

Agenda
Board of Supervisors
Isle of Wight County
June 3, 2021

1. Call to Order (6:00 P.M.)
2. Approval of Agenda
3. Invocation – Supervisor Jefferson
4. County Administrator's Report
 - A. Schools' Director of Equity and Inclusion
Introduction of Ms. Kiyaana Jones, Director of Equity and Inclusion for Isle of Wight County Schools
 - B. Adult Companion Program Update
DSS Update of the Adult Companion Program
 - C. Marijuana Dispensaries
Prohibition of Marijuana Dispensaries
 - D. Hardy Elementary School Water Supply/Sewer Extension Update
Staff Report – Hardy Elementary School Water Supply/Sewer Extension Update
 - E. Collective Bargaining
Discussion of Local Authority to Allow Collective Bargaining
5. Adjournment

ISSUE:

Introduction of Ms. Kiyaana Jones, Director of Equity and Inclusion for Isle of Wight County Schools

BACKGROUND:

Isle of Wight County Schools recently hired a Director of Equity and Inclusion. Ms. Kiyaana Jones will be introduced by Schools staff.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ISSUE:

DSS Update of the Adult Companion Program

BACKGROUND:

At its meeting in September 2019, the Board received a report from the Director of the Department of Social Services regarding the challenges and opportunities with continuation of the Companion Program for senior adults.

The Director will provide information regarding a proposed update to the Standard Operating Procedures for the Companion Program.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information and consideration.

ATTACHMENTS:

Description	Type	Upload Date
Companion Program SOP	Backup Material	5/19/2021



Family Focused

Child Centered

Community Impact

STANDARD OPERATING PROCEDURES IOW-DSS 0820-1

Effective: July 1, 2021

Subject: Isle of Wight Department of Social Services (IOW-DSS) Companion Services Program (CSP) Standard Operating Procedure (SOP)

- I. Purpose:** Each Local Department of Social Services is responsible for home-based care services per code §63.2-1600 and 51.5.5-146 of the Code of Virginia. The purpose of this SOP is to develop procedural guidelines for the CSP including criteria for receiving services, financial criteria, and which home-based service(s) will be provided. SOP will improve programmatic efficiencies aimed to increase program-level impact on the CSP by broadening services to more eligible residents of Isle of Wight County (IOWC). SOP is intended for agency use in the administration of the CSP.
- II. Overview:** CSP is a home-based program that provides services to eligible seniors and/or disabled residents in IOWC. The services are intended to assist adults in attaining or retaining self-care, self-sufficiency, and independence, as well as preventing inappropriate institutionalization. Elderly and disabled residents are often confined to their homes due to the onset of various medical and physical conditions hindering them from performing simple tasks such as light housekeeping, meal planning and preparation, and personal care. To address the growing need in our community, IOW-DSS has partnered with Comfort Keepers, a local community-based home health agency licensed to administer home-based care services, as a Contract Provider. A Memorandum of Understanding (MOU) between IOW-DSS and the Contract Provider will stipulate each party's responsibility as it pertains to the administration of the program. IOW-DSS will have oversight in managing the program to ensure full compliance and implementation of services. Adult Services, Family Services Specialist (FSS), will administer client screening assessments, eligibility requirements, and monitor all provided services as well as Contract Provider evaluations to measure quality, satisfaction, and attendance. Reviews will be entered into the Adult Services automated system, Peer Place. CSP is funded by both state and local allocated funds. State allocated funds are awarded at the discretion of the Virginia Department of Social Services (VDSS) and is subject to increase or decrease. IOWC allocated funds are subject to change each fiscal year, to include no guarantee of ongoing funding.

III. Policy/Procedure:

A. Referral Sources:

- **Application:** Any resident of IOWC can apply for CSP by submitting an Adult Services Application to IOW-DSS. Applications are processed within 30-days to determine eligibility. Residents approved for services will be referred to the Contract Provider. The number of referrals for services will be limited based on funding.
- **Waiting List:** IOW-DSS will maintain a waiting list for all eligible clients requesting services. As an opening becomes available, clients will be selected in the order they were placed on the list. Clients may need to be reassessed to evaluate possible changes in their health, financial, or household composition.

B. Eligibility:

- New Applicants: Financial eligibility is based on income at 150% Federal Poverty Level (FPL) (Appendix - A), all eligible household income, and household composition. Resources are excluded. FSS must view or have written proof of income within 30-days. Residents may consent to income verification by IOW-DSS systems. Failure to provide all necessary income will result in denial of application.
- Renewals: Eligibility will be reevaluated 1-year and 1-day less than the effective date by an FSS and documented in Peer Place. The redetermination will be conducted in the same manner as the initial determination; however, a new application is not required. If the information received in the interim affects' eligibility, redetermination of services shall be performed within 30-days of receipt.

C. Restrictions:

- Time limits: CSP is part of a service delivery intervention implemented to address identified service needs in IOWC. To increase the accessibility of services in the community, CSP will be limited to 6-months. The 6-months maximum period will permit more seniors and/or disabled residents to utilize the program resulting in a broader and greater community impact.
- Notification: CSP time limit will begin January 1, 2021. All IOW-DSS contractors will receive 60-days advance notification that their contracts will end December 31, 2020. Clients will receive 60-days advance notification that services will end as to allow sufficient time to arrange for substitute assistance. Clients who were previously receiving companion services, upon eligibility approval, will be placed at the end of the waiting list due to the extensive length of time they have utilized the service. There will be no extension of services.

