

**Family Child Care Working Group
Special Meeting: January 10, 2012**

*Testimony of Maryann Parker, Associate General Counsel
Service Employees International Union, Washington, D.C.*

Introduction

Thank you for the opportunity to address the working group this evening.

Since I came to SEIU in 2005, I have worked to support provider campaigns to secure a strong voice for quality care. Family child care providers are now organized in over a dozen states – some 100,000 in SEIU alone. It is a privilege to work with those providers, and with the Governors, legislators, and executive branch officials who have built productive bargaining relationships with provider unions, and in so doing improved life for early care workers and the families who depend on them.

On September 21, 2011, Governor Malloy signed Executive Order 9 and forged a strong relationship between the State and a representative of family child care providers. On December 20, 2011, SEIU won a representation election held among providers participating in Care4Kids, the State's child care subsidy program. The response was overwhelming – 95 percent of voters chose SEIU. Connecticut providers are now gearing up for the meet and confer process authorized by the EO, and looking ahead to legislation that will meet two goals: securing the right of Connecticut family child care providers to speak with one voice with regard to the terms and conditions of their work, and second, ensuring that Care4Kids – a program vital to working families, and to the State's commitment to transforming education during the critical first three years of life – will continue to benefit from this constructive partnership with providers.

In this testimony, I will provide brief background remarks, and then turn to the experiences of states with provider collective bargaining systems, and outline best practices for such systems.

Background

Family child care providers are independent, home-based providers who play a key role in early care and education in Connecticut. Parents depend on this form of care as uniquely nurturing, flexible, and affordable. In turn, the State of Connecticut – acting through the lead agency for child care, the Department of Social Services (DSS), depends on home-based care to serve the early education and care needs of the state's most vulnerable families through Care4Kids, its child care subsidy program.

To better understand family child care, and in turn the reach of family child care organizing legislation, it may be useful to understand who is *not* a family child care provider. Family child care providers are not employed at traditional child care centers, and in fact are not

“employees” at all. Some are licensed; some are legally entitled to provide care without a license, and may be referred to as relative/neighbor or “kith and kin” providers. Family child care providers are not babysitters, nor domestic employees; rather, they offer child services to families, and – in the case of the providers covered in the Governor’s EO – contract with the State of Connecticut to serve families participating in Care4Kids.

Several thousand licensed and license-exempt family child care providers serve Care4Kids. However, because they are neither private nor public employees, but independent contractors, no existing labor relations laws cover them.¹ Yet facing a declining supply of qualified home-based providers in the face of escalating need, the State has many reasons to want collective bargaining with these workers: to stem the tide of providers out of family child care work; to improve the qualifications of the family child care workforce; and to incorporate providers’ front-line expertise into policy decisions. To access those benefits fully, Connecticut must create a statutory system that enables home-based providers to collectively negotiate the terms and conditions of their work in support of Care4Kids.

Collective Bargaining Experiences in Other States

Since 2005, eight states have created statutory systems for bargaining with family child care provider unions.² Providers have unionized to bring attention to the importance of subsidy programs and the work they provide pursuant to them. Even in grim budget years when rate increases are long-term goals, providers still value the right to a collective voice. Providers want a seat at the table – a chance to bring their expertise to bear on their own livelihoods as well as those of the families that depend on them.

SEIU affiliates represent providers in Illinois, which passed the first bargaining legislation in 2005, as well as in Washington, Oregon, Maryland and Maine. Our SEIU public services division legal team provided advice on the drafting of all of those statutes. We also provided counsel on bills that passed out of legislatures in Rhode Island, Massachusetts, and California, only to meet gubernatorial veto. AFSCME and other unions have succeeded in passing family child care bargaining legislation in New Mexico, Wisconsin and New Jersey. My comments are focused on those statutes passed in states where SEIU has played a leading role. However, although each

¹ See, e.g., 29 U.S.C. § 152(3) (2006) (“[The] term ‘employee’... shall not include... any individual having the status of an independent contractor.”); Conn. Gen. Stat. § 2-570(b) (defining employee status under the State Employee Relations Act).

