

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 283 (Haney)
Version: June 12, 2025
Hearing Date: July 1, 2025
Fiscal: Yes
Urgency: No
ID

SUBJECT

In-Home Supportive Services Employer-Employee Relations Act

DIGEST

This bill creates the In-Home Supportive Services Employer-Employee Relations Act to regulate the employer-employee relations between individual providers of services under the in-home supportive services program and establish the state as the employer of individual providers for the purposes of collective bargaining.

EXECUTIVE SUMMARY

The In-Home Supportive Services (IHSS) program is a county-run program that provides elderly, blind, and disabled individuals receiving Medi-Cal who otherwise would be unable to remain in their homes with assistance and supportive services like personal care, meal preparation, laundry, housecleaning, accompaniment to medical appointments, bathing, dressing, and supervision. Under the IHSS program, an eligible recipient of services receives services from an individual provider. The recipient of the services is considered the employer of the individual provider, is in charge of supervising the individual provider, and can fire the provider if necessary. However, the individual provider is paid by the state, with wage rates for IHSS individual providers being determined by the county entity that delivers the IHSS program. In 1999, collective bargaining rights were established for all IHSS individual providers. However, employee organizations of individuals negotiate with each county, rather than the state.

AB 283 would create the In-Home Supportive Service Employee-Employer Relations Act (IHSSEERA) to establish the state as the employer of individual providers for the purposes of collective bargaining, and to establish various rules and processes for collective bargaining and dispute resolution between individual providers, their employee organizations, and the state. AB 283 also exempts specified information regarding individual providers from public disclosure, except as provided, and

exempts the advisory committee it creates for the purpose of providing various state agencies advice and recommendations from the Bagley-Keene Open Meetings Act.

AB 283 is sponsored by SEIU California and the United Domestic Workers union, and is supported by the California Federation of Labor Unions, AFL-CIO and AFSCME, AFL-CIO. It is opposed by the County of Kern. This bill passed out of the Senate Labor, Public Employment, and Retirement Committee on a vote of 4 to 1.

PROPOSED CHANGES TO THE LAW

Existing Federal law governs collective bargaining in the private sector under the federal National Labor Relations Act (NLRA), but leaves it to the states to regulate collective bargaining in their respective public sectors. (29 U.S.C. §§ 151 et seq.)

Existing state law:

- 1) Includes various statutes to provide public employees collective bargaining rights, govern public employer-employee relations, and limit labor strife and economic disruption in the public sector through a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and recognized public employee organizations or their exclusive representatives. Includes the Meyers-Milias-Brown Act (MMBA), which governs employer-employee relations for local public employers and their employees. (Gov. Code §§ 3500 et seq.)
- 2) Establishes the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD), which makes it unlawful for public employers to deter or discourage public employees or prospective applicants from: becoming or remaining members of an employee organization; authorizing representation by an employee; or authorizing dues or fee deductions to an employee organization. (Gov. Code § 3550.)
- 3) Establishes the Public Employment Relations Board (PERB), a quasi-judicial administrative agency charged with administering certain statutory frameworks governing employer-employee relations, resolving disputes, and enforcing the statutory obligations and rights of public agencies, their employees, and employee organizations, and provides the City and County of Los Angeles a local alternative to PERB oversight. (Gov. Code §§ 3541 et seq.)
- 4) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, that the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. Const. art. I, § 3(b)(1).)

- a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
 - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 5) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act. (Gov. Code §§ 7920.000 et seq.)
 - a) States that the Legislature, mindful of the individual right to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - c) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.530.)
- 6) Establishes the Bagley-Keene Act, which requires state bodies to conduct their business in open public meetings, except as provided by the Act, and establishes requirements and procedures for such meetings. (Gov. Code §§ 11120 et seq.)
 - a) "State bodies" covered by the Bagley-Keene Act include every state board, commission, or body created by statute or required by law to conduct official meetings, every commission created by executive order, any board or body exercising the authority of a state body by delegation, any advisory body created by formal action of a state body, any state body that is supported by public funds and which a member of a state body serves in their official capacity, and the State Bar of California. (Gov. Code § 11121.)
 - b) "State bodies" do not include specified legislative agencies, agencies subject to the Brown Act, and certain educational and health-related agencies. (Gov. Code § 11121.1.)

