



**SCLARC VENDOR ADVISORY COMMITTEE  
Feb 12, 2020 MEETING MINUTES--DRAFT**

**IN ATTENDANCE:** see below

**I. Call to order**

Meeting was called to order at 10:01am by Illona Hendrick

**II. Welcome & Introductions**

Illona Hendrick, Chair, welcomed everyone to the meeting.

**III. Minutes**

The minutes of the January 8, 2020 meeting were approved without corrections. Minutes were moved by Carmen and seconded by Karina with no corrections.

**IV. HCBS Final Rule Vendor Self-Assessment**

Ms. Evelyn Galindo presented information on the self-assessment. Only certain service codes need to do the provider assessment. If you are on the service code list and have not received an email from Evolution Consulting, please contact Ms. Galindo on Tuesday. Her email is [evelyng@sclarc.org](mailto:evelyng@sclarc.org)

Ms. Galindo provided a few flyers related to the self-assessment. A sample of the online questionnaire was provided. After you complete the survey, you can print a copy of it for yourself. The follow up after the self-assessment will be from SCLARC contacting vendors to discuss the answers afterward.

**V. Training: Labor Law & Sexual Harassment Updates**

Mr. Landegger, from Landegger Baron Law Group, ALC, presented information on labor law updates.

The first item is employee classification. It is important to understand the difference between an independent contractor and an employee. Most everyone now has to be considered an employee under California law. An independent contractor is someone that is doing something that is not in the normal course of business. Be careful regarding “joint employer” liability. If you provide services through 3<sup>rd</sup>-party vendors that incorrectly classify their people as independent contractors, you may be responsible as well and liable.

Mr. Landegger went through the packet he had. Every employer with at least 1 employee must have a written sexual harassment policy (page 1 of the packet). If you have 5 or more employees, all employees must have 2 hours of sexual harassment training by the end of 2020. All staff, even part time employees, must receive this. You may look at the California Chamber of Commerce website for trainings on sexual harassment.

Changes this year is that the policy against discrimination includes a reference to discrimination based on hair texture and protective hairstyles. This is prohibited. Every California must now adopt a lactation accommodation policy (see page 5). The location for lactation has to be a room but not a restroom, it should be free of hazards and have running water close by (sink) and electricity. Company must provide a cooler/refrigerator. The room does not have to be available if no one needs it but companies must be prepared to be ready to provide as soon as some one needs it.

The Labor Commissioner has a document that must be provided to employees called “Rights of Victims of Domestic Violence, Sexual assault and stalking”.

It is no longer acceptable to ask about criminal background. After you offer the position to someone, you can let them know the job is contingent with passing a background check but you cannot ask prior to giving the job offer.

A new I-9 form has been provided by USCIS and should be used as of this year. The FORM i-9 that should be used has version date of 10/21/2019. Do not use older forms.

All employees must receive “NOTICE TO EMPLOYEES” DLSE-NTE (rev 11/2014) upon hire or change of status. Make sure your paystubs are in compliance and show all pertinent information required by law. Do not rely on your payroll companies for compliance. Payroll companies will do as told so if you do not tell them to fix items or have items on the pay stub they won't.

Page 17 of the packet shows the minimum salary for exempt employees in California. You may go to the DSLE website and download wage order 5. The importance of wage order 5 is that besides having the waiver for 6-hour shifts, there is another exemption that may apply. See section 11E of Wage order 5. The order states that employees may work a working lunch under certain conditions.

You can no longer round up or down the hours on timesheets. Review your time and attendance policies and software systems to make sure you comply.

Split shift: transportation companies tend to have split shifts that consist of working in the AM, long break and working in the PM. A split shift premium may be owed to employees if they make close to minimum wage. Split shift has to be a separate line item. There is a formula that you would need to look at to confirm if you owe split shift.

Overtime: anything over 8 hours is overtime and anything over 40 hours a week is overtime. 24 hour residential programs may have waivers/exemptions where they may not need to pay overtime rate but may have a hard time finding employees.

## **vi. SCLARC Executive Director**

Mr. Henderson welcomed and thanked everyone for being here. He pointed out that the independent contractor conversation by Mr. Landegger is important and SCLARC is also looking at/reviewing this information.

The new fiscal year budget by the Governor has some items that pertain to our field. The budget is projected to increase by on billion dollars due to growth in the system. There is a projection of 18,000 more people joining the system, for a total of 360,000 people. The additional monies will include the rate increases in the budget. Three additional categories have been added for rate increases to start in 2021. The currently increase is approximately 8% for certain service codes. Although we need to be

thankful for this, we also need to continue to advocate for a permanent solution. The budget also includes a proposed moratorium on the holiday schedule.

There are two annual town hall meetings that will be held by SCLARC to review POS data. One is on March 19, 2020 at the BELL Community Center from 6pm to 8pm. The second meeting is March 20, 2020 at SCLARC from 10am—12pm.

