
THIRD READING

Bill No: AB 283
Author: Haney (D), et al.
Amended: 8/29/25 in Senate
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-1, 6/18/25
AYES: Smallwood-Cuevas, Cortese, Durazo, Laird
NOES: Strickland

SENATE JUDICIARY COMMITTEE: 12-1, 7/1/25
AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern,
Valladares, Wahab, Weber Pierson, Wiener
NOES: Niello

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 64-4, 5/29/25 - See last page for vote

SUBJECT: In-Home Supportive Services Employer-Employee Relations Act

SOURCE: Service Employees International Union, California
United Domestic Workers of America, Local 3930

DIGEST: This bill establishes the In-Home Supportive Services (IHSS) Employer-Employee Relations Act to shift collective bargaining with IHSS providers from the local level to the state.

ANALYSIS:

Existing law:

- 1) 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. While the NLRA and the decisions of its National Labor Relations Board often provide persuasive precedent in interpreting state collective bargaining law, public employees have no collective bargaining rights absent specific statutory authority establishing those rights. (29 United States Code §§151 et seq.)

- 2) Provides several statutory frameworks under California law 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. Among these, the Meyers-Milias-Brown Act governs employer-employee relations for local public employers and their employees. (Government Code §§3500 et seq.)
- 3) 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 applicants to be public employees from: a) becoming or remaining members of an employee organization; b) authorizing representation by an employee; or, c) authorizing dues or fee deductions to an employee organization. (Government Code §§3550 et seq.)
- 4) Establishes the Public Employee Communication Chapter (PECC), which provides California public employee unions with specific rights designed to provide them with meaningful access to, and the ability to effectively communicate with, their represented members. (Government Code §§3555 et seq.)
- 5) 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. (Government Code §§3541 et seq.)
- 6) Excludes information about IHSS workers from public disclosure requirements but requires the counties, public authorities, or non-profit consortiums that are their designated employers for purposes of collective bargaining to provide specified information to unions to facilitate their communications to and contacts with IHSS workers. (Government Code §7926.300)

- 7) Requires under the Bagley-Keene Open Meeting Act that state and public agencies conduct deliberations and take actions openly, as specified. (Government Code §11120)
- 8) Provides in-home supportive services to aged, blind, or disabled persons unable to perform those services themselves and without which they cannot safely remain in their homes. (Welfare and Institutions Code §§12300 et seq.)
- 9) Authorizes a county board of supervisors to elect to either contract with a nonprofit consortium to provide for the delivery of in-home supportive services or establish, by ordinance, a public authority to provide for the delivery of in-home supportive services. (Welfare and Institutions Code §12306.1)

This bill:

- 1) Establishes the In-Home Supportive Services Employer-Employee Relations Act (“IHSSEERA”) to shift collective bargaining with IHSS providers from the county or public authority to the state. The IHSSEERA deems the state, instead of the county or the public authority, the employer of record of individual IHSS providers in each county for purposes of collective bargaining.
- 2) Provides that notwithstanding IHSSEERA, the IHSS recipient maintains the right to hire, fire, and supervise the work of the individual providing services and that specified requirements of overtime, workweek and other elements of the IHSS program remain the same.
- 3) Requires the state to assume the responsibilities set forth in IHSSEERA on January 1, 2026.
- 4) Requires the state to assume a predecessor agency’s rights and obligations under an existing memorandum of understanding (MOU) with a recognized employee organization until the expiration of that MOU.
- 5) Provides for the merging of existing bargaining units of IHSS providers and requires all recognized employee organizations to negotiate jointly on behalf of all represented bargaining units to reach a single MOU with the employer. The MOU may contain addenda reflecting regional or county-level terms of employment.
- 6) Requires the state to follow certain collective bargaining procedures and present the MOU to the Legislature for approval by majority vote.

