38 bargaining units they represent to reach a single memorandum of
39 understanding with the employer. The memorandum of

1 understanding may contain addenda reflecting regional or
2 county-level terms and conditions.

3 (2) Notwithstanding Section 110007, the votes of all eligible
4 individual providers in all bargaining units shall be aggregated for
5 ratification purposes if ratification is required by a recognized
6 employee organization's constitution, bylaws, or other governing
7 documents. Nothing in this section shall require individual provider
8 ratification that is not otherwise required by a recognized employee
9 organization's constitution, bylaws, or other governing documents.
10 Nothing in this section shall require individual provider ratification
11 in any manner that is not otherwise required by a recognized
12 employee organization's constitution, bylaws, or other governing
13 documents.

14 (b) Subject to subdivision (c), the employer and all employee
15 organizations that are recognized by the predecessor agencies
16 before January 1, 2026, may meet to negotiate the terms of the
17 memorandum of understanding, which shall not take effect until
18 January 1, 2026.

19 (c) On January 1, 2026, subject to Section 12306.16 of the
20 Welfare and Institutions Code, the employer shall assume the
21 predecessor agencies' rights and obligations under any
22 memorandum of understanding or agreement between a predecessor
23 agency and a recognized employee organization that is in effect
24 on that date for the duration thereof. Absent mutual consent to
25 reopen, the terms of any transferred memorandum of understanding
26 or agreement shall continue until the memorandum of
27 understanding or agreement has expired. If a memorandum of
28 understanding or agreement between a recognized employee
29 organization and a predecessor agency has expired and has not
30 been replaced by a successor memorandum of understanding or
31 agreement as of January 1, 2026, the employer shall assume the
32 obligation to meet and confer in good faith with the recognized
33 employee organization.

34 (d) Notwithstanding any other law, except to the extent set forth
35 in this chapter and as limited by Section 110022, the terms and
36 conditions of any memorandum of understanding or agreement
37 between a predecessor agency and a recognized employee
38 organization in effect as of January 1, 2026, shall not be reduced,
39 except by mutual agreement between the recognized employee
40 organization and the employer.

(e) The Controller shall be obligated to honor a written authorization for payroll deductions executed by an employee prior to January 1, 2026. The implementation of this title shall not be a cause for the Controller to cease administering payroll deductions pursuant to Section 1153 for any employee who has executed a written authorization for payroll deductions.

110010. (a) Except as otherwise expressly provided in this title, the enactment of this title shall not be a cause for the employer or any predecessor agency to modify or eliminate any existing memorandum of agreement or understanding, or to modify existing wages, benefits, or other terms and conditions of employment. Except to the extent set forth in this title, the enactment of this title shall not prevent the modification of existing wages, benefits, or terms and conditions of employment through the meet and confer in good faith process or, in those situations in which the employees are not represented by a recognized employee organization, through appropriate procedures.

(b) This title does not relieve any predecessor agency of its obligation to meet and confer in good faith with a recognized employee organization pursuant to the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4 of Title 1) until January 1, 2026. This title does not require the predecessor agency to meet and confer with a recognized employee organization after the employer assumes the predecessor agency's rights and obligations on January 1, 2026.

110011. If the employer and the recognized employee organization negotiate changes to locally administered health benefits for individual providers, the employer shall give as much notice as practicable to the county of the agreed-upon changes.

CHAPTER 3. LABOR RELATIONS

110012. The Legislature finds and declares that collective bargaining for individual providers under this title constitutes a matter of statewide concern pursuant to Article XI of the California Constitution. Therefore, this title applies to all counties, notwithstanding charter provisions to the contrary.

110013. Where the language of this title is the same or substantially the same as that contained in Chapter 10 (commencing with Section 3500) or Chapter 10.3 (commencing with Section

1 3512) of Division 4 of Title 1, it shall be interpreted and applied
2 by the board in a manner consistent with and in accordance with
3 judicial interpretations of the same language.

4 110014. The employer shall grant exclusive recognition to
5 employee organizations designated or selected pursuant to this
6 title or rules established by the board for employees of the
7 employer or an appropriate unit thereof, subject to the right of an
8 employee to represent oneself.

9 110015. (a) Except as provided in this title, the powers and
10 duties of the board described in Sections 3541.3 and 3541.5 shall
11 also apply, as appropriate, to this title. Included among the
12 appropriate powers of the board are the powers to order elections,
13 to conduct any election the board orders, to order unit modifications
14 consistent with Section 110007, and to adopt rules.

15 (b) The board shall establish reasonable procedures for petitions
16 and holding elections and determining appropriate units consistent
17 with Section 110007. In a representation election, a majority of
18 the votes cast by the employees in the appropriate bargaining unit
19 shall be required.

20 (c) Upon the request of all affected recognized employee
21 organizations, the employer shall recognize a merged bargaining
22 unit consisting of bargaining units that were previously represented
23 by separate recognized employee organizations.

24 110016. Notwithstanding any other law, if a decision by an
25 administrative law judge regarding the recognition, certification,
26 decertification, or unit modification, consistent with Section
27 110007, of an employee organization is appealed, the decision
28 shall be deemed the final order of the board if the board does not
29 issue a ruling that supersedes the decision no later than 180 days
30 after the appeal is filed.

31 110017. (a) Any charging party, respondent, or intervener
32 aggrieved by a final decision or order of the board in an unfair
33 practice case, except a decision of the board not to issue a
34 complaint in such a case, and any party to a final decision or order
35 of the board in a unit determination consistent with Section 110007,
36 or in a representation, recognition, or election matter that is not
37 brought as an unfair practice case, may petition for a writ of
38 extraordinary relief from that decision or order. A board order
39 directing an election shall not be stayed pending judicial review.

(b) A petition for a writ of extraordinary relief shall be filed in the district court of appeal having jurisdiction over the county where the events giving rise to the decision or order occurred. The petition shall be filed within 30 days from the date of the issuance of the board's final decision or order, or order denying reconsideration, as applicable. Upon the filing of the petition, the court shall cause notice to be served upon the board and thereafter shall have jurisdiction of the proceeding. The board shall file in the court the record of the proceeding, certified by the board, within 10 days after the clerk's notice unless that time is extended by the court for good cause shown. The court shall have jurisdiction to grant any temporary relief or restraining order it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as modified, or setting aside in whole or in part the decision or order of the board. The findings of the board with respect to questions of fact, including ultimate facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive. Title 1 (commencing with Section 1067) of Part 3 of the Code of Civil Procedure relating to writs shall, except where specifically superseded by this section, apply to proceedings pursuant to this section.

(c) If the time to petition for extraordinary relief from a board decision or order has expired, the board may seek enforcement of any final decision or order in a district court of appeal or superior court having jurisdiction over the county where the events giving rise to the decision or order occurred. The board shall respond within 10 days to any inquiry from a party to the action as to why the board has not sought court enforcement of the final decision or order. If the response does not indicate that there has been compliance with the board's final decision or order, the board shall seek enforcement of the final decision or order upon the request of the party. The board shall file in the court the record of the proceeding, certified by the board, and appropriate evidence disclosing the failure to comply with the decision or order. If, after hearing, the court determines that the order was issued pursuant to the procedures established by the board and that the person or entity refuses to comply with the order, the court shall enforce the order by writ of mandamus or other proper process. The court may not review the merits of the order.

