IN FACTFINDING PROCEEDINGS PURSUANT TO THE
MEYERS-MILIUS-BROWN ACT,

PERB Case No. SA-IM-257-M

COUNTY OF SISKIYOU (IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY), Employer, v. SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 2015, Union	REPORT AND RECOMMENDATIONS OF FACTFINDING PANEL Joe Lindsay, Neutral Chair Michael Jarvis, Employer Representative Laticia Guerrero, Union Representative March xx, 2026

APPEARANCES:

For the Union: Stanton Baker, Rothner, Segall & Greenstone
Eli Naduris-Weissman, Rothner, Segall & Greenstone

For the Employer: John Louis Chaippe, Liebert Cassidy Whitmore
Shelline K. Bennet, Liebert Cassidy Whitmore

INTRODUCTION

SEIU Local 2015 (the "Union") is the collective bargaining representative for the In-Home Supportive Services providers in Siskiyou County; by statute, the County of Siskiyou (the "County") is the IHSS providers' employer. The Union and the County have been bargaining for a collective bargaining agreement since June of 2023, during which time the parties have reached tentative agreements on all issues other than wages.[1] On October 10, 2025, the Union notified

[1] The Union's initial wage proposal was for $2.10 over a three-year period. On January 29, 2025, the Union, across the table, modified that proposal to $1.70 over three years. The Union did not present the modified proposal in writing, but continued to refer to it. During the hearing and in the parties' briefs, the County continued to refer to

the County of its declaration of impasse; on November 13, 2025, the California Public Employment Relations Board (PERB) notified me by letter that I had been appointed to chair the factfinding panel in the matter.

The three panelists first met via telephone on November 20, 2025, to discuss potential scheduling. Both parties waived the statutory time limits, and agreed to set a hearing date for early February 2026. Further communication via phone and email resulted in firming up the hearing date and location: February 2, and possibly 3, in Yreka, California, at the offices of the County.

The Chair met separately with each party: on January 15, 2026, with the Union; and on January 16 with the County. The hearing took place on February 2 as scheduled, in Yreka, and did not require a second day. Each party had the opportunity to present their full case, including witnesses and documentary evidence, and an opportunity for argument in support of their respective positions. Both parties opted to file written briefs. The briefs were received by the Chair on March 9, were forwarded to the panel members, and were cross-filed with the opposing party's counsel. The panel met again via Zoom on March 26 to discuss the status of the issues and the arguments of both the Union and the County.

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the Union proposal as though it were still for $2.10. In the context of this factfinding, the chair finds that the Union proposal in dispute is for $1.70, not for $2.10, over three years.

REQUIREMENTS OF LAW

California Welfare and Institutions Code, section 12301.61, governs IHSS factfinding. Subdivision (b) incorporates Government Code sections 3505 and 3505.4, which include the eight factors that must guide the Panel's findings and recommendation. Section 3505.4(d) provides specifically that:

(d) In arriving at their findings and recommendations, the factfinders shall consider, weigh, and be guided by all the following criteria:

(1) State and federal laws that are applicable to the employer.

(2) Local rules, regulations, or ordinances.

(3) Stipulations of the parties.

(4) The interests and welfare of the public and the financial ability of the public agency.

(5) Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies.

(6) The consumer price index for goods and services, commonly known as the cost of living.

(7) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

(8) Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

Further, Section 3505.5(a) provides that:

If the dispute is not settled within 30 days after the appointment of the factfinding panel, or, upon agreement by both parties within a longer period, the panel shall make findings of fact and recommend terms of settlement, which shall be advisory only. The factfinders shall submit, in writing, any findings of fact and recommended terms of settlement to the parties before they are made available to the public. The public agency shall make these findings and recommendations publicly available within 10 days after their receipt.

INITIAL REVIEW OF THE EIGHT STATUTORY FACTORS

Factor 1: State and federal laws that are applicable to the employer.

Funding for IHHS services is covered by Federal and State law, with somewhat complex funding formulas spelled out therein; a portion of the funding remains the responsibility of the County (in this case Siskiyou).

Factor 2: Local rules, regulations, or ordinances.

Neither party relied on this factor in their presentations or arguments.

