

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 17, 1998

ALL COUNTY LETTER NO. 98-20

TO: ALL COUNTY WELFARE DIRECTORS
IHSS PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation Change
 Court Order or Settlement Agreement
 Clarification Requested by One or More Counties
 Initiated by CDSS

SUBJECT: PUBLIC AUTHORITY AND NONPROFIT CONSORTIUM SERVICE DELIVERY UNDER THE IN-HOME SUPPORTIVE SERVICES AND THE PERSONAL CARE SERVICES PROGRAMS

The following is information regarding the implementation of Senate Bill (SB) 485 (Chapter 722, Statutes of 1992); SB 35 (Chapter 69, Statutes of 1993); SB 1078 (Chapter 1252, Statutes of 1993); and Assembly Bill (AB) 1354 (Chapter 1029, Statutes of 1994). The Legislature added Section 12301.6 to the Welfare and Institutions Code by Chapter 722, Statutes of 1992. Subsequent to this change, the Personal Care Services Program (PCSP) was implemented. As a consequence, modifications to the original version of Welfare and Institutions Code Section 12301.6 were required. The modifications were accomplished through Chapters 69 and 1252, Statutes of 1993 and Chapter 1029, Statutes of 1994. SB 1780 (Chapter 206, Statutes of 1996) made further modifications to Section 12301.6 by providing counties with guidelines for using a public authority or nonprofit consortium for delivery of In-Home Supportive Services (IHSS). Emergency regulations implementing SB 1780 were effective on June 3, 1997. A copy of the regulations are attached. See Attachment A.

This All-County Letter (ACL) outlines county activities, public authority or nonprofit consortium activities and State activities for counties opting to use a public authority or nonprofit consortium to provide services under the IHSS and PCSP. A description of the ratesetting methodology and claiming and reimbursement instructions are also included. Upcoming Case Management, Information and Payrolling Systems (CMIPS) changes are also described.

ESTABLISHING A PUBLIC AUTHORITY/NONPROFIT CONSORTIUM

A county board of supervisors may elect to establish, by ordinance, a public authority or contract with a nonprofit consortium to provide for the delivery of IHSS. A public authority is a

corporate public body separate from the county that has all powers necessary to carry out the delivery of IHSS. A nonprofit consortium is an entity that has among other things a tax exempt status. The county is required to meet the following additional requirements for the public authority or nonprofit consortium:

1. The ordinance for the public authority must specify the membership of the governing body, qualifications for individual members, the manner of appointment, removal of members, tenure and other matters the board of supervisors deems necessary. If the board of supervisors designates itself as the governing body of the public authority, the ordinance shall require the appointment of an advisory committee of no more than 11 members. No fewer than 50 percent of the advisory committee members shall be persons who are current or past users of personal assistance services paid for through public or private funds. If the board of supervisors does not designate itself the governing body of the public authority, it shall specify the membership of the governing body. No fewer than 50 percent of the members of the governing body shall be persons who are current or past users of personal assistance services paid for through public or private funds.
2. A county must enter into an interagency agreement with a public authority or nonprofit consortium to provide IHSS services. The county must submit a copy of the agreement to the California Department of Social Services along with the following information:
 - An organization chart of the public authority;
 - Funding provisions for public authority costs, including how the proposed rate was developed;
 - Public authority staffing classifications and duties; and
 - A description of how the functional requirements will be met.
3. The county or State will not be responsible for any liability or obligation of the public authority or nonprofit consortium whether statutory, contractual or otherwise.
4. Counties will be responsible for any increased costs to the CMIPS attributable to the public authority or nonprofit consortium. The State will determine the amount of any increased costs and will bill an individual county for these costs.

PUBLIC AUTHORITY AND NONPROFIT CONSORTIUM ACTIVITIES

Any public authority or nonprofit consortium will be deemed to be the employer of IHSS personnel referred to recipients for purposes of collective bargaining. However, recipients will retain the right to hire, fire and supervise the work of any IHSS personnel providing services to them. Attachment B is a model Employer-Employee Relations Policy for Public Authorities. Public authorities and nonprofit consortiums may adopt, reject or modify the policy in part or in its entirety for purposes of collective bargaining.

1. A public authority or nonprofit consortium must provide for the following functions:
 - Assistance to recipients in finding IHSS service providers through the establishment of a registry;
 - Investigation of the qualifications and background of potential personnel.
 - Establishment of a referral system under which IHSS personnel will be referred to recipients;
 - Access to training for providers and recipients;
 - Any other functions related to the delivery of IHSS; and
 - Ensuring that the requirements of the PCSP are met.
2. A public authority or nonprofit consortium cannot duplicate any activities or services performed by the county.
3. A public authority or nonprofit consortium will not be the employer of IHSS personnel for purposes of liability due to the negligence or intentional torts of the IHSS services personnel.
4. The public authority or nonprofit consortium must notify the State of any increases in wages or benefits prior to implementation.

STATE ACTIVITIES

The State's responsibility for payroll, unemployment insurance, workers' compensation and other provisions remains unchanged. The State will continue the payrolling, unless a public authority or nonprofit consortium opts to do this function.

FUNDING

The costs of the public authority or nonprofit consortium will be funded from the county's services allocation. The costs must be reimbursed within the county's services allocation.

RATE SETTING METHODOLOGY

Counties will be responsible for establishing a total public authority rate. The public authority rate should include a rate for services (wages, benefits and taxes) and a rate for administrative costs. The rate should be expressed in a cost per hour for the Individual Provider (IP) mode. The contract mode should not include any PA administration costs. For both PCSP and IHSS, the public authority rate cannot exceed 200 percent of the minimum wage.

The rate development process and public authority hourly rate should be sent to the California Department of Social Services IHSS Fiscal Unit on the enclosed rate setting form for concurrence. See Attachment C. The Department of Health Services will perform the final approval. When any increase in provider wages or benefits is negotiated or agreed to by a public

authority or nonprofit consortium, the county will use county only funds to fund both the county share and the state share, including any portion of employment taxes, unless otherwise provided for in the annual Budget Act or appropriated by statute.

