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Personal Care Attendant Quality Home Care Workforce Council

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Council Meeting – Executive Session

Minutes

June 9, 2009

3:01 P.M.

21st floor, Room 1

COUNCIL MEMBERS IN ATTENDANCE	Joe Bellil, Liz Casey, Joe Tringali, Paul Spooner, Denise Harvey, George Noel and Eileen Brewster
STAFF ATTENDING	Jack Boesen, Michelle Byrd
CHAIR	Jean McGuire
NOTE TAKER	Michelle Byrd
AGENDA SETTING	No issues were added to previously-issued agenda

The executive session began at 3:01 p.m.

Jean McGuire asked the Council members to address issues concerning Paid Time Off and Union security issues regarding the collection of agency fees.

Rachel Richards reported to the Council that she does not believe there will be availability of FFP for paid time off benefits. Under the current agreement regarding PTO, there is no mechanism to have these funds qualify for FFP; therefore, CMS has not approved FFP matching funds. The fact that this is not a defined benefit, but a limited allocation of money, will also hamper FFP eligibility.

Jean McGuire expressed her concern regarding the current availability and distribution of FY09 PTO funds. She is seeking clarification that year one funding of PTO is be available for roll over into year 2 of funding and on how to secure those funds.

Paul Spooner brought up the issue of PCAs who work for multiple consumers and specifically, the issue of how PTO will be calculated for such workers. He expressed concern that accumulating benefits by working for several consumers would adversely affect consumer control. George Noel said that since funding for the program originates from one source, then the cumulative work hours of PCAs should be combined across individual consumer employers for purposes of determining PTO

benefits. Jean believes that this is an issue of benefits management and asks the Council to consider how to advance this while working to ensure that it does not undercut the core issue of the employer directed program. Jack Boesen considers this an issue for the Labor Management Committee to discuss.

Lois Aldrich updated the Council on the F.I.'s progress in handling payroll and Union dues deductions because of the current Labor Agreement. She does not believe that the F.I.'s would be able to administer PTO benefits for the foreseeable future.

Paul Spooner asked Council members what the council representatives of the LMC need to do to go forward. Jean recommended the Council confirm the status of the FY09 funds and develop a proposed strategy for centralizing benefits management. Jean left the meeting at this point.

A second discussion centered on Union security issues. George Noel said he strongly believes that the Union is entitled to collect Union dues or agency fees from members to pay for collective bargaining. He believes that all PCAs should be given choice of joining the union or paying agency fees as a condition of their employment. In last year's negotiations, language was written that would have required PCAs to pay agency fees by default if they did not respond at all. This violated state law. 1199SEIU had the law amended with a sunset provision, but it was vetoed. A budget amendment for the same purpose, without a sunset clause, will be part of the FY10 budget submitted to the Governor.

Council members discussed this issue and many members agreed with the language that would put a PCA who did not sign anything into the agency fee category by default. George said the amendment, which would permit this to occur, would be more palatable with a sunset provision. Without that, it may be vetoed. Paul Spooner recommended better communication between ANF and the Council in future negotiations. Paul and other Council members said there was a distinction between newly hired PCAs and those who have been working for a consumer for a period of time. Making the signing of a card for dues or agency fees a condition of employment was something most Council members were willing to consider. George Noel agreed to summarize the Council discussion on this issue and circulate it to members.

A motion was made to leave executive session and passed unanimously. The council came out of executive session at 4:50 p.m.