This bill:

- 1) Establishes the In-Home Supportive Services Employer-Employee Relations Act (IHSSEERA) as a method for resolving disputes regarding wages, benefits, and other and terms and conditions of employment between the state and recognized employee organizations representing IHSS providers.

- 2) Lays out the purpose of the IHSSEERA as: to promote full communication between the state and recognized employee organizations representing individual providers to: resolve disputes regarding wages, benefits, and other terms and conditions of employment, as provided; to promote improvement of personnel management and employer-employee relations by providing a uniform basis for recognizing individual rights of providers, as provided; and to strengthen methods of administering employer-employee relations through uniform and orderly methods of communication between the recognized employee organizations and the state.
- 3) Provides that the provisions of the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD) and Public Employee Communication Chapter (PECC) apply to the IHSSEERA.
- 4) Provides IHSS providers the right to form, join, and participate in the activities of employee organizations of their choosing for the purpose of representation on all matters within the scope of representation, and the right to refrain from employee organization membership and participation in associated activities.
- 5) Deems the state to be the employer of record of IHSS individual providers in each county for purposes of negotiating a collective bargaining agreement in each county, and requires the creation of a statewide public authority for this purpose. Requires the Governor to meet and confer with an IHSS providers' recognized employee organization on all matters within the scope of representation.
- 6) Provides IHSS service recipients the right to hire, fire, and supervise the work of individual providers providing services to them.
- 7) Provides that IHSS providers who were employed by any predecessor agency retain employee status with the statewide public authority, and may not be required to requalify.
- 8) Recognizes existing bargaining units of IHSS providers in a single county that are represented by the same recognized employee organization, and requires that they be merged into the largest possible multi-county bargaining unit represented by that employee organization. In counties where there is no recognized employee organization, deems a bargaining unit consisting of all employees in that county an appropriate unit for collective bargaining; and, if employees select an employee organization as the exclusive representative thereafter, requires the county bargaining unit be deemed merged into any existing multi-county bargaining unit represented by the same recognized employee organization.
- 9) Specifies the manner and structure of collective bargaining negotiations, including by requiring joint negotiations; placing various obligations on employee organizations; and the entering of a Memorandum of Understanding (MOU).

Requires, if an MOU is reached between the state and a recognized employee organization, that the MOU be approved by majority vote of the Legislature.

- 10) Provides that the statewide public authority assumes the rights and obligations contained in an MOU executed by a predecessor agency and a recognized employee organization, and prohibits the reduction of any terms and conditions in an existing MOU, except where the public authority and the recognized employee organization mutually agree. Specifies that the State Controller is obligated to continue to honor written authorization for payroll deductions executed by an employee prior to the effective date.
- 11) Permits the modification of existing wages, benefits, or other terms and conditions of employment through meeting and conferring in good faith, or, through specified procedures when IHSS providers are not represented by a recognized employee organization, but specifies that the enactment of this bill is not cause for the employer or predecessor agency to modify or eliminate any existing MOU. Requires that the employer give as much notice as practicable to the county of the agreed upon changes, if the employer and recognized employee organization negotiate changes to locally administered health benefits for providers.
- 12) Makes various legislative findings and declarations that collective bargaining of individual providers is a matter of statewide concern, and that the provisions of this bill apply to all counties, notwithstanding charter provisions to the contrary.
- 13) Requires that the Public Employment Relations Board (PERB) interpret and apply the provisions of this bill in a manner consistent, and in accordance, with judicial interpretations of the same language where the provisions of this bill are the same or substantially similar to those in the MMBA.
- 14) Requires that the state grant exclusive recognition to employee organization designated or selected pursuant to this bill or rules established by the PERB for employees of the employer or appropriate unit thereof, subject to the right of an employee to self-represent.
- 15) Specifies that the powers and duties of the PERB must apply to IHSS employer-employee relations, as specified, including the powers relating to elections, unit modifications, and requires PERB to adopt rules. Requires that, upon request of all affected recognized employee organizations, the employer must recognize a merged bargaining unit, as provided. Provides that appeals of administrative law judicial decisions regarding recognition, certification, decertification, or unit modification where PERB does not issue a ruling that supersedes the administrative law judicial decision within 180 days, is deemed a final order of PERB. Permits a party aggrieved by a final decision of PERB relating to an unfair labor practice, recognition, or election matter not brought as an unfair practice case, to petition for a writ of