² Providers in Illinois, Washington, Oregon, Maine, Maryland, New Mexico, Wisconsin and New Jersey have won collective bargaining rights through statutes. See National Women’s Law Center 2010 Update: “Getting Organized—Unionizing Home Based Child Care Providers,” available at: <http://www.nwlc.org/resource/getting-organized-unionizing-home-based-child-care-providers-2010-update>. Maryland and New Jersey codified child care rights in 2010, after the NWLC press date.

state system is somewhat different, at this point we can speak of common features and best practices in family child care representation statutes across the country.

Best Practices: Family Child Care Labor Relations Statutes

It is useful to review three categories of provisions that characterize successful family child care collective bargaining systems. First and foremost, the relationship must center on the state subsidy program. Second, and equally important to the success of the system, existing state public employee laws and regulations should govern family child care bargaining wherever appropriate. Third, a number of provisions in family child care bargaining statutes protect the rights of the state, providers, and parents, and clarify limits on the reach of bargaining.

A. The Collective Bargaining Relationship Centers on the State Subsidy Program.

1. *Subjects of Bargaining Center on the State's Authority to Set the Economic Terms of Participation in the Subsidy Program.* Family child care bargaining systems depend on the fact that each state, usually acting through its lead child care agency, has plenary power to regulate its child care subsidy program. States have the power to set reimbursement rates for providers who participate in the program, and other economic terms and conditions of those providers' work. To retain providers, attract qualified providers, and run fiscally responsible, high-quality programs, a state may inform its policy choices through collective bargaining with a representative of the providers who participate in the program. The scope of bargaining between the parties is rooted in issues of mutual concern including rates, payment procedures, access to training and professional development, and other priorities relating to successful operation of the subsidy program.
2. *Collective Bargaining Statutes Cover Only Home-Based Providers Serving the Subsidy Program.* State law collective bargaining systems apply only to independent family child care providers who participate in the subsidy program. Early educators employed by traditional child care centers are not covered by these systems, even if those centers participate in Care4Kids. This is in part due to the fact that a state may not regulate the collective bargaining relations of private, NLRA-governed employers and their employees.

In addition, statutory collective bargaining does not cover family child care providers who are licensed, but not paid, by the state. Some states have established consultative relationships with providers over licensing issues, but collective bargaining is available only to those providers who receive reimbursement for work pursuant to the subsidy program.

This is due, in part, to the fact that the state has the greatest stake in the livelihoods of providers who are closely connected to the success of the subsidy program, and

the greatest need to engage them in order to improve quality and access to early care in family homes. It is also due to the fact that providers are independent contractors of the state, not employees – therefore, their collective economic activities do not fall within the labor exemption to antitrust laws. However, states may act to enable a group of independent providers to bargain rates if: 1) the State has plenary power to administer the relevant state program; and 2) the state has the power to set the rates in question, and will supervise any authorized collective bargaining of those rates. Successful family child care bargaining statutes meet all of the requirements of the state action exemption to the antitrust laws by limiting coverage to subsidized providers, and engaging directly with those providers as parties to bargaining.

3. *The Lead Child Care Agency – or Governor’s Designee -- serves as “Employer for Collective Bargaining Purposes.”* Family child care providers are neither public nor private employees, and nothing in state law bargaining systems changes their status as independent contractors. However, in order to facilitate a productive relationship between the a state and a provider representative, statutes generally deem a governmental entity the “employer” of the workers for limited purposes of collective bargaining under such statute. Generally, the Governor or the statute designates the lead child care agency as the appropriate governmental party to bargaining.

Deeming a governmental entity the “employer” of providers for collective bargaining purposes *does not mean that the workers should be treated as public employees for other legal purposes.* For example, the statutes often make clear that these workers have no statutory rights to public employee benefit programs, civil service protections, or other statutory benefits more generally available to public employees, and they also often make clear that the state need not be considered to be the employer of these workers for legal purposes unrelated to collective bargaining.

4. *Deduction of Dues and Fees Made from Subsidy Payments to Providers.* Many licensed family child care providers move in and out of coverage under state collective bargaining laws. However, states will only deduct union dues and negotiated service fees from providers who receive payment from the subsidy program.