CLAIMING AND REIMBURSEMENT

The CMIPS will be used to do IP payroll and to track wages, benefits and public authority administrative costs. Public authority and nonprofit consortium costs will be invoiced by the counties to the IHSS Fiscal Unit on a quarterly basis. A sample of the public authority invoice and instructions for completing the Federal/State/County Reconciliation is enclosed. See Attachment D. Upon completion of the Federal/State/County Reconciliation, county staff should sum the administrative gross expenditures for the entire quarter (from pages 2 through 4 of the PA invoice) separately for PCSP and for Non-PCSP (lines 2C and lines 8C) and transfer the total amounts for PCSP and Non-PCSP to page 1 of the invoice under the Gross Expenditure column. Invoices should be submitted to the IHSS Fiscal Unit within 30 days after the end of each quarter. The IHSS Fiscal Unit will audit invoices against CMIPS and will monitor the 200 percent of minimum wage cap and any wages and associated costs exceeding minimum wage. Invoices will then be forwarded to CDSS Accounting, which will process only the administrative portion for reimbursement, since the services portion will be processed through CMIPS.

CMIPS

A screen similar to the County Summary (CSUM) screen will be created for Public Authority and Nonprofit Consortium. The Management Statistics Summary report will reflect the input from the new screens statewide and by county. Detailed instructions regarding those changes will be sent to all IHSS Program Managers.

FORMS

Advanced copies of the In-Home Supportive Services Program Public Authority/Nonprofit Consortium Rate (Form SOC 449, Attachment C) and the Public Authority Invoice (Form SOC 448, Attachment D) are attached to this letter. The forms are being finalized, and the IHSS Fiscal Unit will notify PA counties once the forms are available. At that time, camera-ready copies of the forms can be obtained from the DSS Forms Management.

If you have any questions regarding the regulations, please contact Sharen Scott in the IHSS Policy Unit at (916) 229-4597. For questions pertaining to funding, ratesetting or claiming and reimbursement, please contact Lisa Grech in the IHSS Fiscal Unit at (916) 229-4595, and for any questions pertaining to CMIPS, please contact Josie Powers in the CMIPS Unit at (916) 229-4019.

Sincerely,



DONNA L. MANDELSTAM

Deputy Director

Disability and Adult Programs Division

Attachments

30-753 SPECIAL DEFINITIONS (Continued)

30-753

(c) (1) Consumer means an individual who is a current or past user of personal care services, as defined by Section 30-757.14, paid for through public or private funds or a recipient of IHSS or PCSP.

(2) (Continued)

(3) (Continued)

(4) (Continued)

(d) through (m) (Continued)

(n) (1) (Continued)

(2) Nonprofit consortium means an association that has a tax-exempt status and produces a tax exempt status certificate and meets the definition of a nonprofit organization as contained in OMB Circular A-122 found at Federal Register, Vol. 45, No. 132, dated July 8, 1980.

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(A) OMB Circular A-122 found at Federal Register, Vol. 45, No. 132, dated July 8, 1980, defines a nonprofit organization as one which:

(1) Operates in the public interest for scientific, educational, service or charitable purposes;

(2) Is not organized for profit making purposes;

(3) Is not controlled by or affiliated with an entity organized or operated for profit making purposes; and

(4) Uses its net proceeds to maintain, improve or expand its operations.

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(o) (Continued)

(p) (Continued)

(7) Public Authority means:

- (A) An entity established by the board of supervisors by ordinance, separate from the county, which has filed the statement required by Section 53051 of the Government Code, and
- (B) A corporate public body, exercising public and essential governmental functions and that has all powers necessary and convenient to carry out the delivery of in-home supportive services, including the power to contract for services and make or provide for direct payment to a provider chosen by a recipient for the purchase of services.

Authority Cited: Sections 10553, 10554, and 12301.1, Welfare and Institutions Code; and Chapter 939, Statutes of 1992.

Reference: Sections 10554, 12300(c), 12301, 12301.6, 12304, 12306, 12308, 13302, 14132.95, 14132.95(e), and 14132.95(f), Welfare and Institutions Code.

Amend Handbook Section 30-765.113 to read:

30-765 COST LIMITATIONS

30-765

.1 (Continued)

.11 (Continued)

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.113 Welfare and Institutions Code Section 12300(g)(~~23~~) states:

"Any recipient receiving services under both Section 14132.95 and this article shall receive no more than 283 hours of service per month, combined, and any recipient of services under this article shall receive no more than the applicable maximum specified in Section 12303.4." (See Section 30-765.11.)

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Chapter 939, Statutes of 1992.

Reference: Sections 12300 and 14132.95, Welfare and Institutions Code.

- .2 Counties may elect to contract with a nonprofit consortium or may create a public authority to provide for the delivery of IHSS.**
- .21 The board of supervisors shall establish a public authority by ordinance.**
- .211 The public authority shall be separate from the county. Employees of the public authority shall not be considered to be employees of the county for any purpose.**
- .212 The ordinance shall designate the governing body of the public authority and specify the qualifications of the individual members, the procedures for nomination, selection, appointment, tenure and removal of members, and such other matters as the board of supervisors deems necessary for the operation of the public authority.**
- (a) The board of supervisors may designate itself as the governing body of the public authority.**
- (1) If the board of supervisors is the governing body, the ordinance shall require the appointment of an advisory committee of no more than 11 members.**
- (2) No fewer than 50 percent of the advisory committee shall be consumers as defined in Manual of Policies and Procedures Section 30-753(c)(1).**
- (b) If the board of supervisors does not designate itself the governing body of the public authority, it shall specify by ordinance the membership of the governing body of the public authority.**
- (1) No fewer than 50 percent of the members of the governing body shall be consumers as defined in Manual of Policies and Procedures Section 30-753(c)(1).**
- .213 Before appointing members to the governing body or advisory committee, the board of supervisors shall solicit recommendations from the general public and interested persons and organizations through a fair and open process which includes reasonable written notice and a reasonable time to respond.**

- (a) The provisions at Section 30-767.213 shall be met by satisfying the requirements governing legislative bodies outlined in Government Code and other state and federal law, including, but not limited to, the Ralph M. Brown Act (Government Code Section 54950 et seq.) and the Americans with Disabilities Act.

.214 Prior to initiating delivery of IHSS through a public authority, the county shall enter an agreement with the public authority specifying the purposes, scope or nature of the agreement, the roles and responsibilities of each party including provisions which ensure compliance with all applicable state and federal labor laws, and compliance with all statutory and regulatory provisions applicable to the delivery of IHSS. This agreement shall also specify the fiscal provisions under which the public authority shall be reimbursed for its performance under the agreement. The county, in exercising its option to establish a public authority, shall not be subject to competitive bidding requirements.

