

THE CONNECTICUT GENERAL ASSEMBLY

THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

(The House of Representatives was called to order at 9:30 o'clock a.m., Speaker Joe Aresimowicz of the 30th District in the Chair.)

CLERK:

The House of Representatives will convene immediately, members to the Chamber.

SPEAKER ARESIMOWICZ (30TH):

(Gavel) Will the House come to order. Ladies and gentlemen, we are due to start at 9:30, as is my tradition. We start on time. The Minority Leader has requested a little bit more time to continue with her caucus. We will be coming back in between 9:45 and 10:00. I apologize for the delay.

Representative Jill Juleson-Scopino of the 12th District, you have the floor, Madam.

REP. JULESON-SCOPINO (12TH):

Thank you, Mr. Speaker. I'd like to make a motion.

SPEAKER ARESIMOWICZ (30TH):

Please proceed.

REP. JULESON-SCOPINO (12TH):

To recess per the Call of the Chair.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much. So ordered. (Gavel)

(On motion of Representative Juleson-Scopino of the 12th District, the House recessed at 9:31 o'clock a.m., to meet again at the Call of the Chair.)

(The House reconvened at 10:00 o'clock a.m., Speaker Joe Aresimowicz in the Chair.)

SPEAKER ARESIMOWICZ (30TH):

This clock up here is a minute behind, Mr. Clerk. We've got to make sure we fix that. It is now 10:00 o'clock. So, will the House please come to order? Will members, staff, and guests, please rise and direct your attention to the Dias, where

Representative LeGeyt will lead us in prayer.

GUEST CHAPLAIN REP. LEGEYT:

Please join me in a moment of prayer.

Oh, Holy One of blessing, make yourself known to those of us today who are doing the work of and for the people of Connecticut. Help us to act in the best interests of those we serve, putting aside considerations of ego and keeping our obligations of public service ever in the forefront as we work to find consensus on the difficult issues before us. Bless us with your grace, as you live with and among us today and always. Amen.

SPEAKER ARESIMOWICZ (30TH):

Thank you.

Would our newest Representative, Representative Phil Young of the 120th District, please come to the Dias to lead us in the Pledge of Allegiance?

REP. YOUNG (120TH):

(All) I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SPEAKER ARESIMOWICZ (30TH):

Is there any business on the Clerk's desk?

CLERK:

Yes, Mr. Speaker, there is a list of bills, No. 27, dated March 21, 2018.

SPEAKER ARESIMOWICZ (30TH):

Representative Ritter of the 1st District, good morning, Mr. Majority Leader.

REP. RITTER (1ST):

Good morning, Mr. Speaker. I move that we waive the reading of the bills and they be referred to the committee's listed.

SPEAKER ARESIMOWICZ (30TH):

So ordered.

CLERK:

The other piece of business, Mr. Speaker, is the daily Calendar.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, Mr. Clerk. Representative Candelora of the 86th District, sir, for what purposes do you rise?

REP. CANDELORA (86TH):

Thank you, Mr. Speaker, I rise for the purpose of an announcement.

SPEAKER ARESIMOWICZ (30TH):

Please proceed.

REP. CANDELORA (86TH):

Thank you, Mr. Speaker. Mr. Speaker, I'm one of the luckiest state reps in this Chamber because I have a couple of the best constituents in Connecticut. I figured I'd lay it on thick for Mary here, and embarrass her, but I wanted to introduce Mary Caruso and Alex Bode, who is here with us today for the purposes of witnessing and discussing the PCA Contract. These two individuals and Sam Bode, who's also Mary's daughter, couldn't be here today. But they've been great advocates on so many issues from handicapped parking to the difficult issues that we faced on the unionization of the PCAs and the contracts. And I just to welcome Mary, have everyone give her a warm welcome, and for Alex, for making the trek up here and to provide their knowledge to this process.

Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

If we can give them a warm welcome to the House, please. (Applause)

Thank you very much, sir. Representative Stafstrom of the 129th, you have the floor, sir.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, for the purpose of an announcement.

SPEAKER ARESIMOWICZ (30TH):

Please proceed.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, the Judiciary Committee Public Hearing, which was supposed to begin at 10:00 a.m. this morning, will convene at the conclusion of the last, later of the two sessions today. We do plan to gavel in. We will gavel in at the conclusion of whatever the later session is.

SPEAKER ARESIMOWICZ (30TH):

We hope that will be the sentiment. Thank you very much, Representative. Are there any other announcements or introductions? The fine Majority

Leader, Representative Ritter, of the 1st District,  
you have the floor, sir.

REP. RITTER (1ST):

Mr. Speaker, I have two, but I don't see  
Representative Haddad today, because it is his  
birthday. So, hopefully he is hearing this in the  
back room. But if we could, when we see him, please  
wish him a happy birthday, if the Chamber could  
acknowledge Representative Haddad's birthday today.

Thank you, Mr. Speaker. (Applause)

And also, we have with us today some outstanding  
examples of innovation here in our own State of  
Connecticut and amazing talent of the speaker, and I  
had the opportunity to meet with some scientists  
this morning. We have here today researchers from  
Pfizer, B.I., Astuce, Novartis, Amgen, and Symphony  
as well as a former professional kicker, who had an  
amazing story about how research in RND helped save  
his life and give him a better quality of life, a  
former kicker for the San Diego Chargers, Rolf  
Benirschke, who played with Kellen Winslow, for you  
folks around in the late 1970s, but he is a great

example of patient advocacy, and a living example of the power of research. If we could give all of these wonderful people and scientists and employers and employees here in the State of Connecticut a warm welcome.

Thank you, Mr. Speaker. (Applause)

SPEAKER ARESIMOWICZ (30TH):

If you all can stand up and at least wave to the Chamber so they know where you're over there.

Thank you very much for coming up today, we really appreciate it.

Are there any other announcements or introductions? Representative D'Agostino of the 91st District, you have the floor, sir.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. Further on Representative Candelora's remarks, I wanted to introduce some PCAs who are here and their clients in the front row. These are the folks who do some very difficult work caring for our intellectually and developmentally disabled in the State of Connecticut. They are here today to observe the

debate on the contract.

SPEAKER ARESIMOWICZ (30TH):

Welcome to our Chamber. (Applause)

Will the Clerk please call Emergency Certified House Resolution 8?

CLERK:

Emergency Certification, House Resolution No. 8, RESOLUTION PROPOSING APPROVAL OF A MEMORANDUM OF AGREEMENT BETWEEN THE PCA WORKFORCE COUNCIL AND THE NEW ENGLAND HEALTHCARE EMPLOYEES UNION, DISTRICT 1199, SEIU, introduced by Representative Aresimowicz, Representative Ritter.

SPEAKER ARESIMOWICZ (30TH):

Representative D'Agostino of the 91st District, you have the floor.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. As I just mentioned, personal care attendance in this state perform some of the most difficult demanding and draining work that there is. There is more than 13,000 PCAs in this state. And as I mentioned, they care for some of our most in need, intellectually disabled,

developmentally disabled residents in Connecticut.

The work that the PCAs do allows those residents to stay in their homes, to be fully functioning members of their community and to be with their families rather than being put in an institutionalized setting.

So, the issue presented by this resolution, I think is rather simple. If we all value the work that the PCAs do, and I think we do, then the question is, do we also value the workers who do that work? And that's really the question presented by this resolution.

The Chamber did that six years ago, it valued these PCAs when it voted to grant them the right to collectively bargain, bargain with the state for the base wages that they earned.

The original agreement that resulted from that collective bargaining right has expired, it's been expired for more than a year. And what we're voting on today is approving an amendment to that existing contract.

I want to be clear here. These are not state

workers. Let me say that again, these are not state workers. But because of the way that Medicaid funds work and flow down federal and state funds that pay for the services that these PCAs provide, the State of Connecticut is able to negotiate the base rate range that they should be paid, and that's what we did previously and that's what we're doing today with this agreement.

The cost, and this is important, the cost is split with the federal government, about 55 percent, 45 percent. And it's going to cost about \$7-million dollars in the upcoming year, but that's part of the biennium budget that's already been approved. About \$9.3 million in the next fiscal year and \$11.3 million the following year.

By the way, Mr. Speaker, I do move adoption. I was going to do that at the end, but I'll do it now.

SPEAKER ARESIMOWICZ (30TH):

The question before the Chamber is on adoption of the resolution. Representative, you now have the floor.

REP. D'AGOSTINO (91ST):

Thank you, I'll continue. It also adds Worker's Compensation coverage for these workers. Now, Worker's Compensation coverage is important because right now what ends up happening is because after 26 hours of work, you'd have to buy a Worker's Compensation policy. A lot of the times, the customers who hire these PCAs then have to chop up the work that's done and hire two or three or four people, rather than one consistent person who knows what their needs are.

There's no healthcare in this contract, there's no pension obligations in this contract. And the benefits far outweigh the costs. The benefits that I mentioned earlier on of less institutionalization, cheaper for the state, wages that we pay the PCAs are spent on the state and we have a more professional workforce for those who are most in need.

I want to just close the opening remarks by just letting one of the PCA workers speak for herself. I'd like to just note this, this is from Tashawna, who has been a home healthcare worker,

excuse me, a homecare provider, a PCA provider for five years and she works for a man named Donnie. And Donnie is an amputee and a diabetic. This is Tashawna's own words. She says, "Low wages affect every part of my life. Even though I only bring home \$272 in pay every two weeks, about 10 percent of my paycheck goes right back to Donnie, because by the time I get there at the end of the week, there's usually no food in his house. So, I go out and buy Donnie basic groceries like eggs and milk because I love him, and I can't let him go hungry. It's hard to explain how stressful it is to be one paycheck away from living in poverty. I want the respect of being paid a living wage for the work that I do. I want the dignity of being able to support myself and my family without having to ask for a handout."

I think she says it better than I possibly could. And I move adoption and urge adoption of the resolution.

Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much sir. Will you remark

further? Representative Ziobron of the 34th, you  
have the floor, madam.

REP. ZIOBRON (34TH):

Good morning, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Good morning.

REP. ZIOBRON (34TH):

Good morning. Mr. Speaker, I rise with several  
questions to the proponent of the bill, please,  
through you.

SPEAKER ARESIMOWICZ (30TH):

I see Representative D'Agostino still on his  
feet, prepared for questions. Please proceed,  
madam.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. Mr. Speaker, we heard  
about this agreement in an informal way in the  
Appropriations Committee. At that time, Mr.  
Speaker, I asked the legislative commissioner's  
attorney why we were changing the process, when this  
original agreement happened.

I'd like to know, through you, Mr. Speaker, why

we are having the resolution today, but yet just two days ago, this was a memorandum of understanding, which did not require the Appropriations Committee's formal action? Through you.

SPEAKER ARESIMOWICZ (30TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. So, when this architecture for collective bargaining of PCAs was set up in 2012, the statutory scheme was divorced from the traditional mechanisms for collective bargaining agreements that we saw, for example, with the SEBAC agreement in 5278, et cetera.

This lies in a separate part of the statute, 17b-706, and under that architecture, there is no referral to Appropriations required, there is no vote required from Appropriations unlike, for example, the SEBAC architecture and the SEBAC agreements, which goes through the separate statutory sections.

I can't speak to what happened in 2013. I can only say that the way the statute reads that governs

this particular agreement in 17b-706 sets forth a slightly different structure than we're traditionally used to. I don't know if that impacted the way things were done earlier. But I can assure the Ranking Member of Appropriations that the presentation that we're following this time around follows that structure set forth in 17b-706.

SPEAKER ARESIMOWICZ (30TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. So, I have the privilege of being in this Chamber and not being an attorney. So, when you talk in the legalese that my good friend across the aisle just did, it's kind of hard to follow. Breaking it down, very clearly a different process was followed back in 2013, 2014 because we had a resolution, HR 11, which was filed in the House, referred to Appropriations, had a public hearing, had a vote; that did not happen in this case, even though the Office of Policy and Management submitted the same language to the House Clerk, on February 20th.

So, my colleagues in the Appropriations Committee and certainly in the House Republican Caucus, have concerns about the process. Why was it good for one process then not good today? And yet here we are having this now resolution, which it wasn't just 24 hours ago, now this resolution is being e-certified as if it's an emergency, when the real emergency that's happening is the fact that we have a budget deficit in 2018, a budget deficit in 2019, and the potential of billions of dollars in the out-year deficits. But yet we're here today for an emergency certified bill.

My question, through you, Mr. Speaker is, what is the emergency?

REP. D'AGOSTINO (91ST):

I'm sorry, I knocked my microphone. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I know we talk about e-cert and emergency certification. I guess I would color it a little

differently simply by saying that that is the process for bringing this forward because this doesn't require or didn't come through the committee process, so I don't have a bill, for example. So, really the only legislative mechanism I'm aware of is the e-cert mechanism and that's what we're using. I mean, in terms of an emergency, I mean, I can talk about the need for these folks to have a raise. The fact that they didn't have one for 10 years prior to the first agreement, that their wages have been frozen since 2014. But that's obviously not your question. I understand where you're coming from in terms of the budgetary approval process. And all I could say is that the e-cert and it is emergency, but the e-cert mechanism that we're using is the vehicle to get this before this Chamber, whether that's today or tomorrow or several weeks from now.

SPEAKER ARESIMOWICZ (30TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. And so, picking up on your last statement, "or several weeks from now," I

find that concerning, considering that if we don't take any action today, this is going to be deemed approved. Is the emergency because the process wasn't followed as it was four years ago, and now we have no choice but to take this up today in an emergency basis because this contract is going to go in to affect tomorrow at midnight? Through you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Again, I can't speak to what happened in '13. I would note that the cover memo submitting this to the Clerk's this time around does reference the correct sections, in section 17b-706. And while certain sections would be deemed approved, it is clear from that statutory section as well that certain sections could not be deemed approved, if there is supersedence, for example, and there are several sections here that will be superseded, most notably our Worker's Compensation statutes and under the 17b-706 architecture that governs this contract,

that does require an affirmative vote of the legislature. So, those sections would not go in to affect in 30 days. And there are, I believe, at the end of the contract, there are several lists of statutes that are superseded and that's why we do need to do affirmative legislative approval in order for those sections to go in to affect.