IV. Responsibility:

- A. Contract: IOW-DSS will enter into a MOU with Contract Provider, Comfort Keepers. The agreement will stipulate each parties' role and responsibility and will run on IOW-DSS fiscal year from June 1st - May 31st. Each calendar year, no later than 30-days prior to May 31st, each party will have the opportunity to renegotiate the terms of the agreement. IOW-DSS retains the right to terminate the contract for breach or failure to fulfill performance expectations, by which a 30-day advance notification will be given.
- B. Monitoring: FSS will conduct quarterly visits to the client's home to assess the quality and performance of services being provided, any additional service needs, and clients overall wellbeing. Each visit will be documented in Peer Place.
- C. Fiscal Responsibility: IOW-DSS will no longer carry fiscal responsibilities of managing five local contract providers. The Contract Provider will assume all fiscal responsibilities for their service providers including but not limited to payroll and taxes. This will prove to be a better utilization of agency resources.
- D. Payment: IOW-DSS Director and the Contract Provider agree to the rate of \$18.00 per hour. IOW-DSS will not be financially responsible for charges or fees outside the set hourly rate for services. Authorization of hours worked will be approved solely by IOW-DSS to ensure sufficient funds are available and are limited to specifications outlined in the MOU. The Contract Provider will provide IOW-DSS with time sheets signed by each client attesting to the hours service was provided and a detailed invoice with total hours billed. To ensure accuracy of payment, invoices will be reconciled with time sheets prior to payment. IOW-DSS will provide payment within 10-

business days of receipt of both time sheets and invoice. Discrepancies in time sheets and invoices must be resolved prior to issue of payment.

E. Service Providers: Assignment of service providers will be at the discretion of the Contract Provider. Service providers will meet qualification standards of certification and/or licensure set by Contract Provider in accordance with state and regulatory agency boards. Service providers will be physically and mentally fit to fully perform all duties stipulated in the MOU. Coordinated visit with Contract Provider and the FSS shall occur prior to the start of services.

F. Assessment: FSS will administer a CSP screening on all clients to identify functions of Activities of Daily Living (ADLs) and Instrumental Activities of Daily Living (IADLs) to better assess the client's individual needs based on current medical and physical conditions. Contract Provider may also conduct their own individualized assessment of each client. In the event a client's condition declines, ADLs and IADLs will be reassessed to determine if a higher level of care is need.

V. History: This is an IOW-DSS CSP policy and does not supersede the Commonwealth of Virginia established policies, procedures, guidelines, or regulations.

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Reynold W. Jordan, Jr
Director

ISSUE:

Prohibition of Marijuana Dispensaries

BACKGROUND:

The General Assembly has adopted legislation that will legalize the sale of marijuana in Virginia via marijuana dispensaries. Should a locality desire to prohibit marijuana dispensaries it must take action to do so.

The County Attorney will provide information regarding the prohibition of marijuana dispensaries.

BUDGETARY IMPACT:

N/A

RECOMMENDATION:

For the Board's information.

ISSUE:

Staff Report - Hardy Elementary School Water Supply/Sewer Extension Update

BACKGROUND:

Staff will provide an update regarding progress and necessary adjustments relative to the infrastructure upgrades for the new Hardy Elementary School project.

BUDGETARY IMPACT:

TBD

RECOMMENDATION:

For the Board's information and discussion.

ISSUE:

Discussion of Local Authority to Allow Collective Bargaining

BACKGROUND:

Effective May 1, 2021, the General Assembly has granted authority to local governments to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service. Said authority must be provided for or permitted by a local ordinance or by a resolution.

An ordinance or resolution authorizing collective bargaining shall provide for procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit.

Staff will provide information regarding the Board's options relative to this matter.

BUDGETARY IMPACT:

None.

RECOMMENDATION:

For the Board's information.

ATTACHMENTS:

Description	Type	Upload Date
Collective Bargaining Legislation	Backup Material	5/19/2021

Code of Virginia
Title 40.1. Labor and Employment
Chapter 4. Labor Unions, Strikes, Etc.

This section has more than one version with varying effective dates. Scroll down to see all versions.

§ 40.1-57.2. (Effective until May 1, 2021) Prohibition against collective bargaining.

No state, county, municipal, or like governmental officer, agent or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service.

1993, cc. 868, 879.

§ 40.1-57.2. (Effective May 1, 2021) Collective bargaining.

A. No state, county, city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service unless, in the case of a county, city, or town, such authority is provided for or permitted by a local ordinance or by a resolution. Any such ordinance or resolution shall provide for procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit. As used in this section, "county, city, or town" includes any local school board, and "public officers or employees" includes employees of a local school board.

B. No ordinance or resolution adopted pursuant to subsection A shall include provisions that restrict the governing body's authority to establish the budget or appropriate funds.

C. For any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body shall, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. Nothing in this subsection shall require any governing body to adopt an ordinance or resolution authorizing collective bargaining.

D. Notwithstanding the provisions of subsection A regarding a local ordinance or resolution granting or permitting collective bargaining, no officer elected pursuant to Article VII, Section 4 of the Constitution of Virginia or any employee of such officer is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents, with respect to any matter relating to them or their employment or service.

1993, cc. 868, 879; 2020, cc. [1209](#), [1276](#).