- 7) Grants PERB jurisdiction over IHSSEERA, authorizes PERB to adopt related regulations, including emergency regulations, and makes regulations exempt from specified rulemaking requirements. However, this bill grants jurisdiction over violations of IHSSEERA in Los Angeles City and Los Angeles County to their respective employee relations committees.
- 8) Requires mediation for the state and IHSS employee unions to resolve differences but provides a binding arbitration process if mediation fails. Permits the Legislature to reject the arbitration panel's decision by a majority vote of the Legislature.
- 9) Requires the California Department of Social Services to appoint an advisory committee to provide ongoing advice and recommendations regarding IHSS. DSS must designate an employee to provide ongoing support to the advisory committee.
- 10) Makes the state the employer of record for IHSS workers and applies to the state, in relation to those workers, the provisions of the PECC which prohibits subject employers from interfering with a union's rights, as specified, to communicate and access the workers they represent.
- 11) Applies the provisions of the Prohibition on PEDD act to the state, which make it unlawful for public employers to deter or discourage public employees or applicants to be public employees from: a) becoming or remaining members of an employee organization; b) authorizing representation by an employee; or, c) authorizing dues or fee deductions to an employee organization.
- 12) Excludes information about IHSS workers from public records disclosure requirements but requires the state, or a county, public authority, or nonprofit consortium regulating IHSS workers to provide specified information to unions to facilitate the unions' communication to and contact with IHSS workers.
- 13) Excludes the IHSS statewide bargaining advisory committee established by this bill from the Bagley-Keene Open Meeting Act's requirements.
- 14) Requires a county or city and county to continue to have its public authority or nonprofit consortium perform the functions set forth in the county ordinance, as specified.
- 15) Requires IHSS employee orientation to include any other information that a memorandum of understanding, appendix, or side letter between recognized employee unions and the state requires be communicated to prospective IHSS providers.

- 16) Requires, on January 1, 2026, a county or city and county, a public authority or a nonprofit consortium contracting with a county, when providing for the delivery of IHSS services to comply with, and be subject to, all provisions of any memorandum of understanding or addenda, appendices, or side letters thereto between the state and recognized employee organizations, as specified.
- 17) Requires the state to assume, and be liable for, any act by a county or city and county, a public authority, or a nonprofit consortium contracting with a county, that is in violation of a memorandum of understanding or addenda, appendices, or side letters.
- 18) Allows those violations to be adjusted through a grievance procedure contained in a memorandum of understanding between the state and recognized employee organizations and makes specified remedies cumulative not exclusive.
- 19) Requires the state to pay 100 percent of the nonfederal share of county administration and public authority costs for each county of any administration costs resulting from the provisions of any memorandum of understanding, or addenda, appendices, or side letters thereto, between the state and recognized employee organizations.
- 20) Prohibits the rebased County IHSS MOE (Maintenance of Effort) from being adjusted based on any provision of any memorandum of understanding, addenda, appendices, or side letters thereto, between the state and recognized employee organizations.

Background:

The IHSS program provides in-home assistance to low-income aging adults and individuals with disabilities, allowing these individuals to receive care safely in their homes. Generally, IHSS providers are family members of the IHSS program participant, although participants may also choose a provider from a list of local providers. The projected program caseload for fiscal year 2024-25 is over 716,000 providers serving over 717,000 recipients.

A mix of federal, state, and local resources fund IHSS provider wages and benefits. The federal government bases its share of cost on the Medi-Cal Federal Medical Assistance Percentage, the state's share covers state minimum wage augmentations, local entities pay for locally negotiated increases above the state minimum wage, and IHSS recipients may pay a share of cost based on their income. Thus, IHSS provider wages vary across California, from the minimum

wage of \$16.50 per hour in Siskiyou County to \$22 per hour in San Francisco County. The median IHSS provider wage in California is \$18.13 per hour.

A 2012 state law established the IHSS Statewide Authority to serve as the employer of record of IHSS providers for purposes of collective bargaining. However, the authority covered only a small number of counties, and the Legislature repealed the law in 2017. Current statute designates local public authorities as the employer of record for collective bargaining purposes with IHSS providers, while requiring the state to administer payroll, workers' compensation, and benefits.

This bill shifts collective bargaining with IHSS providers from the local level to the state level for all counties. Recent amendments require the state to pay 100 percent of the nonfederal share of county administration and public authority costs for each county of any administration costs resulting from the provisions of any memorandum of understanding, or addenda, appendices, or side letters thereto, between the state and recognized employee organizations. They also shield the rebased County IHSS MOE from being adjusted as a result of increased costs from the state's bargaining.

Need for this bill? According to the author:

“The current structure of the IHSS collective bargaining process is not conducive to filling the impending long-term care shortage or establishing a living wage standard for these essential workers. The demand for long-term care is expected to grow drastically over the next decade. According to the Department of Finance, the population of older adults who will need long-term services and supports (LTSS) is expected to grow by more than 40 percent between 2019 and 2030, from 6 million to over 8.6 million. However, the availability of quality home care providers is becoming a dwindling resource due to unlivable wages for the work's difficult demands. Wages and benefits vary between each county, but no county pays providers a living wage. The average living wage in California is \$43.44 per hour. In comparison, as of February 2025, the average IHSS worker makes only \$18.13 per hour. Additionally, access to health benefits also vary. In fact, as of January 2025, providers in 23 counties have no access to health or dental benefits through the IHSS program.”

