



1029 J Street, Suite 380  
Sacramento, CA 95814  
Phone: 916-441-5844  
Fax: 916-441-2804  
[www.cal-dsa.org](http://www.cal-dsa.org)

March 23, 2011

The Honorable Sandre Swanson  
Chair, Assembly Labor & Employment Committee  
State Capitol, Rm. 6012  
Sacramento, CA 95814

**RE: OPPOSE AB 889 (Ammiano) as Introduced**

Dear Assemblymember Swanson:

On behalf of our member organizations, and especially those providing services in private residences, the California Disabilities Services Association (CDSA), respectfully OPPOSES AB 889 (Ammiano).

This bill mandates a long list of costly requirements on employers of workers who support the lives of persons with disabilities in homes, including expanded overtime requirements, automatic annual pay increases, paid vacation, paid sick leave and 21-day written notification of termination.

In the last two years, the State has cut more than \$1 billion in funding for the community-based organizations that employ workers providing services defined in this bill. It is difficult to understand how the Legislature can now entertain a bill that contains millions of dollars in new requirements when the economic stability of our community organizations has already been weakened, or in some cases destroyed, by previous decisions.

Our primary concerns are:

- There are already provisions for overtime protection in various work orders. If an employee's job involves sleeping over, there is a requirement that the employee be paid when sleep must be interrupted to provide required support.
- Changing the current system would result in disruptive shift changes. Service providers could not afford to pay overtime for periods beyond 8 hours for sleep time. The solution would be a required shift change – in the middle of the night. In other words, a person would go to sleep with one support staff and wake up with another – a change that is both disruptive and unsettling for many vulnerable people.

- It is inappropriate that a three-week notice be required prior to termination, given the very personal nature of many of these services,. Termination of a worker is often the decision of the person being supported by the worker. And there simply are no funds to pay both a worker who has been terminated and the worker who must replace the terminated employee.
- There simply is no funding available to implement these proposals. Unless the Legislature is prepared to provide tens of millions of dollars to fund these requirements, it is unfeasible and potentially disastrous to impose these conditions on the mission-driven organizations that provide these vitally important services.
- Currently, violations of various wage and hour rules are dealt with administratively. Providing authority for individual cause of action by employees will simply create a new cottage industry among lawyers and needlessly clog the courts with issues that can and should be resolved through existing procedures and with existing penalties and fines.

For all of these reasons, CDSA OPPOSES AB 889 (Ammiano). We respectfully ask you for a NO vote when this measure comes before you.

If you have further questions regarding our position, please contact Dwight Hansen, Hansen & Associates, at (916) 798-0550.

Sincerely,



Chris Rice  
Executive Director

c: Members of the Assembly Labor and Employment Committee  
Assemblymember Tom Ammiano, Bill Author  
Assemblymember V. Manuel Pérez, Co-Author  
Benjamin Ebbink, Majority Consultant  
Terry Mast, Minority Consultant