



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

December 13, 2011



Mr. Zegory Williams  
Union of American Physicians and Dentists  
1225 Eighth Street, Suite 570  
Sacramento, CA 95814-4810

Dear Mr. Williams:

This is the first level response to the class action grievance filed by the Union of American Physicians and Dentists (UAPD) dated December 2, 2011 regarding the Medical Consultant Bonus Plan (MCBP).

This grievance cites "BU 16 Agreement, Side Letter 1 – CDSS Disability Determination Service Division (DDSD) – Medical Consultant Bonus Plan".

Side Letter 1 of the BU 16 contract allows DDSD to implement the MCBP when one of three triggers is met. Based on trigger #3 (Persistent backlog, despite appropriate actions, as determined by management), DDSD has had the MCBP under continuous implementation for psychiatric Medical Consultant (MC) reviews of Social Security Disability and Supplemental Security Income cases for several years.

DDSD is 100 percent federally funded to process Social Security Disability and Supplemental Security Income cases by the Social Security Administration (SSA). SSA closely monitors MC workloads and coordinates the movement of MC case reviews to ensure effective use of both state and SSA MC resources. Each week, SSA directs the transfer of a number of psychiatric reviews to outside components with available MC case review capacity. DDSD management carries out these SSA-directed transfers; however, despite these appropriate actions (as noted in the Side Letter trigger), persistent backlogs of psychiatric reviews continued through the end of the 2011 Federal Fiscal Year (FFY).

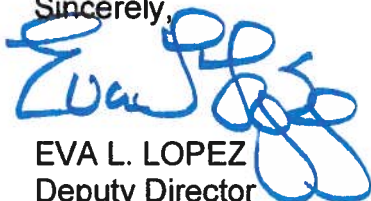
SSA faces challenges with limited resources in FFY 2012. In comparison with FFY 2011, SSA has reduced both the workload goals and the allocated resources for DDSD for FFY 2012. Among the cost-saving measures implemented by SSA for FFY 2012, was the complete cessation of overtime hours for DDSD analyst staff effective October 1, 2011. With analysts no longer working overtime, the number of cases flowing to the MCs for review dropped significantly in October. In order to ensure that available resources yield the greatest impact on customer service, SSA is monitoring workloads and resources more closely than ever. SSA has determined that the current MC case review workload can be completed in a timely manner by using state MC resources in conjunction with available SSA MC resources, and has directed the state to utilize outside capacity when available.

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Because the BU 16 Side Letter 1 trigger is no longer met, DDS has suspended use of the MCBP, not terminated it. SSA and DDS management will continue to closely monitor the volume of cases flowing to the psychiatric MCs for review. DDS management will consider that volume and the Side Letter 1 provisions when making a determination of future steps.

No violation of the BU 16 contract Side Letter has occurred, so I am denying this grievance.

Sincerely,



EVA L. LOPEZ  
Deputy Director  
Disability Determination Service Division

c: Kami Keszler, Chief  
Labor Relations Bureau