

JAN 10 2019

In the Supreme Court of the State of California Jorge Navarrete Clerk

Deputy

TAMARA SKIDGEL,

Plaintiff and Appellant,

Case No. S250149

v.

**CALIFORNIA UNEMPLOYMENT
INSURANCE APPEALS BOARD,**

Defendant and Respondent.

First Appellate District, Division Five, Case No. A151224
Alameda County Superior Court, Case No. RG16810609
Hon. Robert B. Freedman, Judge

**RESPONDENT'S MOTION FOR JUDICIAL NOTICE;
DECLARATION IN SUPPORT**

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Appeals Board*

**TO THE HONORABLE CHIEF JUSTICE AND TO THE
HONORABLE ASSOCIATE JUSTICES OF THE SUPREME
COURT OF CALIFORNIA:**

Pursuant to Rule 8.252, subdivision (a) of the California Rules of Court, Defendant and Respondent the California Unemployment Insurance Appeals Board (Appeals Board) hereby requests that the Court take judicial notice of the following documents:

- Exhibit 1: Assem. Office of Research, 3rd reading analysis of Assem. Bill 644 (1977-1978 Reg. Sess.) as amended Jun. 22, 1977. The document is part of the legislative history for Unemployment Insurance Code section 629 and is located in the files of the Assembly Committee on Finance, Insurance, and Commerce for A.B. 644 (1977-1978 Reg. Sess.). The court of appeal took judicial notice of this document. (Order (5/3/2018).)
- Exhibit 2: Letter from U.S. Dept. of Labor to Emp. Dev. Dept., Aug. 8, 1977 [describing consequences should California fail to enact legislation conforming to the federal Unemployment Compensation Amendments of 1976]. The document is part of the legislative history for Unemployment Insurance Code section 629 and is located in the files of the Senate Committee on Industrial Relations for A.B. 644 (1977-1978 Reg. Sess.).
- Exhibit 3: Empl. Dev. Dept., analysis of Assem. Bill. 3028 (1977-1978 Reg. Sess.) June 29, 1978. The document is part of the legislative history for Unemployment Insurance Code section 683 and Welfare and Institutions Code section 12302.2 and is located in the files of the Senate Committee

on Industrial Relations for A.B. 3028 (1977-1978 Reg. Sess.).

- Exhibit 4: Assem. Comm. on Ways and Means, staff analysis of Assem. Bill 3028 (Reg. Sess. 1977-1978) as amended June 8, 1978. The document is part of the legislative history for Unemployment Insurance Code section 683 and Welfare and Institutions Code section 12302.2 and is located in the files of the Assembly Committee on Ways and Means for A.B. 3028 (1977-1978 Reg. Sess.). The court of appeal took judicial notice of this document. (Order (5/3/2018); see also CT 0097-0098, 00174-00175.)
- Exhibit 5: Assem. Office of Research, 3rd reading analysis, Assem. Bill 3028 (1977-1978 Reg. Sess.) as amended June 8, 1978. The document is part of the legislative history for Unemployment Insurance Code section 683 and Welfare and Institutions Code section 12302.2 and is located in the files of the Assembly Republican Caucus for A.B. 3028 (1977-1978 Reg. Sess.). The court of appeal took judicial notice of this document. (Order (5/3/2018).)
- Exhibit 6: Dept. of Social Services, enrolled bill report, Assem. Bill 3028 (1977-1978 Reg. Sess.) July 7, 1978. The document is part of the legislative history for Unemployment Insurance Code section 683 and Welfare and Institutions Code section 12302.2 and is located in the Governor's Chaptered Bill File for A.B. 3028 (1977-1978 Reg. Sess.). The court of appeal took judicial notice of this document. (Order (5/3/2018).)