Factor 3: Stipulations of the parties.

The parties did not submit any stipulations to the factfinding panel.

Factor 4: The interests and welfare of the public and the financial ability of the public agency.

Each party focused heavily on this factor, with very different perspectives. Those will be explored in detail below.

Factor 5: Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies.

Along with Factor 4, the issues involved in Factor 5 featured substantially in each party's presentation as well as their arguments. More below.

Factor 6: The consumer price index for goods and services, commonly known as the cost of living.

There was some significant attention paid to CPI issues by the parties, with differing conclusions.

Factor 7: The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

Overall compensation was raised by both parties in their presentations.

Factor 8: Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

Each party alleged other facts not included above, most of which, however, were in fact closely related to Factors 1-7. These will also be examined below.

THE ISSUES AS PRESENTED BY THE PARTIES

PRESENTATION BY THE UNION

As the party which declared impasse, the Union led off the hearing with their presentation, reviewing the bargaining history and the details of Federal and State funding formulas. Currently, Federal funding covers 50%-56% of wages; the State pays 65% of the balance, and the county is responsible for the remainder (about 17% of the full cost). There is a maximum wage that the Federal and State formulas will cover; that is currently the statutory minimum wage ($16.90 for 2026), plus $1.10, plus 10%, for a current maximum of $19.80. The Union argued that it is to the County's advantage to come as close to the maximum allowable wage as possible, since it means that more Federal and State funds will flow into the County, thus contributing to the “interests and welfare of the public”. Counties are authorized by the State to pay negotiated “wage supplements” to IHHS providers, above and beyond the state minimum wage; Siskiyou County does not pay any such wage supplement to IHSS providers.

The Union included the County’s FY 2025-2026 budget in its presentation and reviewed some of the detail. The Union argued that the County’s stated projected General Fund balance carryover from FY 2024-2025 would be more than sufficient to fund the Union’s proposed wage supplements. The Union also argued that some of the County’s “1991 realignment” funds could be made available to fund increases in IHSS provider wages. Thus, argued the Union, the County has the “financial ability” to provide a wage supplement as proposed by the Union.

The Union presentation included information about comparative wages for IHSS providers in other counties. Siskiyou is classified by the California Department of Social Services as a “small county” based on the number of IHSS recipients in the county. Of the 16 “small” counties in the state, Siskiyou County is the only one paying IHSS providers at the state minimum wage of $16.90 per hour. The other 15 “small” counties pay between $17.40 and $19.35 per hour, with several additionally contributing up to $0.60 per hour in benefit costs. Siskiyou’s rate of $16.90/hour is about $1.10 below the average total compensation of $17.99 for the small county group. Similar results come from a comparison with the other 27 counties that are classified as “rural” by the California State Association of Counties. According to the Union, this “comparison of the wages, hours and conditions of employment with those of employees performing similar services in comparable public agencies" supports the Union's wage supplement proposal.

On the issue of cost of living and the Consumer Price Index, the Union presented data showing that the IHSS provider wage in Siskiyou County, which is set at the state minimum wage, has slightly exceeded the increase in the CPI for the past few years, but also that the annual wage, based on 40 hours per week for 52 weeks, is substantially below the estimated cost of living in Siskiyou County even for a family of one, according to a study conducted by MIT, further supporting the Union's proposal for a wage supplement.

PRESENTATION BY THE COUNTY

In its presentation at the hearing, the County focused primarily on budget issues, arguing that the County's budget had no room in it for additional wages for the IHSS providers, and that any potential areas for funds to provide such wage increases had already been fully allocated to other budget lines. Additionally, the County budget showed that the County had no reserves to draw on, and that potential sources of funding such as the 1991 and 2011 Realignment funds and the Local Assistance and Tribal Consistency Funds, showed zero balances in the budget.

The County showed that while the comparison with other small and rural counties' IHSS wages did demonstrate that Siskiyou was at the bottom of the pack, as previously shown in the Union's presentation, Siskiyou's wages for Deputy Sheriffs, Public Health Nurses, and Social Workers were significantly further behind other comparable counties' rates (26%, 27.5% and 21.3%, respectively, according to the County), thus showing that the wage comparison factor did not support an increase in IHSS wages. The County pointed out that because the minimum wage is adjusted annually based on cost-of-living factors, the IHSS providers have in fact received automatic increases that other County employees have not, and further that in compliance with Factor 7, the IHSS providers presently receive wages meeting all state and federal minimums.