1 110018. An individual provider shall not be subject to punitive
2 action or denied promotion, or threatened with any such treatment,
3 for the exercise of lawful action as an elected, appointed, or
4 recognized representative of any employee bargaining unit.

5 110019. (a) This title does not affect the right of an employee
6 to authorize a dues deduction from the employee's salary or wages
7 pursuant to Article 6 (commencing with Section 1150) of Chapter
8 1 of Division 4 of Title 1.

9 (b) The Controller shall make deductions for the payment of
10 dues to a recognized employee organization consistent with Article
11 6 (commencing with Section 1150) of Chapter 1 of Division 4 of
12 Title 1.

13 110020. Recognized employee organizations shall have the
14 right to represent their members in their employment relations
15 with the employer. Employee organizations may establish
16 reasonable restrictions regarding who may join and may make
17 reasonable provisions for the dismissal of individuals from
18 membership. This section does not prohibit an employee from
19 appearing on their own behalf in their employment relations with
20 the employer.

21 110021. The employer and employee organizations shall not
22 interfere with, intimidate, restrain, coerce, or discriminate against
23 employees because of the exercise of their rights guaranteed by
24 this title.

25 110022. (a) The scope of representation shall include all
26 matters relating to wages, benefits, and other terms and conditions
27 of employment, including programmatic changes that affect terms
28 and conditions of employment of individual providers. However,
29 the scope of representation shall not include consideration of the
30 merits, necessity, or organization of any service or activity provided
31 by law or executive order, or the right to hire, fire, and supervise
32 the individual providers which is reserved to the IHSS recipient.

33 (b) While not an exhaustive list, all of the following matters are
34 within the scope of representation:

35 (1) Wages and benefits, including, but not limited to, health
36 insurance, retirement, and contributions to health benefit and
37 retirement trust funds.

38 (2) The structure, time, and manner of recognized employee
39 organization access to orientations of new providers.

1 (3) Impacts on individual providers' delivery of services as a
2 result of changes in regulations, rules, policies, or resolutions
3 adopted by the department and applicable to the In-Home
4 Supportive Services Program.

5 (4) The operation of and rules applicable to county-level
6 individual provider registries, including appeals procedures for
7 registry decisions.

8 (5) Rules and regulations applicable to the identification and
9 scheduling of backup individual providers.

10 (6) Payment, payment reporting, and payroll procedures
11 applicable to individual providers.

12 (7) Recruitment and retention of individual providers.

13 (8) Health and safety, including related equipment.

14 (9) Joint labor-management committees.

15 (10) Grievance arbitration.

16 (11) Professional training and development for individual
17 providers.

18 (12) The deduction of membership dues and other voluntary
19 deductions authorized by individual providers and allocation of
20 the costs of implementing that deduction system.

21 (c) This section does not limit the right of the employer to
22 consult and reach agreement with the recognized employee
23 organizations on any matter outside the scope of representation.
24 Any matter outside the scope of representation enumerated in this
25 section shall not be considered a mandatory subject of bargaining.

26 110023. (a) Except in cases of emergency as provided in this
27 section, the Governor, through the Governor's designee, shall give
28 reasonable written notice to each recognized employee organization
29 affected by any law, rule, practice, or policy directly relating to
30 matters within the scope of representation proposed to be adopted
31 by the employer and shall give each recognized employee
32 organization the opportunity to meet with the employer.

33 (b) In cases of emergency when the Governor, through the
34 Governor's designee, determines that any law, rule, policy, or
35 procedure must be adopted immediately without prior notice or
36 meeting with a recognized employee organization, the employer
37 shall provide notice and an opportunity to meet at the earliest
38 practical time following the adoption of the law, rule, policy, or
39 procedure.

1 110024. (a) The Governor, through the Governor's designee,
2 shall meet and confer in good faith regarding all matters within
3 the scope of representation as set forth in Section 110022 with
4 representatives of recognized employee organizations, and shall
5 consider fully such presentations as are made by the employee
6 organization on behalf of its members prior to arriving at a
7 determination of policy or course of action.

8 (b) "Meet and confer in good faith" means that the Governor,
9 through the Governor's designee, and representatives of recognized
10 employee organizations, shall have the mutual obligation personally
11 to meet and confer promptly upon request by either party and
12 continue for a reasonable period of time in order to exchange freely
13 information, opinions, and proposals, and to endeavor to reach
14 agreement on matters within the scope of representation prior to
15 the adoption by the state of its final budget for the ensuing year.
16 The process should include adequate time for the resolution of
17 impasses.

18 110025. (a) Any side letter, appendix, or other addendum to
19 a properly ratified memorandum of understanding that requires
20 the expenditure of two hundred fifty thousand dollars (\$250,000)
21 or more related to salary and benefits and that is not already
22 contained in the original memorandum of understanding or the
23 Budget Act, shall be provided by the Governor to the Joint
24 Legislative Budget Committee. The Joint Legislative Budget
25 Committee shall determine within 30 days after receiving the side
26 letter, appendix, or other addendum if it presents substantial
27 additions that are not reasonably within the parameters of the
28 original memorandum of understanding and thereby requires
29 legislative action to ratify the side letter, appendix, or other
30 addendum.

31 (b) A side letter, appendix, or other addendum to a properly
32 ratified memorandum of understanding that does not require the
33 expenditure of funds shall be expressly identified by the Governor
34 if that side letter, appendix, or other addendum is to be incorporated
35 in a subsequent memorandum of understanding submitted to the
36 Legislature for approval.

37 110026. If an agreement is reached by the representatives of
38 the Governor and the recognized employee organizations, they
39 shall jointly prepare a written memorandum of the understanding,
40 and present it to the Legislature for determination by majority vote.

1 110027. (a) If, after a reasonable period of time, representatives
2 of the employer and the recognized employee organizations fail
3 to reach agreement, the dispute shall be referred to mediation
4 before a mediator mutually agreeable to the parties. If the parties
5 are unable to agree upon the mediator, either party may request
6 the board to appoint a mediator in accordance with rules adopted
7 by the board.

8 (b) The costs of mediation shall be divided one-half to the
9 employer and one-half to the recognized employee organizations.

10 110028. (a) After all mediation procedures have been
11 exhausted, if no agreement has been reached between the parties,
12 disputes or controversies pertaining to wages, hours, benefits, or
13 terms and conditions of employment that remain unresolved shall
14 be submitted to a three-member board of arbitrators at the request
15 of the employer or the recognized employee organizations.

16 (b) The recognized employee organizations and the employer
17 shall each select and appoint one arbitrator to the board of
18 arbitrators. The third member of the arbitration board shall be
19 selected by agreement of the parties, and absent agreement within
20 five days of a request for arbitration, the employer or the
21 recognized employee organizations may then request from the
22 State Mediation and Conciliation Service a list of seven persons
23 qualified and experienced as labor arbitrators. If the recognized
24 employee organizations and the employer cannot agree within
25 three days after receipt of such a list on one of the seven persons
26 to act as the neutral arbitrator, they shall alternately strike names
27 from the list of nominees until one name remains and that person
28 shall then become the neutral arbitrator and chairperson of the
29 arbitration board.

30 (c) Any arbitration proceeding convened pursuant to this article
31 shall be conducted in conformance with, and be subject to Title 9
32 (commencing with Section 1290) of Part 3 of the Code of Civil
33 Procedure. The arbitration board may, in its discretion, hold public
34 hearings, receive evidence from the parties, and cause a transcript
35 of the proceedings to be prepared. In the exercise of its discretion,
36 the arbitration board may meet privately with the parties, mediate,
37 or arbitrate the issues in dispute. The arbitration board may also
38 adopt such other procedures that are designed to encourage an
39 agreement between the parties, expedite the arbitration hearing
40 process, or reduce the cost of the arbitration process.