- Exhibit 7: Emp. Dev. Dept., enrolled bill report, Assem. Bill 3028 (1977-1978 Reg. Sess.) July 10, 1978. The document is part of the legislative history for Unemployment Insurance Code section 683 and Welfare and Institutions Code section 12302.2 and is located in the Governor's Chaptered Bill File for A.B. 3028 (1977-1978 Reg. Sess.). The court of appeal took judicial notice of this document. (Order (5/3/2018); see CT 00104-CT 00106, 00181-00183.)
- Exhibit 8: Dept. of Finance, enrolled bill report, Assem. Bill 3028 (1977-1978 Reg. Sess.) July 13, 1978. The document is part of the legislative history for Unemployment Insurance Code section 683 and Welfare and Institutions Code section 12302.2 and is located in the Governor's Chaptered Bill File for A.B. 3028 (1977-1978 Reg. Sess.). The court of appeal took judicial notice of this document. (Order (5/3/2018); see also CT 00100-00102, 00177-00179.)
- Exhibit 9: Assem. Bill 1420 (1971 Reg. Sess.) § 1, Apr. 1, 1971. The bill in its original form would have amended Unemployment Insurance Code section 631 to allow for opt-in coverage for both disability and unemployment insurance in the close-family service context. The document is part of the legislative history for Unemployment Insurance Code section 631.
- Exhibit 10: Dept. of Hum. Res. Dev., enrolled bill report, Assem. Bill 1420 (1971 Reg. Sess.) Nov. 2, 1971. The document is part of the legislative history for Unemployment Insurance Code section 631 and is located in the Governor's Chaptered Bill File for A.B. 1420 (1971 Reg. Sess.).

- Exhibit 11: Assem. Comm. on Fin. and Ins., analysis of Assem. Bill 1420 (1971 Reg. Sess.) as amended May 6, 1971. The document is part of the legislative history for Unemployment Insurance Code section 631 and is located in the file of the Assembly Committee on Finance and Insurance for A.B. 1420 (1971 Reg. Sess.).
- Exhibit 12: Employ. Dev. Dept., Amendments proposed May 30 to A.B. 3028, as amended May 10, 1978, Assem. Bill 3028 (1977-1978 Reg. Sess.) June 19, 1978. The document is part of the legislative history for Unemployment Insurance Code section 683 and Welfare and Institutions Code section 12302.2 and is located in the file of the Senate Committee for Industrial Relations.
- Exhibit 13: Sen. Rules Comm., Office of Sen. Floor Analyses, 3rd reading analysis of Assem. Bill. 1930 (2015-2016 Reg. Sess.) as amended Aug. 1, 2016. The document relates to a bill that would have created a new advisory committee to study whether to extend unemployment and other benefits to close-family in-home supportive service providers. (Assem. Bill 1930 (2015-2016 Reg. Sess.)) The document is available at <https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1930> [as of Jan. 10, 2019].
- Exhibit 14: Sen. Floor Analysis, Governor's Veto, Assem. Bill 1930 (2015-2016 Reg. Sess.) as enrolled Aug. 30, 2016. The document summarizes the history of this bill, including the Governor's veto. The document is available at <<https://leginfo.legislature.ca.gov/faces/billText>

Client.xhtml?bill_id=201520160AB1930> [as of Jan. 10, 2019].

The documents described in this motion all relate to events that pre-date the trial court's judgment (Mar. 27, 2017) and the court of appeal's opinion and judgment (June 14, 2018).

As noted above, some of these documents were judicially noticed by the court of appeal.¹ All may be relevant and helpful to this Court in interpreting Unemployment Insurance Code sections 631 and 683 and related statutes. Pursuant to Evidence Code sections 452 and 459, the Court may take judicial notice of “[o]fficial acts of the legislative, executive, and judicial departments ... of any state of the United States.” (Evid. Code, § 452, subd. (c).) Statutes are the Legislature's official acts. Legislative committee reports and analyses are also proper subjects of judicial notice. (*In re J. W.* (2002) 29 Cal.4th 200, 211 [legislative committee analyses]; *Acer v. Kaiser Foundation Health Plan, Inc.* (2010) 181 Cal.App.4th 471,484 [same]; *People v. Jones* (1995) 11 Cal.4th 118, 122, fn. 1 [enrolled bill reports].)