The County pointed out that the Union had not presented any evidence of recruitment issues for IHSS providers, and that in fact, most of the providers are relatives of the recipients (75-80% according to the County, 55% according to the Union).

The County also cited the pending US Department of Health and Human Services threats to cut funding. Those threatened cuts have been enjoined by the courts but still present a degree of uncertainty.

In addition, the County alleged that the Union had been relying on the so-called Realignment Penalty delineated in Welfare and Institutions Code section 12301.61(f), but that the penalty would not apply in the instant case.[2]

FINDINGS AND RECOMMENDATIONS[3]

Based on the parties' presentations at the hearing and their written briefs, the chair finds that the statutory factors break as follows:

Factor 1: State and federal laws that are applicable to the employer.

[2] The Union did not raise the issue of the Realignment Penalty in either their presentation or their brief. The question of whether it would apply in this situation is a legal issue, not a factfinding issue, and as such is left for the courts to decide. The chair considers it to be beyond the scope of factfinding.

[3] The following Findings and Recommendations are those of the Chair.

The only issue in dispute here is the County's allegation that the Union was improperly relying on the penalty in WIC Code 3505.4(d)(1). No evidence was presented to support that allegation, and as stated above that issue is not subject to factfinding. Thus Factor 1 does not favor either party.

Factors 2 and 3: Local rules, and stipulations.

Neither party relied on these factors.

Factor 4: The interests and welfare of the public and the financial ability of the public agency.

Each party presented substantial evidence and argument about this factor. With respect to "the interests and welfare of the public", the Union argued that increasing IHSS wages would draw more Federal and State funding into the county, thus serving the interests and welfare of the public. The County argued that increasing IHSS wages would jeopardize other County programs due to budget issues, thus having an overall negative effect on the interests and welfare of the public.

The other issue encompassed by Factor 4 is "the financial ability of the public agency." The County presented extensive evidence and argument in support of the County's position that they do not have the ability to increase IHSS wages, i.e., their available funds are completely used up in support of other important programs. In this the county has argued that no other issue matters, since ultimately, there is no ability to pay for anything not already in the budget. The Union, on the other hand, argued that what the County demonstrated, rather than an *inability* to pay, was a *preference* not to increase IHSS wages but instead to use the County's funds for other purposes. Both the Union and the County came up with similar dollar amounts that the County would be responsible for if a wage supplement was adopted for the IHSS providers, after accounting for Federal and State participation.

The County's budget presentation included the sentence, "FY 2025-2026 is balanced only on paper." Although the County evidently intended that to indicate that they might actually fall short, despite the budget being balanced "on paper", that sentence can equally be read to indicate that the budget, being "only on paper", could still allow for an increase in IHSS wages.

Although the County presented substantial and somewhat convincing evidence regarding their lack of ability to pay, the Chair finds that the Union's position on Factor 4 that the county prefers not to pay, rather than is unable to pay, is more convincing.

Factor 5: Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of other employees performing similar services in comparable public agencies.

Each party presented evidence and argued for their diverging positions on this issue. The clear language of Factor 5 calls for comparing the wages and working conditions of the subject employees, with the wages and working conditions of others "performing <u>similar services</u> in <u>comparable</u> public agencies" (emphasis added). That is exactly what the Union did in their presentation – compared the wages of the Siskiyou IHSS providers with the wages of IHSS providers in other small and rural counties. The County had no rebuttal to that comparison but instead chose to compare the conditions of the Siskiyou County IHSS providers, relative to IHSS providers in other counties, with the conditions of Siskiyou's Deputy Sheriffs, Public Health

Nurses, and Social Workers, relative to those of Deputy Sheriffs, etc., in other counties. Such a comparison is irrelevant in this factfinding procedure.