Prior/ Related Legislation:

AB 288 (McKinnor, 2025) would create state collective bargaining rights for private sector employees whose rights are unprotected by an incapacitated National Relations Labor Board and require PERB to adjudicate those rights. *This bill is pending on the Senate Floor.*

AB 1672 (Haney, 2023), substantially similar to this bill, would have created the In-Home Supportive Services Employer-Employee Relations Act to shift collective bargaining over In-Home Support Services (IHSS) provider wages, benefits, and conditions of employment from the local level to the state level. *The bill was referred to the Senate Labor, Public Employment and Retirement Committee but not heard at the request of the author.*

SB 90 (Committee on Budget and Fiscal Review, Chapter 25, Statutes of 2017, Section 4) repealed provisions relating to the IHSS Statewide Authority, the IHSS Fund, and the IHSSEERA.

SB 1036 (Committee on Budget and Fiscal Review, Chapter 45, Statutes of 2012) established the IHSSEERA.

SB 1008 (Committee on Budget and Fiscal Review, Chapter 33, Statutes of 2012) implemented the Duals Demonstration Pilot Projects to achieve savings, and expanded the number of counties in which dual demonstration sites may be established, from four to eight, relating to coordinate care services.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- To the extent that collective bargaining between the State and recognized employee organizations representing IHSS providers results in higher wages and benefits than otherwise would have occurred, this bill would result in increased costs to the State (General Fund). The magnitude is unknown, but could potentially reach the hundreds of millions of dollars annually.
- The bill would result in ongoing annual costs in the low millions of dollars to the State's bargaining representative (General Fund). The California Department of Human Resources (CalHR) would require \$3.3 million in the first year, and \$3.1 million annually thereafter to support 15 positions if it were to serve as the State's bargaining representative. The Department of Social Services (DSS) would incur similar costs if it were to perform the workload. This amount was funded in the enacted 2025-26 budget.

- DSS would incur unknown, likely significant costs, to administer bargained changes to the IHSS program. DSS would also incur staff workload costs to establish the advisory committee and provide ongoing support to it (General Fund).
- The Public Employment Relations Board (PERB) indicates that it would incur administrative costs first-year costs of \$50,000, and \$19,000 annually thereafter (General Fund).
- The State Controller's Office (SCO) would incur General Fund costs to set up new payroll processes for specified IHSS employees. The magnitude of these costs is unknown and would be dependent on the number of covered employees.
- By imposing specified duties on local entities administering IHSS programs, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but potentially in excess of \$50,000 annually (General Fund).

SUPPORT: (Verified 8/29/25)

Service Employees International Union, California (Co-source)
 United Domestic Workers of America, Local 3930 (Co-source)
 American Federation of State, County and Municipal Employees
 California Democratic Party
 California Federation of Labor Unions
 County of Riverside Supervisor V. Manuel Perez
 County of San Diego Supervisor Joel Anderson
 Democratic Club of Claremont
 Hand in Hand: the Domestic Employers Network
 Majdal Arab Community Center of San Diego
 Orange County Employees Association
 The Arc and United Cerebral Palsy California Collaboration
 United Domestic Workers of America

OPPOSITION: (Verified 8/29/25)

None received

ARGUMENTS IN SUPPORT: According to Service Employees International Union, California:

“IHSS is a life-saving program for recipients and a cost-saving alternative for our State. However, the program is struggling to recruit and retain the caregivers necessary to maintain this resource. If California does not adequately invest in this workforce, older adults and those living with disabilities will not receive the proper care that they need, caregivers will continue to live in poverty, and the public expense of caring for these populations will only increase.

While IHSS wages vary across California from the minimum wage of \$16.50 in Siskiyou County to \$22 in San Francisco, there is not a single county that pays IHSS providers a living wage. The average living wage in California for one adult and one child is \$43.44 per hour compared to the median IHSS wage at \$18.13. This gross disparity has resulted in a growing shortage in the IHSS workforce, resulting in gaps in care for our most vulnerable communities.

The fragmented nature of the IHSS program, as a county-administered program, is not conducive to standardizing an equitable living wage across this industry. AB 283 will help transition collective bargaining from the county level to the statewide level, resulting in a streamlined bargaining process and the professionalization of the IHSS workforce by providing livable wages and benefits. This bill will also ensure more equitable distribution of long-term care funds and allow the state to meet its long-term care demands.”

ASSEMBLY FLOOR: 64-4, 5/29/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Soria, Stefani, Ta, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Dixon, Gallagher, Macedo

NO VOTE RECORDED: Alvarez, Bryan, Castillo, Chen, Ellis, Nguyen, Sanchez, Sharp-Collins, Solache, Tangipa, Ward

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