The Appeals Board respectfully requests that the Court take judicial notice of the documents listed above, should the Court determine that they are relevant to the disposition of the matter.

¹ There is some limited, additional legislative history pertaining to A.B. 3028 in the Clerk's Transcript. (See CT 0092-0094, 00169-00171.)

Dated: January 10, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
EDWARD C. DUMONT
Solicitor General

/s/ Janill L. Richards

JANILL L. RICHARDS
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California Unemployment Insurance
Appeals Board*

**DECLARATION OF KARA WEILAND IN SUPPORT
OF RESPONDENT'S MOTION FOR JUDICIAL NOTICE**

I, Kara Weiland, declare:

1. I am a Librarian employed with the California Department of Justice, Office of the Attorney General, at DOJ's Sacramento library. Among my other duties, I regularly compile legislative histories at the request of DOJ employees.
2. In October through December of 2018, I responded to the requests of Principal Deputy Solicitor General Janill Richards and Deputy Attorney General Hadara Stanton for legislative histories relating to Unemployment Insurance Code sections 629, 631, and 683, and Welfare and Institutions Code section 12302.2. I obtained the relevant documents from the California State Archives, located in Sacramento, California.
3. I have reviewed the entries above discussing Exhibits 1-8 and 9-12, and the descriptions of their sources are correct. The copies of these same documents, attached to this motion as Exhibits 1-8 and 9-12 are true and correct, to the best of my knowledge.

* * * * *

I declare under penalty of perjury that the foregoing is true and correct. Executed in Sacramento, California, on January 10, 2019.

/s/ Kara Weiland

KARA WEILAND

EXHIBIT 1

ASSEMBLY THIRD READING

AB 644 (McAlister) As Amended: 22 June 1977

ASSEMBLY ACTIONS:

COMMITTEE FIN., INS., & COM. VOTE 9-2 COMMITTEE W. & M. VOTE 16-0

Ayes: Agnos, Greene, Hayden, Miller, Nestande, Papan, Robinson, Young, McAlister

Ayes:

Nays: Bannai, Lancaster

Nays:

DIGEST

This bill conforms California's unemployment insurance law to federal law (Public Law 92-566) related to unemployment insurance coverage, eligibility, benefits, and financing as follows:

Existing law excludes unemployment insurance coverage for service performed in the employ of a state or local government, with broad specified exceptions.

This bill includes under the provisions of unemployment insurance coverage with specified exceptions, all service performed by an individual for any public entity.

Existing law does not include domestic service in a private home under unemployment insurance coverage provisions or under unemployment compensation disability provisions.

This bill includes domestic service in a private home as employment for these purposes, if performed for an employer who paid \$1,000 or more in wages in specified calendar quarters.

The bill also requires the Director of the Employment Development Department (EDD) to furnish specified information from the files of the department with respect to an individual, upon request by any public agency.

The bill provides that provisions of this bill, with respect to wages paid, shall be operative on and after 1 July 1976.

The bill specifies that no employer contributions shall be payable based on remuneration paid prior to 1 January 1978 for service which first becomes covered for unemployment insurance by this bill.

The bill provides that an employer's reserve account cannot be charged for unemployment compensation benefits if such benefits are reimbursable by the federal government, under certain provisions.

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The bill provides for a pooled fund arrangement for local governments to finance unemployment insurance coverage of their employees and establishes a Local Public Entity Employees Fund in the State Treasury to be continuously appropriated for such purposes without regard to fiscal year.

The bill makes related changes which conform state law with the federal Unemployment Compensation Amendments of 1976 (Public Law 94-566).

The bill specifies that its provisions are federally mandated.