## **VII. New/Old Business**

Public Comments:

Illona: the new name for the consumer group is the Advocates Advisory Committee. It meets every fourth Monday from 10am to 12pm. This month it will meet on February 24<sup>th</sup> at 10am and they are asking participants to join in wearing Laker attire in honor of Kobe Bryant.

Committee work is important. We will be implementing committee work going forward.

## **VIII. VAC Executive & Committee reports**

Membership Committee: no report

Compliance Committee: no report

Legislative Committee: no report

Strategic Committee: no report

## **IX. Adjournment**

Next meeting will be on March 11, 2020.

## SIGN IN SHEET

February 12, 2020

1. Vash Sar	SAR Adult Home Care
2. Lorna Arcel	Alternative
3. Samira Menendez	Loving Heart Loving Home
4. Moesha Walker	Open Hearts
5. Geraldyne Castillo	Ninos del Cielo
6. Barbara Siemeols	Independent Life Skills
7. Kimberly Martinez	Partnership for Active Learning
8. Paulina Aguilar	Passport to Learning, Inc.
9. Denice Torrey	Sibi Center ADP
10. Pedro V. Travieso	Mariro LLC
11. Karina Andrade	EL ARCA
12. Amber Morales	Social Vocational Services
13. Francesca Lalanne	ECF Art Center
14. Tracy Williams	Home Sweet Home
15. Kimberly Martinez	Partnership for Active Learning
16. Susan Ramirez	InClusion Services
17. Misty McCoy	Enhancing Lives
18. Pam C	We Care Community Services
19. Ruth	Grace Care Corp
20. Martha Rodriguez	Pharmacist at Home
21. Carolina Pineda	Maxim HealthCare
22. Marianet Tirado	Peak Training Institute
23. Jocelyn Towler	Peak Training Institute
24. Jason N	Maxim Healthcare
25. Malcolm Clay	Pathways to Success
26. Alex O	Wayfinder Family Services
27. Lorraine Brown	Davina Douthard, Inc
28. Stephanie Aguilera	24 Hour Home Care
29. Patricia S	PALS
30. Lopez	D Homes
31. Wendy Carroll	Early Stages/Willing Workers
32. Linda H	Wayfinder Family Services
33. Yvette Burley	Wayfinder Family Services
34. Florence Dyers	Dyers ARF
35. Anabelle Harrison	Harrison's
36. Brandi Brooks	Bailey's Place
37. Cheryl Whiting	Jessar, Inc.
38. Carmen Haley	Family Way
39. Carina Caamal	Solutions Plus Services
40. Delawrence Grant	Understanding Needed Integration
41. Illona Hendrick	Hendrick Home
42. Tina M Stafford	Home Sweet Home
43. Mariyah Givens	Crisis Response Project
44. Geraldyne Castillo	Ninos del Cielo
45. Darlene Dexter	EMPOWER
46. Deja Wilson	Precise Care
47. Leslie Bucknev	Olive Branch

48. Patricia Lewis	Clarion Therapy Services
49. Jae Lim	Ability First
50. Karen Chavez	Roseview Terrace
51. Dwon Phillips	Top of Hill
52. Cheryl Johnson	Employment
53. Gabriela Ramirez	SCRS-ILC
54. Frena Harris	SCRS-ILC'
55. Warrins Morgan	D.A.D. 365 ARF
56. Sandra Smith	D.A.D. 365 ARF
57. Marlon Mack	Home Sweet Home
58. Josephine Douglas	SLRC
59. Kelli Marsh	CADHC
60. Anselma Heredia	Self Reliant Support Services
61. Amaka Adiele	PPTC Inc
62. Jenee King	Mentors for Life
63. Renee Faulkner	Ladera Homes
64. Santiago Rubio	Cambrian HomeCare
65. Syretd Travis	Brown & Brown Quality Care Inc
66. Noorkha Irmasiy	Brown & Brown Quality Care Inc
67. Joyce Williams	Milestones
68. Maria Q	Creative Options
69. Valerie Gutierrez	Roman Empire Agency
70. Karla Melgar	Ideal Program Services
71. Imelda Ochoa	Training for Tomorrow
72. Veronica Solano	The Jeffrey Foundation
73. Maria Peralta	Giant Steps
74. Alex Sandana	Oxford Healthcare
75. Luis Beas	Fobi Pharmacy
76. Esteban Miranda	DESI
77. Debra C	Peak Training Institute
78. Miki H	New Beginning
79. Joy Alcid	ECF
80. Dorrie Woods	Travel for Me
81. Elsa Vazquez	ECF
82. Magellan Berry	NDIL
83. Princess Torres	JAT Adult Home
84. Adrienne Hernandez	Flagship Group, LLC
85. Charlotte McKay	Precise Care