1 (d) If an agreement is not reached before the conclusion of the
2 arbitration hearings, the arbitration board shall direct each of the
3 parties to submit, within such time limit as the arbitration board
4 may establish, a last offer of settlement on each of the remaining
5 issues in dispute. The arbitration board shall decide each issue by
6 majority vote by selecting whichever last offer of settlement on
7 that issue it finds most nearly conforms to those factors traditionally
8 taken into consideration in the determination of wages, hours,
9 benefits, and terms and conditions of public and relevant private
10 employment, including, but not limited to: changes in the average
11 Consumer Price Index for goods and services; the wages, hours,
12 benefits and terms and conditions of employment of employees
13 performing similar services; stipulations of the parties; state and
14 federal laws that are applicable to the employer; the interests and
15 welfare of the public and the financial ability of the employer to
16 meet the costs of the award; the overall compensation presently
17 received by the employees affected, including their direct wages,
18 the costs of any vacations, holidays, or other paid time off,
19 insurance, pension, medical and hospitalization benefits; and the
20 continuity and stability of employment.

21 (e) After reaching a decision, the arbitration board shall mail
22 or otherwise deliver a true copy of its decision to the parties. The
23 decision of the arbitration board shall not be publicly disclosed
24 and shall not be binding until 10 days after it is delivered to the
25 parties. During that 10-day period, the parties may meet privately,
26 attempt to resolve their differences, and by mutual agreement,
27 amend or modify the decision of the arbitration board. At the
28 conclusion of the 10-day period, the decision of the arbitration
29 board, as it may be modified or amended by the parties, shall be
30 publicly disclosed, and shall become final and binding upon both
31 of the parties. The Legislature may reject the decision of the
32 arbitration panel by majority vote.

33 (f) The expenses of any arbitration proceeding convened
34 pursuant to this section, including the fee for the services of the
35 chairperson of the arbitration board, the costs of the preparation
36 of the transcript of proceedings, and any other costs related to the
37 conduct of the proceeding as determined by the arbitration board,
38 shall be divided one-half to the employer and one-half to the
39 recognized employee organizations. Any other expenses the parties

1 may incur are to be borne by the party incurring that particular
2 expense.

3 110029. If the Legislature does not approve or fully fund any
4 provision of a memorandum of understanding which requires the
5 expenditure of funds, either party may reopen negotiations on all
6 or part of the memorandum of understanding. This section does
7 not prevent the parties from agreeing and effecting those provisions
8 of the memorandum of understanding that have received legislative
9 approval or those provisions that do not require legislative action.

10 110030. A memorandum of understanding between the
11 Governor and the recognized employee organizations shall be
12 binding on all state departments and agencies, counties, public
13 authorities or nonprofit consortia organized pursuant to Sections
14 12306.1 or 12302.25 of the Welfare and Institutions Code before
15 January 1, 2026, and any other political subdivision of the state
16 that is involved in the administration of the In-Home Supportive
17 Services Program and the relevant contractors and subcontractors
18 of those departments and agencies.

19 110031. The employer shall allow a reasonable number of
20 representatives of recognized employee organizations reasonable
21 time off without loss of compensation or other benefits when
22 formally meeting and conferring with representatives of the
23 employer on matters within the scope of representation.

24 110032. (a) It is unlawful for the employer to do any of the
25 following:

26 (1) Impose or threaten to impose reprisals on employees, to
27 discriminate or threaten to discriminate against employees, or
28 otherwise to interfere with, restrain, or coerce employees because
29 of their exercise of rights guaranteed by this title.

30 (2) Deny to employee organizations the rights guaranteed to
31 them by this title.

32 (3) Refuse or fail to meet and negotiate in good faith with a
33 recognized employee organization. For purposes of this
34 subdivision, knowingly providing a recognized employee
35 organization with inaccurate information regarding the financial
36 resources of the employer, whether or not in response to a request
37 for information, constitutes a refusal or failure to meet and
38 negotiate in good faith.

39 (4) Dominate or interfere with the formation or administration
40 of any employee organization, contribute financial or other support

1 to any employee organization, or in any way encourage employees
2 to join any employee organization in preference to another.

3 (5) Refuse to participate in good faith in any applicable impasse
4 procedure.

5 (6) Deter or discourage individual providers from becoming or
6 remaining members of an employee organization, or from
7 authorizing representation by an employee organization, or from
8 authorizing dues or other voluntary deductions to a provider
9 organization.

10 (7) Refuse or fail to require any county, public authority, or
11 nonprofit consortium organized pursuant to Sections 12306.1 or
12 12302.25 of the Welfare and Institutions Code to comply with the
13 provisions of any memorandum of understanding or addenda,
14 appendices, or side letters thereto between the state and recognized
15 employee organizations.

16 (8) Refuse or fail to require any county, public authority, or
17 nonprofit consortium organized pursuant to Section 12306.1 or
18 12302.25 of the Welfare and Institutions Code to comply with
19 Section 12301.24 of the Welfare and Institutions Code.

20 (b) It is unlawful for any county, public authority, or nonprofit
21 consortium organized pursuant to Section 12306.1 or 12302.25 of
22 the Welfare and Institutions Code, or any other political subdivision
23 of the state that is involved in the administration of the In-Home
24 Supportive Services Program and the relevant contractors and
25 subcontractors of those departments and agencies, to do any of the
26 following:

27 (1) Impose or threaten to impose reprisals on employees, to
28 discriminate or threaten to discriminate against employees, or
29 otherwise to interfere with, restrain, or coerce employees because
30 of their exercise of rights guaranteed by this title.

31 (2) Deny to employee organizations the rights guaranteed to
32 them by this title.

33 (3) Dominate or interfere with the formation or administration
34 of any employee organization, contribute financial or other support
35 to any employee organization, or in any way encourage employees
36 to join any employee organization in preference to another.

37 (4) Deter or discourage individual providers from becoming or
38 remaining members of an employee organization, or from
39 authorizing representation by an employee organization, or from

1 authorizing dues or other voluntary deductions to a provider
2 organization.

3 (5) Deny to employee organizations the rights guaranteed to
4 them by Section 12301.24 of the Welfare and Institutions Code.

5 (c) The board may investigate unfair practice charges or alleged
6 violations of this title and may take any reasonable actions and
7 make determinations regarding charges or alleged violations as
8 the board deems necessary to effectuate the policies of this title.

9 110033. (a) The board may adopt reasonable rules and
10 regulations for all of the following:

11 (1) Registering employee organizations.

12 (2) Determining the status of organizations and associations as
13 employee organizations or bona fide associations.

14 (3) Identifying the officers and representatives who officially
15 represent employee organizations and bona fide associations.

16 (4) Any other matters that are necessary to carry out the purposes
17 of this title.

18 (b) The board shall establish procedures whereby recognition
19 of employee organizations formally recognized as majority
20 representatives pursuant to a vote of the employees may be revoked
21 by a majority vote of the employees only after a period of not less
22 than 12 months following the date of recognition.

23 (c) The employer shall not unreasonably withhold recognition
24 of employee organizations.

25 (d) Employees and employee organizations may challenge a
26 rule or regulation of the employer as a violation of this title. This
27 subdivision does not restrict or expand the board's jurisdiction or
28 authority as set forth in subdivisions (a) to (c), inclusive, of Section
29 3541.3.

