



**Personal Care Attendant Quality
Home Care Workforce Council
One Ashburton Place, Room 1109
Boston, MA 02108**

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

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Minutes

APRIL 9, 2007

2:00 P.M. TO 4:05 P.M.

21ST FLOOR CONFERENCE ROOM

COMMITTEE MEMBERS IN ATTENDANCE	Joe Bellil, Gerry Morrissey, Paul Spooner, Larry Braman, Eileen Brewster(late arrival), Liz Casey, George Noel
OTHER COUNCIL MEMBERS ALSO IN ATTENDANCE	Secretary EOHHS Judy Ann Bigby
COMMITTEE CHAIR	The meeting was opened by Gerry Morrissey.
NOTE TAKER	Rachel Richards
AGENDA SETTING	Chair added Secretary Bigby to address the council. Chair added two guests to make a presentation to the council.

Introduction

EOHHS Secretary Dr. JudyAnn Bigby addressed the council and acknowledged the importance of the council's work in advancing recruitment of PCA's and maintaining the role of consumer's as being the employer. The last Council meeting was cancelled due to efforts to correct language to the original law, which will be elaborated upon in today's meeting. Chair asked for any comments. Liz commented to the Secretary that she was pleased that the ball will start rolling. Secretary Bigby left the meeting.

Approval of Minutes

Minutes were sent in advance to members and reviewed. A correction was noted in the 2/26 minutes to strike Gerry Morrissey's name as it was written in error twice and to replace with Larry Braman's name. A motion to approve was made and seconded. All voted unanimously for the approval of the minutes from January 22, 2007 and February 26, 2007 meetings.

Chair asked the council's permission for two guests to make a presentation to the council, in which the council agreed to listen to the speakers. The guests are Attorney David Sullivan, Executive Office for Administration & Finance and Tim Foley from Union 1199.

Approval of By-Laws

There was general discussion about the By-laws submitted to the council from the Governance subcommittee. A motion to accept the bylaws, motion seconded and approved unanimously. Rachel will finalize the bylaw document.

Presentation

Chair made motion that two guests make a presentation to the council, seconded and voted yes unanimously. Attorney David Sullivan, Executive Office for Administration & Finance and Tim Foley from Union 1199 presented their work from past two weeks. David has prior experience working for the legislature and proposed modeling the future Workforce Council collective bargaining upon the higher education collective bargaining model, in that the attorneys from both sides negotiate and then submit agreement to the Secretary of Administration & Finance, Leslie Kirwan. There is no precedent in sending a collective bargaining agreement to the legislature.

- 1) Within the existing law, PCA's are considered public employees for the purposes of collective bargaining, only. David proposes to clarify this language in filing an emergency amendment to the current law that PCA's are not eligible for State employees health insurance, state pension or workers compensation through the State. David noted that currently PCA's receive workers compensation through their private employers. David explained that the proposed law clarifies interviewing and hiring of Council staff would be determined by the Chair.
- 2) Tim would like an election to move forward & get the PCA list to neutral third party. Per Section 5 of the emergency bill, a PCA list could be given to the American Arbitration Association. In December 2006, the union filed for election. Rebecca Malbert from the union handed out the American Arbitration process. Section 6 in the proposed emergency bill supplied to council would allow dues deducted from payroll check from full members and fair share members, who are represented in collective bargaining only. Rebecca explained the original law neglected this language in 17G.

Paul asked if this proposed bill needs action today. David would like the council's support, but doesn't need it to go forward. After bill is approved, any signed collective bargaining agreement would go to Administration & Finance giving parameters of dollars available to spend.

Chair noted that if the council went into collective bargaining, a staff is needed. Chair doesn't know how DHCFP is involved in rates after collective bargaining.

A brief recess was taken.

Chair is awaiting a call back from Secretary EOHHS regarding the proposed amendment.

Rebecca said the union would like to work together to stabilize the PCA workforce, wages and benefits. It is off the table for any change that consumers can hire, train, and fire PCA's.

Chair reviewed the proposed emergency bill. Section 1, defines employer as council.

- Sect 2- models the higher education collective bargaining process.
- Sect 3-clarifies wage & benefits
- Sect 4- chair of council would have authority to hire Council staff.
- Sect 5- PCA list would be given to the American Arbitration Association, following their process.
- Amend chapter 118 G to collect union fees.

Chair called for a vote, excluding Section 4, allowing the Council five days to strategize #4.

Chair will call a special meeting as soon as possible and review with the Council 2-3 options for Section 4. Motion seconded and voted yes unanimously.

Report from Recruitment & Retention Subcommittee

A motion was made to accept the modest budget FY08, motion seconded and voted unanimously.

Meeting adjourned at 4:05 pm.

DRAFT