B. Existing State Public Employee Labor Laws and Regulations Govern the Collective Bargaining Relationship Between Providers and the State.

1. *Application of Existing Public Sector Collective Bargaining Statute.* Generally statutes cover provider bargaining systems under one of the state’s public employee collective bargaining statutes, or borrow provisions from an existing statute to govern labor relations in this context. Rather than reinvent the wheel, the state and

providers rely on well-established, tested protocols for dealing with questions of representation, bargaining procedures, unfair labor practices, and dispute resolution. Given the fact that bargaining takes place with the state entities governing the subsidy program, states generally use the law that applies in the state employee context.

The fit is not perfect; indeed, generally applicable provisions of the state public employee collective bargaining statute may need to be modified, or the family child care labor relations statute may incorporate only those procedures it requires for effective governance. However, for two key reasons, the standards that apply in the public sector are the best fit. First, the actors involved are state actors; the programs involved are state programs. Provisions and processes that apply in the state employee context will be familiar to the state, and appropriate for a relationship aimed, first and foremost, at improving the operation of a state program.

Second, the private sector model of labor relations, which is premised on regulating economic conflicts and accounting for the potential use of economic weapons such as strikes, is entirely inappropriate to the family child care context. Rather, the public sector model – which accounts for public policy considerations, seeks productive engagement with the workforce, and relies on dispute resolution structures that avoid economic conflict is far more apropos, and far more likely to meet the goals of such a family child care bargaining system.

2. *Use of Expert Labor-Relations Agency.* Accordingly, the expert governmental labor relations agency that normally administers public employee labor relations statutes is generally given authority to do so with respect to family child care provider collective bargaining systems.
3. *Dispute Resolution.* These provider collective bargaining systems often provide that the contracts and which result from collective bargaining (and the dispute resolution systems associated with collective bargaining) are to be given similar effect as in other public sector contexts. However, in some states they are modified to reflect the legislature's special interest in tracking expenditures in the state programs, including the state child care subsidy program.

C. The Statute Incorporates Protections for the State, Providers, and Families.

1. *Rights of Parents and Guardians To Choose Child Care Providers.* Many state statutes clarify that bargaining does not and cannot interfere with the rights of parents and guardians to choose child care providers for their children.
2. *Providers Independent Contractors, Not Employees.* Much as states wish to limit the scope of their role as "employer" for purposes of family child care provider

bargaining, providers wish to remain independent small business owners. State law systems usually clarify that bargaining does not and need not affect their status as non-employees.

3. Providers may not strike. State statutes generally clarify that providers do not have or obtain any right to engage in strike activity – even in states where public employee have such rights.
4. State Action Antitrust Exemption. Statutes generally assert that the legislature intends the state action exemption to antitrust laws to apply to the activities of provider unions, and state entities engaged in bargaining with those unions.
5. Rights of Providers and Provider Organizations to Petition Government. Some statutes clarify that the bargaining relationship with a certified provider union does not limit the rights of any provider or provider organization to petition government or participate in public forums concerning family child care providers or state subsidy programs.



State of Connecticut
GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

January 31, 2012

Chairman Murphy,

Enclosed please find the video and written testimony you requested from Senator Markley and Rep. Sampson's Informational Hearing on the Governor's Executive Orders 9 & 10. Please feel free to contact either with any further questions you might have at 860-240-0381 or 860-240-8389.

