

H.B. No. 5433 AN ACT CREATING A PROCEDURE FOR PERSONAL CARE ATTENDANTS TO COLLECTIVELY BARGAIN WITH THE STATE.

This bill would establish collective bargaining rights for personal care attendants (PCAs) and other individuals who provide certain types of “nonprofessional” care to persons with disabilities or the elderly under several home care programs, including the Connecticut Home Care Program for Elders, the PCA Medicaid Waiver program, Acquired Brain Injury Medicaid Waiver program and the Department of Developmental Services (DDS) Medicaid Waiver programs.

The bill would create the Personal Attendant Quality Home Care Workforce Council, composed of state agency representatives and home care consumers. The Council, with the assistance of DSS, would have numerous responsibilities, such as recruitment of PCAs, development of training and education for PCAs, providing referrals of PCAs to consumers, and establishment of standards for wages, benefits and conditions of employment. Finally, the Council would have the authority to bargain and enter into agreements with the organization representing PCAs over the terms and conditions of participation in the programs specified in Section 1 of the bill.

The department is not the appropriate entity to assist the Council with these functions. The department has no expertise in or capacity to engage in labor relations or collective bargaining. As we testified on the previous bill, we suggest that the Office of Labor Relations would be a more appropriate entity with the necessary expertise to engage in the collective bargaining functions described in the bill. Furthermore, the department does not have any expertise in the recruitment and training of PCAs or in developing a registry; however we believe our fiscal intermediary may be able to perform some of these functions. It should be noted that requiring additional responsibilities of the fiscal intermediary may require an increase in their contract appropriation.

We would also like to reiterate our concern that services to our clients not be compromised as a result of any collective bargaining agreement reached between the Council and the organization representing the PCAs. Any increase in costs to these programs, without a corresponding appropriation, would result in a reduction in benefits to our clients. It is essential that the bill contains language that would require an additional appropriation by the General Assembly in order to implement and carry out all of the responsibilities contemplated in this bill.