30 110034. (a) The board may adopt emergency regulations to
31 implement this title. The initial adoption, amendment, or repeal
32 of the regulations authorized by this section is deemed to address
33 an emergency, for purposes of Sections 11346.1 and 11349.6, and
34 the board is exempt for that purpose from the requirements of
35 subdivision (b) of Section 11346.1. Initial emergency regulations
36 and one readoption of emergency regulations authorized by this
37 section shall be exempt from review by the Office of
38 Administrative Law. The initial emergency regulations and one
39 readoption of emergency regulations authorized by this section
40 shall be submitted to the Office of Administrative Law for filing

1 with the Secretary of State and each shall remain in effect for no
2 more than 180 days, by which time final regulations may be
3 adopted.

4 (b) The adoption, amendment, or repeal of a regulation
5 authorized by this section is hereby exempt from subdivision (d)
6 of Section 11346.1 and Section 11349.6, and the board shall
7 transmit the regulations directly to the Secretary of State for filing.
8 The regulations shall become effective immediately upon filing
9 with the Secretary of State.

10 110035. The provisions of this title are severable. If any
11 provision of this title or its application is held invalid, that
12 invalidity shall not affect other provisions or applications that can
13 be given effect without the invalid provision or application.

14 SEC. 5. Section 12300.8 is added to the Welfare and
15 Institutions Code, to read:

16 12300.8. (a) On January 1, 2026, the state shall assume the
17 responsibilities set forth in Title 26 (commencing with Section
18 110000) of the Government Code.

19 (b) A county or city and county, subject to subdivision (a), shall
20 do any one of the following:

21 (1) Continue to have its public authority perform the functions
22 set forth in the county ordinance existing at the time of the
23 notification pursuant to subdivision (a) and established pursuant
24 to Section 12301.6, excluding subdivision (c) of that section.

25 (2) Continue to have the entity perform the functions in the
26 existing contract at the time of the notification pursuant to
27 subdivision (a) established pursuant to Section 12301.6, excluding
28 subdivision (c) of that section.

29 (3) Assume the functions performed by an entity or public
30 authority pursuant to Section 12301.6, excluding subdivision (c)
31 of that section.

32 (c) If a county or city and county assumes the functions
33 described in paragraph (3) of subdivision (b), it may do any of the
34 following:

35 (1) Contract for the performance of any or all of the functions
36 assumed.

37 (2) Contract with an entity pursuant to Section 12301.6 for the
38 performance of any or all functions assumed.

39 (3) Establish a public authority pursuant to Section 12301.6 for
40 the performance of any functions assumed.

1 SEC. 6. Section 12300.9 is added to the Welfare and
2 Institutions Code, to read:

3 12300.9. (a) The department shall appoint an advisory
4 committee that shall be comprised of not more than 13 individuals.
5 No less than 50 percent of the membership of the advisory
6 committee shall be individuals who are current or past users of
7 personal assistance services paid for through public or private
8 funds or recipients of in-home supportive services.

9 (1) At least two members of the advisory committee shall be
10 current or former providers of in-home supportive services.

11 (2) Individuals who represent organizations that advocate for
12 people with disabilities or seniors may be appointed to the advisory
13 committee.

14 (3) Individuals from each representative organization that are
15 designated representatives of in-home supportive services providers
16 shall be appointed to the advisory committee.

17 (4) The department shall designate a departmental employee to
18 provide ongoing advice and support to the advisory committee.

19 (b) Prior to appointing members to the advisory committee
20 pursuant to subdivision (a), the department shall solicit
21 recommendations for qualified members through a fair and open
22 process that includes the provision of reasonable written notice to,
23 and reasonable response time by, members of the general public
24 and interested persons and organizations.

25 (c) The advisory committee established pursuant to subdivision
26 (a) shall provide ongoing advice and recommendations regarding
27 in-home supportive services to the department and the Department
28 of Health Care Services.

29 (d) The advisory committee shall be established to take effect
30 on January 1, 2026.

31 SEC. 7. Section 12301.24 of the Welfare and Institutions Code
32 is amended to read:

33 12301.24. (a) All prospective providers shall complete an
34 in-person provider orientation at the time of enrollment, as
35 developed by the department, in consultation with counties, which
36 shall include, but is not limited to, all of the following:

37 (1) The requirements to be an eligible IHSS provider.

38 (2) A description of the IHSS program.

39 (3) The rules, regulations, and provider-related processes and
40 procedures, including timesheets.

1 (4) The consequences of committing fraud in the IHSS program.

2 (5) The Medi-Cal toll-free telephone fraud hotline and internet
3 website for reporting suspected fraud or abuse in the provision or
4 receipt of supportive services.

5 (6) The applicable federal and state requirements regarding
6 minimum wage and overtime pay, including paid travel time and
7 wait time, and the requirements of Section 12300.4.

8 (7) *Any other information required to be communicated to*
9 *prospective providers by a memorandum of understanding,*
10 *appendix, or side letter between recognized employee organizations*
11 *and the state.*

12 (b) In order to complete provider enrollment, at the conclusion
13 of the provider orientation, all applicants shall sign a statement
14 specifying that the provider agrees to all of the following:

15 (1) The prospective provider will provide to a recipient the
16 authorized services.

17 (2) The prospective provider has received a demonstration of,
18 and understands, timesheet requirements, including content,
19 signature, and fingerprinting, when implemented.

20 (3) The prospective provider shall cooperate with state or county
21 staff to provide any information necessary for assessment or
22 evaluation of a case.

23 (4) The prospective provider understands and agrees to program
24 expectations and is aware of the measures that the state or county
25 may take to enforce program integrity.

26 (5) The prospective provider has attended the provider
27 orientation and understands that failure to comply with program
28 rules and requirements may result in the provider being terminated
29 from providing services through the IHSS program.

30 (c) The county shall indefinitely retain this statement in the
31 provider's file. Refusal of the provider to sign the statement
32 described in subdivision (b) shall result in the provider being
33 ineligible to receive payment for the provision of services and
34 participate as a provider in the IHSS program.

35 (d) All of the following shall apply to the provider orientation
36 described in subdivision (a):

37 (1) (A) The orientation shall be an onsite orientation that all
38 prospective providers shall attend in person.

39 (B) (i) If the state or local public health agency issues an order
40 limiting the size of gatherings, a county may hold a series of

1 smaller in-person orientations that meet the same criteria specified
2 in this section. A county is not required to hold an orientation in
3 which prospective providers attend in person if the state or local
4 health agency issues an order that prevents the in-person orientation
5 from occurring.

6 (ii) If an orientation is not required to be held in person pursuant
7 to clause (i), the county shall hold an orientation that is in person
8 within 30 calendar days of the date that the public health order
9 restrictions are lifted. Counties or IHSS public authorities may
10 provide a written attestation to the recognized employee
11 organization if public health conditions cause staffing or facility
12 challenges that cause delays, and such an attestation will result in
13 a one-time extension of 15 calendar days for the return to in-person
14 orientations.

15 (C) The requirement for the orientation to be held in person and
16 prospective providers to attend the orientation in person shall not
17 apply if parties to a collective bargaining agreement expressly
18 agree to waive that requirement and have a negotiated alternative
19 method for the provision of the orientation.

20 (2) Prospective providers may attend the onsite orientation only
21 after completing the application for the IHSS provider enrollment
22 process described in subdivision (a) of Section 12305.81.

