

**GOVERNOR BRIEFING
CONFIDENTIAL**

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Department: Office of Financial Management

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Informational

Topic: Update on Harris v. Quinn Union Requests

BACKGROUND/CONTEXT:

The case of *Harris v. Quinn* was argued in the United States Supreme Court this spring and a decision is expected by the end of June. As you may recall, in *Harris v. Quinn* the Seventh Circuit US Court of Appeals upheld a collective bargaining agreement provision requiring Medicaid home care personal assistants to pay a fee to a union representative, finding that it does not violate the First Amendment. The unions have been making preparations that may be needed depending on the decision. Some of the preparations require state cooperation in terms of changes that would need to be implemented.

ISSUES:

The following are the requests that SEIU 775 (David Rolf, President) have made in response to the *Harris v. Quinn* case:

- Include an addendum in the contract between DSHS and Individual Providers (IP) that adds SEIU 775 as a third party to the contract, requires the IP to accept binding arbitration for any dues dispute between the IP and SEIU 775 and binds the state as well.
- Accept electronic signatures or taped declarations to serve as written permission to pay dues.
- DSHS to collect signed SEIU 775 membership cards during IP contracting process.
- If the decision of the Supreme Court is that IPs are contractors (not state employees) and therefore not subject to the *Abood* precedent, provide IPs a path to be characterized as state employees (without being subject to PEBB or PERS). State could create a separate bargaining statute for IPs in this case.
- As an alternative to the above, the State could contract directly with SEIU 775 to provide representation and organization of IPs (i.e., rather than withholding dues/fees and sending that money to the union, reduce the wages paid to IPs by an amount equivalent to the current dues/fees and pay that amount directly to SEIU). This would require significant statutory changes.
- State could contract with an outside entity to run the home care system, making IPs private-sector employees (as APs are now).

In addition, SEIU 925 (Karen Hart, President) have made the following requests:

- Provide contact information for bargaining unit members received from DSHS earlier in the approval process to accept subsidized children.
- Change current online training for family child care providers to in-person trainings and allow union orientation time at the trainings.
- Allow the Union to train new family child care providers (rather than DEL).

STATUS:

The State has already taken the following actions at the request of the unions:

- Filed an Amicus brief with the Supreme Court in *Harris v Quinn* case.
- Cooperating with the unions' actions to have the Public Employment Relations Commission (PERC) accept electronic signatures to indicate union membership.
- Under the CBAs, both unions are provided monthly lists of all providers in the bargaining unit.
- Under the CBA, SEIU 775 has paid IP time at initial trainings and at annual continuing education training to talk to IPs re union issues.
- Under the CBA, SEIU 775 can send union information out to bargaining unit members with mailed paychecks or payroll information (if use electronic deposit).
- DSHS case managers give out union-provided orientation materials, including membership cards, during IP contracting process.
- Under the CBA, DSHS has a link to the SEIU 775 website from the AL TSA website.
- Shortened the time for SEIU 925 to receive contact information for new bargaining unit members.
- Under the CBA, SEIU 925 has 30 minutes to provide union information at in-person trainings and orientations; online trainings have link to union website; contact information for those providers who complete online training is sent to union by DEL.
- DEL gives out union information with other orientation materials.

ACTIONS/OPTIONS:

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MESSAGES/OPTIONS: