
Introduced by Senator Jones

February 10, 2025

An act to amend Section 12306.1 of the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

SB 309, as introduced, Jones. In-Home Supportive Services program: provider wages.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with supportive services in order to permit them to remain in their own homes. Existing law requires a county to use county-only funds to fund both the county share and the state share, except as specified, when any increase in provider wages or benefits is locally negotiated, mediated, or imposed by a county, public authority, or nonprofit consortium, or any increase in provider wages or benefits is adopted by ordinance.

This bill would make a technical, nonsubstantive change to that provision.

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

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

- 1 SECTION 1. Section 12306.1 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 12306.1. (a) When ~~any~~ *an* increase in provider wages or
- 4 benefits is locally negotiated, mediated, or imposed by a county,
- 5 public authority, or nonprofit consortium, or any increase in

1 provider wages or benefits is adopted by ordinance pursuant to
2 Article 1 (commencing with Section 9100) of Chapter 2 of Division
3 9 of the Elections Code, then the county shall use county-only
4 funds to fund both the county share and the state share, including
5 employment taxes, of any increase in the cost of the program,
6 unless otherwise provided for in the annual Budget Act or
7 appropriated by statute. No increase in wages or benefits locally
8 negotiated, mediated, imposed, or adopted by ordinance pursuant
9 to this section, and no increase in the public authority
10 administrative rate, shall take effect unless and until, prior to its
11 implementation, the increase is reviewed and determined to be in
12 compliance with state law and the department has obtained the
13 approval of the State Department of Health Care Services for the
14 increase pursuant to a determination that it is consistent with federal
15 law and to ensure federal financial participation for the services
16 under Title XIX of the federal Social Security Act, and unless and
17 until all of the following conditions have been met:

18 (1) Each county has provided the department with
19 documentation of the approval of the county board of supervisors
20 of the proposed public authority or nonprofit consortium rate,
21 including wages and related expenditures. The documentation shall
22 be received by the department before the department and the State
23 Department of Health Care Services may approve the rate increase.

24 (2) Each county has met department guidelines and regulatory
25 requirements as a condition of receiving state participation in the
26 rate.

27 (b) Any rate approved pursuant to subdivision (a) shall take
28 effect commencing on the first day of the month subsequent to the
29 month in which final approval is received from the department.
30 The department may grant approval on a conditional basis, subject
31 to the availability of funding.

32 (c) The state shall pay 65 percent, and each county shall pay 35
33 percent, of the nonfederal share of wage and benefit increases
34 pursuant to subdivision (a) and associated employment taxes, only
35 in accordance with subdivision (d).

36 (d) (1) The state shall participate in a total of wages and
37 individual health benefits up to twelve dollars and ten cents
38 (\$12.10) per hour until the amount specified in paragraph (1) of
39 subdivision (b) of Section 1182.12 of the Labor Code reaches

1 twelve dollars (\$12) per hour at which point the state shall
2 participate as provided in paragraph (2).

3 (2) For any increase in wages or individual health benefits
4 locally negotiated, mediated, or imposed by a county, public
5 authority, or nonprofit consortium, and the rate increase is approved
6 by the department, or any increase in provider wages or benefits
7 adopted by ordinance pursuant to Article 1 (commencing with
8 Section 9100) of Chapter 2 of Division 9 of the Elections Code,
9 the state shall participate as provided in subdivision (c) in a total
10 of wages and individual health benefits up to one dollar and ten
11 cents (\$1.10) per hour above the amount per hour specified for the
12 corresponding year in paragraph (1) of subdivision (b) of,
13 subdivision (c) of, and subdivision (d) of, Section 1182.12 of the
14 Labor Code.

15 (3) (A) For a county that is at or above twelve dollars and ten
16 cents (\$12.10) per hour in combined wages and individual health
17 benefits, the state shall participate as provided in subdivision (c)
18 in a cumulative total of up to 10 percent within a three-year period
19 in the sum of the combined total of changes in wages or individual
20 health benefits, or both.

21 (B) The state shall participate as provided in subparagraph (A)
22 for no more than two three-year periods that commence prior to
23 the date that the minimum wage reaches the amount specified in
24 subparagraph (F) of paragraph (1) of subdivision (b) of Section
25 1182.12 of the Labor Code, and no more than two three-year
26 periods that commence on or after the date that the minimum wage
27 reaches the amount specified in subparagraph (F) of paragraph (1)
28 of subdivision (b) of Section 1182.12 of the Labor Code, after
29 which point the county shall pay the entire nonfederal share of any
30 future increases in wages and individual health benefits that exceed
31 the amount specified in paragraphs (1) and (2).

32 (C) A three-year period is defined as three consecutive years.
33 A new three-year period can only begin after the last year of the
34 previous three-year period.

35 (4) Paragraphs (2) and (3) do not apply to contracts executed,
36 or to increases in wages or individual health benefits, locally
37 negotiated, mediated, imposed, or adopted by ordinance, prior to
38 July 1, 2017.

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