extraordinary relief. Prohibits a PERB order directing an election from being stayed pending judicial review. Prescribes specified processes for a petition for a writ of extraordinary relief.

- 16) Prohibits an individual provider from being subject to punitive action, denial of promotion, or threatened with such treatment, for exercising lawful action as an elected, appointed, or recognized representative of any employee bargaining unit. Specifies that these provisions do not affect the rights of an employee to authorize dues deductions from their salary or wages, and requirements relating to the Controller to make such deductions for payment to a recognized employee organization, as provided.
- 17) Provides recognized employee organizations the right to represent their members in employment relations with the employer, permits such organizations to establish reasonable restrictions on membership, and authorizes employees to self-represent in their relations with the employer. Prohibits the employer and employee organizations from interfering with, intimidating, restraining, coercing, or discriminating against providers because of the exercise of their rights guaranteed by the bill.
- 18) Defines the scope of representation to include all matters relating to wages, hours, benefits, other terms and conditions of employment, programmatic changes that affect terms and conditions of employment, and other specified matters within the scope, as provided. Specifies that the consideration of the merits, necessity, or organization of any service or activity provided by law or executive order is excluded, as well as the right to hire, fire, and supervise an individual provider expressly reserved to the IHSS recipient. Specifies that, notwithstanding the totality of matters within the scope of representation, the employer is authorized to consult and reach an agreement with the recognized employee organization on matters outside the scope of representation, and such matters must not be considered a mandatory subject of bargaining.
- 19) Requires the Governor, or their designee, to provide reasonable written notice to each recognized employee organization affected by any law, rule, practice, or policy directly relating to matters within the scope of representation proposed to be adopted by the employer, and the opportunity for the recognized employee to meet with the employers, except in cases of emergency; and, in such cases of emergency when such changes must be made in the absence prior written notice or meeting with a recognized employee organization, notice and opportunity to meet must be provided at the earliest opportunity following such action.
- 20) Requires any side letter, appendix, or other addendum to an MOU that requires the expenditure of \$250,000 or more related to salary and benefits and that is not already contained in the original MOU or the Budget Act, to be provided by the Governor to

the Joint Legislative Budget Committee, and requires the committee to determine within 30 days if the side letter or appendix presents substantial additions that are not reasonably within the parameters of the original MOU and requires legislative action to ratify.