.215 Prior to initiating the delivery of IHSS through a public authority, the county shall submit to the California Department of Social Services a copy of the agreement as specified in Section 30-767.214 along with the following information concerning the public authority:

- (a) Organization chart of the public authority.
- (b) Funding provision for public authority costs, including how the proposed rate was developed.
 - (1) The rate development process and the public authority hourly rate must be approved by Department of Health Services prior to initiating the delivery of services.
- (c) Public authority staffing classifications and duties.
- (d) A description of how the functional requirements of Welfare and Institutions Code Section 12301.6(e) will be met.

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- (e) The requirements of Welfare and Institutions Code Section 12301.6(e) are listed in Section 30-767.23.

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- .216 If the public authority contracts with another entity to provide the delivery of IHSS, the agreement shall satisfy the requirements of Manual of Policies and Procedures Chapter 23-600 relating to contracting.
- .217 All costs claimed for the delivery of services under an agreement as specified in Section 30-767.214 shall be claimed in compliance with criteria for rate setting found at Section F, attachment 4.19-B of the California Medicaid State Plan.
- (a) A county shall use county-only funds to fund both the county share and the state share of any increase in the cost of the program, including employment taxes, due to any increase in provider wages or benefits negotiated or agreed to by a public authority or nonprofit consortium unless otherwise provided for in the annual budget act or appropriated by statute. No increase in wages or benefits negotiated or agreed to pursuant to this section shall take effect until the Department has obtained the approval of the State Department of Health Services.
- .22 A county may contract with a consortium for delivery of services.
- .221 A consortium entering a contract under Section 30-767.22 shall have a governing body composed as described in Section 30-767.212(b)(1), or shall have established an advisory committee composed as described in Sections 30-767.212(a)(1) and (2).
- .222 Such contracts shall be subject to the provisions of Manual of Policies and Procedures Chapter 23-600.
- .223 A consortium entering a contract under Section 30-767.22 shall be deemed to be the employer of IHSS personnel referred to recipients as described in Section 30-767.23 for the purposes of collective bargaining over wages, hours and other terms and conditions of employment.
- .23 Any public authority or consortium shall provide the following minimum services:
- .231 Provide registry services to recipients receiving services pursuant to Section 30-767.23.
- (a) Assistance in finding providers through the establishment of a registry.
- (b) Investigation of the qualifications and background of potential providers listed on the registry.

- (c) Establishment of a referral system under which potential providers are made known to recipients.

.232 Provide access to training for providers and recipients.

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- (a) Access to training for providers and recipients does not mean that the county or the Public Authority is under any obligation:
 - (1) to provide the training directly, to pay for training provided in the community, to pay for the provider's time to attend or to accompany the recipient to training, to pay for transportation to the training, or to pay for any materials required by the training; or
 - (2) to screen or be responsible for the content of any training it tells providers and/or recipients is available in the community; or
 - (3) to ensure that any provider or recipient attended/completed any training.

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.233 Perform any other function related to the delivery of IHSS.

.234 Ensure that the requirements of the Personal Care Services Program pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code are met.

.24 Any public authority may adopt reasonable rules and regulations for the administration of employer-employee relations.

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.241 The Employer-Employee Relations Policy for Public Authorities Delivering In-Home Supportive Services is available from the California Department of Social Services as a model for public authorities. Public authorities may adopt, reject, or modify the policy in part or in its entirety.

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.25 Public authorities and consortia must submit cost reports and such other data as required for the Case Management, Information and Payrolling System (CMIPS).

.26 Any county that elects to provide for in-home supportive services pursuant to this section shall be responsible for any increased costs to the CMIPS attributable to such election. The Department shall collaborate with any county that elects to provide in-home supportive services pursuant to this section prior to implementing the amount of financial obligation for which the county shall be responsible.

.3 (Continued)

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.4 (Continued)

.5 (Continued)

.6 (Continued)

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Chapter 939, Statutes of 1992.

Reference: Sections 12301.6, 12302, 12302.1, and 14132.95, Welfare and Institutions Code and Section 54950 et seq., Government Code.

ATTACHMENT B

MODEL EMPLOYER-EMPLOYEE RELATIONS POLICY FOR PUBLIC AUTHORITIES
DELIVERING IN-HOME SUPPORTIVE SERVICES (TO
BE ADOPTED IN WHOLE, OR AS MODIFIED,
PURSUANT TO RESOLUTION PROCESS AT THE COUNTY LEVEL)

SECTION 1 GENERAL PROVISIONS

1.0 Statement of Purpose

Under §12301.6(a)(2) of the California Welfare and Institutions Code a county board of supervisors may establish a public authority for the delivery of In-Home Supportive Services. Under §12301.6(c)(1) any Public Authority created is deemed the employer of In-Home Supportive Services personnel within the meaning of Sections 3500 et. seq. of Chapter 10, Division 4, Title 1 of the California Government Code. (Meyers-Milias-Brown Act [hereafter MMBA])

This Policy is enacted pursuant to the MMBA to establish orderly procedures to promote full communication between the Public Authority and In-Home Supportive Services personnel by providing a reasonable method of resolving disputes between the public authority, In-Home Supportive Services personnel, and employee organizations which represent such personnel in their employment relationship with the Public Authority. Nothing contained in this Policy shall be deemed to supersede the provisions of existing state law and the charters, ordinances, and rules of local public agencies which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations. This Policy is intended, instead, to strengthen merit, civil service, and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communications between employees, employee organizations and the Public Authority.

1.1(a) Management Rights

Nothing in this Policy shall be construed to limit the Public Authority's right to determine its mission; to maintain the efficiency of the Public Authority's operations; to set standards of service; to determine the procedures and standards of selection for employment, to direct its employees; to take disciplinary action; to relieve its employees from duty because of lack of work or for other lawful reasons; to determine the methods, means, and personnel by which the Public Authority's delivery of In-Home Supportive Services are to be carried out; to take all necessary action to carry out its mission in emergencies; to make reasonable rules and regulations pertaining to employees consistent with this Policy, and to exercise complete control over its organization and the technology of performing its work.

1.1(b) Management Agents' Responsibilities

Public Authority providers and all other employees of Public Authorities shall comply with any and all confidentiality requirements concerning delivery of In-Home Supportive Services in accordance with requirements of all state and federal laws, including, but not limited to, those contained in the California Welfare and Institutions Code, all other statutes, California Administrative Code provisions, all other regulations, and practices of federal, state, and local government.