23 (3) Any oral presentation and written materials presented at the
24 orientation shall be translated into all IHSS threshold languages
25 in the county.

26 (4) (A) Representatives of the recognized employee
27 organization in the county shall be permitted to make a presentation
28 of up to 30 minutes at the beginning of the orientation. Prior to
29 implementing the orientation requirements set forth in this
30 subdivision, counties shall provide at least the level of access to,
31 and the ability to make presentations at, provider orientations that
32 they allowed the recognized employee organization in the county
33 as of September 1, 2014. Counties shall not discourage prospective
34 providers from attending, participating, or listening to the
35 orientation presentation of the recognized employee organization.
36 Prospective providers may, by their own accord, choose not to
37 participate in the recognized employee organization presentation.

38 (B) Prior to scheduling a provider orientation, the county shall
39 provide the recognized employee organization in the county with
40 not less than 10 days advance notice of the planned date, time, and

1 location of the orientation. If, within 3 business days of receiving
2 that notice, the recognized employee organization notifies the
3 county of its unavailability for the planned orientation, the county
4 shall make reasonable efforts to schedule the orientation so the
5 recognized employee organization can attend, so long as
6 rescheduling the orientation does not delay provider enrollment
7 by more than 10 business days. The requirement to make
8 reasonable efforts to reschedule may be waived, as necessary, due
9 to a natural disaster or other declared state of emergency, or by
10 mutual agreement between the county and the recognized employee
11 organization.

12 (C) ~~Prior to~~ *Not less than 10 days before* the orientation, the
13 recognized employee organization shall be provided with the
14 information described in subdivision (b) of Section 7926.300 of
15 the Government Code for prospective providers.

16 (e) To the extent that the orientation is modified from an onsite
17 and in-person orientation, as required by paragraph (1) of
18 subdivision (d), the recognized employee organization in the county
19 shall be provided with the same right to make a presentation, the
20 same advance notice of scheduling, and the same information
21 regarding the applicants, providers, or prospective providers who
22 will attend the orientation, as the organization would receive for
23 an onsite orientation.

24 (f) A claim may be brought before the Public Employment
25 Relations Board for an alleged violation of Section 3550 of the
26 Government Code if the county has not complied with the
27 requirements of this section within 30 days of being notified by
28 the recognized employee organization.

29 ~~(g) This section shall become operative on January 1, 2023.~~

30 (g) *As used in this section, the following definitions apply:*

31 (1) *“Individual provider” has the meaning set forth in*
32 *subdivision (b) of Section 110003 of the Government Code.*

33 (2) *“Recognized employee organization” has the meaning set*
34 *forth in subdivision (i) of Section 110003 of the Government Code.*

35 (h) *If the terms of this section are in conflict with the provisions*
36 *of a memorandum of understanding, appendix, or side letter*
37 *between recognized employee organizations and the state, the*
38 *memorandum of understanding, appendix, or side letter shall be*
39 *controlling without further legislative action.*

1 *(i) The changes made by the act adding this subdivision shall*
2 *become operative January 1, 2026.*

3 SEC. 8. Section 12301.6 of the Welfare and Institutions Code
4 is amended to read:

5 12301.6. (a) Notwithstanding Sections 12302 and 12302.1, a
6 county board of supervisors may, at its option, elect to do either
7 of the following:

8 (1) Contract with a nonprofit consortium to provide for the
9 delivery of in-home supportive services.

10 (2) Establish, by ordinance, a public authority to provide for
11 the delivery of in-home supportive services.

12 (b) (1) To the extent that a county elects to establish a public
13 authority pursuant to paragraph (2) of subdivision (a), the enabling
14 ordinance shall specify the membership of the governing body of
15 the public authority, the qualifications for individual members, the
16 manner of appointment, selection, or removal of members, how
17 long they shall serve, and other matters as the board of supervisors
18 deems necessary for the operation of the public authority.

19 (2) A public authority established pursuant to paragraph (2) of
20 subdivision (a) shall be both of the following:

21 (A) An entity separate from the county, and shall be required
22 to file the statement required by Section 53051 of the Government
23 Code.

24 (B) A corporate public body, exercising public and essential
25 governmental functions and that has all powers necessary or
26 convenient to carry out the delivery of in-home supportive services,
27 including the power to contract for services pursuant to Sections
28 12302 and 12302.1 and that makes or provides for direct payment
29 to a provider chosen by the recipient for the purchase of services
30 pursuant to Sections 12302 and 12302.2. Employees of the public
31 authority shall not be employees of the county for any purpose.

32 (3) (A) As an alternative, the enabling ordinance may designate
33 the board of supervisors as the governing body of the public
34 authority.

35 (B) Any enabling ordinance that designates the board of
36 supervisors as the governing body of the public authority shall
37 also specify that no fewer than 50 percent of the membership of
38 the advisory committee shall be individuals who are current or
39 past users of personal assistance services paid for through public
40 or private funds or recipients of services under this article.

1 (C) If the enabling ordinance designates the board of supervisors
2 as the governing body of the public authority, it shall also require
3 the appointment of an advisory committee of not more than 11
4 individuals who shall be designated in accordance with
5 subparagraph (B).

6 (D) Prior to making designations of committee members
7 pursuant to subparagraph (C), or governing body members in
8 accordance with paragraph (4), the board of supervisors shall solicit
9 recommendations of qualified members of either the governing
10 body of the public authority or of any advisory committee through
11 a fair and open process that includes the provision of reasonable
12 written notice to, and a reasonable response time by, members of
13 the general public and interested persons and organizations.

14 (4) If the enabling ordinance does not designate the board of
15 supervisors as the governing body of the public authority, the
16 enabling ordinance shall require the membership of the governing
17 body to meet the requirements of subparagraph (B) of paragraph
18 (3).

19 (c) (1) Any public authority created pursuant to this section
20 shall be deemed to be the employer of in-home supportive services
21 personnel referred to recipients under paragraph (3) of subdivision
22 (e) within the meaning of Chapter 10 (commencing with Section
23 3500) of Division 4 of Title 1 of the Government Code. Recipients
24 shall retain the right to hire, fire, and supervise the work of any
25 in-home supportive services personnel providing services to them.

26 (2) (A) Any nonprofit consortium contracting with a county
27 pursuant to this section shall be deemed to be the employer of
28 in-home supportive services personnel referred to recipients
29 pursuant to paragraph (3) of subdivision (e) for the purposes of
30 collective bargaining over wages, hours, and other terms and
31 conditions of employment.

32 (B) Recipients shall retain the right to hire, fire, and supervise
33 the work of any in-home supportive services personnel providing
34 services for them.

35 (3) *This subdivision, except for subparagraph (B) of paragraph*
36 *(2), shall become inoperative on January 1, 2026.*

37 (d) A public authority established pursuant to this section or a
38 nonprofit consortium contracting with a county pursuant to this
39 section, when providing for the delivery of services under this
40 article by contract in accordance with Sections 12302 and 12302.1,

1 by direct payment to a provider chosen by a recipient in accordance
2 with Sections 12302 and 12302.2, or by way of a provider of
3 waiver personal care services provided pursuant to Section
4 14132.97, shall comply with and be subject to, all statutory and
5 regulatory provisions applicable to the respective delivery mode.