- 21) Specifies that, in the event that the employer and recognized employee organization fail to reach agreement after a reasonable time, that the dispute must be referred to mediation before a mediator mutually agreed upon between the parties, or appointed by PERB absent agreements, and provides that the costs of mediation shall be divided equally between the employer and the recognized employee organizations. If mediation has been exhausted, provides a process and procedures for arbitration by a three-member board of arbitrators at the request of the employer or the employee organizations.
- 22) Provides that, if the Legislature does not approve or fully fund the provisions of the agreement that requires the expenditure of funds, that negotiations on all or part of the MOU may be reopened. Permits the parties to the agreement to agree to effectuate provisions of the agreement that have received legislative approval or do not require legislative action.
- 23) Specifies that an MOU between the Governor and a recognized employee organization binds all state departments and agencies; counties; public authorities or nonprofit consortia, as provided.
- 24) Requires that the employer allow a reasonable number of recognized employee organization representatives reasonable time off without loss of compensation or other benefits when formally meeting and conferring with the employer on matters within the scope of representation.
- 25) Specifies that it is unlawful for the employer to do certain acts, including: imposing or threatening to impose reprisals on employees; denying to employee organizations the rights guaranteed to them; refusing or failing to meet and negotiate in good faith; dominating or interfering with the formation or administration of an employee organization; refusing to participate in good faith in any impasse procedure; deterring or discouraging providers from becoming or remaining members of an employee organization; refusing or failing to require any county, public authority, or nonprofit consortium to comply with the provisions of an MOU; or refusing or failing to require any county, public authority, or nonprofit consortium to comply with specified law. Specifies that it is unlawful for a county, public authority, or nonprofit consortium to do similar acts.
- 26) Permits PERB to investigate unfair practice charges or alleged violations of this bill, and permits PERB to take any reasonable actions and make any determinations regarding charges or alleged violations as deemed necessary. Permits PERB to adopt

reasonable rules and regulations, including emergency regulations, for these purposes, as specified and provided.

27) Defines the following terms for these provisions, including:

- a) "Employee" or "individual provider" to mean a person authorized to provide IHSS services, as provided; however, specifies these terms do not include any person providing IHSS services to the county-employed homemaker or contractor modes, as provided; and, that IHSS providers must not be deemed employees of the state for any other purpose, except as expressly provided.
- b) "Employer" to mean, for the specific purposes of collective bargaining, the state, the Department of Health Care Services, or any other agency, department, contractor, subcontractor, or political subdivision of the state administering the IHSS program; however, the bill specifies that a IHSS recipient must be the employer of an IHSS provider with unconditional exercise to hire, fire, and supervise the provider.
- c) "Predecessor agency" to mean a county, local public authority, or a nonprofit consortium established, as specified, before the effective date of this bill.
- d) "Meet and confer in good faith" relating to the labor relations provisions to mean the Governor, through their designee, and representatives of recognized employee organizations, must have the mutual obligation personally to meet and confer promptly upon request by either party and continue 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 prior to the adoption by the state of its final budget for the ensuing year. Requires that it include adequate time for the resolution of impasses.

28) Makes various changes to the Welfare and Institutions Code for these purposes as follows, and that also are effective January 1, 2026, except as otherwise specified:

- a) Requires the state to assume the previously-described responsibilities on the effective date of the bill.
- b) Adds a requirement that a county, or city and county, do any one of the following:
 - a. continue to have its public authority perform certain functions, as provided;
 - b. continue to have the entity perform the functions in the existing contract at the time of notification, as provided; or
 - c. assume the functions performed by an entity or public authority.
- c) Authorizes a county, or city and county, to assume certain specified functions, to either:
 - a. contract for the performance of any or all of the functions assumed;
 - b. contract with an entity for the performance of any or all functions assumed, as provided; or,

- c. establish a public authority for the performance of any functions assumed, as provided.
 - d) Provides for the appointment of an advisory committee, its appointing authority, the process for appointment, and the composition and duties of the advisory committee relating to IHSS.
 - e) Authorizes a local public authority or nonprofit consortium acting as the employer of record, or the employee organization, to request mandatory mediation if the parties have not reached an agreement on a bargaining contract with IHSS workers, and provides for the process to select a mediator, among other aspects relating to the process of mediation.
 - f) Subjects a county to withholding of its 1991 Realignment funding pursuant to a schedule developed by the Department of Finance (DOF) if certain specified conditions are met regarding the mediation process and an inability of the parties to reach a collective bargaining agreement, and requires PERB to provide written notice to the county, employee organization, the DOF, and State Controller of the withholding assessment, as prescribed. In addition, the amount of the county's 1991 Realignment funding withholding must be equal to 10 percent of its prior fiscal year IHSS Maintenance of Effort (MOE) requirement prior to applying any offsets, and the withholding must continue once per year, each fiscal year, until the county enters into a collective bargaining agreement with the employee organization.
 - g) Makes other related changes to the Welfare and Institutions Code for these purposes.
- 29) Makes several legislative findings, declarations, and states legislative intent for these purposes.

