



Testimony to the Labor & Public Employees Committee

March 13, 2012

Concerns/Opposition to Proposed House Bill 5433: AN ACT CREATING A PROCEDURE FOR PERSONAL CARE ATTENDANTS TO COLLECTIVELY BARGAIN WITH THE STATE

By Nora Duncan, Executive Director

The Arc Connecticut is a 60-year old advocacy organization committed to protecting the rights of people with intellectual and developmental disabilities and to promoting opportunities for their full inclusion in the life of their communities.

The Arc Connecticut has serious concerns with this bill, both specifically and conceptually. First and foremost, the right to self-determination for individuals with intellectual and developmental disabilities is one that must be protected by the Connecticut General Assembly. The intent to protect that right is evident in the bill, but the language falls short of full protection and creates the possibility for endless unintended consequences.

There are many people here today - individuals with intellectual and developmental disabilities, their families and the PCAs, as defined by this proposed bill, who support them - who will speak to you about their concerns and objections. The Arc Connecticut fully supports their right to speak up against proposed legislation that they feel interferes with their right to self-determination, their right to care for their family members without outside interference and/or their right to work independently. The Arc Connecticut also fully recognizes the right for employees to organize and the reasons why individuals may choose to pursue collective bargaining rights, however, there are some fundamental questions about Executive Order 10 and whether it subverts the democratic process.

The Arc Connecticut has heard from many people, some of them here today, about "the list" of PCA's that the State of Connecticut delivered to union organizers for the purposes of clearing the way for a vote on unionization. The overarching theme of what we have heard is one of confusion. This is in part due to the complexity of the Medicaid Waivers and pilots involved, which this bill fails to fully recognize, and also in part due to the overreaching definition of PCA. For instance, there are people on "the list" and who have received communications from 1199 that simply do not belong in a PCA union under any reasonable and rational thought. The best example I can provide is that of a father who only receives mileage reimbursement from the State to drive his daughter to and from work and appointments. His \$.43/mile reimbursement clearly should not qualify him as a PCA. If he becomes unionized, will he also be required to receive a standardized hourly wage for his services, reducing his daughter's ability to purchase the supports she relies upon?

If this bill is to pass out of the Labor Committee, which at this time The Arc Connecticut cannot support, please include the following considerations and recommendations for Joint Favorable Substitute language:

- Section 2: Make the majority of representatives on the PCA Quality Home Care Workforce Council a consumer, a surrogate and/or a representative from an existing Board of Commission that represents the best interests of individuals with disabilities and decouple the process from the political caucuses. It is important to ensure that the consumer and surrogate members of the workforce council be as specifically diverse and representative as possible of all the waivers and pilots included in the definition of a PCA. The current make-up gives the majority to the Governor and his/her Administration's appointees/delegates.
- Section 2(b): It seems impossible that the PCA Quality Home Care Workforce Council and DSS can carry out this level of work, including developing trainings, registries and coordinating emergency respite referrals without financial resources. Any fiscal note should consider this.
- Section 3(a)(1)(C): Add "consumers and" before the word "surrogates".
- Section 3(a)(2): This section reads that "services" will not be reduced to consumers. DDS waivers are about individualized "budgets", not services. This language fails to appropriately safeguard budgets or make guarantees for DDS consumers. While there is language that requires legislative approval of collective bargaining agreements and matching appropriations, there is overwhelming insecurity on the part of individuals and families about the process and the language, specifically that even if budgets stay the same, that the cost of purchasing services will increase. The Labor Committee must not vote out a bill that is anything less than 100% clear and certain on the protection of both budgets and services.
- The bill is silent on, and therefore fails, to strictly prohibit the right to strike by unionized PCA's, an exceedingly important piece of the recommendations that came out of Executive Order 10.
- The Arc Connecticut recommends two additional items:
 - a "consumer/surrogate satisfaction" study/survey to be administered annually by an impartial third party, as contracted by the Personal Care Attendant Quality Home Care Workforce Council and paid for jointly by the State and 1199, and
 - a "consumer/surrogate bill of rights".

Until the reservations and concerns of individuals with intellectual and developmental disabilities and their families, who were not consulted or made a part of this process by the Administration, are more comfortable and supportive, this bill should be tabled and the meet and confer process can continue. Thank you for your time and consideration on this incredibly important and sensitive matter. Please do not hesitate to contact me with questions or to further clarify the position of The Arc Connecticut.

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