



CALIFORNIA DEPARTMENT OF AGING (CDA)

ACL #13-08

FAX Cover

TO: All Community-Based Adult Services (CBAS) Providers
FROM: CBAS Branch
DATE: April 10, 2013
SUBJECT: Corrected Notice of In-Home Supportive Services (IHSS) Class Action Settlements

Attached are **corrected** versions of the (1) Notice of IHSS Class Action Settlements (4 page notice); and (2) Notice About In-Home Supportive Services (IHSS): Settlement of IHSS Lawsuits (1 page flyer) that were transmitted to you on April 8, 2013. The attached two documents and the full IHSS Settlement Agreement will be posted on both the DHCS and CDSS websites. **Translations of the Notice and Flyer can also be found on the DHCS and CDSS websites:**

- DHCS - <http://www.dhcs.ca.gov/Pages/IHSSSettleAgreeInfo.aspx>
- CDSS - <http://www.cdss.ca.gov/agedblinddisabled/PG3192.htm>

- ✓ Please post the corrected Notice and Flyer:
 - On your website, if you have one.
 - In prominent locations in your common area or waiting room where they can be easily viewed by your CBAS participants.
- ✓ Please provide the corrected Notice and Flyer individually to any CBAS participant whom you have reason to believe may be receiving IHSS.

For More Information:

Access the CDA CBAS website at

www.aging.ca.gov/ProgramsProviders/ADHC-CBAS/Default.asp

Contact CDA at:

- ✓ Email – CBAScda@aging.ca.gov
- ✓ Phone – (916) 419-7546

NOTICE OF IHSS CLASS ACTION SETTLEMENTS

This notice is about the proposed settlements of two class action lawsuits. It is about In-Home Supportive Services (IHSS).

ABOUT THE LAWSUITS

In 2009, the State of California passed a law to stop all IHSS services to about 30,000 people. The law would have cut hours for help with meals, house cleaning and other home care to another 100,000 people. In 2011, the state passed another law to cut IHSS hours by 20% for many more people. (Some recipients might have been able to get their hours back if they could prove they were at serious risk of out of home placement.)

David Oster and other IHSS recipients, as well as labor unions for IHSS workers, filed a lawsuit about these cuts in IHSS hours. The defendants are state officials. The lawsuit is called *Oster*.

In 2009, the State also passed a law to cut funding when an IHSS worker makes more than \$9.50 per hour.

IHSS recipients and labor unions for IHSS workers filed a lawsuit about the wage cuts. The defendants are state officials. The lawsuit is called *Dominguez*.

A court in Oakland temporarily stopped the cuts in both cases in 2009 and 2011. The State asked higher courts to let it go ahead with the IHSS cuts. No one can tell how the higher courts might rule. No one can tell if the court in Oakland would stop the cuts forever.

ABOUT THE SETTLEMENTS

The state has agreed to get rid of the IHSS cuts from 2009 and 2011. These cuts will never go into effect.

- There will be no 20% cut in IHSS hours. There will be a one-year cut of 8% starting around July 1, 2013. This is a cut of 4.4% below current hours because there is already a cut of 3.6% that is not part of these lawsuits. (3.6% + 4.4% = 8%).

- Around July 2014 the cut in IHSS hours will go down to 7%. This is a cut of 3.4% on top of the 3.6% current cut.
- You can ask the county for extra hours if your circumstances change.
- There will be no cuts in State funding for IHSS wages.

The State agreed to ask the federal government for extra money for the IHSS program from a new assessment. The State could end the 7% cut as early as 2015 if this is allowed.

These are class action lawsuits. You are a class member in the *Oster* case if you would have gotten a notice of action about IHSS cuts in 2009 or 2011. You are a class member in the *Dominguez* case if you get IHSS and live in any of these counties:

Alameda.	Calaveras.	Contra Costa.	Fresno.
Los Angeles.	Madera.	Marin.	Mariposa.
Mendocino.	Monterey.	Napa.	Placer.
Riverside.	Sacramento.	San Benito.	San Francisco.
San Joaquin.	San Luis Obispo.	San Mateo.	Santa Barbara.
Santa Clara.	Santa Cruz.	Solano.	Sonoma.
Yolo.	Yuba.		