COMMENTS

1. Author's statement

According to the author:

Without secure contracts for workers, the State estimates that we will face an IHSS caregiver shortage due to the rapid growth in California's senior population and the low wages of IHSS workers. Existing problems in the IHSS collective bargaining process have resulted in workers being denied a fair wage. While the average living wage in California is \$43.44 per hour, the average IHSS worker makes only \$18.13 per hour. The current structure of the IHSS collective bargaining process is not conducive to establishing a living wage standard for these essential workers, or filling the impending long-term care shortage. To provide for our essential workers and ensure that IHSS recipients receive the care they need, AB 283 would allow IHSS providers and employers to negotiate their contracts and wages at a State level instead of at the county level.

2. The In-Home Supportive Services program

California's elderly population is growing. Estimates suggest that, by 2030, Californians who are 60 or older will comprise 25 percent of the state's population, amounting to 10.8 million people.¹ As the state's population ages, the need for supportive services for the elderly will also grow. While many older Californians receive care and support by living in an assisted-living facility or nursing home, others are able to receive in-home supportive services and care. In-home supportive services provide an alternative to living in care facilities and allow recipients to remain in their homes while also receiving the support they need.

The In-Home Supportive Services (IHSS) program is a county-run program that provides elderly, blind, and disabled individuals receiving Medi-Cal who otherwise would be unable to remain in their homes with assistance and supportive services like personal care, meal preparation, laundry, housecleaning, accompaniment to medical appointments, bathing, dressing, and supervision. While the IHSS program is overseen by the state, delivery of services under the program is otherwise run by the county, either through a nonprofit consortium or a public authority established by ordinance. (Welf. & Inst. Code § 12306.1.) The IHSS program also receives funding from a mix of federal, state, and local funding.

Under the IHSS program, an eligible recipient of services receives services from an individual provider. The recipient must first apply for services, and be assessed by a county social worker for eligibility and need. Once approved for services, the recipient must hire the individual provider who will provide them with services. The recipient of the services is considered the employer of the individual provider, is in charge of supervising the individual provider, and can fire the provider if necessary. However, the individual provider is paid by the state, with wage rates for IHSS individual providers being determined by the county entity that delivers the IHSS program. Thus, the program is stratified: the IHSS recipient acts as the IHSS provider's employer, but pay and benefits are managed by the county and state governments.

In 1999, collective bargaining rights were established for all IHSS individual providers through AB 1682 (Peace, Ch. 90, Stats. 1999). That bill required counties, a public authority established by the county, or a nonprofit consortium to act as the employer of IHSS individual providers for the purposes of collective bargaining. While this allowed IHSS providers to organize and collectively bargain, they could only do so at the county level. This led to an increase in IHSS provider wages; however, wages and the benefits provided to IHSS providers continue to vary significantly by county.² Wages range from \$16 to \$21.50 an hour, and only 16 percent of IHSS providers receive at least some

¹ Cal. Dept. of Aging, *California 2021-2025 Older Americans Act State Plan* (Jun. 30, 2021).