The relevant evidence on comparative wages, etc., shows that Siskiyou County's IHSS providers are paid approximately $1.10 per hour less than the average rates (and $0.50 per hour less than the next lowest rate) for those performing similar services in comparable public agencies, and clearly supports the Union's position that a wage increase would be appropriate for the Siskiyou IHSS providers.

Factor 6: The consumer price index for goods and services, commonly known as the cost of living.

The County pointed out that because IHSS providers in Siskiyou County are paid minimum wage, they automatically benefit from increases in the Consumer Price Index. The Union, on the other hand, argued that the wages for Siskiyou IHSS workers, even with the state-mandated increases in the minimum wage, fall far below the estimated cost of living for Siskiyou County, according to a study done at MIT.

Although issues of overall cost of living may be relevant to factfinding, on this point the County's argument is more convincing.

Factor 7: The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.

On this point, given that IHSS providers in Siskiyou County receive no additional benefits, the wage issue discussed above is the most significant. The Union pointed out that a number of the small and/or rural counties do pay for some health benefits, while Siskiyou County does not, thus additionally supporting the Union's proposal for a wage supplement. The County, in their presentation, stated that the IHSS workers "presently receive wages meeting all state and federal minimums." That fact, while obviously true, does nothing to support the County's position.

Factor 8: Any other facts, not confined to those specified in paragraphs (1) to (7), inclusive, which are normally or traditionally taken into consideration in making the findings and recommendations.

In this catch-all factor, the Union argued again that an increase in IHSS salaries would stimulate the local economy; that the majority of the providers (about 52%) do not live with their recipients, and so must travel to them without reimbursement for mileage; and again that the factfinding panel should not consider the threatened federal freeze, which has been enjoined indefinitely.

The County argued that the potential Federal freeze would exacerbate the County's funding problems; that any leverage the Union believes it has due to an anticipated Realignment Penalty is unfounded; and that the County's position is based on years of past practice as well as its financial abilities.

The Chair agrees with the Union's position regarding the threatened Federal freeze. The fact is that ultimately, no outside funding can ever be completely depended on. The current situation is no different. The Chair will not consider that issue.

Similarly, the issue of a possible Realignment penalty is not subject to this factfinding; no evidence was presented on this other than the County's allegations, and in any case the issue is a subject for the courts, not for factfinding.

The issues that the Union raises with regard to stimulating the local economy, and with regard to travel expenses, are not decisive in the opinion of the Chair.

The Chair does not agree with the County's argument that "years of past practice" are relevant. The fact that "past practice" for IHSS providers in Siskiyou County is to pay them minimum wage, is precisely the issue that is the subject of this factfinding.

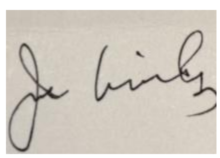
CONCLUSION[4]

After careful review of the parties' presentations and arguments, and of the statutory factors upon which this report must be based, the Chair finds that although Siskiyou County is clearly under economic pressure, the Union's argument for comparative wages for the Siskiyou County IHSS providers is fair and reasonable. The IHHS providers are paid the legal minimum wage, which leaves them at or near the poverty level. They have no healthcare benefits unless they are able to work a second job which provides that benefit. A modest wage supplement, such as is provided in every other county in the state, including those classified as small and/or rural, is justified.

[4] This conclusion contains the recommendations of the Chair. The other panel members are free to either concur or dissent, in whole or in part. Any such statements from the panel members will be appended to this report.

The Union's proposed wage supplement of $1.70 per hour would move the Siskiyou County IHSS providers from 28th out of the 28 small and/or rural counties in terms of total compensation, up to about 8th on that list. In terms of overall equities, given the County's economic situation, an increase to the average rate of those counties (not accounting for any future not-yet-bargained-for increases) seems more appropriate. Thus the Chair recommends a total wage supplement of $1.10 per hour, with the first $0.60 effective at ratification of a contract, $0.25 on the first anniversary of the contract, and the final $0.25 at the second anniversary.

The best outcome of this factfinding process would be a negotiated agreement between the parties, and the Chair hopes that this recommendation will help the parties to achieve that outcome.



April 1, 2026

Joe Lindsay, Factfinding Panel Chair

Panel Members:

see attached dissent
Michael Jarvis, County representative

Concur
Laticia Guerrero, Union representative