1.2 Definitions

As used in this Policy, the following terms shall have the meanings indicated:

- a. "Confidential Employee" means an employee who, in the course of his or her duties, has access to information relating to the Public Authority's administration of employer-employee relations.
- b. "Consult" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions.
- c. "Consumer" or "Recipient" means any person who receives In-Home Supportive Services.
- d. "Day" means calendar day.
- e. "Employee Organization" means any organization which includes employees of a public agency and which has as one of its primary purposes representing those employees in their relations with the Public Authority.
- f. "Employee Relations Director" means the individual(s) designated by the Public Authority to handle labor relations for the Public Authority. The Employee Relations Director may also serve in other administrative capacities.
- g. "Impasse" means that the representatives of the Public Authority and representatives of the recognized employee organization(s) have reached a point in meeting and conferring on a dispute over matters within the scope of representation at which their differences in positions are so substantial or prolonged that future meetings would be futile.
- h. "Public Authority Provider" means any person selected by a consumer(s) of In-Home Supportive Services who is employed by the Public Authority.

- i. "Management Employee" means an employee having the responsibility for formulating, administering or managing the implementation of Public Authority policies or programs.
- j. "Mediation" means an effort by an impartial third party to assist through interpretation, suggestion, and advice in reconciling a dispute regarding terms and conditions of employment subject to meeting and conferring.
- k. "Meet and Confer" and "meet and confer in good faith" means consulting, upon the request of either the representative(s) of the Public Authority or the representative(s) of the recognized employee organization(s), for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation.
- l. "Memorandum of Understanding" means a written statement incorporating all matters within the scope of representation agreed on through meeting and conferring between representative(s) of the Public Authority and representative(s) of the recognized employee organization(s) and approved by the governing body of the Public Authority.
- m. "Public Authority" means the [official name of public authority]
- n. "Recognized Employee Organization" means an employee organization which has been formally acknowledged by the Public Authority as an employee organization that represents employees of the Public Authority.
- o. "Scope of Representation" means matters relating to the terms and conditions of employment relevant to the respective employee group and subject to the limitations set forth in the California Welfare and Institutions Code §12301.6. The scope of representation shall not include consideration of the merits, necessity or organization of any service or activity provided by law or executive order, or those matters reserved to management as set forth in Section 1(1.1) above.
- p. "Supervisory Employee" means any employee of the Public Authority having the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such actions, if such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

SECTION 2 RECOGNITION PROCEEDINGS

2.1 Filing of Recognition Petition by Employee Organization

An employee organization that seeks to be acknowledged as the recognized employee organization for a designated representation unit for which no recognized employee organization has been acknowledged shall file with the Employee Relations Director a Petition containing the following information and documentation:

- a. The name and address of the employee organization; and
- b. The objectives of the organization and its charter and/or bylaws, including a statement that the employee organization has, as one of its primary purposes, the representation of employees in their employment relations with the Public Authority; and
- c. The names and titles of its officers; and
- d. The names of employee organization representative(s) who are authorized to speak on behalf of the organization; and
- e. A designation of those persons, not exceeding two (2) in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose; and
- f. A statement that the organization does not discriminate or restrict membership or participation based on race, color, creed, national origin, religion, sex, marital status, sexual orientation, age, or disability; and
- g. The job classifications or titles of employee in the unit claimed to be appropriate and the approximate number of member employees therein; and
- h. A statement that the employee organization has in its possession proof of employee support to establish that at least thirty percent (30%) of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the Public Authority. Such written proof shall be submitted for confirmation to the Employee Relations Director; and
- i. A request that the Employee Relations Director acknowledge the petitioner as the recognized employee organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

The Petition, including the proof of employee support and all accompanying documentation, shall be declared to be true,

correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization submitting it.

2.2 Response of Public Authority

Upon receipt of the Petition, the Employee Relations Director shall determine the following have been satisfied:

- a. That the Petition complies with all requirements of the listed in Section 2.1, and
- b. The proposed representation unit is an appropriate unit in accordance with Section 4.

Upon determining that both (a) and (b) are satisfied, the Employee Relations Director shall so inform the petitioning employee organization, shall give written notice of the Petition to employees in the unit, and shall take no action on the Petition for thirty (30) days thereafter. If either (a) or (b) are not satisfied, the Employee Relations Director shall so inform the petitioning employee organization in writing and provide reasons for the rejection of the Petition. The petitioning employee organization may appeal such determination in accordance with §5.

2.3 Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be acknowledged as the recognized exclusive employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or titles set forth in the recognition petition being challenged), by filing a petition that meets the requirements of §2.1.

- a. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Director shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Director shall determine the appropriate unit or units in accordance with the standards in §4. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the Employee Relations Director to amend their petitions to conform to such determination or to appeal determination pursuant to Section 5.

2.4 Election

a. The Employee Relations Director shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Director and the concerned employee organization(s). If the event that the parties are unable to agree on a third party to conduct an election, the election shall be conducted by the State Conciliation Service.

b. All employee organizations who have duly submitted petitions which have been approved under §2.2 shall be included on the ballot. The choice of "no organization" shall also be included on the ballot. Employees entitled to vote in such election shall be those persons in the representation unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election commences.

c. There shall be no more than one valid election under this Policy pursuant to any petition in a twelve (12) month period affecting the same unit.

d. Costs of conducting elections shall be borne equally by the Public Authority and by each employee organization appearing on the ballot.

2.5 Recognition

a. An employee organization shall be acknowledged by the Employee Relations Director as the Recognized Employee Organization for the designated appropriate unit if:

1. That employee organization received a numerical majority of all valid votes cast in the election; and

2. More than fifty percent (50%) of the total number of employees in the unit eligible to vote have voted in the election.

In an election involving three or more choices, where none of the choices receives a majority of the ballot votes cast, and where more than fifty percent (50%) of the total number of employees in the unit eligible to vote have voted in the election, a run-off election shall be conducted between the two choices receiving the largest number of ballot votes cast. The rules set forth in §2.4 shall not apply to a run-off election.

b. A public authority may voluntarily recognize an employee organization if it makes a showing that it represents more than fifty percent (50%) of the employees in a designated appropriate unit.

c. Recognized employee organizations shall annually, on or before the anniversary date of recognition, file a written statement with the Employee Relations Director indicating any changes in the items listed in §2.1. The statement shall be signed by the duly authorized officers of the recognized employee organization.