² Nari Rhee, et al., *Analysis of the Potential Impacts of Statewide or Regional Collective Bargaining for In-Home Supportive Services Providers*, UC Berkeley Labor Center (Dec. 2024), available at <https://laborcenter.berkeley.edu/ihss-statewide-bargaining/>.

health benefits.³ 75 percent of IHSS providers are women, and about 70 percent care for a relative.⁴

3. Previous legislation creating statewide collective bargaining rights for IHSS providers

In 2012, the Legislature passed SB 1036 (Committee on Budget and Fiscal Review, Ch. 45, Stats. 2012) to establish the In-Home Supportive Services Employer-Employees Relations Act (IHSSEERA). Under that legislation, a statewide authority for the IHSS program was established, and this authority was deemed the employer of record for the purposes of collective bargaining with IHSS providers. It required separate bargaining units to be created that were consistent with bargaining units that were recognized by predecessor county agencies, and required the statewide authority to assume any rights and obligations established by an agreement previously entered into between a predecessor agency and a recognized employee organization. It also specified that IHSS providers that previously had employee status from the county agency would not be required by the statewide authority to requalify, and provided the Public Employment Relations Board (PERB) with authority over labor relations and disputes regarding IHSS providers. However, the IHSSEERA only applied to eight counties: Alameda, Los Angeles, Orange, Riverside, San Bernardino, Santa Clara, San Diego, and San Mateo. Moreover, the IHSSEERA was repealed in 2017 through a budget trailer bill. (SB 90, Senate Committee on Budget and Fiscal Review, Ch. 25, Stats. 2017.)

4. AB 283 would create a thorough, statewide collective bargaining process for IHSS service providers

AB 283 would re-establish the IHSSEERA. It would provide IHSS providers the right to form, join, and participate in employee organizations for collective bargaining, and would subject to disputes to a specified process with PERB authority to review and adjudicate. For the purposes of collective bargaining, it also would deem the state to be the employer of record of IHSS providers in each county. For IHSS providers who were employed by a county agency before January 1, 2026, AB 283 would provide that the provider would retain their employee status and would not be required to requalify as an IHSS provider.

In determining collective bargaining units for the purposes of collective bargaining, AB 283 would specify that existing bargaining units of IHSS providers in a single county represented by the same recognized employee organization is deemed merged into the largest possible multi-county bargaining unit represented by that single employee organization. AB 283 would require all existing recognized employee organizations to negotiate jointly on behalf of all bargaining units they represent to reach a single

³ *Id.*, p. 2.

⁴ *Id.*

memorandum of understanding with the state. If a county IHSS program has no recognized employee organization, AB 283 would deem a collective bargaining unit made of all employees in that county is an appropriate recognized employee organization for collective bargaining.

AB 283 also specifies a number of duties of the state. It would require that the Governor meet and confer with recognized employee organizations in good faith, and to follow specified procedures in negotiating with employee organizations. If the Governor or their representative and a recognized employee organization come to an agreement, this agreement would have to be memorialized in a written memorandum of understanding, which would then be presented to the Legislature for approval by majority vote. Additionally, the bill would prohibit certain retaliatory acts by the state and agencies involved in administering the IHSS program, including imposing or threatening to impose reprisals on a provider for exercising their collective bargaining rights, or otherwise interfering with employees' collective bargaining rights. If the state and a recognized employee organization cannot reach a collective bargaining agreement, AB 283 would require the parties to participate in specified mediation and arbitration procedures.

5. AB 283 would exempt specified information from the Public Records Act

The California Constitution and laws generally recognize that public access to information regarding the conduct of the people's business is a fundamental right. However, this right must be balanced against the right to privacy. Thus, the general right of access to public records may be limited where the Legislature finds a public policy justification necessitating limiting access.

Under the California Public Records Act, the information of IHSS providers is not subject to public disclosure, except that specified personal information must be made available upon request to an exclusive bargaining agent and any labor organization that is seeking representation rights for the purposes of employee organization, representation, or assistance. (Gov. Code § 7926.300.) AB 283 amends these provisions to specify that the state, a county, public authority, or a nonprofit consortium organized to administer the IHSS program must promptly provide this information about IHSS providers to the requesting entity.