The bill provides for an increase in the revenue limits of school districts and in the maximum tax rates of community college districts in an amount sufficient to provide revenue equal to costs incurred in implementing the provisions of this bill.

Existing law grants the homeowners' property tax exemption in the amount of \$7,000 of the full value of qualified dwellings and continuously appropriates state funds for subventions to local government to compensate for property tax revenues lost by reason of such exemption.

This bill increases the amount of such appropriation by authorizing an increased rate of property tax.

The bill also provides that if the United States Supreme Court finds PL 94-566 unconstitutional or invalid as it pertains to mandatory unemployment insurance coverage for California state and local government employees this legislation shall be inoperative.

FISCAL EFFECT

The Legislative Analyst states:

EDD estimates that the bill would result in increased annual disbursements of about \$71 million from the Unemployment Fund, when coverage is in full effect. It would take about three years from the effective date of the bill, 1 January 1978, for the full effect of coverage to become operative. The benefit payments would be distributed among the newly covered employees of the following entities:

State employees	\$10.0 million
City, county and special districts	44.0 million
School districts	13.4 million
Nonprofit elementary, secondary and vocational schools	1.5 million
Domestic workers	1.8 million

The cost to the General Fund to reimburse the Unemployment Fund would be about \$10 million annually.

The bill would create local costs which the bill specifies are not reimbursable by the state because the provisions are federally mandated. Assuming that all school districts elect to continue

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financing through the School Employees Fund and that the reduced rates remain in effect during fiscal years 1977-78 and 1978-79, the added costs to school districts would be an estimated \$10.5 million during fiscal year 1977-78 and \$22.1 million during 1978-79.

Assuming that all local public entities elect to finance through the Local Public Entity Employees Fund, the added costs to local government other than school districts would average approximately \$54.3 million annually during the first three years, 1978-1980.

The revenue to the Unemployment Fund created by passage of this bill would be approximately \$73 million annually, when coverage is in full effect.

COMMENTS

Federal law extended unemployment insurance coverage to several groups of employees which were not covered by the federal program in the past. In some instances, California has already covered these groups either in part or in full. This bill extends unemployment insurance coverage to the following groups:

- 1) State employees. California had already extended coverage to all state employees except for permanent-intermittent, temporary, and part-time employees. This bill would extend coverage to these uncovered groups consisting of about 20,000 persons.
- 2) Employees of cities, counties and special districts. California law has made coverage of local government employees voluntary on the part of employing units. Only about 30,000 workers have been covered. This bill would extend coverage to about 475,000 additional employees.
- 3) Employees of school districts. Under current law, classified school employees are fully covered. This bill would extend coverage to about 375,000 credentialed and other professional employees of school districts.
- 4) Employees of nonprofit elementary, secondary and vocational schools. This bill would extend coverage to about 30,000 private, nonprofit school employees who were not previously covered.
- 5) Domestic workers. Approximately 12,500 domestic workers employed by households which pay wages of \$1,000 or more in a calendar quarter would be newly covered by the bill.
- 6) Agricultural workers. Public Law 92-566 also extended coverage to specified groups of agricultural workers, but California law has already fully covered virtually all farm workers so that this provision in California law is unaffected by this bill.

Public Law 92-566 requires that state and local governments have the option of electing to finance the unemployment insurance program either through experience taxing or through reimbursing. Under experience taxing all private

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employers pay unemployment insurance contributions based on the amount of benefits paid out to former employees as compared with the amount of contributions paid into the unemployment fund during the past three years. Under reimbursing, employers reimburse the unemployment fund for all benefits paid to former employees. This method presents advantages to employers who have steady employees. There is, however, a risk of severe funding problems if revenues are reduced, leading to forced layoffs and consequently high unemployment costs.

California law requires that all school districts cooperate in a joint reimbursement financing system. School districts are required to contribute a fixed percentage of classified employee wages into a fund which in turn reimburses the unemployment fund for benefits paid to all former classified school employees.