2.6 Exclusive Representation

A recognized employee organization shall be the exclusive bargaining representative of all the employees in the unit for which it has been certified.

SECTION 3 DECERTIFICATION

3.1 Time for Filing of Decertification Petition

A decertification petition alleging that the incumbent recognized employee organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Director only:

a. One (1) full year after an employee organization was acknowledged as the recognized employee organization for an appropriate unit if no Memorandum of Understanding exists; or

b. Within the period commencing ninety (90) and ending sixty (60) days immediately prior to the expiration date of a Memorandum of Understanding provided that the existing Memorandum of Understanding does not exceed a four (4) year term, including any extensions. If the term of an existing Memorandum of Understanding does exceed four (4) years, inclusive of any extensions, a decertification petition may be filed within the period commencing ninety (90) and ending sixty (60) days immediately prior to the four-year anniversary of the existing Memorandum of Understanding.

3.2 Contents of Decertification Petition

A decertification petition may be filed with the Employee Relations Director by any employee(s) or by an employee organization. The petition shall contain the following:

a. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information; and

b. The name of the established appropriate unit and of the incumbent recognized employee organization sought to be decertified as the representative of that unit; and

c. An allegation that the incumbent recognized employee organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts; and

d. Proof that at least thirty percent (30%) of the employees in the unit no longer desire to be represented by the incumbent recognized employee organization. Such proof shall be submitted to the Employee Relations Director within the time limits set forth in §3.1.

The Petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization submitting it.

3.3 Response of Public Authority

The Employee Relations Director shall initially determine whether the decertification petition meets the requirement set forth in §3.1 and §3.2. If the petition does not meet the requirements of §3.1 and §3.2 the Employee Relations Director shall so inform the petitioner(s) of the reasons why the petition was rejected in writing. The petitioners may appeal the rejection in accordance with §5.

If the petition does meet the requirements set forth in §3.1 and §3.2 or if the initial rejection is reversed on appeal, the Employee Relations Director shall give notice of the decertification petition to the incumbent recognized employee organization and to unit employees.

3.4 Election

Upon providing the required notice under §3.3 to the recognized employee organization and the unit employees of the filing of a approved decertification petition, the Employee Relations Director shall arrange for a secret ballot election in accordance with §2.4.

SECTION 4 APPROPRIATE UNITS

4.1 Policy for Determining Appropriate Units

The Policy objectives in determining the appropriateness of units shall be the effect of a proposed unit on:

a. The efficient operations of the Public Authority and its compatibility with the primary responsibility of the Public Authority and its employees to effectively and economically serve the public, and

b. Providing employees with effective representation based on recognized community of interest considerations.

4.2 Standards for Determining Appropriate Units

Factors to be considered shall be:

a. Similarity of the general kinds of work performed, types of qualifications required, and the general working conditions.

b. History of representation in the Public Authority and similar employment; except however, that no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the proposed unit have organized.

c. Consistency with the organizational patterns of the Public Authority, and the effect of the proposed unit on the Public Authority's classification structure.

d. The number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units. The analysis of this factor shall include the internal and occupational community of interest among the employees, including, but not limited to, the extent to which they perform functionally related services or work toward established common goals; the extent to which the employees have common skills, working conditions, job duties and training requirements; the extent to which the employees constitute a traditional craft; and the extent to which the employees have common supervision or work-related interchange.

e. The effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classifications among two or more units.

f. For purposes of determining appropriate units, a unit of all Public Authority Providers employed by the Public Authority may be considered an appropriate unit.

4.3 Managerial, Supervisory, and Confidential Employees

Managerial, supervisory, and confidential employees, as defined in section 1.2 of this Policy, are determinative factors in establishing appropriate units hereunder, and therefore managerial, supervisory, and confidential employees may only be included in a unit consisting solely of managerial, supervisory, or confidential employees respectively. Managerial, supervisory, and confidential employees may not represent any employee organization which represents other employees.

4.4 Procedure for Modification of Established Appropriate Units

a. Modification by Employee Organization

Requests by employee organizations for modifications of established appropriate units may be considered by the Employer Relations Director only during the period specified in Section 3.1. Such requests shall be submitted in the form of a Recognition Petition, and, in addition to the requirements set forth in Section 2 of this Policy, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in this section. The Employee Relations Director shall process such petitions as other Recognition Petitions under this Policy.

b. Modification by Employee Relations Director

The Employee Relations Director may on his own motion propose during the period specified in Section 3 of this Policy, that an established unit be modified. The Employee Relations Director shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter, the Employee Relations Director shall determine the composition of the appropriate unit in accordance with Section 4 of this Policy, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Director's determination may be appealed as provided in Section 5 of this Policy.

SECTION 5 APPEALS

5.1 Appeals from Appropriate Unit Determination

An employee organization aggrieved by an appropriate unit determination of the Employee Relations Director under this Policy may, within ten (10) days of notice thereof, request the intervention of the California State Conciliation Service pursuant to Government Code Section 3507.1 and 3507.3, or may, in lieu thereof or thereafter appeal such determination to the governing body of the Public Authority for final decision within fifteen (15) days of notice of the Employee Relations Director's determination or the termination of proceedings pursuant to Government Code Sections 3507.1 and 3507.3, whichever is later.

5.2 Appeals from Recognition and Decertification Determination

An employee organization aggrieved by a determination of the Employee Relations Director that a Recognition Petition, Challenging Petition, or Decertification of Recognition Petition has not been filed in compliance with the applicable provisions of the Policy, may, within fifteen (15) days of notice of such

determination, appeal the determination to the governing body of the Public Authority for final decision.

An employee aggrieved by a determination of the Employee Relations Director that a Decertification of Recognition Petition has not been filed in compliance with the applicable provisions of the Policy may also be appealed in the same manner that is demonstrated in the preceding paragraph.

5.3 Other Procedural Requirements Involving Appeals

Appeals to the governing body of the Public Authority shall be filed in writing, and a copy thereof served on the Employee Relations Director. The governing body of the Public Authority shall commence to consider the matter within thirty (30) days of the filing of the appeal. The governing body of the Public Authority may, in its discretion, refer the dispute to a third party hearing process. Any decision of the governing body of the Public Authority on the use of such procedure, and/or any decision determining the substance of the dispute shall be final and binding.

SECTION 6. EMPLOYEE RIGHTS

6.1 Employees of the Public Authority shall have the right to form, join and participate in the activities of employee organizations of their own choosing pursuant to the provisions of this Policy for the purpose of representation on matters of employee relations other than those excluded herein. Public Authority employees shall also have the right to refuse to join or participate in the activities of employee organizations.

SECTION 7. PUBLIC AUTHORITY AND CONSUMER RIGHTS

7.1 Responsibility for management of the Public Authority and direction of its work force is vested in Public Authority officials and department heads whose powers and duties are specified by law or otherwise. In order to fulfill this responsibility it is the mission and right of the Public Authority to set standards of services to be offered to the public and to exercise control and discretion over the Public Authority's organization and operation and to take any and all actions necessary in emergencies.

7.2 Consumer's retain the right to select, terminate, and direct the work of any Public Authority provider who performs the service.

SECTION 8. MEETING AND CONFERRING IN GOOD FAITH

8.1 Meeting and conferring in good faith between a management representative(s) and a representative(s) of recognized employee

organization(s) shall take place on all matters relating to wages, hours, and other terms and conditions of employment relevant to the respective employee group including any other matters agreed to by the parties as a subject of bargaining. If agreement is reached by management and a recognized employee organization they shall jointly prepare a memorandum of understanding describing such agreement.

SECTION 9. NO STRIKE/NO LOCKOUT

9.1 The Public Authority will not lockout independent providers and employee organizations will not engage in, authorize, sanction or support any strike, stoppage of work, or refusal to perform customary duties.

SECTION 10. UNFAIR EMPLOYEE RELATIONS PRACTICES

10.1 It shall be an unfair employee relations practice for the Public Authority:

(1) To interfere with, restrain or coerce employees in the exercise of their rights granted in this Policy;

(2) To attempt to dominate or control any employee organization;

(3) To refuse to meet and confer in good faith at reasonable times, places and frequencies with representative(s) of recognized employee organization(s) on matters within the scope of representation or to refuse to consult upon request with recognized employee organization(s) on matters which are properly within the scope of representation; and;

(4) To fail or refuse to cooperate in impasse procedures invoked under any properly enacted impasse procedures; and,

(5) To discriminate against any employee because of lawful employee organization activity.

10.2 It shall be an unfair employee relations practice for an employee organization or its representative;

(1) To interfere with, restrain, or coerce employees in the exercise of their rights granted under this Policy;

(2) To refuse to represent any employee because of race, color, creed, national origin, religion, sex, marital status, sexual orientation, age or disability;

(3) To refuse to meet and confer in good faith at reasonable times, places and frequencies with the Public Authority's representative(s) on matters related to wages, hours

and other terms and conditions of employment; or to fail or refuse to cooperate in any properly enacted impasse procedures.

10.3 The duty to meet and confer in good faith shall require that the Public Authority and employee organization(s) each designate a representative(s), who has full authority to engage in that process. The recognized employee organization shall be the exclusive representative of all employees in the appropriate unit for purposes of meeting and conferring; however, nothing in this Section shall prevent the Public Authority and recognized employee organization(s) from agreeing to engage in simultaneous bargaining involving more than one such unit.

10.4 Claims of unfair employee relations practices under this Section may be made by an employee representative, an individual employee or a group of employees, or by a management representative. Such claims shall be processed in a timely manner. If the parties cannot come to agreement, such claims shall be arbitrated as follows:

10.5 The parties may agree upon a neutral arbitrator. In the event they cannot so agree, then the parties shall request a list of seven arbitrators from the State Mediation and Conciliation Service. After a coin toss to determine the order of deletions the parties shall alternatively eliminate names from the list until one arbitrator remains.

10.6 An arbitration date shall be set at the earliest feasible date before the arbitrator remaining on the list. If the parties mutually agree, the arbitration will be conducted under the voluntary rules of the American Arbitration Association.

10.7 In any event, the decision of the arbitrator shall be final and binding. The arbitrator shall limit his/her decision to addressing only the issue(s) as framed by the parties. The arbitrator is not authorized to add to, subtract from, or otherwise to modify this employer-employee relations policy's provisions insofar as they are relevant to the issue(s) under consideration in the arbitration process, nor to substitute his/her judgment over this policy's provisions insofar as they are relevant to the issue(s) under consideration in the arbitration process.

10.8 The parties shall split the cost of arbitration including the arbitrator's fee, court reporter's costs, etc., but the parties shall bear their own representation costs.

10.9 The arbitrator shall issue an opinion and award within thirty (30) days of the close of the proceedings unless mutually agreed otherwise by the parties.

SECTION 11

IMPASSE PROCEDURES

11.1 Mediation

Upon declaration of impasse, if the parties agree, the dispute shall be submitted to mediation. All mediation proceedings shall be private. The mediator shall make no public recommendations, nor take any public position at any time concerning the issues.

11.2 If the parties are unable to agree on a mediator after a reasonable period of time, they shall select the mediator from a list of three names to be provided by the State Conciliation Service, or if that body for any reason shall fail to provide such list, by the American Arbitration Association. The recognized employee organization or organizations shall first strike one name, the Employee Relations Director shall then strike one name, and the name remaining shall be the mediator.

11.3 If the parties have failed to resolve all their disputes through mediation within fifteen (15) days after the mediator commenced meeting with the parties, the parties may agree to submit the issues in dispute directly to the governing board of the Public Authority (hereafter Board). In that event the Board shall finally determine the issues after conducting a public hearing thereon and after such further investigation of the relevant facts as it may deem appropriate.

11.4 Fact-Finding

If the parties fail to agree to submit the dispute directly to the Board, the disputed issues shall be submitted to fact-finding.

11.5 The parties may agree on the appointment of one or more fact-finders. If they fail to so agree, a fact-finding panel of three shall be appointed in the following manner: One member of the panel shall be appointed by the Employee Relations Director, one member shall be appointed by the recognized employee organization(s), and those two shall name a third, who shall be the chairman. If they are unable to agree upon a third, they shall select the third member from a list of five names to be provided by the American Arbitration Association, the one to serve to be determined by the alternate striking of names, with the party who is to strike the first name to be determined by coin toss.

11.6 The following constitute the jurisdictional and procedural requirements for fact-finding:

(a) Fact-finders shall not have served as a mediator in the same impasse under subparagraph 12.2, and shall not be employees

or officers of the Public Authority or members of any of the recognized employee organization(s).

(b) Fact-finding is authorized hereunder in connection with all disputed issues that are within the scope of representation.