As part of the settlements, class members in the two cases cannot file a lawsuit about the 8% or 7% cuts.

IF YOU WANT MORE DETAILS:

There are different sets of lawyers representing IHSS class members in the *Oster* case and in the *Dominguez* case. Together they are called the **IHSS Settlement Lawyers**. You can get a list of these lawyers, a copy of the settlement agreement and more details about the settlements from your county welfare office. You can also get details from your county public authority. You can also get details from these websites:

www.disabilityrightsca.org, www.altshulerberzon.com, www.dss.cahwnet.gov, and www.dhcs.ca.gov.

To ask questions about the settlements or this notice, you can:

- (1) Leave a message for the **IHSS Settlement Lawyers** at 1-866-752-6679.
- (2) Send a letter to: **IHSS Settlement Lawyers**, c/o Disability Rights California, Suite 500, 1330 Broadway, Oakland, CA 94612.
- (3) Send an email to: **IHSSsettlement@gmail.com**.

IF YOU DO NOT OBJECT TO THE SETTLEMENTS:

You do not have to do anything.

IF YOU OBJECT TO THE SETTLEMENTS:

You must mail a statement about why you object to the settlements. The deadline is May 3, 2013. Mail your objection to:

IHSS Settlement Lawyers, c/o Disability Rights California, Suite 500, 1330 Broadway, Oakland, CA 94612.

You must mail your objection by the deadline. You cannot object to these settlements later.

The court in Oakland will also hold a hearing about the settlements at 2:00 pm on May 23, 2013. The hearing date could change. Please call 1-866-752-6679 or check www.disabilityrightsca.org close to the hearing date.

The address for the court is U.S. Federal District Court, Courtroom 2, 1301 Clay Street, 4th Floor, Oakland California 94612

You can get more details about the hearing from the places listed above.

يمكنك الحصول على هذا الإشعار باللغة العربية.
می توانید این اعلان را به زبان فارسی دریافت کنید.

Տվյալ ծանուցումը կարող եք ձեռք բերել նաև հայերեն լեզվով:

លោកអ្នកអាចទទួលបាននិវត្តន៍ដំណឹងនេះជាភាសាខ្មែរបាន។

您還可以得到此通知的中文版本。

본 공지를 한국어로 보실 수 있습니다.

Вы можете получить это уведомление на русском.

Usted puede obtener este aviso en español.

Bạn có thể nhận được thông báo này bằng tiếng Việt.

Maari mong makuha ang punang ito sa Tagalog.

Koj mus muab tau daim ntawv ceeb toom no hais ua lus Hmoob.

You can get this notice in English.

NOTICE ABOUT IN-HOME SUPPORTIVE SERVICES (IHSS)

Settlement of IHSS lawsuits

In 2009, the State of California tried to cut IHSS domestic and related hours. In 2011, the State tried to cut IHSS hours by 20%. In 2009, the State tried to cut funds for IHSS workers who make more than \$9.50 an hour.

IHSS recipients and labor unions filed lawsuits. They won temporary orders stopping the cuts. The State appealed the lawsuits. No one knows if the courts would allow the cuts or not. Now there is a settlement. If the court approves the settlement:

- There will be no 20% cut in IHSS hours. There will be a one-year cut of 8% starting around July 1, 2013. This is 4.4% below current hours because there is already a cut of 3.6% that is not part of these lawsuits. (3.6% + 4.4% = 8%).
- Around July 2014, the cut in IHSS hours will go down to 7%. (3.4% on top of the 3.6% current cut).
- There will be no cuts in State funding for IHSS wages.
- You can ask the county for extra hours if your circumstances change.

TO GET MORE DETAILS OR FILE AN OBJECTION WITH THE

COURT: You can get a copy of the class notice and the settlement agreement from your county welfare office or public authority. Also, you can get details at these websites:

www.disabilityrightsca.org, www.altshulerberzon.com,
www.dss.cahwnet.gov, and www.dhcs.ca.gov.

You can also leave a message for the lawyers representing IHSS recipients at 1-866-752-6679.

THE DEADLINE TO OBJECT TO THE SETTLEMENT IS MAY 3, 2013.

You don't have to do anything if you do not object to the settlement.