This bill incorporates the collection of employer contributions for the coverage of certified employees with other professional school employees into the School Employees Fund and makes it optional rather than mandatory for public school districts as a financing method. During fiscal year 1976-77, the tax on school districts was reduced because of a surplus in the fund. A companion bill to this bill, AB 1721, would continue the reduced tax during fiscal years 1977-78 and 1978-79.

The bill also creates the Local Public Entity Employees Fund as an optional financing method for cities, counties and special districts other than schools. The tax rate would be set at 0.8% of total wages paid to local government employees during fiscal years 1978-79, 1979-80 and 1980-81. After that, the Director of Benefit Payments would determine the on-going rate based on the experience of the fund.

EXHIBIT 2

U. S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
REGION IX

824
AUG 9 1977

In reply refer
to: IX-TGU

450 GOLDEN GATE AVENUE, BOX 36084
SAN FRANCISCO, CALIFORNIA 94102

August 8, 1977



Mr. Martin R. Glick
Director
Employment Development Department
800 Capitol Mall
Sacramento, California 95814

Dear Mr. Glick:

This is to provide you specific information as to what consequences will flow if comprehensive legislation to implement the Unemployment Compensation Amendments of 1976 (P.L. 94-566) is not enacted in California during the 1977 legislative year. I understand that issues concerning the wage and/or employment requirements to qualify for benefits are holding up further action on A.B. 644. It appears the delay could extend until studies on these matters are completed, probably too late for passage of the bill by the State Senate.

While I recognize the need for examining possible amendments to California's qualifying requirements, I must emphasize the undesirability of allowing a delay in action on legislation to implement the requirements of Public Law 94-566 until 1978. While there have been discussions between our offices on the feasibility of making legislation passed later in 1978 retroactive to January 1, 1978, it is not at all clear to me that this is feasible. An opinion rendered July 29, 1977, by Bion M. Gregory, Legislative Counsel of California, in response to Assemblyman McAlister's inquiry, states that claims may be paid retroactively to January 1, 1978, "provided that no employer's reserve account is charged for unemployment compensation benefits paid for services performed prior to the effective date of the bill." No opinion is offered on the question of applying the contribution provisions of the California Unemployment Insurance Code to newly-subject employers retroactively to January 1, 1978. Further, it is worth noting here that the California Code contains no provisions for automatically covering either employing units or services when such are liable for Federal tax, or required to be covered under Federal law.

2.

Very serious consequences would follow upon a delay in the comprehensive legislation until next year, should the finally-enacted California legislation not be retroactive in all respects—or should it be later determined that some or all of such legislation's retroactive provisions may not be lawfully applied. If it is ultimately determined that the California law did not, for any period on or after January 1, 1978, contain the provisions required by the Federal Unemployment Tax Act as amended by P.L. 94-566, California employers would be liable for that period for the full Federal unemployment tax of 3.4 percent, in addition to any State tax assessed. The Federal reimbursements under the transitional provisions of P.L. 94-566 would be lost for that period. Furthermore, administrative grants made to California for that period would be recoverable.

Even if there is no State constitutional barrier to making amendments enacted in 1978 effective retroactively to January 1, 1978, I am sure you are aware that such action would create grave and unnecessary administrative difficulties for your agency in implementing the amendments. The problems associated with retroactive claims, determinations, appeals, etc., are massive. More importantly, the adverse effects on claimants would be incalculable.

In any event, I must advise you that, if implementing legislation is not in place in California as of January 1, 1978, the Secretary of Labor will be required, pursuant to section 3304(c) of the Federal Unemployment Tax Act, to notify the Governor that there is reason to believe that California will not be certified for tax credit and to provide your State an opportunity for a hearing on the issue. Such notice, absent the legislation, will be issued by January 31, 1978. The purpose of the hearing would be to determine whether your State failed to amend its law so that it contained each of the provisions required by P.L. 94-566 to be included in the State law.