(c) The fact-finder(s) shall make written findings of fact and recommendations for the resolution of the issues in dispute. The fact-finder or chairman of the fact-finding panel shall serve such findings and recommendations on the Employee Relations Director and the designated representative(s) of the recognized employee organization(s). If these parties have not resolved the impasse within ten (10) days after service of the findings and recommendations upon them, the fact-finder or the chairman of the fact-finding panel shall submit them to the Board for consideration by the Board. The Board will then take such action as it deems appropriate in the public interest. Any action by the Board on the impasse shall be final and binding.

(d) Costs of mediation and fact-finding shall be divided one-half to the Public Authority and one-half to the recognized employee organization(s) involved in the mediation and fact-finding.

SECTION 12 ADMINISTRATION

12.1 Administrative Rules and Procedures

The Executive Director or other designated official is authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Policy after consultation with affected employee organization(s).

SECTION 13 MISCELLANEOUS PROVISIONS

13.1 Severability

If any provision of this Policy, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Policy, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

DRAFT

**IN-HOME SUPPORTIVE SERVICES PROGRAM
PUBLIC AUTHORITY/NONPROFIT CONSORTIUM RATE**

To: California Department of Social Services
Adult Services Branch
744 P Street, MS 19-96
Sacramento, CA 95814

Please address questions regarding this form to Lisa Grech, IHSS Fiscal Analyst,
Disability and Adult Programs Division, Adult Services Branch at (916) 229-4595.

COUNTY:	CONTACT:
PA NAME:	PHONE:
ADDRESS:	IA NUMBER:

Please complete the budget narrative below. The total Public Authority (PA) and Nonprofit Consortium (NPC) rate should include a rate for services (wages and benefits) and a rate for administrative costs. The total rate for wages and benefits should be broken down to include an hourly wage, payroll taxes, and benefits.

- o The state and federal governments will not participate in a PA or NPC rate in excess of 200% of minimum wage.
- o The state will not participate in an hourly wage in excess of minimum wage unless otherwise provided for in the Annual Budget Act or appropriated by statute.
- o The state will not participate in increases to wages or employment taxes, or increases or expansions of benefits negotiated or agreed to by a PA or NPC unless provided for in the Annual Budget Act or appropriated by statute.
- o No increase in wages or benefits negotiated or agreed to by a PA or NPC shall take effect until it has been approved by the state or unless provided for in the Annual Budget Act or appropriated by statute.

BUDGET NARRATIVE

PA/NPC Hourly Rate:

Hourly Administrative Cost:

Hourly Services Cost:

total

Hourly Wage:

Benefits:

Payroll Taxes (FUTA, SUI, FICA):

1	
2	
3	
4	
5	
6	

Comments (Optional):

PUBLIC AUTHORITY/NONPROFIT CONSORTIUM BUDGET NARRATIVE LINE BY LINE INSTRUCTIONS

BOX NUMBERS	INSTRUCTIONS
1	Input the hourly rate. (should equal the sum of boxes 2 and 3)
2	Input the hourly administrative cost.
3	Input the hourly services cost. (should equal the sum of boxes 4 through 6)
4	Input the hourly wage.
5	Input the hourly cost for benefits.
6	Input the sum of the hourly rate for payroll taxes.

**IN-HOME SUPPORTIVE SERVICES PROGRAM
PUBLIC AUTHORITY INVOICE**

To: Adult Services Management Branch
California Department of Social Services
744 P street, MS 19-96
Sacramento, CA 95814

FROM:
COUNTY:
ADDRESS:
CONTACT PERSON:
PHONE NUMBER: ()

INTERAGENCY AGREEMENT NUMBER	PUBLIC AUTHORITY NAME	SERVICE MONTH/YEAR
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PUBLIC AUTHORITY SERVICE DELIVERY TOTALS FOR QUARTER BY FUNDING SOURCE: WARRANT DATE _____
FISCAL YEAR/QTR. _____

FUNDING SOURCE	TOTAL CASES	TOTAL HOURS	GROSS EXP.	*ADJUSTMENTS	TOTAL NET EXP.
PCSP	_____	_____	_____	_____	_____
Non-PCSP	_____	_____	_____	_____	_____
Totals	_____	_____	_____	_____	_____

* If the actual PCSP and Non-PCSP adjustment amounts are not known, please estimate the PCSP and Non-PCSP amounts based on the PCSP and Non-PCSP hours to total hours ratio.

COST REIMBURSEMENT DETAIL BY FUNDING SOURCE:

FUNDING SOURCE	FEDERAL	STATE/COUNTY	STATE	COUNTY	TOTAL NET EXPENDITURE
PCSP (51.23%)	_____	(48.77%) _____	(65%) _____	(35%) _____	_____
Non-PCSP	_____	_____	(65%) _____	(35%) _____	_____
Total	_____	_____	_____	_____	_____

I hereby certify, under penalty of perjury, that I am the official responsible for the administration of the Personal Care Services Program; that I have not violated any of the provisions of federal law (Section 440.170(f) of Title 42 of the Code of Federal Regulations) Personal Care as a benefit; Section 14132.95 Welfare and Institutions Code personal care services as a benefit for the categorical eligible; and the provisions of Section 1090 to 1096, inclusive of the Government Codes; that the amounts claimed herein are properly claimable as expenditures for the administration of the project as specified in accordance with all provisions of the Welfare and Institutions Codes, the rules and regulations of the State Benefits and Services Advisory Board.

I hereby certify under penalty of perjury, that I am the official responsible for the examination and settlement of accounts, that I have not violated any provisions of federal law (Section 440.170(f) of Title 42 of the Code of Federal Regulations) Personal Care as a benefit; Section 14132.95 Welfare and Institutions Code personal care services as a benefit for the categorical eligible; and the provisions of Sections 1070 to 1096, inclusive, of the Government Code; that the expenditures claimed herein have been authorized, that a clearly delineated audit trail is in place to substantiate said expenditures, and that payments therefore have been made or expenditures otherwise incurred according to law.

SIGNATURE OF COUNTY WELFARE DIRECTOR OR CONTRACT ADMINISTRATOR	DATE
--	------

SIGNATURE OF COUNTY AUDITOR OR CONTROLLER	DATE
---	------

Approved by: _____ Date _____
(State IHSS Program Manager)

PA Invoice
Federal/State/County Reconciliation

Service Month:

Base Hourly

Pass Through

	PCSP	A Approved Rate	B Hours	C Gross Expenditures
1	Total			
2	Admin			
3	Services			
4	Wages			
5	Benefits			
6	Taxes			

	PCSP	A Pass Through Rate	B Hours	C Gross Expenditures
16	Total			
17	Admin			
18	Services			
19	Wages			
20	Benefits			
21	Taxes			

	Non-PCSP	A Approved Rate	B Hours	C Gross Expenditures
7	Total			
8	Admin			
9	Services			
10	Wages			
11	Benefits			
12	Taxes			

	Non-PCSP	A Pass Through Rate	B Hours	C Gross Expenditures
22	Total			
23	Admin			
24	Services			
25	Wages			
26	Benefits			
27	Taxes			

	Non-PCSP	A Approved Rate	B Hours	C Gross Expenditures	D Total
13	PCSP				
14	Residual				
15	Total				

	Non-PCSP	A Federal	B State	C County	D Total
28	PCSP				
29	Residual				
30	Total				

Total

	Non-PCSP	A Federal	B State	C County	D Total
31	PCSP				
32	Residual				
33	Total				

PUBLIC AUTHORITY/NONPROFIT CONSORTIUM INVOICE
 FEDERAL/STATE/COUNTY RECONCILIATION
 LINE BY LINE INSTRUCTIONS

DRAFT

Base Hourly

The base hourly rate is the total approved hourly rate. When multiplied by the total paid Individual Provider (IP) hours for the given month it will equal the total approved expenditures.

BOX NUMBERS		INSTRUCTIONS
PCSP	NON PCSP	
1A	7A	Input total approved rate from budget narrative on rate setting form.
2A	8A	Input approved administrative rate from budget narrative on rate setting form.
3A	9A	Input approved total services rate from budget narrative on rate setting form-should equal the sum of boxes A4 through A6.
4A	10A	Input approved rate for wages from budget narrative on rate setting form.
5A	11A	Input approved rate for benefits from budget narrative on rate setting form.
6A	12A	Input approved rate for taxes (FUTA, SUI and FICA) from budget narrative on rate setting form.
1B-6B	7B-12B	Input total paid IP hours for given month from CMIPS management statistics.
1C-6C	7C-12C	Multiply the approved rate (from boxes 1A through 12A) with the hours (coinciding boxes 1B through 12B).to determine the authorized expenditures for the given month.
	13D	Input total PCSP authorized expenditures from box 1C.
	13A	Multiply figure in box 13D by the federal sharing ratio (currently .5123).
	13B	Subtract the figure in box 13A from the figure in 13D to get the non-federal share (.4877 of the total). Multiply the non-federal share by the state sharing ratio (.65) and input figure.
	13C	Multiply the non-federal share by the county sharing ratio (.035) and input figure here.
	14D	Input total Residual gross expenditures from box 7C.
	14A	Leave blank-no federal share.
	14B	Multiply the figure in box 14D by the state sharing ratio (.65) and input figure.
	14C	Multiply the figure in box 14D by the county sharing ratio (.35) and input figure.
	15A	Input the figure from box 13A.
	15B	Input the sum of boxes 13B and 14B.
	15C	Input the sum of boxes 13C and 14C.
	15D	Input the sum of boxes 13D and 14D.

Pass Through

The pass through rate is the difference between the gross expenditures and the approved expenditures, divided by the total paid IP hours for the given month. The county will use county only funds to fund both the county and the state portion of these costs, since the state will not participate in costs in excess of the approved Public Authority (PA) or Nonprofit Consortium (NPC) rate or any of its elements. There will be no federal participation for costs above 200% of the PA/NPC rate.

In completing boxes 16A through 27A, calculate the pass through rate as described above, breaking it down to reflect the total, administrative, and services (wages, benefits, and taxes) pass through rates.

PCSP	NON PCSP	
16A	22A	Input the total rate paid in excess of the total approved rate.
17A	23A	Input the total administrative rate paid in excess of the total approved administrative rate.
18A	24A	Input the total services rate paid in excess of the total approved services rate (should equal the sum of 19A, 20A, and 21A).
19A	25A	Input the total wages rate paid in excess of the total approved wages rate.
20A	26A	Input the total benefits rate paid in excess of the total approved benefits rate.
21A	27A	Input the total taxes rate paid in excess of the total taxes rate.
16B-21B	22B-27B	Input total hours for given month from CMIPS management statistics.
16C-21C	22C-27C	Multiply the pass through rate (from boxes 16A through 27A) with the hours (coinciding boxes B16 through B27).to determine the gross expenditures for the given month.
28D		Input total PCSP gross expenditures from box 16C.
28A		Multiply figure in box 28D by the federal sharing ratio (currently .5123%) and input figure, unless the amount reflected in box 16A exceeds 200% of minimum wage. Any costs reflected in 16A which exceed 200% of minimum wage will be county only funds since there will be no federal participation for costs above 200% of the PA rate.
28B		Leave blank-the state will not participate in costs in excess of the approved PA rate or any of its elements.
28C		Multiply figure in box 28D by the non-federal portion (.4877) and input figure, unless the amount reflected in box 16A exceeds 200% of minimum wage. In this case, the county will pay 100% of any costs above 200% of minimum wage and there will be no federal participation.

29D	Input total Residual gross expenditures from box 22C.
29A	Leave blank-no federal share.
29B	Leave blank-the state will not participate in costs in excess of the approved PA rate or any of it's elements.
29C	Multiply the figure in box 29D by the non-federal portion (.4877) and input figure, unless the amount reflected in box 16A exceeds 200% of minimum wage, in which the county will pay 100% of any costs above 200% of minimum wage and there will be no federal participation.
30A	Input the figure from box 28A.
30B	Leave blank.
30C	Input the sum of boxes 28C and 29C.
30D	Input the sum of boxes 28D and 29D.
31A	The sum of boxes 13A and 28A.
31B	Input figure from box 13B.
31C	The sum of boxes 13C and 28C.
31D	The sum of boxes 13D and 28D (should equal the sum of boxes 31A, 31B, and 31C)
32A	Leave blank.
32B	Input figure from box 14B.
32C	The sum of boxes 14C and 29C.
32D	The sum of boxes 14D and 29D (should equal the sum of boxes 32B and 32C).
33A	The sum of boxes 15A and 30A.
33B	Input figure from box 15B.
33C	The sum of boxes 15C and 30C.
33D	The sum of boxes 15D and 30D (should equal the sum of boxes 33A, 33B, and 33C).