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**Commerce & Labor Committee**

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**HB 2354**

**Brief Description:** Making the governor the public employer of adult family home caregivers.

**Sponsors:** Representatives Williams and Conway.

**Brief Summary of Bill**

- Amends the Public Employees' Collective Bargaining Act to allow adult family home caregivers to become part of the individual provider bargaining unit.

**Hearing Date:** 2/23/07

**Staff:** Jill Reinmuth (786-7134).

**Background:**

Adult Family Homes

Adult family homes are licensed by the state to provide residential care for up to six persons in a home-like setting. The residents in adult family homes are persons who are elderly or who have physical or developmental disabilities. They generally require supervision or assistance with activities of daily living and/or health-related services and are unable to live alone. The Department of Social and Health Services (Department) licenses adult family homes. The Department also regulates adult family homes through rules overseen by the Aging and Adult Services Administration. Caregivers include resident managers and other persons who provide residents with hands-on personal care.

Public Employee Collective Bargaining

Individual providers have collective bargaining rights under the Public Employees' Collective Bargaining Act (PECBA) administered by the Public Employment Relations Commission. Individual providers do not have the right to strike and are covered by the binding interest arbitration provisions of the PECBA. For purposes of bargaining, the Governor is the "public employer."

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:**

The Public Employees' Collective Bargaining Act (PECBA) is amended to allow adult family home caregivers to become part of the individual provider bargaining unit. The definition of "individual provider" is changed to include persons who provide care as direct care workers in adult family homes. Direct care workers are caregivers working in adult family homes, but not the adult family home provider or the resident manager.

To become part of the statewide bargaining unit of individual providers, there must be a showing of interest of 10 percent of direct care workers in adult family homes. To determine the total number of such workers, the Public Employment Relations Commission (Commission) must require adult family home providers to provide lists of direct workers in adult family homes to the Commission, including home addresses, by October 1, 2007.

The Department of Social and Health Services (Department) must integrate direct care workers into the individual provider program. For hours of care provided to Medicaid-funded clients only, direct care workers must be reclassified as individual providers. The Department must determine the number of hours authorized for Medicaid clients, taking acuity levels into consideration.

**Rules Authority:** The bill does not address the rule-making powers of an agency.

**Appropriation:** None.

**Fiscal Note:** Requested on February 23, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.