SPEAKER ARESIMOWICZ (30TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. I think breaking down the legalese, I think the average person in our communities, our constituents would say, you're here to do an emergency certified bill because you didn't follow the process. You didn't follow the process that this memorandum of understanding, now a resolution followed before. And my constituents know that the real emergency that's happening in our communities is the fact that we don't have a budget.

And so, we're e-certifying an agreement for people who certainly are doing work that justifies the intent of why we're here. But at the very same

time, we have nonprofit organizations that haven't received a raise in 10 years that we've asked to pick up the slack from the state. We're privatizing services and those same people are not getting a raise and we are carving out this group of very deserving folks, but the process is important.

The process was hijacked because we didn't file the resolution as before in Appropriations. And we heard from the LCO in that informal hearing that they were asked to do it differently.

The process is important. And when I am facing an e-certified emergency certified bill, that's not addressing our budget in '18, our budget in '19, it raises concerns.

So, let's talk about what we're facing with the budget for '18 and '19. Through you, Mr. Speaker, if the representative could walk us through the fiscal note on this agreement.

SPEAKER ARESIMOWICZ (30TH):

Representative Ziobron, I will in one moment. But I just want to clarify for the Chamber. We need to be careful what we say up here in the Chamber.

We do have a budget that's been adopted for the biennium and this process that we're following today is the process that's been laid out in statute and by LCO.

So, with that being said, Representative D'Agostino, you now have the floor.

REP. D'AGOSTINO (91ST):

I'm not sure I could add much more to what the Speaker just said actually. This is the process. Again, I can't speak to what happened previously, but this is the process to be followed for this particular agreement. It's what's dictated by statute 17b-706, and this is part of the allocation, at least for this coming fiscal year, the amounts that are required, the \$7-million-dollars, for example, in upcoming part of the biennium are a part of the budget already.

Thank you.

SPEAKER ARESIMOWICZ (30TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. So, if the good

representative could tell me where the PCA contract specifically is a line item in the budget and why we've purposely appropriated those dollars in our budget, I would appreciate it. Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. So, through you, Mr. Speaker, this is part of the Medicaid line item in DSS that we've already allocated as part of the biennial budget. It's, I believe it was \$2.6-billion-dollars in the current fiscal year and \$2.7-billion-dollars in the next fiscal year. And I'd certainly defer to the Ranking Member of Appropriations on her expertise on that. But my understanding on that line item is that it's not broken down at OPM for various Medicaid costs. These are Medicaid dollars, with federal dollars coming in that \$2.6 billion and \$2.7 billion I mentioned is, of course, the state's share of various Medicaid programs that we spend.

The PCA amounts that we spend, I believe, it's

\$115-million-dollars in the total state costs in the current fiscal year, are part of that \$2.6-billion. And as I understand it, in that particular line item, it's not broken down any further in the budget and Medicaid dollars are continually reassessed throughout the year, as I understand it, because you have all these various programs.

So, that's where it is in the budget, my understanding.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you very much, Mr. Speaker. So, the answer to the question is it's not. It's not specifically appropriate for the PCA agreement because it is a solely funded line item that has the amount of dollars that the representative spoke of.

When we built that budget, this contract was not part of the Medicaid line item. In fact, I would submit to you that these very same people should be concerned about the Medicare savings program, which is also funded out of the Medicaid

line item. And while the speaker certainly made the point that we have a budget, the budget is woefully in deficit and it's in deficit because we still haven't addressed the MSP in 2019. That's what we haven't addressed to the tune of almost \$100-million-dollars.

And so, saying that this money is in the budget, while we have technically a lapse of \$60-million-dollars in Medicaid, there are many other programs that have been short funded that could use those dollars.

So, let's be very clear what we're doing in this Chamber. There is no money allocated specifically for the PCA contract in the bipartisan budget, zero. The only reason why those dollars are available is because of underutilization in the Medicaid line item, which could be utilized if we wanted to fund MSP in 2019. And that's the conversation we should be having in this building.

We have a budget. The budget is in deficit. It's in deficit in '18 and it's definitely in deficit in '19. And that's part of my

constituents' concerns. We're emergency certifying a bill because the majority didn't follow a process that they followed four years ago because if they had, we would have had a public hearing, we would have been forced to put that in the budget in the Appropriations process and that didn't happen.

Through you, Mr. Speaker, if you could have the representative explain the Worker's Comp program.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you. I was just informed by the good Chairwoman of Social Services that there is a lapse in the Medicaid budget that's helping cover this, that is covering this this year. I don't know if there are any additional funds on that, but I do want to address that budgetary point.

With respect to the Worker's Compensation piece, it's an interesting piece of this contract. This is something that the workers have been looking for for a while. It's something that's done in other states. I don't think I need to spend much

time on the policy reasons for Worker's Compensation. The idea that obviously it gives you a little bit more security at work if you're injured on the job or contract a job-related illness that you don't have to worry about, you know, putting food on the table while you're recovering from that injury or illness. And so, there's a real policy reason for Worker's Compensation, that's why we have it throughout our state and why we require it.

As I mentioned in my opening remarks though, what happens unfortunately in the PCA setting is because the residents who use PCAs are on limited budgets, you don't have a -- they're on limited budgets, you don't have an unlimited amount of money. So, let's say you're through Medicaid given \$10,000 a year for particular services that you need. Well, most of that is going to be given to hiring a PCA. But if you hire somebody for more than 25.75 hours a week, under our statutes, and this is what's superseded, you've got to pay for Workers' Compensation coverage.

Now, an individual policy on its own could be

very expensive, several thousand dollars a year in premium. That's going to eat away at a disabled person's ability to use the services that they really need if you're just paying premium coverage for Workers' Compensation. And so, what they end up doing is literally chopping up the work over the course of a week, for example. Because some residents, let's understand, obviously need 24 hours, 7 days a week support. Again, things like that you and I take for granted, getting out of bed in the morning, cooking a meal, interacting with people, bathing, that's the kind of services that PCAs provide and some people need that over the course of an entire week. And so, but unfortunately what ends up happening is you lose continuity of services. You end up having to have one person for a couple of days, another person for a few days, another person for a few days and you may have one PCA that really knows your needs, but you can't hire that person for the week because then you're going to have to pay for worker's comp.

So, what this contract does, is starting in the

next fiscal year, obligates the state to provide Workers' Compensation for the entire group of PCAs. And the state, of course, can leverage its purchasing power, hire a broker, work with the Department of Insurance to maybe create a new classification system for these workers, that's been done in other states. So, you end up having a narrow risk class that again reduces cost. It's an efficient way of providing Workers' Compensation and then ends up, as I said, will hopefully smooth out the work that the PCAs do, so you can hire that one person for a week and do it that way. And there is a cost, we're estimating, I'll get it here worker's comp coverage, it will be roughly \$2.4-million-dollars in the first year, \$3.3 in the following years. I'm hoping that working with the Department of Insurance, actually we could bring that down or maybe even come up with a captive program, where if you manage your claims efficiently, some of that money comes back to the state.

So, there's ways to do this, I think in the insurance capital of the world, we'll probably be

able to do it more efficiently than anybody else.  
But that's the policy reason and the economic reason  
behind -- to the representative's question to the  
Workers' Compensation piece.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. And I appreciate the  
background, but that was not my question. My  
question was, the worker's comp piece specifically.  
So, I would draw your attention to the agreement.  
It says that the state is going to procure coverage  
on behalf of the consumer employer of their PCAs as  
soon as practical after July 1, 2008, but no later  
than January 1, 2009.

If this agreement goes into effect starting on  
April 1st, what is the worker's comp piece until  
that procurement is achieved? Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker, there will be none.

Until the policy is procured and in effect, there's no coverage.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

So through --

REP. D'AGOSTINO (91ST):

No cost, I'm sorry.

REP. ZIOBRON (34TH):

So, through you, Mr. Speaker. So, there's technically no coverage until the worker's comp is procured. So, what if someone is injured on the job until that happens and we pass this agreement, how are they going to be covered and, more importantly or just as importantly, how is the employer, the client also going to be protected until that procurement is achieved? Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker, and it's a good question. That's exactly the circumstances we have

now and have had for a while with the PCAs without the coverage. So, there is none. And so, if you do hire somebody for more than 26 hours, you're either -- you're obligated as the individual employer to purchase it, so you'll have the policy in that circumstance. But if you don't, there is no coverage.

So, that is the circumstance that these PCAs all deal with now of that fear of being injured on the job. And a lot of them, I think, go to work hurt frankly because they're worried about not getting the paycheck. And unfortunately, without that kind of coverage, what we're left with is the circumstance of frankly the legal system taking over. If you're hurt on the job, I don't have statistics, but that could lead to litigation because you would sue and if there's a homeowner's policy, you could pursue that. But I think what more likely happens is, again, the kind of work that we're talking about here, lifting people, moving people. Sometimes you don't want to be lifted and don't want to be moved, you can hurt yourself and

that happens all the time, and they keep going to work and keep going to work because for many of them, this is the only livelihood that they have, these PCAs, to put food on the table.

So, the worker's comp will help, I think, alleviate a number of concerns from both the resident side, the person hiring side, and the PCA side. But the good representative is correct, until that policy is procured, and I think it will be procured, I know they're working on it now, we're left in the current situation we have now, which is no coverage.

I should note just as a caveat to all of that, the state cannot be sued. That's engrained in the statute as well. The state cannot be sued if people are injured. That ends up being private litigation, if any is going to occur, between the PCA and the resident who hires him or her.

DEPUTY SPEAKER CANDELARIA (95TH):

Members, it's a little bit loud here in the Chamber. Please take your conversations outside of the Chamber because there are members that are

having a hard time hearing this debate. Thank you.

Representative Ziobron, you have the floor,  
madam.

REP. ZIOBRON (34TH):

Thank you very much, Mr. Speaker. I think it's important for constituents and our residents of Connecticut to understand though that the nonprofit providers who are doing the same job, do in fact offer worker's comp to their employees. And I just want to understand and make sure that's on the record. Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Again, it's a little bit loud here in the Chamber, we're having a debate, and members are having a hard time hearing the debate. Please take your conversations outside of the Chamber.

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I'm sorry, one more time.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Ziobron, can you please repeat the question.

REP. ZIOBRON (34TH):

Sure, I'm happy to. So, the statement was made that there's no worker's comp coverage for folks that are in this industry. And I just wanted to point out for the record, for my constituents and for the residents of Connecticut that that's not the case for people who are employed with a nonprofit agency that are doing similar work.

The statement that worker's comp coverage is not available for these employees is not true if they worked for an agency. And I just think it's important to get that on the record.

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I concur with that. It's also, I believe, if they work for the state. So, an example, if you have PCAs, personal care attendants, who work in an institutionalized setting for the state they have that coverage as well.

So, this is, I think we're making the same

point. This is the only sliver group that doesn't have it and if it's a good policy for them to have it in those other settings, I do think it's a good policy for them to have it in this setting.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. And talking about good policies, you know, clearly my policy has been that we need to talk about our budget first and deal with these things within that budgetary process. So, the policy of an e-certified bill that once again, just like last year when we had an e-certified bill dealing with SEBAC and state employees before our budget was done, we're doing the same thing today.

And the policy of putting that first before our budget is the biggest thing that I object to, once again, in this Chamber. We are not dealing with our deficits in our budgets. We could have dealt with this issue in a budgetary fashion, if the majority chose to follow that process that was followed four years ago and that didn't happen.

And process is important in this building because we wouldn't be in the fiscal crisis we're in if we dealt with our budgets first. And that's something that our municipalities do every single year. In fact, they are all at the end stages of developing their budgets before they either have to go to referendum or town meeting or whatever their process is. And I fear that we will not have a state budget for them to understand municipal aid because we have been instead choosing our priorities in this building, instead of dealing with this issue within a budgetary concept.

Through you, Mr. Speaker, can you please have the good gentleman talk to me about PCAs who don't want to join a union? Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker, and I do appreciate that question. So, no one is required, obviously, to join this particular bargaining unit. You do not have to join it. Let me say that again, no one is

required to. You are not automatically enrolled, that would be illegal under United States Supreme Court case law.

So, the only people who pay dues to this particular bargaining unit are the voluntary members who have joined this particular bargaining unit. If you don't join and don't want to join and there are a number of them, I want to say several hundred, I can get the exact number, you don't pay anything. You don't pay dues. You don't pay agency fees. You don't pay at all. And that's pursuant to a case called Harris v. Quinn, U.S. Supreme Court, and the amendment to the bargaining unit agreement that we're dealing with now reflects that existing case law that's an attachment at the end that talks about payroll and deposit. And there's also some sections in the contract as well. But again, just to be clear, if you don't want to be a member, you don't have to be a member. And I would hope that most members would because this agreement, you know, gives them substantial benefits, but if they're not, they're not charged dues or agency fees.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. And if those hardworking employees decide they don't want to join the union, are they still subject to the agreement that I'm looking at, that requires mandatory payroll deductions, sharing of personal information, including their date of birth, their cell phone number, et cetera, et cetera? Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

So, that's a separate question from the dues and agency fees piece of it. My understanding is that the state generally is trying to move all employees to direct deposit, for example, or if you don't have a bank account, moving you to a pay card. And so, you're supposed to sign up for that eventually, whether you are union or not. I'm not sure off the top of my head if there's a mechanism to opt of that right now. I would think that there

would be for the handful of employees that, for example, don't have a pay card mechanism and don't have a bank account. The state is trying to move everybody to the pay cards if you don't have a bank account. But if you don't have one, then there's simply no way to be automatically signed up for direct deposit and you're going to get your pay check from the two providers who process the payments.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Ziobron.

REP. ZIOBRON (34TH):

Thank you, Mr. Speaker. Mr. Speaker, I think that this contract is difficult for many members of the Chamber, certainly on this side of the aisle, not because of the pay, not because of the work that these hardworking men and women provide, but it's the process that I just talked about.

We skirted the process, that is a fact in this extension of the memorandum of understanding, now a resolution, versus what happened four years ago. That is frustrating certainly for me as a Ranking

Member of Appropriations Committee, when we had an informal meeting on this just last week. Why informal? This should have been part of the conversation all along because of the serious appropriation coming out of the Medicaid account. The same account that will have to be adjusted for the Medicare Savings Program, which many of these same employees are going to be wondering about after today. And they should be wondering about it because our revenues continue to decline. We have less and less taxpayer resources and for that reason, we need to prioritize our spending.

This workforce should be a priority, but they should be in the same document that every other appropriation is in. When we have our nonprofits coming to us and saying, "Hey, what about me? We provide these same services and we haven't had a pay increase in 10 years?" They're threatening to go on strike. Half of them are unionized. We are picking winners and losers in a process that puts these things before a budget. A budget is a policy document that shows where your priorities are. And

the more and more we pick priorities without that document, we are disenfranchising hundreds and thousands of residents in this state who rely on these services, whether they are in state care, in a nonprofit group home, in my neighborhood or somebody else's, or these workers who have become family to so many who need their assistance and help.

This past weekend, I was in an establishment in Meriden, and inside that establishment I was waiting for a service and noticed somebody there in a wheelchair that clearly had some different disabilities and stood next to her was this woman, who I assume was a PCA. And I watched in awe, really, of the care she was delivering to that client. Making sure that she was safe as hot elements, hairdryers and such were being used. Making sure she was safe, never leaving that woman's side.

And we should be prioritizing those who need our assistance the most. But we should be doing that with inside a budget document so that we are prioritizing everybody. That's why last week I got

up on the Human Services Committee and talked about the able-bodied Medicaid Worker Bill. Because of the very same people that these PCAs are providing support for.

Until we have a holistic conversation in this Chamber, in this building in a serious way that starts with a budget, we are going to continue to be in these situations and circumstances because we are pitting people against each other and it's a terrible policy. And it's a policy that has been born by a lack of prioritizing taxpayer dollars.

I'll consider -- I'm going to certainly consider and listen to the rest of the conversations from my colleagues, but I can't sit down without making that point. A budget document would prioritize these issues and until we have it, we are picking winners and losers.

Thank you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, madam. Representative Boyd, you have the floor, sir.

REP. BOYD (50TH):

Good morning, Mr. Speaker. A few questions to the proponent of the emergency certification.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, sir.

REP. BOYD (50TH):

Thank you. Being fairly new here, I think others probably have the same question. And through you, Mr. Speaker, if these workers are not classified as state employees, why are we voting on a contract? Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you. I do appreciate the question and I want to sort of dive a little bit further into that because it is a good question. Again, these are not state employees, this is a separate statutory architecture. And in 2012, the legislature created a collective bargaining right for these employees.

I think the easiest way to answer this is just sort of step back and look at the flow of funds here. If you are somebody with an intellectual

developmental disability or you're their person's surrogate, the first thing you do is you qualify for Medicaid, a Medicaid grant. And you go to DSS or DDS or the particular agencies that they use to process people who need those kinds of claims, that kind of support. And you go through that process and you're qualified for in-home care, these waiver programs they're called, rather than an institutionalized setting. And then you get a budget, a particular budget for the work that you need.

And as part of that budget, the money flows, Medicaid is a shared state and federal program, obviously, the money flows down through DDS and DSS again through that Medicaid line item that I mentioned, all the way down to pay for the services that each one of these residents needs pursuant to their individual assessment. So, you may need 24-hour care, 7 days a week from a person in your home, helping you ambulate, helping you bathe, helping you eat. That's budgeted for you.

And then we work through two separate agencies

that screen the PCAs, do background checks on them for every client that they work for, pay them, process W2s, et cetera. So, the money flows all the way down. So, because of that flow of funds and that these are state dollars, the state has the right through an agency that it created, the PCA Workforce Council, to bargain with these employees and set the range for the amounts that they make. And I want to be very clear here, again, the statutory architecture that we're talking about here is really limited and it only allows for the collective bargaining for wages and for some other conditions of employment and that's the only thing that's reflected in here. So, we're not talking about pensions and healthcare, for example.

And it's because of that separate statutory architecture that we set forth and because of the flow of federal and state dollars down through that pays the PCAs, that's why we are able to negotiate a contract while they are able to organize. First of all, they've been given the statutory rights to organize, and bargain with a dedicated state entity,

the PCA Workforce Council, for those working conditions.

So, every time somebody's hired, a resident hires a PCA, that is governed by this structure and we negotiate that ban, that pay range. So, sort of a long-winded answer. But basically the short answer is, it's state money, so we can control, we can set a range for pay.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Boyd.

REP. BOYD (50TH):

And I thank the representative. So, just to confirm, through you, Mr. Speaker, that this was negotiated solely for wages. There are no benefits, there's no healthcare, there's no pension or 401(k), it is solely for the right to be able to do workman's comp, have -- partake in workmen's compensation and for wages. Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. Yes, that's correct. So, there's no pension, no healthcare, there's wage, there's the worker's comp piece that was negotiated. There's also, one change I want to flag here in this, for example, is the prior contract had a paid time-off fund that the state was paying into so workers could take time off and be paid. That was costing about \$350,000 a year. That has been replaced by this amendment and replaced with holidays, particular holidays, Martin Luther King Day, Memorial Day, Independence Day, and in another year, Christmas and Thanksgiving. The big difference, of course, is you have to work to get paid the overtime for those days. And so, the state doesn't owe the paid-time-off fund anymore and workers who work those days, choose to work those days, will get time-and-a-half. But again, we're cabined here to sort of wage-an-hour negotiations.

Ultimately, and by the way the other piece of this, just to mention is, I think I touched on this earlier, the decision to hire and fire rests with the resident, not with the state. And if somebody,

a PCA is terminated, there is no grievance process here through this collective bargaining agreement. That again, that is, they are solely at will with the residents they work for.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Boyd.

REP. BOYD (50TH):

Thank you, again, representative. Through you, Mr. Speaker, if a PCA loses their job or quits or I suppose the need is not there anymore, are they subject to unemployment compensation through that process? And if so, who's on for the employer part of the tab with that? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I believe they are subject to unemployment. And I don't know the pay structure, but that's through Allied and the other agency, Sunset, that provides these services. They handle, they handle and process all the claims, everything that -- so, we don't deal with the

administrative piece of that. Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Boyd.

REP. BOYD (50TH):

Thank you, again. The last question, through you, Mr. Speaker. If you could just take a moment and kind of give us a quick history of kind of where wages were under the prior contract and where they're going and when this contract expires, if it does, or is there a cost of living? How does the wage piece grow in the future and where is it now, just to give us a sense of where we are in line? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. A good question. In terms of the chronology and history here, the first contract was in effect from '13 to '16, July 1, '13 to June 30, 2016. Prior to that time, there were no wage increases, and I believe the average wage was something like \$12 an hour, maybe even less.

There have been no wage increases for 10 years prior to that point in time. That agreement expired in '16. It's been operated under an extension agreement since then. And again, there's been no wage increases since the expiration.

So, when this agreement takes effect and right now it's scheduled to take effect, assuming everything goes forward today, to take effect April 1st. And then we have a new structure that comes in effect. And there's -- I should explain here, there are different types of PCAs that provide a whole range of work. Some very sophisticated work for acquired brain injuries. Those PCAs are already making say, for example, \$20 or \$25 an hour, it might be even more. But for the most, most of the work that we're talking about here, we move up to a range of a minimum effective 04/01/18 of \$14.75 an hour. Then come 07/01/18, \$15 an hour. 01/01/19, \$15.25 an hour. 07/01/19, \$15.50 an hour. 01/01/20, \$15.85. And then finally in 07/01/20, \$16.25 an hour. That's for the bulk of the PCAs, but I don't want to give you the impression that

that's everybody.

Again, depending on the services that you provide, you might not even be on an hourly rate. there's respite and other types of workers who are in charge of daily rate that hinges off of some of these pieces here. So, for example, with respect to them, they may have instead of an hourly increase, it might be a percentage increase of I think 1.5 percent that goes into effect.

So, again, depending on the range of work. On a net basis, on a net basis, we're looking at, for example, the increase to \$14.75, costing roughly, it looks like, \$5-million-dollars in '19, \$6-million in '20, and so on from there on a net basis. Again, you have to factor in the federal reimbursement piece of this.

So, as you can see from those increases, this is very gradual and over time and not, certainly not substantial increases, but for many of these folks it is. It's going to help get a living wage, more stability in employment when you couple that with the Workers' Compensation piece. And I think really

giving peace of mind not only to the workers, but also to the residents who hire them.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Boyd.

REP. BOYD (50TH):

Thank you. I know I said that was my last question, but it wasn't. One thing occurred to me, through you, Mr. Speaker. Is this consistent with what is going on in other states around us as far as a set up and wages? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I would say we were behind on wages. This is probably going to try to more equalize us in that respect. It's very consistent with respect to Workers' Compensation, we're behind on that. And I think other states, Massachusetts, New Mexico, Iowa, Illinois that have implemented programs like that, have seen a much more stabilized workforce from a PCA standpoint on that Workers' Compensation piece.

So, we're not leading with our chin on that.

I'd like to think, though, that we will set the standard again, given the expertise that our administrative agencies have with insurance, particularly the Department of Insurance.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Boyd.

REP. BOYD (50TH):

Again, I thank the representative for the indulgence of my rather detailed questions here on the House floor. You know, I think, you know, contracts are important and it's important that we look through it in the kind of the short amount of time that I had a chance to go through that. I appreciate that. And I think that concludes my questions and I yield my time. Thank you, sir.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you. Will you remark further on the resolution? Representative Srinivasan, you have the floor, sir.

REP. SRINIVASAN (31ST):

Thank you, Mr. Speaker. Good morning, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Good morning, sir.

REP. SRINIVASAN (31ST):

Thank you. Through you, Mr. Speaker, just a few questions for clarification.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed.

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker. Do we know the percentage of care provided to the residents who need this form of care by the PCAs and what is the percentage by state workers or state employees who provide similar services? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker, and it's a great question. I'm not sure if I can answer it directly if I understand it correctly. Let me answer by responding this way. Ultimately again, what we want to do here is encourage this move to service in the home, making sure people are not in the

institutionalized setting. And what I can say is since 2012, we've seen that percentage shift from 60/40 institutionalized home to more of a 50/50 split. And that's exactly where we want to go. I'm sure the good doctor would agree with me that for residents who can be in their home and we can afford to have them in their home, that that is the best setting for them. Obviously, some, as he knows better than I, will need an institutionalized setting. But the fact that we've seen that percentage shift to the home, I think means we're doing something right with developing a professional workforce here, a growing workforce here with PCAs, people are taking advantage of it. And critically, not only from a policy perspective in terms of just care in the home, cost. This is -- the homecare costs, the PCA services in the home cost less, obviously than an institutionalized setting.

So, by all accounts the percentages are moving in that right direction. Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Thank you, Mr. Speaker. And I definitely agree with my good counterpart here that delivery delivered, a care delivered at home, compared to an institutional setting is going to be a huge difference, A., in cost, which of course is critical, but perhaps even more important is the satisfaction and the comfort that people are being treated, our patients are being treated in a home setting and I don't think we in the legislature or anybody could put a dollar value to what that really is.

So, it is a win-win situation, where you have, you're gaining costs, as far as the cost is concerned. You're cutting that down, which is great. And on the other hand, you're having the satisfaction of getting home treatment.

But that was not question, but I do agree with your analysis of what you just gave us. So, my question, through you, Mr. Speaker, is: In these home settings, similar to the PCAs, when services are rendered at home, is all the services in terms

of percentage wise for our patients across the state, is it 80 percent, 70 percent administered by the PCAs and maybe 20 to 30 administered by our state employees or do we have any such segment at all? Thank you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I don't know exact percentages except, like I said, the 50/50 split I mentioned with respect to the institutionalized versus -- and the institutional setting, obviously, is a state setting or a state paid-for setting; that's the only numbers I have. I can look into that further, though. Thank you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker. The reason I bring that up is in public hearing, we heard a lot of comparisons for services that are being rendered by the PCAs and how relatively underpaid they are and

that they have not seen a raise for, I forget, six years or eight years in a row. And so, that was a concern. And they were giving statistics to their counterparts who happen to be state employees. And they were being paid at a different rate, number one, and needless to say, their benefits were very different.

So, that is my question to you, if maybe, I don't know how you want to do this because it's important for us to compare apples and apples, that if home service is being rendered by PCA, and that the same home service is being rendered under the umbrella of the state, by our department, what is the difference, A., in terms of pay scale and B., in terms of the benefits as well? Through you, Mr. Speaker. I'm not sure when and how we will be able to get that information for us. Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I can certainly look into that. Obviously, an

institutionalized setting, where most of the state services are provided, you're talking about certainly much more challenging work in that circumstance, significant work in that circumstance in an institutionalized setting. I don't mean to actually lessen what our PCAs do at home because that's obviously very challenging as well. But there's obviously a different pay scale in that setting. Again, when we're talking about state employees, then we're under the SEBAC architecture, which is different, there will be a pension piece, there will be a healthcare piece. Certainly, as we well know from that SEBAC debate, there are wage freezes, so nobody's getting any raises there.

But in terms -- I guess I would just quibble with the question in the sense of I don't think it's necessarily apples to apples. I do think it is apples to oranges because you're talking about a different setting, different types of services, different need that's being provided in that setting. And I'm sure we can look into that further, but I can just -- we have to pull probably

the SEBAC pieces and the state employee pieces for that. But I do think, from my point of view, we're talking apples and oranges there.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker. I just want to clarify. I'm not looking at institutional services at all. I want to make that very clear. So, there's no institutional comparison between a PCA worker as opposed to a state employee. My question is the same home service that is rendered by PCA, is there a state employee who renders similar service, not in an institution, but at a home setting, A., and B., what is the relative percentage in terms of 20 percent by state employees, 80 percent by PCAs, if the good representative, will be able to answer that for us? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. I'm told the answer to

that is no, there's not an apples to apples comparison. There's not a state PCA worker. I think that answers the question.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker. And the reason I bring that up is that was what we were told again and again by the PCA workers when they came to the public hearing. As you can imagine, the room was filled on that particular day. A lot of cheers when any one of them spoke in support of moving this bill forward. And the clear impression we got, comparison to comparison, was they were looking at home services rendered by state employees and they were comparing themselves, who are obviously not state employees, but through the PCA Council and how come. So, that was their question to us. Through you, Mr. Speaker. Moving forward since we couldn't clear that up this morning. I want to make sure that I heard this, but I want to make sure that all that we're looking here is a change as far as the

pay scale is concerned and not impacting any benefits at all, healthcare and pension? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. That's correct.