Thus, AB 283 limits access to public records by strengthening this existing limitation in the public's access to IHSS providers' personal information. An exception is provided for collective bargaining and organizing purposes. AB 283 does so to protect the privacy of IHSS providers and their sensitive information like their address and contact information, while still allowing the information be available for an exclusive collective bargaining agent or employee organization carrying out collective bargaining activities. Given that the information limited is incredibly personal information relating to specific IHSS employees, it seems reasonable that this information is not public. If it was public,

IHSS providers could be subject to unwanted calls or other communications that are not related to their employment or to organizing their workplace. Thus, AB 283's limitation on the public's access to this information seems warranted.

6. AB 283 would exempt the proceedings of the Advisory Committee from the Bagley-Keene

The Bagley-Keene Open Meeting Act (Gov. Code § 11120) generally requires that state bodies conduct their meetings openly and make those meetings accessible to the public. A state body covered by the Act is a board, commission, committee, council, or any other public agency created by state statute or executive order. (Gov. Code § 11121.) It does not apply to individual officials, advisory committees with no decision-making authority, or to the Legislature. The Act requires that state bodies provide notice of their meetings and agendas for such meetings, and that they permit public comment on the items considered at meetings. (Gov. Code § 11125.) However, these requirements do not apply to closed meetings called to discuss personnel issues or pending litigation. (Gov. Code § 11126.)

AB 283 requires the Department of Social Services (CDSS) to appoint an IHSS Advisory Committee comprised of 17 members, 50 percent of whom must be current or past users of in-home supportive services, to provide advice and recommendations to CDSS and the Department of Health Care Services (CDHCS) regarding the IHSS program. In addition, it would require the state, prior to finalizing a memorandum of understanding with a recognized employee organization, to consult with advisory committee representatives to obtain input regarding county and public authority programmatic and fiscal implications. AB 283 exempts the IHSS Advisory Committee from the public meeting requirements of the Bagley-Keene Act.

AB 283 asserts that this exception is necessary to allow arbitration proceedings to be conducted in conformity with the law governing the arbitration process. Considering that arbitration can include both parties sharing sensitive information for negotiations, exempting arbitration proceedings from public access seems reasonable. Doing so also best ensures the satisfactory completion of such proceedings without any outside influence. However, the advisory committee established by this bill also does more than engage in arbitration – it also provides CDSS with advice and recommendations regarding the IHSS program. It is less clear how any advisory committee proceedings related to this function would benefit from being private. In fact, it seems the opposite may be true – that public proceedings would be essential for the advisory committee to gather feedback with which to inform its advice and recommendations to CDSS regarding the IHSS program.

7. Arguments in support

According to SEIU California, which is a co-sponsor of AB 283:

Under the current bargaining structure, wages are determined by individual counties, which have vastly different economic conditions and local priorities. This has resulted in decades of underinvestment and inconsistency in IHSS provider wages and benefits across the state. Sadly, in certain counties, IHSS negotiations have been politicized by local leaders, leading to years of stalling and stalemate before bargaining agreements are reached. In the interim, provider wages and benefits lag far behind increases in the cost of living. Providers face the desperate choice between providing services to clients and making ends meet.

This has resulted in a severe shortage of IHSS providers around the state. Despite both provider unions' longstanding efforts to secure fair contracts, progress has been unacceptably slow. IHSS providers' wages range from \$16.50 to \$22 per hour, with an average hourly wage of \$18.13. This is far below the estimated \$28.72 per hour living wage for an adult without children or \$51.15 for a household with two adults (one working) and two children.

According to a report from UC Berkeley Labor Center, only 16% of IHSS providers receive health benefits. Two-thirds of those enrollees are concentrated in just three counties: Los Angeles, San Francisco, and Santa Clara.