I urge that you explore every means of assuring that enactment of appropriate legislation will be deemed a matter of the utmost urgency.

Sincerely,



Daniel P. Riordan
Acting Associate Regional Administrator
for Unemployment Insurance

EXHIBIT 3

Memorandum

To : Members of the Senate Industrial
Relations Committee

Date : June 29, 1978

File No.: 32:MJ:pw



From : Mary Matilda Jones, Deputy Director for Legislation
Employment Development Department

Subject: AB 3028 (Agnos) - In-Home Supportive Services

This bill resolves the question of who is the employer of the In-Home Supportive Services (IHSS) workers selected by the aged, blind or disabled recipients for the purposes of unemployment insurance, workers' compensation, disability insurance and social security. This issue, which has been unresolved since the inception of the program, now requires resolution because of recent changes in federal and state law mandating unemployment insurance, disability insurance, workers' compensation and social security coverage for domestic workers. Under a series of decisions by enforcement agencies and court cases, counties are being held to be the employers, even in those instances where the recipient hires the IHSS worker.

AB 3028 resolves this issue by designating the recipient as the employer, requiring the State to assure collection and payment of all contributions through a payrolling system, and requiring the State to pay the employer's share of mandated benefits. The \$13 million cost is the least costly alternative. Absent this legislation, counties will turn to the other statutorily permitted delivery methods in order to avoid paying these costs as the employer. These alternatives would be funded entirely from the General Fund since under state and federal law the State must reimburse the counties for their costs (federal fund participation is already at a maximum). The alternatives are: (1) the use of contract providers at an additional cost of \$80 million to the General Fund, or (2) county civil service employees at an additional cost of \$116 million to the General Fund. Several counties have already indicated that they will choose contract providers if there is no legislative relief.

This bill has the support of the Administration. We respectfully urge your support of the measure.

AB 3028 (AGNOS)
IN-HOME SUPPORTIVE SERVICES
PROVIDER BENEFIT LEGISLATION

Thousands of California workers employed in the state and federal funded In-Home Supportive Services program (IHSS) are now eligible for such employment benefits as social security, unemployment insurance and workers' compensation. The question has arisen as to whether the counties are the employer of these workers and are legally responsible for the collection and payment of the taxes and premiums for such benefits.

The California IHSS program (also known as homemaker/chore) utilizes over 50,000 low-paid and relatively unskilled workers to provide in-home services to approximately 75,000 aged, blind and disabled recipients of public assistance as an alternative to placement in nursing homes or other institutions. The counties may arrange for the delivery of the services through either county staff (five percent of the total cost), agency contractors (13 percent), or individual providers selected by the recipient and paid directly by the county or via the recipient (82 percent). This latter method has many programmatic advantages since it permits the disadvantaged person the most control over the care which is provided.

Recent changes in federal and state law have made domestic employees, such as IHSS workers, eligible for unemployment and disability insurance (AB 644, effective this year) and workers' compensation (AB 133, effective in 1977). In addition, federal law has required social security coverage of domestic workers for several years. Federal and state enforcement agencies are increasingly taking the position that the counties are responsible for the collection and payment of taxes and premiums for the employment benefits of those IHSS workers who are paid directly by the county or the recipient. The enforcement agencies are basing their decisions on a legal theory that holds that the counties are joint employers of the IHSS workers with the recipients.

Inaction by the state on this issue will have one of two extremely expensive results. A number of counties have indicated that they will shift to contracting with private agencies for the provision of IHSS rather than utilizing individual providers selected by the recipients because the agency contractor becomes the responsible employer. The additional yearly cost of this alternative is \$80,000,000, entirely in state funds as the state must reimburse the counties for their costs and federal fund participation is already at the maximum. This estimate is based upon the current cost of contract agencies projected to the statewide caseload.