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Thank you, Mr. Speaker. Through you, Mr. Speaker. What about overtime and vacation time? Are there any changes in this agreement that we are looking at today? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. That's not included in this agreement. I don't think those are actually even topics of the collective bargaining except for

this particular statutory structure. I'm sure eventually maybe we want to start talking about that. Again, to develop a professionalized workforce here that is really consistent and stable, I think eventually we should be talking about benefits like pension and healthcare for them. We're not at that stage yet. So, none of that is part of that, except for I did mention the extra time for the holidays, the 1-1/2 time for certain holidays, that is in this contract.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker, thank you for the clarification. And through you, Mr. Speaker, the 1-1/2 times for those special holidays is only if they work those holidays? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. Yes, correct.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker. The good representative talked about a split from the federal government that's going to give us the money to move forward and obviously the state part. So, does the good representative know the ratio of how much of a dollar comes from the federal money and how much is it from the state for funding these programs?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. The split, as I understand it, is 55/45, 55 picked up by the feds, 45 by the State of Connecticut.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

And through you, Mr. Speaker. The good representative talked about the money that is needed, if this were to go through, is already in

the current budget that has already been passed by the legislature, signed by the Governor; is the money already accounted for? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. So, for the first year, full year of this contract, that's obviously the second part of our biennial budget. The additional anticipated costs for that part of the budget is just under \$7-million-dollars, I think it's going to actually be a little less than that, once the worker's comp kicks in and also because we've included in these numbers, I think some folks who were not in the bargaining unit.

So, that is included in the line item, as I mentioned, the Medicaid line item, the \$2.7-billion-dollar Medicaid line item that's currently in our budget. And I'm told that that line item is consistently looked at and worked out and there's lapses that are certainly available to cover that.

And when we do the next biennial budget, we'll have to make sure we account for the second and third years of the contract, with respect to what's anticipated for this cost associated with that.

But again, we're talking about a line item that is \$2.6, \$2.7, \$2.8-billion-dollars. It may be that there actually is no need to add to it, depending on how Medicaid is continually calculated during that budget process. So, again, that first year cost subsumed in our current budget, no need for an additional appropriation here. No need to rob Peter to pay Paul, which is, I think, everybody would say is a good thing. And then we'll deal with it in the next years when we do our next biennial budget.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

So, through you, Mr. Speaker. As I understand it, in this biennium budget, this \$7-million-dollars, give or take, is the anticipated costs if this bill were to move forward. So, that's \$7-million-dollars that is already accounted for in

this biennium? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. Correct.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

And through you, Mr. Speaker. In the out years, obviously in the next biennium and moving forward, what we get are estimates, but obviously it's a moving target and we are not going to know how much we are going to get from the federal government, what our own Medicaid budget is going to be, and these are just -- the numbers that we are seeing today are just estimates for the out years. Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. They are estimates. I think they are pretty good ones. They are based

on past experience. This is what we've been seeing from Medicaid. Obviously, if there was some sort of C-change to Medicaid reimbursement rates, that wouldn't just impact Connecticut, we'd be seeing a whole debate on that on the federal level, if the federal government was just going to pull the rug out from under us with respect to Medicaid funding.

So, that reimbursement rate, I think is a very good estimate. And then in terms of the workforce numbers that we're talking about here, you know, we've built in because we've seen a trend line of again the need for more in-home services, we will encourage more in-home services. So, those are based on the trend lines that we've seen with those employees in terms of building up, that's built in here, but again that is an estimate.

As I mentioned in my remarks as well earlier, I'd like to think the worker's comp piece is also perhaps a bit high, again, given the tremendous expertise we have in the Department of Insurance, I'd certainly love to think and would encourage our Commissioner of Insurance to weigh in here, to work

on a creative program. We have some of the best minds in insurance in the State of Connecticut. And I'm sure they can figure out a better way to do it than Massachusetts did, for example. And so, yeah, those are all estimates, but they are very good estimates again based on historical numbers, trendlines. And again, in terms of the budgeting process, I'd like to think when we're talking about that \$2.6, \$2.7-billion-dollar line item next year, that we're going to be able to fold these costs into that without much need to reallocate and certainly not, no intention here to divert money from another program. I think we'll be able to do that.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker, moving on to the workmen's compensation part of this legislation. Through you, Mr. Speaker. Right now as we speak, do they have such a compensation package? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker, I'm sorry. Could I ask the good doctor to repeat that one more time?

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan, can you repeat the question, please?

REP. SRINIVASAN (31ST):

Through you, Mr. Speaker, as a contract exists right now with the state, do the PCAs have a Workers' Compensation package at all? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. They do not. They never have.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

So, through you, Mr. Speaker. Along with A., increasing their pay scale, talking about time-and-

a-half and money for their training and education, we are looking at workmen's comp as well? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. Yes, as I mentioned for all of the policy reasons, I think while they want that worker's compensation, it gives a bit more stability for the workforce and really, this is for the residents too, the residents of Connecticut who hire these PCAs to be able to say, look, I've got that one PCA that I want that she knows exactly what I need. She does a wonderful job. Why should I only have to hire her 25.7 hours a week. I want to have her for the whole week. Worker's compensation will do that. Again, so continuity of care, I think all of these things lead to cost savings at the end of the day.

The representative mentioned the training program, same thing, that's embedded in the original contract. We're already paying for a training

program. That's not new, that's continued, and that's something that I think that we all obviously want to have. When you come into this job, you don't want to be thrown into the deep end of the pool. This is challenging, challenging work, how to deal with people with severe intellectual and developmental disabilities.

So, that training program, again, leads to efficiency in services being provided, continuity of services provided, and that piece is nothing new. So, look, when you factor all this together, just sort of get to the endpoint here, you're talking about net, net, when you take out the federal reimbursement, when you account for Workers' Compensation, when you account for the training program and the modest increase in pay that these workers are getting, you're looking at a net increase of roughly \$7-million-dollars. Next year, again, that's part of the budget. I was just told that we've been advised that there's a \$65-million-dollar lapse in Medicaid, so that's going to certainly more than cover the \$7-million-dollars.

And then in the following year, we're looking at -- again, this is totals for the modest increases that they get, the extra time for a handful of holidays, Workers' Compensation coverage, \$9.38-million-dollars and then \$11.3-million-dollars more in the following year after that.

I think the benefits from what we're talking about far outweigh that cost.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

And through you, Mr. Speaker, my final question to the good representative. When we look at the \$7-million-dollars give or take in the biennium, which already is in the budget, does that include along with the pay, the workmen's comp as well? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. It does. The anticipated cost for that first year for worker's

comp for this group policy is about \$2.475-million-dollars. Again, I'd like to think that it will be less than that.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Srinivasan.

REP. SRINIVASAN (31ST):

Thank you, Mr. Speaker. We are in very difficult times, budgetary wise. All of us know where we are from a fiscal point of view. So, one part of you says, be fiscally conservative and not move forward. But, on the other hand, Mr. Speaker, we know the good work the PCAs do. We know the work that they put in day in and day out. And how the families and the patients themselves depend on this service.

So, it's really a balancing act on the one hand, we've got to deal with our budget woes. But on the other hand, comes the humanity and comes the fact that these patients are being treated in the best place that they could be in their own homes. And for us to have the continuity of the healthcare provider is critical as well.

And we've heard over and over again that the pay scales have not increased. These workers are living essentially paycheck to paycheck and it is extremely moving to hear Representative D'Agostino read that note from one of the PCA workers, where in spite of living in these difficult and challenging times, paycheck to paycheck, they still find it in themselves to go out and buy something for those that they care for because that's what we are all about.

So, in this balance it's, you know, given the fiscal status that we are in and I hear it. Our good ranking member from Appropriations who always is spot on and all these fiscal and financial issues, balancing that compared to the services that the PCAs provide, which we want to be continuous and not be a revolving door is definitely something that's a challenge for all of us today. And I will continue to listen to the debate this morning.

Thank you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Will you remark further on the

resolution before us? Representative Case, you have the floor, sir.

REP. CASE (63RD):

Thank you, Mr. Speaker. Good morning.

DEPUTY SPEAKER CANDELARIA (95TH):

Good morning, how are you?

REP. CASE (63RD):

A few questions and comments to the good proponent of the bill.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, sir.

REP. CASE (63RD):

We are here today to talk about and to vote on something that is near and dear to what I do. And we did hear this in Human Services last year. Unfortunately, it didn't make the process through Appropriations because we didn't have any votes. So, we didn't have a chance to actually discuss it in Appropriations.

But a few questions to the proponent of the bill as we have this 10-page document here. And just for clarification, this document that we have

in front of us, when does this document have to be ratified by us or it goes into effect?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. So, the way this architecture, the statutory architecture works for this contract, certain parts of it can go into effect, even without a vote within 30 days. But the pieces that supersede statute, like the Workers' Compensation piece, require an affirmative approval by the legislative body. So, we'd have to sort of pick and choose through here. There's a, at the end, a supersedence page listed that shows all of the particular parts of the agreement and the statutes that are impacted; it's a supersedence appendix.

All of those pieces, those provisions that are listed, and it's most of the contract, quite frankly, wages, personal data, the funds, the worker's comp coverage as I mentioned, et cetera.

Those cannot go into effect without an affirmative approval by the legislative body, per 17b-706.

Other pieces that are not listed here could go into effect, but I'd like to think we don't want to do this piecemeal.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

And thank you. And so, if we did not take action today, where would this be tomorrow?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

And again, certain pieces of it would go into effect. Certain pieces of it would not. But, I mean, the bulk of it, it looks to me like it would not because there's supersedence appendices and that requires affirmative legislative approval.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

Okay. I'll come back to that. So, when looking at this contract, when somebody wants PCA service, and they're under state aid, does that consumer have the right to choose what they pay their PCA?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. The short answer is, yes, the caveat is within reason. And what I mean by that is, you're given a budget, you know, by the DSS or DDS and through Medicaid and through the agencies that we work to work with, consumers who need these services. So, you get a set amount of funds.

This contract sets a floor, a minimum wage, if you will, for PCA employees. There is no max. So, in theory you could pay somebody \$100 an hour. But of course, if you do that, you've eaten up your very limited Medicaid allotment. So, most people stay within the range.

As I mentioned previously, there are certain services, some, you know, particularly specialized work done here by PCAs, especially with traumatic brain injuries, acquired brain injuries, AGI, that the market demands that you pay more. So, there is a free market element to this here, particularly for those workers. But at the end of the day, all the contract really does is set the floor, the ceiling, if you will, is really part of that individualized budget that every resident has.

You've got to make sure you're getting the right aid, but also that you're getting the length of aid that you need based on your budget. So, again, if you hired somebody and went, "I want to pay my relative, who is a PCA, \$100 an hour." Well, you've just eaten up your Medicaid budget, and you can't do that.

Everybody who goes through this process has a case manager who helps set that individualized budget methodology per resident.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

Through you, Mr. Speaker. So, we have agencies out there that hire PCAs. These agencies, through you, Mr. Speaker, does the good proponent of the bill, does he know if these agencies have workmen's comp already and offer other benefits?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I can't speak what they may do with other employees, but certainly for these PCAs, they do not provide Workers' Compensation coverage. That all has to be -- again, the agency is really a facilitator, if you will. They help with the administrative pieces of it. They do the background checks for the state. They do the pay stubs for these workers. But ultimately, the employer of the PCA is the person who's hired them or the surrogate on behalf of that person. And the responsibility, for example, for Workers' Compensation rests with the employer. So, the

agency is never going to have that legal obligation to provide the Workers' Compensation. They can facilitate it once we buy the group policy, but that obligation falls on the employer and the way we're going to, you know, work that is doing a group policy that they can tap into, that can be structured by the state. We can go out, leverage. So, instead of one person buying a particular policy for, you know, one PCA, that's just going to get prohibitively expensive.

We can leverage a broker, do this on a group basis, and get those fees reduced. But to answer the representative's question with respect to the agencies themselves, they don't provide Workers' Compensation for the PCAs.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

I will rephrase my question. Do the private agencies that offer this service have workmen's comp and benefits, not the state agencies?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I confess, I've studied up on our PCAs as part of this group. I'm less familiar with the PCA work that is done outside of this structure with respect to the private home healthcare community. My understanding is that they do have Workers' Compensation, but I'm not sure about that, and I'm almost positive that do not have benefits and healthcare.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

In speaking with agencies, thank you, Mr. Speaker. In speaking with agencies, yes, they do have workmen's comp. They do have holiday benefits. They do have medical benefits. My question as it was back when we heard this in Human Services, is what's the distinction and why does the state get involved in this business, when we have private agencies that handle this and can also give these

people the more, more benefits as far as vacation, paid vacation, good time off, time to relax with also these private agencies having the ability to have other workers come in that are qualified to fill in for their space, when they're on vacation, instead of having the consumer having to find somebody and have their PCA go out on vacation and not get paid for vacation.

I question why we wouldn't want to go and push for them to go and work for more agencies because this is very difficult work and I believe having paid vacations, time off, personal days, in this contract even a holiday, if you don't work, you're not getting paid. If you work, you're getting time-and-a-half. If you take a day off, you're not getting paid.

But the agencies offer this to these people. And these people need almost respite care for themselves because it's very difficult work.

And we'll move on. I'm a little bit frustrated just because of the process of where this contract is. We've heard it last year, like I said in Human

Services. All of a sudden it comes to us today. A lot of this goes into effect tomorrow, even if we don't take any point on it today. Somebody had to have known about this 30 days earlier, so it could have come to this body a lot sooner.

What happens, and these dollars and these consumers, a lot of them are the same people that get MSP and Renters' Rebate. We go forward, we do this, we run short on money for MSP and Renters' Rebate. We all know what happened to our emails the past November and December when we didn't fully fund Renters' Rebate and then MSP came up.

If there's no dollars or not enough dollars for that, through you, Mr. Speaker, what do we do?

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I guess I appreciate the hypothetical, but as we mentioned before, we are not in that situation here. This money is covered by the Medicaid lapse, it's there in the budget. We're not talking about taking money from Renters'

Rebate or MSP or another program to pay for that. It's in that \$2.7-million-dollar line item. I understand there's a \$65-million-dollar lapse that will cover the \$7-million-dollars in this coming year, the biennial budget.

So, I guess I disagree with the premise of the question that we're in a situation of robbing Peter to pay Paul. We've actually got this piece taken care of.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

Thank you, Mr. Speaker. And to follow up on that, I mean, MSP alone in the next year coming up, 2018, '19, cuts that in half from its current status. That's about \$100-million-dollars that it's going to cost us. And we have a \$60-million-dollar lapse. So, these people need to realize also that if you're on MSP, you're not getting what you're getting this year. You're getting half of what you're getting this year in the 2018 budget, if there's no money left in the lapse; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I'm sorry, through you, Mr. Speaker. Am I being asked about MSP? I'd have to defer to Representative Abercrombie or somebody else to address MSP. I think that germane to the topic we're talking about today is this particular contract. I apologize, I'm not equipped to address MSP.

REP. CASE (63RD):

And I understand that, and we can move on to other questions. My concern is, we're funding a program that others benefit from other programs that aren't going to be fully funded and we need to be aware of that. In the Governor's budget already moving forward, Renters' Rebate is cut 10 percent. So, we need to come up with a bunch of different monies to fill these different pots. And if we chew away at this money with things that we really haven't had a debate or discussion on, I'm concerned

about.

So, through you, Mr. Speaker. Does the good representative know how many family members are actual PCAs for their family? Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I don't know the exact breakdown. Certainly there's nothing, and I believe it's embedded in the statute, that a family member can become a qualified PCA and go through this process. In fact, we usually want to encourage that. I mean, before this whole structure was put in place, you literally had family members, you know, literally having to leave jobs, you know, lose relationships, et cetera, just to care for family. People have sacrificed their whole lives and still do. Now, they're able to become PCAs.

But of the roughly 13,000 PCAs, I don't know how many are related to family members with a particular person they provide services for.

Through you.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

Thank you, Mr. Speaker. I think if we dug a little deeper, we'd be interested in knowing. Some of us do know the amount that do take care of their family, and we appreciate they do take care of their family, and they are reaping from the benefit, which we are going to vote on today.

You know, personally I have an uncle at home who has been bedridden for a number of years, has a PCA. The PCA was with an agency. The agency was paying the comp and all the benefits. Actually, the family was able to get workmen's comp cheaper than the agency. So, we went out of the agency and are doing it on our own.

And one of the things that we talked about, just so people realize in this 10-page document that we have, you know, we talked about, and I think you talked about it earlier is going out and getting a group plan for these people. And we were, last year

I think the numbers of 2500, 3500, they were all thrown around. And when meeting with Secretary Barnes, you know, these policies have come down to \$1,143.71. If the good representative would let me know if that is a correct number within this contract?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I've seen that number as well. Obviously, that's -- I think that's an average, depending on who you're hiring and the particular setting that you're in. And again, that's on an individualized basis and the whole idea here is to bring that down.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

So, through you, to the good representative. In speaking with Secretary Barnes, he states that it's been negotiated with two different agencies and

came up with this number of \$1,143.71, for a cost of roughly \$3.3-million-dollars a year. He talked about that when we talked about this contract. Is that the actual cost?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

So, we don't have it procured yet, so I can't tell you what the actual cost is. That's obviously the estimate, as I mentioned, \$2.475 in worker's comp coverage for the first year, roughly \$3.3, I think, et cetera, for the second year. But until that contract is actually negotiated, we won't know the actual cost.

But again, I'd like to think that, you know, with the exceptional expertise we have with our Department of Insurance here, that that's something that's not going to -- that we're certainly going to look at bringing down year after year, and there may be other ways to do it, through a captive program or other types of structures that you can do.

Again, I know Massachusetts created an own rating classification for these workers. And that sort of reduces your -- you've got a very limited risk profile there. I'd like to think we're going to do that as well.

But again, until we have the actual policy. I don't have the actual cost, that is an estimate, but I think it's probably a conservative one.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

Through you, Mr. Speaker. Wow. That just brings a whole other aspect to me. So, we're voting on something that we don't know exactly what it's going to cost us; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Again, through you, Mr. Speaker. Those are -- those are -- that's based on feedback that they've gotten from brokers, they've gone out into the

market. I think they've got a good feel as to what the cost is going to be in terms of, you know, and again, we do this all the time when we do a biennial budget. We don't know exactly how many people are going to avail themselves of Medicaid services. We set a budget, as we've done this year with the two-year budget, a \$2.6-billion-dollar line item for Medicaid. That is continually looked at, it continually evolves based on the people taking advantage of these services and here with respect to the number of PCAs, et cetera.

So, we make these best guesses all the time and usually we're pretty accurate. In this case, actually, as I'm told, we have a \$65-million-dollar lapse with respect to Medicaid that will cover this for this particular year.

So, I'm not particularly shocked, if you will, that we're basing this on a very reasonable and market-based estimate. We're going to go out in the next couple of months, I'm sure they've talked to brokers, they've gotten that per-policy breakdown and they've done the math based on the number of

PCAs that we currently have. So, I think that's a -  
- I mean, again, it is an estimate, but it's  
obviously a very educated well-informed one.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

Thank you, Mr. Speaker. I'm still fumbled  
because, you know, that's probably why we're in the  
budget situation we are in because we do guestimates  
and we don't have actual costs.

Through you, Mr. Speaker. In the outyears,  
what is this project -- what is this contract going  
to cost the taxpayers or do we expect a shortfall of  
monies coming through DSS?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. So, after next year in  
the fiscal year '20, the projected additional cost  
is, and again that's all inclusive, that's the  
holiday pay, if they take advantage of it, the

minimal increases to the wages, the Workers' Compensation, the training fund, which is continued from last time, we're looking at about \$9.382-million-dollars in '20, additional \$9.382-million-dollars in '20, and \$11.350 in fiscal year '21.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

So, through you, Mr. Speaker. So, with our projected \$5-million-dollar debt in the outyears, we will have to budget this money for this project, through you, Mr. Speaker, for this contract?

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I guess I quibble with the word "debt." This is the cost of the contract. You take that into account in your budgeting process. This will be -- this, along with a lot of other pieces, will be part of that Medicaid line item in the budget that we negotiate for the next biennial budget. It will be part of that.

We'll make determinations and certainly the members of Appropriations are very well equipped to do this in terms of what is needed for that Medicaid line item. This will be part of that conversation.

It may be that this does not incrementally increase that line item. Again, we're talking about a \$2.6, \$2.7-million-dollar line item. I just can't say, I don't think anybody can right now, whether that's a dollar-for-dollar increase to that line item.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative Case.

REP. CASE (63RD):

Thank you, Mr. Speaker. And within this line item, you had just spoken about training, out of the \$3.3-million-dollars per year for this contract, how much of that goes to the union and for training?

Through you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. The training funds

do not go to a union. I want to be clear on that. That is a separate fund that is set up, it's a joint labor management educational program, it's a 590(c)(9) organization. That money does not go to the union and then they disperse that out somehow. This is a fund that's managed equally between union members and management; i.e., the administration. That's existed since the inception of this contract. It's worked very well. I think I mentioned before how -- I think we all agree that that should be part of an endeavor like this to make sure that we have -- good to see you, Madam Speaker, by the way, that we have a training program because, you know, when you're bringing people into this, you know, you want to make sure they know how to perform these services, so they don't get hurt, so the resident doesn't get hurt, the customer doesn't get hurt. That is, I think, money that's infinitely well spent and it does not go to the union, it goes to this separately dedicated training fund administered by six members of the union, six members of management in a non-profit capacity.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. And so, through you, Madam Speaker. So, on page two of this contract, the increase orientation stipend, \$45, where does that \$45 go to? Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

That's a separate piece of the budget. So, when somebody's coming in for training, sitting in an 8-hour-session, going through -- there's a separate also online piece that's done. There's some compensation on a per-day basis for people to go through that training process.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Through you, Madam Speaker. For a clarification, the good representative said the orientation, the \$45 per, that's a separate part of

the budget? What part of budget does that come from, can you clarify?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. When we're talking about breaking down this whole thing as the whole sort of spreadsheet here and where that's included, I think that -- I'm not sure if it's in the training orientation line item or if it's embedded in some of the other pieces, but again, that's an existing part of this budget. That's not something new that's already been done. And as we see from the contract terms, it goes up, I think from \$45 to \$48 or something like that.

So, again, we're talking about really a de minimis affect here in continuing something that's already part of the process.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Through you, Madam Speaker. So, the \$45, for clarification, is that part of this agreement or does that come out of a training budget from the union as it sits now? Is that not something new that's incorporated in this or is that something that's done now with others?

My concern is you say it comes from a separate part of the budget.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you. I believe it's incorporated in an entire amount in the training line item on a separate breakdown on page two of the budget, but I'll confirm that.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. And if the good representative knows or if he can, I guess, find out what is the cost of this that is going to the union?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I'm -- through you, Madam Speaker, I'm confused by the question. I thought I've explained that the bulk of what this money does is set up and pays for an entire training and orientation program for the workers.

I suspect the gentleman's concern is he thinks that people are just getting checks for doing nothing. I'm not sure where that maybe is coming from. I don't want to put words in his mouth. But you're going through a training program, the bulk of the money that's set aside for training is to fund that entire structure. Make sure people know how to do these jobs and pay them a stipend to go through that process.

There's no, there's no overhead going to the union separately as part of dues. It goes right -- it goes to this training and orientation fund, which is an entirely separate entity.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Through you, Madam Speaker. So, if you take roughly 4,958 consumers as the secretary's office has said to us, that's roughly \$240,000. Is it \$240,000 for just education?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I'm not -- through you, Madam Speaker. I'm just -- I'm not following the math. This is not a per-resident fee.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Through you, Madam Speaker. On page two, an increase orientation of \$45, effective July 1st, the stipend shall increase to \$48; isn't that going to each individual consumer?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. No, I believe that's going to each of the workers going through the orientation and training program, not the residents getting the PCA services.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Okay. In conversations in our meetings, I believe the \$45, then moved to \$48, goes to the unions so they can do the training.

Through you, Madam Speaker. Is that what the good representative understands?

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

No. There's a separate line item in the budget for training and orientation. Let me just get the number for the representative. \$500,000 in this

upcoming year, \$600,000 in the following year.  
\$900,000 in the last year. That's the training and orientation funds. That money goes to this separate entity, this equally managed, union management group that provides these training services, trains the PCAs when they come in, sets up that structure. I mean, there's obviously a cost to doing that and that's what's reflected there in that \$500,000. And as part of that, when a PCA goes through that program, they get a stipend per day to sit through it. So, it's all sort of mixed in. Does that answer your question?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. And every time I ask a question I get another question. Who is the management that you're talking about because these people are self-employed?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

So, through you, Madam Speaker. I thought I said it, but I'll say it again. There's a training fund, it's a joint labor management educational program, it's registered as a 501(c)(9), nonprofit organization, it was incorporated in -- more than 20 years ago. It's managed by the union and the administration, by the PCA Workforce Council, 66, they manage this administrative fund. So, that money goes to that fund, managed by the PCA Workforce Council and the union to set up a training program for new PCAs. They come in, learn how to do the job. I mean, it's again, vigorous work, so you want people to be trained to know what they're doing. And so, that's where that particular piece of this budget, that \$500,000 in the first coming year, \$600,000 after that, goes into that fund to help administer that, provide that training, which again I think, at the end of the day, we all say we favor.

You want the efficient provision of these

services. You want them to provide a professional manager. You want people to be trained when they have the first day on the day. You avoid all sorts of things if you have a robust training program. That's been existence since the original contract. This is just a continuation of that.

The orientation and training fund and maybe part of the confusion here is that's embedded in the original contract. That original contract is not eviscerated here. It's not entirely superseded by this new contract. This new -- what we're voting on here is an amendment to the existing contract, which carries forward certain pieces, including that training and orientation fund, which is this separate legal entity, managed jointly by union and by the PCA Workforce Council.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. Through you, Madam Speaker. Page two, letter F, funds to be added to any funds remaining from the prior agreement. The

good representative has stated that it would be \$500, \$600, \$800. If you take the \$45 of \$48 fee, times it by the 4,900 workers, 4,954, I believe to be exact or 4,958, it's about \$245,000 -- \$240,000 a year.

So, how are we funding this?

Through you, Madam Speaker. The numbers don't match up.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Again, I'm just not following the question. How are we funding the training orientation fund and the fee? It's all -- excuse me, on the stipend, it's all embedded in that amount maintained by the fund, as I understand it. And again, there's money already in there that's carrying forward from the following year. We're adding to it each year to make sure we've got amounts set up to continue to maintain that fund.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Through you, Madam Speaker. And we're adding to it every year, where is that money coming that we're adding into this training? What line item in our budget does that come from?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

So, again, through you, Madam Speaker. You know, this entire -- all of the subsets or sublines we're talking about here, the increase in minimum wage, the training fund, the Workers' Compensation piece, which there is a breakdown here in the document that we've been given, that's all set out there. But there's no specific line items in our overall budget that we passed for each of those specific line items. That all falls under the Medicaid line item, that \$2.78-billion-dollar line item that is managed continuously throughout the year by OPM, by the administration, in consultation with the Appropriations Committee of the

legislature.

So, I can't point to a budgetary line item for the training and orientation fund. Where I can point to that specific line item is in the breakdown of costs of this contract and that has been provided.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. And if you look at Amendment A, through you, Madam Speaker. Amendment A, Section 2, the underlying section, authorized and permitted by law, the PCAs and the FI on behalf of the employing consumer, which is the consumer that's getting the service, shall have a deduct from each paycheck to the PCAs for union dues. How much are those union dues? And are those incorporated in state dollars to be paid to the consumer?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. The state does not pay union dues, period, full stop.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Through you, Madam Speaker. Does the good representative know how much the union dues and since they are automatically withdrawn, these union -- these consumers are automatically made to pay this and how much are they being made to pay?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. The consumers do not pay union dues. The PCAs, who elect voluntarily to join the union, pay union dues out of their paycheck.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Through you, Madam Speaker. I thank the good representative. There's a lot of questions in this and it came up so quickly on us. I do appreciate the good representative for answering the questions. I guess I just have a few comments and I'll reserve my decision until we hear others speak.

So, what we hear is a very great population. I'm always here talking about, you know, people before projects. We need to take care of our people in this state. And these are some of the most vulnerable people that we need to take care of.

But I'm really concerned on the amount of emails back in November, when something happened with the PCAs, or not the PCAs, the medical savings program and then back in October, the Renters' Rebate. These all come from the same pot. As it was stated earlier from the good representative that the numbers of that I spoke about of \$1,143.71 is a good guesstimate that we got from two different agencies to furnish this.