6 (e) Any nonprofit consortium contracting with a county pursuant
7 to this section or any public authority established pursuant to this
8 section shall provide for all of the following functions under this
9 article, but shall not be limited to those functions:

10 (1) The provision of assistance to recipients in finding in-home
11 supportive services personnel or waiver personal care services
12 authorized pursuant to Section 14132.97 through the establishment
13 of a registry.

14 (2) (A) (i) The investigation of the qualifications and
15 background of potential personnel. Upon the effective date of the
16 amendments to this section made during the 2009–10 Fourth
17 Extraordinary Session of the Legislature, the investigation with
18 respect to any provider in the registry or prospective registry
19 applicant shall include criminal background checks requested by
20 the nonprofit consortium or public authority and conducted by the
21 Department of Justice pursuant to Section 15660, for those public
22 authorities or nonprofit consortia using the agencies on the effective
23 date of the amendments to this section made during the 2009–10
24 Fourth Extraordinary Session of the Legislature. Criminal
25 background checks shall be performed no later than July 1, 2010,
26 for any provider who is already on the registry on the effective
27 date of amendments to this section made during the 2009–10 Fourth
28 Extraordinary Session of the Legislature, for whom a criminal
29 background check pursuant to this section has not previously been
30 provided, as a condition of the provider's continued enrollment in
31 the IHSS program or the program authorizing waiver personal care
32 services pursuant to Section 14132.97. Criminal background checks
33 shall be conducted at the provider's expense.

34 (ii) Upon notice from the Department of Justice notifying the
35 public authority or nonprofit consortium that the prospective
36 registry applicant has been convicted of a criminal offense specified
37 in Section 12305.81, the public authority or nonprofit consortium
38 shall deny the request to be placed on the registry for providing
39 supportive services to any recipient of in-home supportive services

1 or waiver personal care services authorized pursuant to Section
2 14132.97.

3 (iii) Commencing 90 days after the effective date of the act that
4 adds Section 12305.87, and upon notice from the Department of
5 Justice that an applicant who is subject to the provisions of that
6 section has been convicted of, or incarcerated following conviction
7 for, an offense described in subdivision (b) of that section, the
8 public authority or nonprofit consortium shall deny the applicant's
9 request to become a provider of supportive services to any recipient
10 of in-home supportive services or waiver personal care services,
11 subject to the individual waiver and exception processes described
12 in that section. An applicant who is denied on the basis of Section
13 12305.87 shall be informed by the public authority or nonprofit
14 consortium of the individual waiver and exception processes
15 described in that section.

16 (B) (i) Notwithstanding any other law, the public authority or
17 nonprofit consortium shall provide an individual with a copy of
18 ~~his or her~~ *the individual's* state-level criminal offender record
19 information search response as provided to the entity by the
20 Department of Justice if the individual has been denied placement
21 on the registry for providing supportive services to any recipient
22 of the In-Home Supportive Services program or waiver personal
23 care services based on this information. The copy of the state-level
24 criminal offender record information search response shall be
25 included with the individual's notice of denial. Along with the
26 notice of denial, the public authority or public consortium shall
27 also provide information in plain language on how an individual
28 may contest the accuracy and completeness of, and refute any
29 erroneous or inaccurate information in, ~~his or her~~ *their* state-level
30 criminal offender record information search response as provided
31 by the Department of Justice as authorized by Section 11126 of
32 the Penal Code. The state-level criminal offender record
33 information search response shall not be modified or altered from
34 its form or content as provided by the Department of Justice.

35 (ii) The department shall develop a written appeal process for
36 the current and prospective providers who are determined ineligible
37 to receive payment for the provision of services in the In-Home
38 Supportive Services ~~program~~ *Program* or waiver personal care
39 services. Notwithstanding any other law, the public authority or
40 nonprofit consortium shall provide the department with a copy of

1 the state-level criminal offender record information search response
2 as provided to the entity by the Department of Justice for any
3 individual who has requested an appeal of a denial of placement
4 on the registry for providing supportive services to any recipient
5 of in-home supportive services or waiver personal care services
6 based on clause (ii) or (iii) of subparagraph (A). The state-level
7 criminal offender record information search response shall not be
8 modified or altered from its form or content as provided by the
9 Department of Justice and shall be provided to the address specified
10 by the department in its written request.

11 (C) This paragraph does not prohibit the Department of Justice
12 from assessing a fee pursuant to Section 11105 or 11123 of the
13 Penal Code to cover the cost of furnishing summary criminal
14 history information.

15 (D) As used in this section, “nonprofit consortium” means a
16 nonprofit public benefit corporation that has all powers necessary
17 to carry out the delivery of in-home supportive services or waiver
18 personal care services under the delegated authority of a
19 government entity.

20 (E) A nonprofit consortium or a public authority authorized to
21 secure a criminal background check clearance pursuant to this
22 section shall accept a clearance for an applicant described in clause
23 (i) of subparagraph (A) who has been deemed eligible by another
24 nonprofit consortium, public authority, or county with criminal
25 background check authority pursuant to either Section 12305.86
26 or this section, to receive payment for providing services pursuant
27 to this article. Existence of a clearance shall be determined by
28 verification through the case management, information, and
29 payrolling system, that another county, nonprofit consortium, or
30 public authority with criminal background check authority pursuant
31 to Section 12305.86 or this section has deemed the current or
32 prospective provider to be eligible to receive payment for providing
33 services pursuant to this article.

34 (3) Establishment of a referral system under which in-home
35 supportive services personnel or waiver personal care services
36 personnel shall be referred to recipients.

37 (4) Providing for training for providers and recipients.

38 (5) (A) Performing any other functions related to the delivery
39 of in-home supportive services or waiver personal care services.

1 (B) (i) Upon request of a recipient of in-home supportive
2 services pursuant to this chapter, or a recipient of personal care
3 services under the Medi-Cal program pursuant to Section 14132.95,
4 a public authority or nonprofit consortium may provide a criminal
5 background check on a nonregistry applicant or provider from the
6 Department of Justice, in accordance with clause (i) of
7 subparagraph (A) of paragraph (2) of subdivision (e). If the person
8 who is the subject of the criminal background check is not hired
9 or is terminated because of the information contained in the
10 criminal background report, the provisions of subparagraph (B)
11 of paragraph (2) of subdivision (e) shall apply.

12 (ii) A recipient of in-home supportive services pursuant to this
13 chapter or a recipient of personal care services under the Medi-Cal
14 program may elect to employ an individual as their service provider
15 notwithstanding the individual's record of previous criminal
16 convictions, unless those convictions include any of the offenses
17 specified in Section 12305.81.

18 (6) Ensuring that the requirements of the personal care option
19 pursuant to Subchapter 19 (commencing with Section 1396) of
20 Chapter 7 of Title 42 of the United States Code are met.

21 (f) (1) Any nonprofit consortium contracting with a county
22 pursuant to this section or any public authority created pursuant
23 to this section shall be deemed not to be the employer of in-home
24 supportive services personnel or waiver personal care services
25 personnel referred to recipients under this section for purposes of
26 liability due to the negligence or intentional torts of the in-home
27 supportive services personnel or waiver personal care services
28 personnel.

29 (2) A nonprofit consortium contracting with a county pursuant
30 to this section or any public authority created pursuant to this
31 section is not liable for the action or omission of any in-home
32 supportive services personnel or waiver personal care services
33 personnel whom the nonprofit consortium or public authority did
34 not list on its registry or otherwise refer to a recipient.

