

PCA Workforce Bill (HB 4758) Passed by State Legislature on July 24, 2006

A consumer-majority Workforce Council has been created.

This nine-member PCA Workforce Council includes a representative from the Office of Health and Human Services and the Department of Labor and Workforce development, as well as nominees from the Statewide Independent Living Council, Mass Office on Disability, the Governor's Advisory Commission on Disability Policy, Mass Developmental Disabilities Council, Mass Home Care, Mass Councils on Aging, and an additional open seat. The Council has been meeting monthly since November 2006.

The disability-elderly-consumer members of the council are Larry Braman, Joe Bellil, Eileen Brewster, Liz Casey, Pat Johnston, Paul Spooner, and Joe Tringali.

The Council is charged with:

- ✓ Creating a PCA registry to make it easier for consumers to find PCAs to hire. (Consumers can either use this registry or continue to find PCAs on their own);
- ✓ Creating an emergency back-up system when a PCA cannot report for work;
- ✓ Providing optional training opportunities for PCAs and consumers;
- ✓ Recruiting new attendants into the field;
- ✓ Reducing turnover by setting fair wages and benefits through collective bargaining if a PCA union is formed.

Consumer control is protected by law.

This law creates a workforce council that is directed by consumers and advocates who understand PCA issues, which ensures that consumers can direct their own care in their homes – including hiring and firing and scheduling their PCAs.

PCAs have the right to form a union and bargain for improved wages and benefits. PCAs do not have the right to strike.

Personal care attendants are in the process of forming a union. By joining with disability and senior advocates, PCAs will have the power to negotiate for fair wages and benefits. This can help stabilize the workforce for those who rely on PCAs to live independently in the community.

To read the PCA Workforce Bill (HB4758):

go to: www.mass.gov/legis/laws/seslaw06/sl060268.htm

For more information contact Becca Gutman at 617-284-1133

Q&A about a PCA Union and the PCA Workforce Council

Why are PCAs forming a union?

PCAs are forming a union to have more power in negotiating for better wages and benefits. While the disability movement has done a good job at advocating for PCA wages, pay is still too low and without benefits. Many PCAs are forced to look for other work and often leave the job. With a union, 28,000 PCAs will have a voice in advocating for themselves in the same way that people with disabilities have been doing for decades in Massachusetts.

What is the process for PCAs to form a union?

In November 2006, over 4000 PCAs signed union authorization cards with 1199SEIU stating that they wanted to be a part of a union. 1199 is the largest healthcare union in the state. PCAs and union members visited other PCAs at their homes to talk with them about the benefits of being a union member and sign them up on union authorization cards. These cards were filed with the state and now the state will schedule a union election for PCAs by sending secret ballots to all 28,000 PCAs in Massachusetts. If a majority of PCAs voting in the election vote for the union, they will be part of the union and can begin to negotiate for better wages and benefits.

How do PCAs get contacted?

PCAs get information in the mail, at PCA meetings, on the phone, and when they are visited at home. In order to comply with the law, the PCA fiscal intermediaries were asked by MassHealth to share PCA names and addresses with the state, so that information could be sent to the Workforce Council. Because PCAs are considered public workers, this information can also be requested for the purposes of union organizing.

Are consumers' names and addresses being given out?

No, consumers' names and addresses are private and are not given out.

What is the role of the Workforce Council?

The Workforce Council is responsible for creating a registry of PCAs; developing an emergency back-up system for when a consumer's regularly scheduled PCA doesn't come to work; providing optional training opportunities for PCAs and consumers; and working with a PCA union. All Council meetings are open and you can get information about Council meetings by calling the Executive Office of Human Services at 617-573-1600. The Council is also discussing creating a webpage so that the public can easily access information.

How can I help PCAs get better wages and benefits?

The workforce council will play a role in setting wages and benefits for PCAs. In addition, the statewide Personal Assistance Services Coalition and many ILCs are continuing to advocate for increased compensation for PCAs via the rate setting process overseen by the Division of Health Care Finance and Policy. If you are interested in getting involved, either call your local ILC or BCIL (617-338-6665) or call SEIU at 1-877-409-1199.

Who supported this legislation?

Over 100 disability, senior and community organizations supported the Workforce Council legislation.