But as it was stated, that's not a guarantee. This could go up. Last year, when we were talking

about it, we were talking about it could be anywhere from \$2,000, \$3,000, and I think that alarmed a lot of us because actually the consumers could not afford that, and we had to do something. And I agree with that. Now, it's been negotiated down, so we're told, to \$1,143.71. I have a difficult time servicing and working with this population and not having facts about what things are going to cost.

This is going to cost in the out-lyer years even more. This is a three-year contract. I can appreciate that. And I can appreciate the PCAs and all the work they do, we all understand that this is tough work. And we're putting two things into one contract. We're putting a pay increase and then we're also putting the workmen's comp.

It's frustrating, once again, we had this in Human Services, we heard a lot of comments in Human Services. But then not to be able to have the debate on the Appropriation's floor last year because the votes were canceled within that committee. And here we are today with this contract in front of us without any of us being involved with

it.

I feel for the clients. I feel for the PCA workers. But darn it, we are in a deficit, we need to work together to get everybody the proper benefits and things that they need.

My God, I had 2,000 people on a waiting list for services of special needs. Where do we go? This is going to use dollars that is going to probably spur a lot of emails over the summertime, if the 10 percent reduction in the Renters' Rebate and the medical savings plan is cut down to the national average and not inclusive with the five states who are double the national average, as we are one of those five.

Trust me, we need to take care of everybody in this state. People before projects. But put these things in front of us and not a day before it actually goes into effect.

Thank you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Abercrombie.

REP. ABERCROMBIE (83RD):

Good morning, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Good morning, madam.

REP. ABERCROMBIE (83RD):

I rise in full support of this resolution. And I don't have any questions for the gentleman that has been taking out this bill, so he can take a seat and relax if he'd like for a moment.

But I want to take this opportunity to first and foremost thank our PCAs for all the work that they do for our constituents in this state. We could not do what we do as a state without you guys.

And I just want to clarify some comments that I've heard today. First of all, PCAs are an allowable choice under the Medicaid program. People that have homecare and other services, waiver services, this is an allowable service that they get under Medicaid. Medicaid is like a menu. They get choices of what programs they want. They're allowed to have PCAs under this program.

We all agreed to that many years ago. Now, there's been a lot of talk about the worker's comp.

We've been trying to get worker's comp over the last few years. The reason that we haven't done it is because we weren't sure how we wanted that to look. There's some federal guidelines under CMS that we needed to adhere to because we're not an employer and we have to be very careful with how we get brokers to be able to support worker's comp.

What we have been doing is looking at other states. And if you look at the model that is being put forth in this contract, we're mirroring what Massachusetts does.

So, for people to stand here today and say that no vote was taken last year, there wasn't a vote even put out there for this.

So, I think if people are going to make comments, they need to be truthful about really what took place in Human Services last year. I also want to talk about why PCAs are so important. PCAs are a choice, a choice that individuals in their home have. They don't have to hire PCAs if they don't want to. We as a state have decided that individuals in their home should be self-directed.

They have the right to hire whomever they want.

There's talk about having agencies, why doesn't someone hire a PCA from an agency? It's a choice that an individual has under their Medicaid program. There's also been talk about the increase in the pay to the PCAs. Well, let's talk about that for a minute. A few years ago we took a stipend and we gave it to the nursing home workers, right, because they were not getting paid enough.

So, it's not unusual for us to do increases within the Human Services field. I know that my colleagues have been getting a lot of emails from the homecare workers, saying that they're concerned about that they haven't gotten an increase.

Well, let me tell you folks, we have a bill in Human Services and it's House Bill 5460 that looks at an increase for Human Services providers. It will be voted out of our committee on Thursday and then it will go to Appropriation. People are talking about the deficit, this does not add to the deficit. This is already a line in Medicaid. So, when people are talking about that, they have to

know what they're talking about. This is part of the Medicaid line item.

So, I stand here in full support of this resolution and I urge my colleagues to understand what they're voting for and what this contract really means. You know, this is also a protection for individuals that hire PCA workers. Because right now, if this individual gets hurt in your home, they get to sue you. Do we want somebody to have that kind of liability? I don't think so. I think I should be able to hire these individuals and I think that they should also be covered with worker's comp.

So, I stand in full support of this resolution and I hope my colleagues will think long and hard on this vote.

Thank you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Thank you, representative. Representative Belsito.

REP. BELSITO (53RD):

Thank you, Madam Speaker. I have a few basic

questions for the proponent of the bill.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino, prepare yourself.

Representative Belsito, please proceed.

REP. BELSITO (53RD):

Through you, Madam Speaker. How many PCAs work for their own families?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I think I got this question before. I don't have an exact number.

I'll look into it. But I don't know if we've actually tracked that. We'd have to ask Allied and Sunset, the two fiscal intermediaries, who process and hire them and make sure -- excuse me, do all the W2s, et cetera. I don't know off the top of my head how many are actually related to family members.

Thank you.

DEPUTY SPEAKER COOK (65TH):

Representative Belsito.

REP. BELSITO (53RD):

Thank you, Madam Speaker, and through you, Madam Speaker. Could the number be significant?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Not knowing the number, I can't say if it's significant or not. I'd like to actually think that it is a good number, because again, if you're -- let's just think about this for a second. You're caring for a loved one, a brother, a sister, a mother, a father. You've got to leave your job to do that. You've got to dedicate your whole life to taking care of that person with a disability.

I'd like to think that family members are availing themselves, going through a training process, getting, you know, going through that orientation program, and then getting some minimal compensation compared to probably the job that they left for doing that work, for sacrificing their

existence for those loved ones. I hope it's significant.

DEPUTY SPEAKER COOK (65TH):

Representative Belsito.

REP. BELSITO (53RD):

Thank you, Madam Speaker. I have heard, just for a point of interest, that of the 13,000 PCAs, 75 percent of them work for their own families. Now, that's a significant number, if that number is true. I don't have the exact statistics on that.

But and my question would be, through you, Madam Speaker. If someone in my family gets sick, and I decide to become a PCA, will I be able to take care of that person and get paid for it through the state and Medicare?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. There is no prohibition on a person needing qualified services hiring a family member. As a policy matter, I think

we want to encourage that. Now, I would note, it's up to the person receiving services who they want to hire. They may not want to hire the representative, I say that tongue and cheek, obviously. They, it's up to them who they want to hire. They can hire a family member, not a family member or et cetera. But that is where the decision rests, not with the PCA in terms of who they want to work for, but who the person receiving the services wants to hire.

Now, if you want to hire a family member, you don't just snap your fingers and you've hired the family member. That family member has got to go through the entire process, the training and orientation process, a background check process, the whole process that we require for any other PCA.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Belsito, I don't think that that was to be taken personal. You're up.

REP. BELSITO (53RD):

Thank you, Madam Speaker. And just one more question. I have heard that other agencies are

paying more than the PCAs. I would like to know why the PCAs are not leaving and going to the other agencies that are paying more?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I'm not sure where that's coming from, but I don't think it's true. I think if it were true, you would see that flock of people moving over. So, the market would take over there.

Now, again as I mentioned earlier, there are certain types of work that demand, from a market perspective, a higher rate, both on the private home healthcare side and on this particular PCA side. But as far as I know, that is not the case that people are paid uniformly more on that home healthcare, private home healthcare side and in fact again, I think if that was the case, we would be seeing that. I hate this part of the discussion trying to pit one group against the other. We want

all of these workers to make a decent wage, to eventually get some sort of benefits and stability and healthcare and what they do because we want to encourage this workforce, grow this workforce, professionalize this workforce. So, we want to see that no matter who we're talking about.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Belsito.

REP. BELSITO (53RD):

Thank you, Madam Speaker. And just one more question. It had been stated earlier that there were -- it has been a number of years and I don't remember exactly how many years, but I think it was between five and seven years, where the PCA workers have not had an increase. And all of a sudden, we're looking down the road to 2020, where they're going to get some increases.

So, if they have not had an increase and these other agencies have had increases, I would just like to know the proponent's answer as to why they would stay where they are and not go to a higher paying

job?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I think the representative is answering his own question, which is that they likely are paying less. And as far as I know, probably costing the state more in terms of the delivery of those services. And so, look, certainly if somebody, that's what they want to do, you're a PCA, you can choose to work in this structure, you can be an independent contractor and work on the home healthcare side. You're free to do that. There may be certainly personal reasons that somebody has for choosing one kind of employment structure in this field versus another and I don't want to put myself in the mind of particular PCAs with respect to that.

But again, I think, I think it sort of answers the question, which is, there are obviously, and I believe as far as I know, most of these agencies

probably pay less because if it was the case that they were paying so much exorbitantly more, then you're right, a PCA can choose who they want to work for. So, you'd go over to that side of the aisle.

So, I think the premise of the question is probably flawed in that respect, with all due respect.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Belsito.

REP. BELSITO (53RD):

Thank you, Madam Speaker, and thank you to the proponent for his answers.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker, and I guess it's afternoon, so, good afternoon to you.

DEPUTY SPEAKER COOK (65TH):

Good afternoon to you. Please proceed.

REP. FISHBEIN (90TH):

Thank you. Madam Speaker, I just had some

questions for the proponent, if I may?

DEPUTY SPEAKER COOK (65TH):

Please proceed.

REP. FISHBEIN (90TH):

Thank you. An initial question, is there an ability for the union to provide the Workers' Compensation coverage as opposed to the person who's getting the service providing that coverage?

Through you, Madam Speaker, sorry.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. No, again, at the end of the day here, the only person who actually technically provides the coverage is the employer and that's the person hiring the PCA.

So, while the state can facilitate a group plan, you know, leveraging everybody together, at the end of the day, the union is not the employer, the state is not the employer providing that Workers' Compensation coverage, the agencies are not the employer providing that Workers' Compensation

coverage.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. So, it's my understanding that how this whole process came to be was that there were no collective employers, so to speak so, therefore, government created this employer so that we could have a unionized relationship, is that true?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Generally, yes. So, the statutory scheme established the PCA Workforce Council, which is considered an executive arm of the state, empowered by statute to collectively bargain with these workers for these particular pieces of employment. The state lays out what is a proper subject of collective bargaining between those workers who choose to join the union

and their designee, obviously their union designee  
and the PCA Workforce Council, that's correct.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. So, when government  
created this entity allowing for this, am I to  
understand the government could have allowed for the  
union to provide for the Workers' Compensation  
coverage?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Again, no, that's  
not my understanding, given the way that Workers'  
Compensation works. The separate statutory  
structure there, legal structure with respect to  
Workers' Compensation at its core comes from the  
employer and the fundamental tenant of this  
statutory scheme is that the employer remains the  
person hiring the PCA, the person needing those

services.

As I understand, the legislative history and the debate in having looked at it, and members in this room where there for it, that was a primary concern from all the people who wanted to see this and even those who didn't at the time. A lot of the customers were concerned. They came into the legislature and said, if you do this, you make sure that we have that absolute right to hire and fire. And that's embedded in here. And unless we get rid of that, there's no mechanism for anybody else to be responsible for that Workers' Compensation coverage.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. But just to go and perhaps I got something wrong. I thought government in effect created an employer for the purposes of unionization of PCAs; otherwise, we wouldn't be here?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you. I appreciate that question and I think it's a good one because we want to be absolutely clear here. The PCA Workforce council is not an employer. By statute, 17b-706, the customer is the employer. All the PCA Workforce Council is empowered to do, and its statutory existence limits its authority to then simply negotiate those wages, that wage range that the state will pay for these services, excuse me, will allocate for these services to those customers to pay the PCAs. That's all the PCA Workforce Council does along with, like I said, you know, helping administer that training and orientation fund.

But the PCA Workforce Council by statute is not the employer of the PCAs, it's just simply the mechanism for this collective bargaining to take place with respect to the wage range that we allow for these services that we administer through state funds.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. And the vehicle, the mechanics that allowed for this because the employer didn't exist prior to 2012, the entity created stands in the shoes of the employer in an ordinarily ordinary employee union situation.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I'm going to just quibble with the question a little bit. Again, this is not a statutorily created employer. It is an administrative arm of the state, specifically empowered to negotiate very specific things with a PCA union; i.e., that wage range. But they are not a statutorily created employer.

I appreciate that this is something of a hybrid, it is a little confusing, but when you read the statutory scheme as a whole, that's what you see

is those different pieces fit nicely together. We preserve the right of the customer to be the employer, to have that absolute right to hire and fire and will choose what PCAs they want to hire. We give the PCAs the right to organize and form a union. And if they do so, we create a state arm who they can negotiate with to set that wage range that the state is going to be willing to pay for services that it pays through Medicaid. That's how this all -- all these pieces fit together. And it is obviously a little different from the traditional state employee union, state agency negotiating directly together. But this structure has been vetted and come up through the courts. There's actually a whole different scheme with respect to union dues that lead to the Harris v. Quinn case. So, while it is different, it certainly viable, legally permissible and has existed. And again, with the gentleman's question, just so I'm clear here, the employer has always existed here, that's the customer. They've always been the employer, they've always existed.

What was new in 2012 was this collective bargaining architecture simply for the purposes of that wage range to be established, that the state would pay for certain services. I hope that helps.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. Let's go back a little bit to the history. In 2011, I believe this was attempted. And part of the argument was that there is no employer, per se, for the purposes of unionization.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. There was no collective mechanism to talk about how the state would pay those ranges. But again, there was always an employer, the employer has always been the customers. And what we simply created through

statute here was that negotiating -- in the first instance, allowing them to organize and collectively bargain in the first place. In return, I should add, for the prohibition on striking. PCAs cannot strike, they cannot walk off the job, that's obviously an important component here. They give that up for that right to collectively bargain. And then we create the PCA Workforce Council to negotiate with that union, whoever they select, to represent them, to negotiate again, very limited topics here. Excluded from those topics are things that we otherwise see on the SEBAC side of things.