Sincerely,

Senator Joe Markley
Representative Rob Sampson

State Senator Joe Markley

&

State Representative Rob Sampson

House and Senate GOP Informational Hearing on Executive Orders 9 & 10

November 10th, 2011

1. **Sen. Joe Markley** (*Introduction*)
2. **State Rep. Rob Sampson** (*3:11*)
3. **Cathy Ludlum** – Employer of Personal Care Attn. Manchester, CT (*6:25 – 41:09*)
4. **Michelle Tyler** – Personal Care Attendant – Owns Cuddles & Kisses in Tolland, CT (*41:32 – 52:40*)
5. **Jillian Strogoff** – Personal Care Attendant Hartford, CT (*51:52 – 54:14*)
6. **Stephen Mendelsohn** – Disability Rights Advocate (*54:20 – 1:26:10*)
7. **Andrew Markowski** – CT State Director – National Federation of Independent Business (NFIB) (*1:26:33 – 1:54:40*)
8. **Jeanne Milstein** – State Child Advocate (*1:54:50 – 2:00:20*)
9. **Deborah G. Stevenson** – Constitutional Law Attorney & Chief Counsel We the People of Connecticut Inc. (*2:00:42-2:23:55*)
10. **Sharon Denson** – West Hartford resident who relies on the services of personal care attendants (*2:25:09 – 2:31:45*)
11. **Estelle Stevenson** – CT State Coordinator – We The People Foundation for Constitutional Education (*2:32:12 – 2:34:26*)
12. **Stanley Emond** – Cheshire resident whose parents require the services of caregivers (*2:34:40-2:36:38*)
13. **Debbie Barisano** – Personal care attendant testifying on behalf of the late Phyllis Ziotnick, who required the services of PCAs (*2:36:49 – 2:42:40*)
14. **Joe Velky** – Constitutional Advocate (*2:43:20 – 2:45:50*)
15. **Linda Garamella-Fusco** – Shelton Resident who is a daycare provider (*2:46:53 -2:50:00*)
16. **Claude Holcomb** – Independent living advocate (*2:50:42 – 2:55:40*)

House and Senate Republicans submitted the video of the 11/10/2011 Hearing on Executive Order 9 & 10 as testimony: <http://ct-n.com/ondemand.asp?ID=7156>

House & Senate Republicans Informational Hearing on Executive Orders 9 & 10 (Date Recorded: 11/10/2011)

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TESTIMONY ON EXECUTIVE ORDER 10

NOVEMBER 10, 2011

Senator Markley, Representative Sampson, distinguished guests, good morning, and thank you for the opportunity to speak with you today.

My name is Cathy Ludlum, and I am here to express my strong concerns about Executive Order 10. I have 23 years of experience as an employer of personal assistants, and I am a participant in the Personal Care Assistance Waiver. There are many reasons why I think the Quality Home Care Workforce Council and the union that will follow will be harmful both to PCAs and to their employers with disabilities. I described the reasons in my testimony for the hearing on HB 6486, so I will not reiterate everything here. These two points bear repeating, however:

- **Trust** — Before I would consider working with 1199/SEIU, I must believe that there is a way for us to work together in an atmosphere of mutual respect and trust. Since 2009, the SEIU has made numerous strategy blunders that have prevented trust from developing. The fact that this Executive Order was created *without any input* from the disability community or personal assistants themselves has not increased my level of trust. Quite the opposite.
- **Cost** — At a time when Connecticut is raising taxes, consolidating agencies, and cutting programs, how can anyone even suggest that unionization itself will increase the wages of personal assistants? The math is very basic. Workers' wages will *decline* with union dues removed and nothing to show for it. This has already happened in certain Connecticut nonprofits, and in Michigan which just decertified both its daycare and personal assistants unions.

This brings us to the creation of Executive Order 10. As you can see by our stickers and posters, the disability community places enormous importance on the concept of *Nothing About Us Without Us*. No Executive Order so deeply affecting the lives of people with disabilities, senior citizens, and personal assistants should ever have been undertaken without including input from these constituencies from the start.

When I spoke to the Governor's office in August, I asked what stakeholders had been involved in the development of what was then the draft Executive Order, and I was told the Department of Social Services, the Department of Developmental Services, the Office of Policy and Management, and SEIU/1199.

I asked whether any input had been sought from Connecticut's five centers for independent living, the Connecticut Council for Persons with Disabilities, or the Connecticut Council on Developmental Disabilities. I could also have mentioned the Family Support Council and the University Center for Excellence in Disability at the University of Connecticut. All of these are State or Federal entities which could have provided valuable input from employers and their personal care attendants.

At any rate, the answer from the Governor's office was NO.

