

AMENDED IN SENATE JUNE 29, 2000

AMENDED IN SENATE MAY 10, 2000

AMENDED IN ASSEMBLY MAY 6, 1999

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 210

Introduced by Assembly Member Wildman

**(Coauthors: Assembly Members Alquist, Leach, Lempert,
Longville, Lowenthal, Mazzoni, Strom-Martin,
Washington, and Wiggins)**

January 25, 1999

~~An act to add Article 5.5 (commencing with Section 4694) to Chapter 6 of Division 4.5 of the Welfare and Institutions Code, relating to developmental services. An act to add Section 19816.21 to the Government Code, relating to developmental services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 210, as amended, Wildman. Developmental services: employees.

Under existing law, ~~regional centers purchase services and supports for persons with developmental disabilities pursuant to funding supplied~~ *developmentally disabled persons receive a variety of community-based services and supports, as provided* by the State Department of Developmental Services and the Department of Rehabilitation.

Existing law separately requires the Department of Personnel Administration to administer and enforce laws pertaining to the state's personnel system.

~~This bill would require the State Department of Developmental Services to establish and implement, commencing with the 2000-01 fiscal year, a job classification and wage scale structure for direct service personnel employed by community-based programs that provide services and supports to adults with developmental disabilities and that are funded either by the department or by the Department of Rehabilitation.~~ *Department of Personnel Administration to undertake, no later than July 1, 2001, a compensation study of the wages and benefits provided to direct care adult day program personnel employed by for-profit and nonprofit community-based agencies funded by specified entities and organizations. The bill would require the department to make the results of the study available to the Legislature no later than October 1, 2000.*

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

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

~~1 SECTION 1. Article 5.5 (commencing with Section
2 4694) is added to Chapter 6 of Division 4.5 of the Welfare
3 and Institutions Code, to read:~~

~~4
5 Article 5.5. Employee Classification Structure~~

~~6
7 4694. The department shall establish, and implement
8 commencing with the 2001-02 fiscal year, a job
9 classification and wage scale structure for direct service
10 personnel employed by community-based programs that
11 provide services and supports to adults with
12 developmental disabilities and that are funded either by
13 the department or by the Department of Rehabilitation.
14 The system implemented pursuant to this section shall
15 establish qualifications, standards, and wage levels for
16 community-based direct service employees that are
17 appropriate to meet the support and service outcome~~



1 ~~standards for adults with developmental disabilities, as~~
2 ~~defined in Chapter 1 (commencing with Section 4500).~~

3 ~~SEC. 2.—~~

4 *SECTION 1. The Legislature finds and declares all of*
5 *the following:*

6 *(a) Persons with developmental disabilities require*
7 *community-based services and supports that are*
8 *individualized and designed to ameliorate or minimize*
9 *their developmental disability.*

10 *(b) The level and kinds of developmental disabilities*
11 *are equal or greater for individuals who reside in the*
12 *community when compared with those who reside in*
13 *state developmental centers.*

14 *(c) Effective community-based services and supports*
15 *for persons with developmental disabilities are provided*
16 *by direct care staff who are well qualified, and who are*
17 *provided with competitive wages for the services and*
18 *supports they offer. Competitive wages and benefits are*
19 *a significant factor in recruiting and retaining qualified*
20 *staff.*

21 *(d) Current levels of compensation provided to direct*
22 *care staff in community-based day programs are*
23 *inadequate, because of low rates for services established*
24 *by the State Department of Developmental Services and*
25 *the Department of Rehabilitation. The wages and*
26 *benefits given to community-based direct care staff are*
27 *significantly lower than those provided to employees*
28 *with comparable jobs working for state developmental*
29 *centers and special education programs.*

30 *(e) Current levels of compensation provided to direct*
31 *care staff who provide services and supports in programs*
32 *fail to provide for equal protection and equal rights to*
33 *effective treatment for persons with developmental*
34 *disabilities who receive community-based day program*
35 *services, as is required to meet California's statutory*
36 *responsibility to persons with developmental disabilities.*
37 *People with developmental disabilities have a right to*
38 *equal access to services of high quality, whether they*
39 *receive those services and supports from state*
40 *developmental centers, in special programs, or from*



1 *community-based day programs. To ensure equal access,*
2 *wages and benefits given to direct care staff must be*
3 *made comparable.*

4 *SEC. 2. Section 19816.21 is added to the Government*
5 *Code, to read:*

6 *19816.21. (a) No later than July 1, 2001, the*
7 *Department of Personal Administration shall undertake*
8 *a compensation study of the wages and benefits provided*
9 *to direct care adult day program personnel with*
10 *comparable duties employed by for-profit and nonprofit*
11 *community-based agencies funded by regional centers,*
12 *the Department of Rehabilitation, state developmental*
13 *centers, local education agencies, and other comparable*
14 *organizations.*

15 *(b) The department shall make the results of the study*
16 *available to the Legislature, the State Department of*
17 *Developmental Services, and the Department of*
18 *Rehabilitation, no later than October 1, 2001.*

19 *(c) To the extent funds are available, the Legislature*
20 *shall appropriate funds in the annual Budget Act to*
21 *establish levels of reimbursement for adult day programs*
22 *funded by the State Department of Developmental*
23 *Services and the Department of Rehabilitation that*
24 *would allow for rates which would provide for wages and*
25 *benefits comparable to other state-funded programs,*
26 *where similar duties are required.*

27 *SEC. 3. It is the intent of the Legislature, in enacting*
28 *this act, to provide equal protection and equal rights to*
29 *health and welfare services and effective treatment for*
30 *adults with developmental disabilities in community*
31 *settings by raising the level of qualifications and wages*
32 *paid to individuals who provide their care and support to*
33 *the level necessary for the effective discharge of*
34 *California's statutory responsibilities to adults with*
35 *developmental disabilities who are served in community*
36 *settings. It is the further intent of the Legislature that the*
37 *study required by this act provide additional comparative*
38 *data to the systems reform task force as background for*



1 *the task force presentation of recommendations on the*
2 *wage levels and qualifications of direct care workers.*

O

