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## **OFA Bill Analysis**

### **HR 11**

#### ***RESOLUTION PROPOSING APPROVAL OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PERSONAL CARE ATTENDANT WORKFORCE COUNCIL AND THE NEW ENGLAND HEALTH CARE EMPLOYEES UNION (DISTRICT 1199, SEIU).***

#### **SUMMARY:**

The resolution is between the Personal Care Attendant Workforce Council and the New England Health Care Employees Union (District 1199, SEIU). This agreement covers the period July 1, 2013 through June 30, 2016.

EFFECTIVE DATE: July 1, 2013

#### **BACKGROUND**

##### ***Public Act 12-33***

Public Act 12-33 allows personal care attendants (PCAs) paid by the state and family child care providers paid by the state's Care4Kids program to collectively bargain with the state through an employee organization (i.e., a union) over reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities. It explicitly states that child care providers and PCAs are not state employees, and except for the bargaining rights provided in the act, do not have the rights, obligations, privileges, and immunities statutorily provided to state employees. It also requires the General Assembly to affirmatively approve any contract or arbitration award that would require additional appropriations to maintain existing service levels.

##### ***Personal Care Attendant Services***

PCA services assist with the acquisition, improvement and retention of skills and provide necessary support to enhance an individual's

ability to live in their community, as specified in the plan of care. Services may include non-medical care, supervision, socialization, assistance with meals and basic activities of daily living.

### ***Fiscal Intermediaries***

A Fiscal Intermediary (FI) is an organization that provides assistance to consumers to implement their Individual Support Agreements and to manage financial accountability and employer responsibilities. Fiscal Intermediaries are not service providers. A Fiscal Intermediary is an administrative and fiscal agent that assists consumers with using the money they receive from the agencies to pay for the services and supports they need. A FI is not able to make decisions about the amount or type of services needed. The FI helps consumers manage the supports that have already been identified in their plans and budgets.

FIs work with the service providers that a consumer chooses. If a consumer chooses to hire their own support workers, the FI will help them manage the paperwork responsibilities that come with being an employer. The FI will assist a consumer with completing employment forms, paying staff, ensuring tax compliance and preparing end-of-year reports. If a consumer chooses a provider agency for their supports, the FI pays the provider on their behalf, according to the budget approved with their Individual Support Agreement. The FI will also pay other vendors for special services that consumers have in their budget. The FI will give consumers monthly financial reports to let them know if they are spending what they have budgeted on the items they planned, or if they are spending too much and need to make adjustments to stay within their budget.

### **COMMITTEE ACTION**

Appropriations Committee

House Favorable

Yea 33    Nay 1    (04/15/2014)