35 (3) Counties and the state shall be immune from any liability
36 resulting from their implementation of this section in the
37 administration of the In-Home Supportive Services ~~program~~
38 *Program* or in the administration of waiver personal care services
39 authorized under Section 14132.97. Any obligation of the public
40 authority or consortium pursuant to this section, whether statutory,

1 contractual, or otherwise, shall be the obligation solely of the public
2 authority or nonprofit consortium, and shall not be the obligation
3 of the county or state.

4 (g) Any nonprofit consortium contracting with a county pursuant
5 to this section shall ensure that it has a governing body that
6 complies with the requirements of subparagraph (B) of paragraph
7 (3) of subdivision (b) or an advisory committee that complies with
8 subparagraphs (B) and (C) of paragraph (3) of subdivision (b).

9 (h) Recipients of services under this section may elect to receive
10 services from in-home supportive services personnel or waiver
11 personal care services personnel who are not referred to them by
12 the public authority or nonprofit consortium. Those personnel shall
13 be referred to the public authority or nonprofit consortium for the
14 purposes of wages, benefits, and other terms and conditions of
15 employment.

16 (i) (1) This section does not affect the state's responsibility
17 with respect to the state payroll system, unemployment insurance,
18 or workers' compensation and other provisions of Section 12302.2
19 for providers of in-home supportive services or for individuals
20 who are employed by a recipient of waiver personal care services
21 authorized under Section 14132.97.

22 (2) (A) The Controller shall make any deductions from the
23 wages of in-home supportive services personnel or waiver personal
24 care services personnel, who are employees of a public authority
25 pursuant to paragraph (1) of subdivision (c), that are agreed to by
26 that public authority in collective bargaining with the designated
27 representative of the in-home supportive services personnel or
28 waiver personal care services personnel pursuant to Chapter 10
29 (commencing with Section 3500) of Division 4 of Title 1 of the
30 Government Code and transfer the deducted funds as directed in
31 that agreement.

32 (B) *This paragraph shall become inoperative on January 1,*
33 *2026.*

34 (3) Any county that elects to provide in-home supportive
35 services pursuant to this section shall be responsible for any
36 increased costs to the in-home supportive services case
37 management, information, and payrolling system attributable to
38 that election. The department shall collaborate with any county
39 that elects to provide in-home supportive services pursuant to this

1 section prior to implementing the amount of financial obligation
2 for which the county shall be responsible.

3 (j) To the extent permitted by federal law, personal care option
4 funds, obtained pursuant to Subchapter 19 (commencing with
5 Section 1396) of Chapter 7 of Title 42 of the United States Code,
6 along with matching funds using the state and county sharing ratio
7 established in subdivision (c) of Section 12306, or any other funds
8 that are obtained pursuant to Subchapter 19 (commencing with
9 Section 1396) of Chapter 7 of Title 42 of the United States Code,
10 may be used to establish and operate an entity authorized by this
11 section.

12 (k) Notwithstanding any other law, the county, in exercising its
13 option to establish a public authority, shall not be subject to
14 competitive bidding requirements. However, contracts entered into
15 by either the county, a public authority, or a nonprofit consortium
16 pursuant to this section shall be subject to competitive bidding as
17 otherwise required by law.

18 (l) (1) The department may adopt regulations implementing
19 this section as emergency regulations in accordance with Chapter
20 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
21 Title 2 of the Government Code. For the purposes of the
22 Administrative Procedure Act, the adoption of the regulations shall
23 be deemed an emergency and necessary for the immediate
24 preservation of the public peace, health and safety, or general
25 welfare. Notwithstanding Chapter 3.5 (commencing with Section
26 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
27 these emergency regulations shall not be subject to the review and
28 approval of the Office of Administrative Law.

29 (2) Notwithstanding subdivision (h) of Section 11346.1 and
30 Section 11349.6 of the Government Code, the department shall
31 transmit these regulations directly to the Secretary of State for
32 filing. The regulations shall become effective immediately upon
33 filing by the Secretary of State.

34 (3) Except as otherwise provided for by Section 10554, the
35 Office of Administrative Law shall provide for the printing and
36 publication of these regulations in the California Code of
37 Regulations. Emergency regulations adopted pursuant to this
38 subdivision shall remain in effect for no more than 180 days.

39 (m) (1) If a county elects to form a nonprofit consortium or
40 public authority pursuant to subdivision (a) before the State

1 Department of Health Care Services has obtained all necessary
2 federal approvals pursuant to paragraph (3) of subdivision (j) of
3 Section 14132.95, all of the following shall apply:

4 (A) Subdivision (d) shall apply only to those matters that do
5 not require federal approval.

6 (B) The second sentence of subdivision (h) shall not be
7 operative.

8 (C) The nonprofit consortium or public authority shall not
9 provide services other than those specified in paragraphs (1), (2),
10 (3), (4), and (5) of subdivision (e).

11 (2) Paragraph (1) shall become inoperative when the State
12 Department of Health Care Services has obtained all necessary
13 federal approvals pursuant to paragraph (3) of subdivision (j) of
14 Section 14132.95.

15 (n) (1) One year after the effective date of the first approval by
16 the department granted to the first public authority, the Bureau of
17 State Audits shall commission a study to review the performance
18 of that public authority.

19 (2) The study shall be submitted to the Legislature and the
20 Governor not later than two years after the effective date of the
21 approval specified in subdivision (a). The study shall give special
22 attention to the health and welfare of the recipients under the public
23 authority, including the degree to which all required services have
24 been delivered, out-of-home placement rates, prompt response to
25 recipient complaints, and any other issue the director deems
26 relevant.

27 (3) The report shall make recommendations to the Legislature
28 and the Governor for any changes to this section that will further
29 ensure the well-being of recipients and the most efficient delivery
30 of required services.

31 (o) Commencing July 1, 1997, the department shall provide
32 annual reports to the appropriate fiscal and policy committees of
33 the Legislature on the efficacy of the implementation of this
34 section, and shall include an assessment of the quality of care
35 provided pursuant to this section.

36 (p) (1) Notwithstanding any other law, and except as provided
37 in paragraph (2), the department shall, no later than January 1,
38 2009, implement subparagraphs (A) and (B) through an all-county
39 letter from the director:

1 (A) Subparagraphs (A) and (B) of paragraph (2) of subdivision
2 (e).

3 (B) Subparagraph (B) of paragraph (5) of subdivision (e).

4 (2) The department shall, no later than July 1, 2009, adopt
5 regulations to implement subparagraphs (A) and (B) of paragraph
6 (1).

7 (q) The amendments made to paragraphs (2) and (5) of
8 subdivision (e) made by the act that added this subdivision during
9 the 2007–08 Regular Session of the Legislature shall be
10 implemented only to the extent that an appropriation is made in
11 the annual Budget Act or other statute, except for the amendments
12 that added subparagraph (D) of paragraph (2) of subdivision (e),
13 which shall go into effect January 1, 2009.