In the absence of this input, the Executive Order is fatally flawed, both in terms of getting anyone in our community to embrace it, but also in terms of content.

Here are just a few of its problems:

- The second WHEREAS refers to "non-professional services." My personal assistants *are* professionals. Most of them are not State-certified, but they are highly trained, highly skilled, and dedicated. To imply that their services are non-professional is an insult.
- The fourth WHEREAS perpetuates the stereotype that everyone on Medicaid has a low income. This ignores all the people like me, who receive PCA services through MED-Connect, the Medicaid buy-in program for people with disabilities who are employed.
- The Executive Order cites turnover as a problem, but I think some turnover is necessary and even healthy. While a 100% staffing change every month is not desirable, people should be able to advance in the directions they choose. I am concerned that unionization will create an incentive for bad employees to stay put.
- According to Section 2 (c), by 2013, the Quality Home Care Workforce Council will become an employment agency, responsible for recruiting personal assistants. First, there should be a discussion with the disability community about whether such an agency is needed. If so, should it exist within State government? If so, how will it be funded, given that our State is in fiscal distress?

- The same section mandates training for personal assistants and their employers. While there is some potential for good here, training is best done by the people who know their own needs, or family or personal assistants who are familiar with them. Many of us are put at risk if people's medical training blinds them to what we actually need. We would prefer to hire assistants with no experience who will be more responsive to us. I spoke to someone in Massachusetts, and one of his issues with the union there is the *three months* of training required of new personal assistants. Most employers do not have the luxury of waiting three months to replace an employee who needs to leave or is providing substandard care.
- While the Executive Order advocates "careful consideration" before changes are made to existing PCA programs, the timeline in the document makes this impossible. *Until today*, there has been no opportunity for public comment and no collaboration with the *primary* stakeholders. Most people realize that a thoughtful and considered strategic planning process takes months, not weeks.

I urge Governor Malloy to take today's event to heart and to rescind Executive Order 10 immediately. I agree that there should be a high-level dialogue about improving wages and benefits for personal assistants. This is not the way to go about it.

I also urge the Legislature to take measures such as those now being considered in Michigan to prevent "stealth" unionization of personal assistants and daycare providers. Of course workers should have a right to unionize, but they should also have the right to refuse unionization efforts without punishment or financial coercion. Otherwise, the system that claims to be supporting people who are oppressed will instead become their oppressor.

Remember: Nothing About Us Without Us.

Thank you.

Stop the SEIU from Hijacking Personal Assistance Services in Connecticut

http://www.facebook.com/home.php#!/home.php?sk=group_185712171462620

Testimony Regarding Governor Malloy's Executive Orders 9 & 10, Unionizing Day Care Workers and Personal Care Attendants, and Establishing a Personal Care Attendant Workforce Council

My name is Stephen Mendelsohn, I am a disability advocate and an adult on the autism spectrum, and I am here to voice strong opposition Executive Orders 9 and 10. Others here today will be focusing on issues of paternalism and exclusion of people with disabilities ("Nothing About Us Without Us") in the issuing of EO 10, how unionization would lead to people with severe disabilities losing PCA hours and possibly becoming institutionalized at greater expense to the State, as well as interfering with this intimate relationship, the Governor's breach of the separation of powers as enumerated in the state Constitution, union coercion through card check intimidation and mandatory agency fees, and the breach of privacy of personal care attendants (PCAs) and day care workers whose contact information will be turned over to a labor union. All of these issues are valid and important. My focus today is to ask the question, *cui bono?* Who benefits from Executive Orders 9 and 10? The answer is clear: it is the Service Employees International Union (SEIU), which has worked in concert with the Malloy administration and has long sought to expand its union empire by meddling in self-directed home care and day care. Their goal is to force every PCA to pony up either union dues or "fair-share fees" to the union.

Last March, I testified before the Human Services Committee in opposition to HB 6486 concerning PCAs, which contained many similar provisions as EO 10. For those

who were not there or may not remember, I will restate and expand the reasons why SEIU should not be empowered to bully people with disabilities and their personal assistants with their aggressive and unsavory tactics.