The second costly result of inaction will be that some counties will shift to providing IHSS through civil service employees. This is the most expensive of the three methods of delivery that the county may choose because of the higher level of wages and benefits applicable. Based on an estimate done in conjunction with a recent state/county task force, the additional cost of having all the service provided by civil service employees would be \$116,000,000 annually. This includes \$33 million for state and federal mandated benefits and minimum wage, \$5.6

million in sick leave, \$4.7 million in vacation, \$6.5 million in holiday, \$11.4 million in one-step pay increases, \$21 million in medical insurance, \$21 million in retirement and \$12.4 million in additional administrative costs. Again, the additional costs would have to be reimbursed from state funds.

AB 3028 is being offered as an alternative to the substantial increase in program costs that would be inevitable if no action is taken by the state. The bill preserves the 3 options for delivery of services indicated above and it provides that in those instances where the IHSS worker is selected by the recipient that:

1. The recipient is the employer of the IHSS worker.
2. The state shall assure the collection and payment of the various taxes and premiums in behalf of the recipient-employer through a centralized payroll system.
3. The state shall pay the costs of the employer's share of legally required employment benefits.

The \$13,000,000 general fund appropriation includes \$1.8 million for unemployment insurance, \$8.5 million for workers' compensation for the 78-79 budget year and \$1.8 million for these benefits for January through June of the current year. In addition, the appropriation includes \$.8 million for administrative and support costs.

EXHIBIT 4

WAYS AND MEANS STAFF ANALYSIS

BILL NUMBER AP 302F AUTHOR Agnos AMENDED 6-6-78 ITEM 103

INDEX Health POLICY COMMITTEE Human Resources CONSULTANT Williams

<u>FISCAL IMPACT:</u>	<u>FUND</u>	<u>1977/78 FY</u>	<u>1978/79 FY</u>	<u>1979/80 FY</u>
Net State Cost (+) or Savings (-)	<u>C</u>	<u> </u>	<u>+\$13,000,000</u>	<u> </u>
Variation	<u>C</u>	<u> </u>	<u>\$13,000,000</u>	<u> </u>

Urgency: Yes (X) No ()

SUBJECT:
In-Home Supportive Services

SUMMARY:
This bill would appropriate \$13,000,000 to the State Department of Social Services so that it may assure the performance of all rights, duties and obligations of Homemaker Chore recipients for purposes of unemployment and disability compensation laws in regards to persons who perform domestic services comprising in-home supportive services. The State Compensation Insurance Fund would be authorized to issue one workers' compensation insurance policy to insure such recipients to the extent of the Department's obligation.

COMMENTS:
Proponents of this legislative contend that because thousands of domestic workers employed in the Homemaker Chore Program are now eligible for unemployment and disability insurance and workers' compensation, many counties have indicated that they will shift from the existing situation where they are the employers of these workers and are legally responsible for the collection and payment of taxes and premiums for such benefits to more costly alternatives that would be reimbursable by the State.

Although the provisions of this bill would cost \$13 million, it saves the State from having to assume the fiscal liability for alternatives costing either \$20,000,000 or \$116,000,000 annually as explained in the analysis below.

FISCAL IMPACT:
This bill would appropriate \$13,000,000 from the General Fund to the State Department of Social Services.

\$1.6 million	Unemployment Insurance
\$9.5 million	Workers' Compensation for 1978-79
\$1.9 million	Workers' Compensation for January - June 1978
<u>\$.9 million</u>	Administrative and Support Costs
\$12.9 million	Total

ANALYSIS:
Existing law requires county welfare departments to develop and submit a plan to the State Department of Social Services for the provision of in-home supportive services (Homemaker Chore) to aged, blind and disabled recipients of public assistance. The departments may as an option: (1) hire homemakers and other in-home supportive personnel; (2) make direct payments to recipients for the purchase of such services; or (3) contract with private agencies or individuals for the provision of such services.