This is not 5-278 and that separate collective bargaining structure, this is an entirely different statutory scheme that preserves sort of that, like I said, that multi-pronged approach of employer, PCA, collective bargaining, state agency, state executive entity authorized to discuss those particular strands that are the subject of protective collective bargaining under this statutory scheme.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. So, you know, perhaps the good representative didn't understand my question, but I've never said that there wasn't an employer, what I said was that in 2011, it's my understanding there was no, per se, employer for the purposes of establishing a collectively bargained relationship. And I'm just looking for affirmation.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I'm hesitant to use the employer here in characterizing the PCA Workforce Council because that's never what they have been and never what they are. I would, and perhaps this is where the confusion is lying. I would characterize them simply as a separate entity that is authorized to discuss those particular subjects of collective bargaining with the union. they are not a per se employer. Legally, a de facto

de jure.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. You would agree that when the workforce alliance was created, that by this body, that it could have made as part of that process the Workers' Compensation coverage being provided by the union?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you. I do not agree with that premise. It could have been the subject of collective bargaining for it to be provided as it is in this agreement, but not by the union. The union does not, cannot, provide Workers' Compensation coverage, nor can the state here, the state can facilitate it. At the end of the day, when that policy is issued, the employer, there will be individual policies, as

I understand it, the employer will be the particular person hiring the PCA.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. And what is the bar to the union providing Workers' Compensation coverage in this relationship?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. They are not the employer.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. Do we not -- well that's -- would you agree that this legislature could have, when it created this entity, modified the statutes to allow for that coverage?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Not being a Workers' Compensation expert, but I think all I would say there is that we completely upend the entire structure of Workers' Compensation, which is an employer/employee context. You would have to rewrite our entire Workers' Compensation statutes, and I also wonder what the repercussions of something like that would be.

So, my answer is, I don't know if you could do it. I think if you could do it, you're talking about a wholesale sort of revision to the entire Workers' Compensation scheme.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. Let's talk about Harris v. Quinn for a bit. When this agreement was

originally entered into, there's a provision that expressly deals with electing not to join the union. And by way of what's before us, that language is being stricken. Why is that language being stricken, and I'm specifically looking at Section 1, (B)?

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein?

REP. FISHBEIN (90TH):

Oh, through you, Madam Speaker, sorry.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. So, the representative mentioned the Harris v. Quinn case, so I'll get to that in a second. So, historically here, yes, the original agreement allowed for the voluntary deduction of union dues for members who wanted to pay the full dues. And originally, back in 2012, before the Harris v. Quinn case, there was a provision that allowed for the deduction of agency fees, dues are different from agency fees in the

collective bargaining world. You pay agency fees if you're not a member, but you still get the benefits of the collective bargaining membership. So, it pays for certain things like the costs of negotiating the agreement that you're covered by.

Harris v. Quinn said, "Look, in the overall structure of how we're looking at collective bargaining and these particular workers in particular, the companion workers, we're not going to -- we're not going to allow those agency fees to be deducted, so it's binary. You're in or you're not. You get the dues deducted, you voluntarily elect to get the dues deducted or not. That's the Harris v. Quinn case.

Some people may be familiar with the Janus case up in the Supreme Court now. That's on a different side -- that's with respect to other public -- that's with respect to public employees. The Harris v. Quinn case dealt with this particular type of worker, which is different from public employees, and said in this context, we're not going to recognize that agency fee provision. So, post

Harris v. Quinn, nobody's been getting these agency fees taken out. And the agreement simply reflects the current state of the law in a post Harris v. Quinn world.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

And thank you, Madam Speaker. In those that had opted out of the union prior to Harris, what happened to the fees that they were charged?

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein?

REP. FISHBEIN (90TH):

Oh, through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. As in any other circumstance when agency fees were allowed, those agency fees do go to the union. As I mentioned, they cover not political activity, but costs of, for

example, the administrative costs associated with negotiating the agreement, putting that in place, all the benefits that everybody gets under that structure, but that's no longer the case in the post Harris legal landscape.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. So, those fees that Harris determined were improperly held, were they refunded to the individuals who had opted out of the union?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I don't know. I'm not sure if there was a legal requirement to do so. I mean, the Supreme Court sets the rules, obviously on a perspective basis, and I can't recall if Harris required a retroactive refunding of fees. I do not

believe that it did.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. And post Harris, with regard to the individuals who had opted out of the union, did we stop charging them any fees?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. As I mentioned, yes. Post Harris, no fees were charged, and the agreement just simply reflects the current state of the law.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. And how many individuals who were PCAs have opted out of union,

being part of the union?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I do not have that  
at my fingertips. I'm sorry.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. Do we have knowledge  
as to any of the PCAs opting out of union -- being  
part of the union?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I believe there  
are several hundred PCAs who are not part of the  
collective bargaining agreement. I want to say it  
might be -- now, I think this is coming back to me,

like around 500 or so that are not part of it. But that has -- of the 12,000, 13,000. And I believe that has to do more with their job classifications than anything else.

Again, as I mentioned, this is not a uniform field where people provide different levels of service. And some at a particular specialization may choose not to be part of a collective bargaining agreement and may want to, for lack of a better word, "freelance" to provide -- you know, if you're really skilled at ABI or other services like that. So, I'm recalling the number of about 500.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. So, am I to understand that if I was -- if I was a PCA and I was to opt out of being part of the union, that I would have nothing to do with this collectively bargained contract?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. If you don't want to pay the dues, you can opt out. Again, I would hope most people do do that because they're going to, you know, be getting the overall -- again, if you're, if you're a PCA that falls within the terms here, you can get the advantage of this. So, I would think most people are going to want to do that. Again, for those select employers who may want to freelance and move over and stop working for this particular group of PCAs, they want to work for a home healthcare provider that for whatever reason is willing to pay them more, giving them a different structure in hours that they can do that.

But if you are part of this group, you get the benefits of this agreement and I think it behooves everybody to contribute to it. That's just my view, obviously, of the collective bargaining, but I think it behooves everybody to contribute to make sure that they're funding the services, the structure

that provides for collectively bargaining these kind of benefits, and as you move forward that you've got, you know, Workers' Compensation and maybe eventually move toward healthcare or something like that.

But, yeah, if you don't want to pay the dues, you don't have to pay the dues and you get the benefit.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. That wasn't exactly the question and I don't understand the answer. But I'll ask the question perhaps a different way. If I'm a PCA and I opt out of the union, am I afforded the protections of this contract, such as the Workers' Compensation mandate?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. If you're not part

of the union, you're not governed by this contract.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. The contract calls for the union to notify the FI as to certain things regarding deductions, hours, things like that. What happens when somebody opts out of the union, who does that?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I want to make sure I'm understanding the question correctly. If you're talking about somebody who's not part of this union and wants to go to work for somebody else, then obviously, I would think it's obvious, none of this governs you.

Or is the representative asking me if somebody opts out of paying dues to the union?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. I would ask the good representative what is the distinction?

So, through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Well, you're either working as a PCA under this structure or you're not. If you're not, if you're working for somebody else, you're governed by whatever the employment arrangement is there. We heard some testimony -- some statements earlier today and the questioning about the different PCA structure that exists on the private side with the home healthcare worker field. They have different wage structures. They may or may not provide Workers' Compensation, they may or may not provide other benefits. So, if you choose to work on that side of the aisle, for

example, you're governed by whatever that employment arrangement dictates. If you're on this side of the aisle, this structure here, then you're governed by this structure, then the question is just simply whether or not you want to opt out on paying your dues or not. So, called sort of free rider concept. Whereas, you're still a PCA, who's entitled to these wage ranges that we've set and you're not paying the dues to the benefit of the collective bargaining that got you that structure. I would hope most people don't do that.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. So, I need to go back because maybe I'm a little confused about something. When I talk about PCA, I'm talking about somebody who renders care in someone's home, who is compensated by Medicare. It's my understanding that if they're compensated through DSS or various programs through DAS, they are a PCA in the -- can't

say public sector, but coming under this contract?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. For the most part, yes, there are other -- the term "personal care attendant," PCA does encompass broadly that concept of work at home for the intellectually and developmentally disabled. And there are PCAs who provide that service through a separate structure on what I call the private side, the home healthcare side. There still is Medicaid reimbursement on that side as well, it's just not governed by this particular statutory architecture.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. And all I'm talking about is the per se public side, not the private side, everything else. So, if I have two PCAs that

are both rendering service, being paid by the State of Connecticut through DAS, DSS, and one of them opts out of the union, do they fall within this contract?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Yes.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Okay. So that -- thank you, Madam Speaker.

So, a PCA, who's not in the private, who opts out of the union, does have protections under this contract?

Through you, Madam Speaker. Although they are not paying dues?

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. If you opt into

the union, and you have to affirmatively opt in, not affirmatively opt out. If you affirmatively opt in, well -- let me sort of as a baseline. You have to affirmatively opt in one way or the other. But everybody receives the benefit of their contract, whether they opt in or not.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

So, if -- let's just say that everyone, all of these PCAs not in the private, is in the public, opts out of the union, the contract is still valid for all of those individuals?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you. Yes.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. The TAUF agreement -  
- if could ask if the good representative knows what  
the TAUF agreement is?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Can you spell  
that, I don't think -- Tuff, Tuft?

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. It's an acronym for  
Training and Upgrading Funds.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Yeah, I spoke  
about the training fund previously, yes.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. I found on the website for the Workforce, the TAUF agreement, the TAUF agreement that has its payments through January 31, 2018. And my question to the good representative is why was that signed January 5, 2018, if it only goes through January 31, 2018?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I'm not familiar with the agreement that the representative is talking about. I spoke at length about the fund and how this is managed and what its purpose is and how it's funded. I'm not familiar with the particular agreement he's referring to. Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. The agreement that

we're dealing with here today goes through 2021, if  
I recall correctly?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you. June 30, 2021.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Is there a corresponding TAUF agreement with  
regard to that contract?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. I really can't  
speak to an agreement I haven't seen. What I can  
say is that what the agreement, we're voting on  
today, voting to approve today does, is continue to  
fund payments that training fund through the life of  
the agreement. I think I mentioned \$500,000 the

first year, \$600,000 the second year. This is nothing new. It existed previously with respect to the original agreement. Money carries over. So, that's what the agreement we have before us today does with respect to this fund, make sure it's viable funded, continues to exist so we can train these PCAs as they come in and make sure that they're providing services efficiently, cost effectively and safely.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. The orientation that the good representative was speaking about before, that has to do with union membership?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. No, I'm talking about orientation to be a PCA to learn how to do the

job, do it efficiently. This is not a -- it's not a union orientation piece. This is about training, orientation, making sure people are staying up to date and current on whatever the literature is for PCAs again, so they can do the job effectively.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. I thought I saw language in the agreement requiring education of the PCA with regard to the union and that the employer would be providing that and wouldn't get involved in that?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker. Certainly there's no financial burden on the employer, i.e., the customers to educate or provide materials to the PCA that's being hired. When somebody is hired as a

PCA, the two agencies that we use, Allied and Sunset, there's obviously packets of information and I believe the union pays for material to be included about, if you want to sign up, here's what we offer, et cetera, et cetera. But I'd have to confirm that. I think that's part of the original agreement, not part of the extension, but it would obviously carry forward.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Madam Speaker. Those are all the questions that I have at this time. Thank you.

DEPUTY SPEAKER COOK (65TH):

Representative McGee.

REP. MCGEE (5TH):

Thank you, Mr. Speaker. Good afternoon.

DEPUTY SPEAKER CANDELARIA (95TH):

Good afternoon, sir.

REP. MCGEE (5TH):

I just have a few comments. I don't have any

questions for the proponent of the bill.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, sir.

REP. MCGEE (5TH):

You could take a break for a second. I also know that we have inclement weather, so I'll be very, very brief with my comments. I have a long six-minute drive home. So, I want to get there.

But I stand in full support of today's resolution with regards to our personal care assistants. A lot of the folks in my district, this is their form of employment. And any way that we can level up by providing better wages, worker's comp, extend holiday pay, you name it, I'm all for it. And so, I really appreciate it. But I think it's important to note, just for this room, and I never want to make the assumption that people understand what Medicaid is and what it is not.

Medicaid is a joint federal/state program that provides health coverage or nursing home coverage to certain categories of low-asset people, including children, pregnant women, parents of eligible

children, people with disabilities and elderly and nursing homes.

For the record, from work requirements to lifetime term limits, there's been some sort of a personal attack on these types of services provided to people that are just asking for another way out of poverty.

It's also an attack on our Affordable Care Act. And if we, as a people in this legislature, really care about those who are doing some of the tough work that is providing care to many of those that we've already discussed today, then for me that's unfortunate.

But I think it's important to know that Medicaid has served many of the folks, not only in my district but throughout this state, a great deal. So, while that is separate from today's conversation, it's important to note that it's all a part of one conversation, but today I'd really hope that all of my colleagues would join me in voting on this resolution in a favorable manner.

Thank you so much, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Will you remark further on the resolution? Representative de la Cruz, you have the floor, sir.

REP. DE LA CRUZ (41ST):

Thank you, Mr. Speaker. Thank you to the proponent for bringing this out. I think we left out a few folks here today. We're talking about these folks that are affected by what we're talking about. And I want to thank all of them for coming out, as they have not just today, but in the hotel rooms all around the state where we met these folks everywhere, whether they walked to those places or got rides to come out. I appreciate what they've done.

I keep hearing out here how there's all of these other jobs available, you can just get a better job, you can -- apparently there's jobs where you folks could be making \$18 to \$20 an hour already with benefits. I would say that we probably have to find a time machine for you folks and bring you back to 1980s when you got a job and it came with

benefits.

We also mentioned that people are living paycheck-to-paycheck. Well, the people that I talked to and the people that I met that are members of this group, are living paycheck to human resources to paycheck, back to human resources. They're getting fuel assistance, heating assistance. If they're away watching someone else's family member, they're getting daycare assistance. Raising the bar, giving them a raise, in other words, is going to cut down other services. It's going to put the money in their pocket, which I can guarantee you, every dime will be spent.

We talked about Renters' Rebate, how it's going to affect it. Again, I think if you vote for the right folks, we won't underfund Renters' Rebate, we won't underfund the MSP savings plan. That's not something that we're going to do.

So, ladies and gentlemen, I just want to remind everybody that we're talking about folks that are living on the edge. And the folks that I met and how concerned they were about not being able to

possibly take care of their relative or in a lot of cases, they're taking care of our relatives and our families.

So, just keep in mind when you vote for this, this is moving people forward in the direction that we want to go. And I fully support this bill. I thank the proponent for sitting up here and taking all of these questions. Thank you, Mr. Speaker. And I'm ready to vote.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Will you remark further on the resolution? Representative Sampson, you have the floor, sir.