From 2017 to 2023, the average annual turnover rate of IHSS providers not related to their clients was 23.76%, while the turnover rate for family providers averaged \$11.59 per year. High turnover significantly disrupts the quality and continuity of care, resulting in adverse health outcomes for recipients, particularly those without family members who can serve as their providers. Without urgent action, low-income seniors and people with disabilities will continue to lose access to lifesaving services to which they are entitled under California law. This leads to unnecessary hospitalization and institutionalization at a much greater expense to the state.

According to a February 2021 Report by the State Auditor:

"The number of recipients statewide who did not receive services in a given month increased from about 33,000 per month on average in 2015 to more than 40,000 in 2019. Over the course of the period we reviewed, this represented 132 million hours of services approved but not provided... We surveyed all counties in the State regarding their IHSS programs and their ability to provide caregivers for recipients. With 51 of 58 counties responding, 32 reported that they did not have a sufficient number of caregivers to provide all approved services."

Other states with statewide collective bargaining systems for homecare workers, such as Connecticut, Illinois, Massachusetts, Minnesota, Washington, and Oregon, have successfully implemented standardized benefits. This has led to increased efficiency, consistent standards, and improved retention rates. Transitioning to statewide bargaining is a much-needed investment in California's long-term care infrastructure, one that will begin to stabilize the workforce and improve care outcomes.

8. Arguments in opposition

According Kern County, which is opposed to AB 283:

Counties play a critical role in administering IHSS, ensuring services meet the unique needs of vulnerable residents. Centralizing employer responsibilities at the state level would remove county discretion in managing provider relationships, making it more difficult to address local challenges, respond to workforce shortages, and maintain service continuity. Existing local public authorities and nonprofit consortia have established effective structures for managing IHSS employment. AB 283 disregards these in favor of a one-size-fits-all approach.

Though AB 283 shifts the employer-of-record status to the state, it lacks clear funding assurances. Counties currently contribute to IHSS provider wages, and without statutory guarantees, they may continue to bear financial responsibilities without having a role in employment decision-making. This could result in increased costs and reduced budget flexibility at the county level.

Transitioning to a state-managed employer structure introduces uncertainty for both providers and recipients. Counties have built systems to manage provider enrollment, training, and case management that ensure timely delivery of services. AB 283 could disrupt these systems, cause delays, and create confusion during implementation – ultimately affecting the most vulnerable residents who rely on IHSS.

While Kern County shares the goal of improving provider rights and wages, AB 283 undermines local authority, imposes fiscal risk, and threatens service continuity. For these reasons, the Kern County Board of Supervisors strongly opposes AB 283.

SUPPORT

Service Employees International Union, California State Council (SEIU California)
(sponsor)
United Domestic Workers/ AFSCME Local 3930 (sponsor)

American Federation of State, County and Municipal Employees, AFL-CIO
California Federation of Labor Unions, AFL-CIO

OPPOSITION

County of Kern

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 1672 (Haney, 2023), would have created the In-Home Supportive Services Employer-Employee Relations Act to shift collective bargaining over IHSS provider wages, benefits, and conditions of employment from the local level to the state level. AB 1672 was substantially similar to this bill. It died in the Senate Labor, Public Employment and Retirement Committee.

SB 90 (Committee on Budget and Fiscal Review, Ch. 25, Statutes 2017) repealed various provisions relating to the IHSS Statewide Authority, the IHSS Fund, and the IHSSEERA.

SB 1036 (Committee on Budget and Fiscal Review, Ch. 45, Stats. 2012) established the IHSSEERA that provided the state responsibility to engage in collective bargaining with the employee organizations of IHSS providers, applicable to eight specified counties.

PRIOR VOTES:

Senate Labor, Public Employment and Retirement Committee (Ayes 4, Noes 1)

Assembly Floor (Ayes 64, Noes 4)

Assembly Appropriations Committee (Ayes 12, Noes 2)

Assembly Public Employment and Retirement Committee (Ayes 7, Noes 0)