14 (r) *(1) Notwithstanding any other law, a county or city and*
15 *county, a public authority established pursuant to this section, or*
16 *a nonprofit consortium contracting with a county pursuant to this*
17 *section, when providing for the delivery of services under this*
18 *article by contract in accordance with Sections 12302 and 12302.1,*
19 *by direct payment to a provider chosen by a recipient in*
20 *accordance with Sections 12302 and 12302.2, or by way of a*
21 *provider of waiver personal care services provided pursuant to*
22 *Section 14132.97, shall comply with, and be subject to, all*
23 *provisions of any memorandum of understanding or addenda,*
24 *appendices, or side letters thereto between the state and recognized*
25 *employee organizations, as defined in Title 26 (commencing with*
26 *Section 110000) of the Government Code. The state shall assume,*
27 *and is liable for, any act by a county or city and county, a public*
28 *authority established pursuant to this section, or a nonprofit*
29 *consortium contracting with a county, that is in violation of a*
30 *memorandum of understanding or addenda, appendices, or side*
31 *letters. Those violations may be adjusted through a grievance*
32 *procedure contained in a memorandum of understanding between*
33 *the state and recognized employee organizations. The remedies*
34 *provided in this paragraph are cumulative and not exclusive of*
35 *other remedies.*

36 (2) *This subdivision shall become operative on January 1, 2026.*

37 SEC. 9. Section 12301.61 of the Welfare and Institutions Code
38 is amended to read:

39 12301.61. (a) On or after October 1, 2023, if a public authority
40 or nonprofit consortium established pursuant to Section 12301.6,

1 acting as the employer of record, and the employee organization
2 have not reached an agreement on a bargaining contract with
3 in-home supportive services workers, either party may request
4 mediation, pursuant to Section 3505.2 of the Government Code,
5 which shall be mandatory. If the parties fail to agree on a mediator,
6 the Public Employment Relations Board shall appoint one from
7 the pool described in subdivision (c). The mediation shall be held
8 no more than 15 business days from the date requested by either
9 party.

10 (b) If the parties are unable to effect settlement through
11 mediation, as described in subdivision (a), the parties shall submit
12 their differences to factfinding, pursuant to Sections 3505 and
13 3505.4 of the Government Code. Alternatively, if both parties
14 agree, the parties may bypass the mediation process in subdivision
15 (a) and move directly to factfinding.

16 (1) The factfinding panel shall make findings of fact and
17 recommend terms of settlement, which shall be advisory only,
18 within 30 days after the panel is appointed by the Public
19 Employment Relations Board.

20 (2) Within 15 days after the factfinding panel has released its
21 findings of fact and recommended settlement terms, either party
22 may request postfactfinding mediation consistent with Section
23 3505.2 of the Government Code, which shall be mandatory. If the
24 parties fail to agree on a mediator, the Public Employment
25 Relations Board shall appoint one from the pool described in
26 subdivision (c).

27 (3) If either party elects postfactfinding mediation, the findings
28 of fact and recommended settlement terms shall not be made public
29 until the mediation has concluded.

30 (4) Mediation shall be held no more than 15 days from the date
31 requested, and may include, at the mediator's discretion, the
32 factfinding panel and representatives of both parties. The director,
33 or the director's designee, shall be available to provide information
34 and expertise, as necessary.

35 (5) The county board of supervisors shall hold a public hearing
36 within 30 days of the factfinding panel's public release of its
37 findings of fact and recommended settlement terms.

38 (c) The Public Employment Relations Board shall designate a
39 pool of no more than five qualified individuals to serve as
40 mediators or on a factfinding panel. The pool shall consist of

1 individuals with relevant subject matter expertise. The board shall
2 select individuals for the pool in consultation with the department
3 and the affected employers and employee organizations. Priority
4 shall be given to individuals with knowledge of the In-Home
5 Supportive Services ~~program~~. *Program*. The board may designate
6 the mediator to serve as the neutral member of the factfinding
7 panel.

8 (d) The costs for the services of the factfinding panel and the
9 mediator shall be equally divided between the parties, and shall
10 include per diem fees, if any, and actual and necessary travel and
11 subsistence expenses.

12 (e) If no individual is available to serve as a mediator or
13 factfinder within the timelines specified in this section, the
14 timelines shall be extended until the next mediator or factfinder is
15 available.

16 (f) A county shall be subject to a withholding of 1991
17 Realignment funds as described in subdivision (h) pursuant to a
18 schedule developed by the Department of Finance and provided
19 to the Controller if all of the following conditions are met:

20 (1) The parties have completed the process described in
21 subdivisions (a) to (c), inclusive.

22 (2) The factfinding panel has issued findings of fact and
23 recommended settlement terms that are more favorable to the
24 employee organization than those proposed by the employer of
25 record described in subdivision (a).

26 (3) The parties do not reach a collective bargaining agreement
27 within 90 days after the release of the factfinding panel's
28 recommended settlement terms described in paragraph (2). The
29 parties shall make every good faith effort to reach an alternative
30 mutually accepted agreement within this timeframe.

31 (4) The collective bargaining agreement for IHSS providers in
32 the county has expired.

33 (g) The Public Employment Relations Board shall provide
34 written notification to the county and the employee organization
35 within 15 days of determining that the county is subject to a
36 withholding pursuant to subdivision (f). The board shall also notify
37 the Department of Finance and the State Controller of the
38 withholding assessment.

39 (h) The amount of the 1991 Realignment funding withholding
40 pursuant to subdivision (f) shall be equivalent to 10 percent of the

1 county's prior fiscal year IHSS Maintenance of Effort requirement,
2 as reported by the department, prior to applying any offsets
3 pursuant to Section 12306.17. This withholding shall continue
4 once per fiscal year, each fiscal year, until the county enters into
5 a collective bargaining agreement with the employee organization.

6 (i) This section shall become operative on October 1, 2023.

7 (j) *This section shall become inoperative on January 1, 2026.*

8 SEC. 10. The Legislature finds and declares that Section 3 of
9 this act, which amends Section 7926.300 of the Government Code,
10 furthers, within the meaning of paragraph (7) of subdivision (b)
11 of Section 3 of Article I of the California Constitution, the purposes
12 of that constitutional section as it relates to the right of public
13 access to the meetings of local public bodies or the writings of
14 local public officials and local agencies. Pursuant to paragraph (7)
15 of subdivision (b) of Section 3 of Article I of the California
16 Constitution, the Legislature makes the following findings:

17 It is in the public interest, and it furthers the purposes of
18 paragraph (7) of subdivision (b) of Section (3) of Article I of the
19 California Constitution, to ensure that certain personal information
20 regarding persons paid by the state to provide in-home supportive
21 and related social services is made available, upon request, to an
22 exclusive bargaining agent and employee organization seeking
23 representation rights for purposes of collective bargaining.

24 SEC. 11. The Legislature finds and declares that Section 4 of
25 this act, which adds Title 26 (commencing with Section 110000)
26 to the Government Code, imposes a limitation on the public's right
27 of access to the meetings of public bodies or the writings of public
28 officials and agencies within the meaning of Section 3 of Article
29 I of the California Constitution. Pursuant to that constitutional
30 provision, the Legislature makes the following findings to
31 demonstrate the interest protected by this limitation and the need
32 for protecting that interest:

33 To allow arbitration proceedings to be conducted under the
34 In-Home Supportive Services Employer-Employee Relations Act
35 in conformity with law governing the arbitration process, it is
36 necessary to allow the arbitration board to meet privately with
37 parties as necessary to address issues in dispute.

38 SEC. 12. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution for certain
40 costs that may be incurred by a local agency or school district

1 because, in that regard, those costs under this act would result from
2 a legislative mandate that is within the scope of paragraph (7) of
3 subdivision (b) of Section 3 of Article I of the California
4 Constitution.

5 However, if the Commission on State Mandates determines that
6 this act contains other costs mandated by the state, reimbursement
7 to local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

10
11
12 **REVISIONS:** _____

13 **Heading—Lines 5 and 6.**
14 _____