REP. SAMPSON (80TH):

Good afternoon, Mr. Speaker.

REP. CANDELORA (86TH):

Good afternoon, sir.

REP. SAMPSON (80TH):

I want to thank all of the participants in the debate so far. I think it's been a very enlightening conversation. And I want to start my comments by saying that I have served as a State

Representative in this Chamber since 2011, when this saga first began regarding the involvement of SEIU in the negotiations for the benefits of personal care attendants.

Way back when, when this idea first came about, it was an idea that came out across the entire country and I was much opposed. So, opposed, in fact, that I joined with some other parties that were opposed at the time, who happened to be PCAs, who were concerned about benefits that are due them through the Medicaid Waiver Program being siphoned off for union dues.

I want to state from the outset that I know many folks that are recipients of the Medicare Waiver Program. I am very friendly with a number of them to this day after going through some traumatic times with them, while this was being debated here and across the state. And I know quite a few PCAs who happen to work for those folks. And I know the difficult job they do, and I know that they take their responsibilities very seriously. And in the cases that I'm aware of, many of those people treat

their employers, those disabled individuals as part of their families. And I know that those employers consider those folks part of their families also.

So, there is no one person in this Chamber I think that does not recognize the value that PCAs bring to our society and the difficult and important work that they do and the fact that they need to be properly compensated.

And that is why, since the very beginning of this, I used the word "saga" before, I have been concerned with making sure that we take good care of the people that do this difficult work.

But I have two concerns about what is before us today, and they should not be taken lightly. The first one is, this body, the Connecticut General Assembly, has always had the ability to improve the lives of PCAs. This is funded through an Appropriation, made by our Appropriation Committee and voted on by this legislature. And over the last eight years that I've been here, more than a few times we have had a vote in the Appropriations Committee and even once in this Chamber to

dramatically, dramatically, dramatically increase the amount of funding for this program. And sadly, each of those times that vote failed.

And that brings me to why I'm standing here before you. It's a very difficult situation for me because I do see the positive in the agreement that's before us, which is that some PCAs are certainly going to benefit from increased wages, based on the agreement that's before us.

But my original concern still remains, which is that there was no need for this body to transfer our own responsibility to properly fund this program to a union to collectively bargain on behalf of PCAs.

I'll just reiterate a couple of things that were said about the notion of this arrangement anyway. Personal care attendants are employed by individuals and typically those people are disabled or otherwise eligible for the Medicare Waiver Program. They are not state employees. They have nothing in common with each other, other than the type of work they do. They are not eligible to be unionized in any stretch of the imagination. The

only reason this was achieved was simply because it was an opportunity for this organization to insert themselves in between funding that comes from this building and the federal government and those people.

And I will remind everyone here today, I know it was asked a whole bunch of times, how much money is the union making on this arrangement and we still don't have an answer, which shocks me, that we could be here voting on this when we don't have an answer to that simple question. But I did the math, it's \$45, we heard, times the number of PCAs, 13,000 give or take. So, that's \$650,000, \$700,000. I don't really know how much.

But that money, that \$700,000, every cent of it should be going to PCAs and not to some unnecessary third party. There are a number of people that have stood up in this Chamber in favor of this proposal. But I would remind them that they should go back and look to 2013, when in this Chamber we had a vote on House Bill 5312. It was LCO 3674. I would go look it up. That was a vote taken by this Chamber to

stop the process of inserting the union into this arrangement and simply doing our job of fully funding the PCA program. That would have generated \$15-million-dollars more money into the program back, all the way back in 2013, that would have improved wages.

The next thing you should do after you look it up is you should look at the vote and you should see who supported increasing wages for PCAs and who supported the union. That's what this is about. I want to see us take our responsibility in this building to properly fund the responsibilities of the state. We have loads of bills swirling about this building about how to fund fire schools and whether or not we're going to have tolls, things like this, that we are suddenly talking about shifting outside of this building because it would be too complicated and too difficult for us to do it here, to prioritize our budget issues.

We need to stop that. We have a responsibility. We were elected to come up with a list of priorities and fund them. The result of

this bill has a positive that certain people will benefit. And for that I am very pleased. And I will tell you, I would never be a no vote to stop that from happening.

However, I am going to vote no, because I'm confident this bill is going to pass, and my no vote is to object to the process that brought us here. It's to object to the fact that \$750,000 maybe more of money, taxpayer money, is being spent to go to a union that doesn't have any benefit. We could have made the decision back in 2013 and every minute since and we should have, Mr. Speaker.

Thank you.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Will you remark further on the resolution? Representative Guerrero, you have the floor, sir.

REP. GUERRERA (29TH):

Thank you, Mr. Speaker. Mr. Speaker, just a brief comment on this piece of legislation.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, sir.

REP. GUERRERA (29TH):

Thank you. You know, I've been listening to the debate, to many comments from my colleagues, who I respect greatly here. But let me tell you something, Mr. Speaker, people truly have to understand what home care providers truly do. I lost my father back in December. And let me tell you, if it wasn't for those individuals that helped take care of him, that allow me, my brother, my sister to go back to work, but were there to help him. This is not an easy job. And I say this from the heart, these are individuals that take care of our parents, our grandparents, and people who are disabled. And if you ever have been in a room when this occurs, they are the salt of this earth. Because there are things that we would never do, as much as we love our loved ones, but they do it.

We have an obligation, and I know at times there are votes out here that are difficult when we talk about monies and tax increases, whatever it may be, but these are the true individuals that come out there every day to make sure that our loved ones are

taken care of, and they don't get paid a lot. Let's be very clear here, they don't.

And for many of us who want to have that debate, ask them every day, ask yourselves, could you do that job? Could you do that job? And I guarantee you, you would say, no. I worked outside for a living, and let me tell you, I'd rather be outside working every day and living than doing what these PCAs do or these homecare providers. Because it's a difficult job. And we here have an obligation to help those people now.

Whatever it may be, this piece of legislation or legislation that may come forward to us in the future, but these are the individuals that take care of our loved ones, and we need to have their backs.

Mr. Speaker, I am going to be voting yes for this. To me, this is a no brainer, and I think all of us should really think hard, think hard when we cast this vote.

Thank you.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Will you remark further on the

resolution before us? Representative Porter, you have the floor, madam.

REP. PORTER (94TH):

Thank you, Mr. Speaker. And I rise in strong support of this bill. As the labor -- I've heard several stories around this issue and in fact have assistants that have done this job, and we talked a lot about, you know, fiscally how this is going to impact the unions, and is this the right thing to do. The first thing I want to clarify is that the state does not pay union dues, that people elect to be in a union and they elect to pay dues.

So, first, let's clarify that. And the point that I want to make because it's pretty much all been covered in this debate. I don't think much more could be said. I just want to bring some of the humanity to it like the speaker before me did.

You know, we were at a press conference yesterday, and some of these workers had the opportunity to speak in the building and express what they've been experiencing as PCAs. And I was a single mom, divorced, two children, raised them with

family support. And I can remember working two and three jobs. I'll tell you what resonates with me from that press conference yesterday, we had a young lady testify that she was working four jobs.

Physically, I don't know how that's possible, but I do believe her when she says she's working four jobs. And on top of working four jobs, she still qualifies for state assistance. She's getting SNAP benefits. She's getting HUSKY. And she's getting cash assistance. And we sit around here talking about spending and how we need to cut spending. I think that's the spending that we need to cut. And when you allow people to have sustainable livable wages, they don't qualify for state assistance.

So, I just want to make the point that this is about -- it's not just a fiscal issue, this is a moral issue. We talk about another thing in this country, the American dream, well I tell you, working four jobs and qualifying for state assistance sounds like the American nightmare to me. Because I know what it is to have to go and apply for state assistance, it's very humiliating. It's

nothing that I think anybody is proud of doing.

And the fact that we don't have a problem paying people wages that are working poor wages that force them to have to be on state assistance, I think that's just -- I don't even know what to call it. It's sad, yes. That is a good word for it. It's very sad. And I think that we need to be ashamed because if you go to work and you work hard for a day, you should get paid for that. And it shouldn't take you two or three, and God forbid, four jobs. And this young lady actually lives with her mother. And her mother works two jobs, that's six jobs in one household and they still qualify for state assistance. Can somebody tell me what's wrong with that picture because there's something wrong with that picture, when we live in a country that allows this kind of thing to happen to hard working, honest people.

And then we sit in here and we act like there's no responsibility for us to make things right, to help level the playing ground, to really give people a pathway to what we like to call the American

dream.

Well, I know many people in my district would love to know what that looks like. But at the pace we're going, they may never see it.

So, I say, let's do the right thing. And you said, let's think about it and let's think hard. I agree. Let's think as hard as the Senate thought about it today. Thank you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, madam. Will you remark further on the resolution before us? Will you remark further on the resolution before us? If not, will staff and guests, please come to the -- Representative Ferraro of the 117th, you have the floor, sir.

REP. FERRARO (117TH):

I would like to just make a couple of comments before we vote. I've been listening to the commentary here today and I do understand the passion on both sides of the aisle. I think people are going to vote their conscience and I think they should be given the opportunity to do that. But I don't think lecturing to this body of legislators is

constructive, nor do I think bringing the score tally from the Senate to this House is a correct protocol. So, I do wish everybody who votes on this issue to vote their conscience and I thank you for the time, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Will you remark further? Will you remark further? Will you remark further on the resolution? If not, staff and guests, please come to the well of the House. Will members please take your seats? The machine will be open.

(Ringing)

CLERK:

The House of Representatives is voting by roll. Members to the Chamber. The House of Representatives is voting by roll. Members to the Chamber.

DEPUTY SPEAKER CANDELARIA (95TH):

Have all members voted? Please check the board to ensure that your vote has been properly cast.

Have all members voted? Have all members voted? Please make sure that your vote has been

properly cast. If all members have voted, the machine will be locked, and the Clerk will take the tally.

Will the Clerk please announce the tally?

CLERK:

House Bill No. 8.

Total Number of Voting	143
Necessary for Adoption	72
Those Voting Yea	127
Those Voting Nay	16
Those absent and not voting	8

DEPUTY SPEAKER CANDELARIA (95TH):

The resolution is adopted. (Gavel) (Applause)

Are there any announcements or introductions?

Are there any announcements or introductions?

Representative Abercrombie, you have the floor, madam.

REP. ABERCROMBIE (83RD):

Thank you, Mr. Speaker. Just for the purpose of an announcement. Human Services will be meeting tomorrow, Thursday, 10:00 a.m. to J.F. Bills. We will be leaving the votes open, but we have every

intention of meeting tomorrow.

Thank you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, madam. Representative Rojas, you have the floor, sir.

REP. ROJAS (9TH):

Thank you, Mr. Speaker, for an announcement.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, sir.

REP. ROJAS (9TH):

Mr. Speaker, today we were intending to have a hearing on the report from the Connecticut Commission on Fiscal Sustainability and Economic Growth. We have moved that hearing to Friday at 12:30 here in the Chamber, and that is for members of the Finance Committee, Appropriations Committee, Commerce Committee, and the Planning and Development Committee. Friday at 12:30 here in the House Chamber.

Thank you.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Representative Santiago, you

have the floor, madam.

REP. SANTIAGO (84TH):

Thank you, Mr. Speaker. I have the journal notations for today.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, madam.

REP. SANCHEZ (25TH):

Thank you, Mr. Speaker. Representative Urban and Representative Godfrey are out ill. And Representative Berger and Representative Perone are out doing business in the district.

Thank you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, madam. Representative Demicco, you have the floor, sir.

REP. DEMICCO (21ST):

Thank you, Mr. Speaker, for an announcement.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, sir.

REP. DEMICCO (21ST):

Thank you, sir. Just a reminder that the Environment Committee will be meeting tomorrow,

Thursday, March 22nd, at 10:30 a.m. in hearing room  
2B.

Thank you.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Representative Stafstrom, you  
have the floor, sir.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, despite  
our previous announcement to the contrary, the  
Judiciary Committee Public Hearing will not go  
forward today and will be rescheduled.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Representative Betts, you have  
the floor, sir.

REP. BETTS (78TH):

Thank you, Mr. Speaker. For the purpose of  
journal notations.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed.

REP. BETTS (78TH):

Representative Camillo, Representative Bocchino  
and Representative Floren are back in their district

on district business.

Thank you very much.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Representative Fleischmann,  
you have the floor, sir.

REP. FLEISCHMANN (18TH):

Thank you, Mr. Speaker, for purposes of an  
announcement.

DEPUTY SPEAKER CANDELARIA (95TH):

Please proceed, sir.

REP. FLEISCHMANN (18TH):

The Education Committee had been scheduled to  
meet today after session. We will not be meeting  
today due to weather. We will adjourn. We will be  
meeting on Friday, 11:30 a.m. in room 2D, and I  
expect that both Democrats and Republicans will  
caucus at 10:30 a.m. this coming Friday. So, again,  
we're canceled for today, caucusing 10:30 a.m.,  
meeting 11:30 a.m. on Friday.

Thank you, Mr. Speaker.

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you, sir. Representative de la Cruz, you

have the floor, sir.

REP. DE LA CRUZ (41ST):

Thank you, Mr. Speaker, just as an announcement for my wife. She only needs to get milk and bread, because the Agriculture Department brought me eggs today as well as everybody else in this room. I just want to remind her, don't get the eggs.

(Laughter)

DEPUTY SPEAKER CANDELARIA (95TH):

Thank you for that announcement. I bet your wife will take notice of that.

Representative Albis, you have the floor, sir.

REP. ALBIS (99TH):

Thank you, Mr. Speaker. Mr. Speaker, if there's no further business on the Clerk's desk, is that the case? Then I move that we adjourn, Subject to the Call of Chair.

DEPUTY SPEAKER CANDELARIA (95TH):

Is there objection? Seeing none, the House will adjourn, Subject to the Call of the Chair.

(On motion of Representative Albis of the 99th

District, the House adjourned at 1:05 o'clock p.m.,  
to meet again at the Call of the Chair.)

CERTIFICATE

I hereby certify that the foregoing 185 pages is a complete and accurate transcription of a digital sound recording of the House Proceedings on Wednesday, March 21, 2018.

I further certify that the digital sound recording was transcribed by the word processing department employees of Alpha Transcription, under my direction.

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