I want to begin by refuting a deceptive claim made by SEIU spokesperson Deborah Chernoff last March before the Human Services Committee and more recently in the *New London Day*. She claimed that no one would be compelled to join the union under the earlier legislation and executive orders. The fact is that we do not have a right-to-work law in Connecticut; SEIU vigorously opposes representing only workers who willingly pay dues and giving individual workers the choice to do so or not. Therefore, those who do not support the union can be charged what are called "agency fees" or "fair-share fees" in lieu of dues, and be compelled to accept union "representation" if they wish to keep their jobs.

Mandatory dues can have a significant effect on PCAs and day care workers' wages. For instance, according to RewardingWork.org, in SEIU-run Massachusetts, minimum union dues for PCAs are \$6.50 per biweekly pay period. For a backup PCA working an occasional 3-hour shift at roughly \$12/hour, union dues could amount to 18% of a PCA's paycheck. There are many good reasons someone with a disability would want to hire lots of part-time PCAs, and the SEIU scheme would punish them.

PCAs, like the rest of us, deserve a right to privacy. But section 3 of EO 10 would mandate that the contact information of all PCAs become a public record available to the union. We know that in other communities, such as Fresno, CA, the SEIU has used this information to go to home care workers' homes, open their mail, and bully and intimidate people into voting for the SEIU over a rival union or no union. Do we really want to subject PCAs to SEIU intimidation? The card check provisions of both

executive orders make such intimidation even more likely, and we witnessed this last March when SEIU got hold of the PCA list and intimidated PCAs in their homes to try to get them to support HB 6486.

The SEIU's support for unfair labor practices, intimidation, and violence hardly stops here. In March 2009, the SEIU's own staff union, the Union of Union Representatives, picketed SEIU headquarters, charging SEIU with unfair labor practices as well as race and age discrimination. Melissa Pinnick, chief out-of-state SEIU organizer on this issue in Connecticut, was there with a bullhorn shouting, "How do you spell hypocrisy? S-E-I-U!" If the SEIU's organizers cannot trust their own union, why should people with disabilities, PCAs, and day care workers do so? Earlier this year, the SEIU posted to its blog a punk rock song, "Take 'Em Down" by Dropkick Murphys as the union's theme song with the lyrics, "When the boss comes callin' we gotta organize / Let 'em know / We gotta take the bastards down / Let them know / We gotta smash them to the ground ..." Who is the SEIU trying to smash to the ground here? Do we really want these purple shirts in the homes of our friends with severe disabilities?

SEIU's associations with radical and anti-American organizations also deserve examination. This past May, SEIU was heavily involved in a May Day parade in Los Angeles together with numerous Marxist and Communist organizations, and purple-shirted SEIU marchers were waving red Communist flags. Closer to home, as noted in the CPUSA's house organ, *People's World*, SEIU (and AFSCME) leaders routinely accept annual Amistad Awards from the Connecticut Communist Party and its leader, Joelle Fishman. Imagine the outrage if Tea Party leaders were found to accept awards from the Ku Klux Klan and David Duke.

Why is Governor Malloy seeking to empower a union with such an unsavory record of intimidation, coercion, even sympathy for fringe-left extremism—at the expense of people with disabilities, employees, and taxpayers?

Much as we all want better wages and benefits for PCAs and day care workers, do not drink the SEIU's toxic purple Kool-Aid—now apparently tinged with Marxist red. It makes no sense diverting limited resources to a new state agency and put union dues from low-wage PCAs into the pockets of the 322 out of 1031 SEIU employees who earn over \$75,000 a year. This is a form of "class struggle," but not the way the union would have it. Disability activists and defenders of constitutional government stopped forced unionization of PCAs in Pennsylvania after then-Governor Ed Rendell issued a similar executive order. We can and must stop it in Connecticut as well. Please work to overturn these executive orders through legislation and/or legal challenge.

Don't Mourn, Organize Against the SEIU and Executive Orders 9 and 10. We Shall Overcome.

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Sources:

<http://www.rewardingwork.org/en/State-Resources/Massachusetts/Frequently-asked-questions.aspx> "Dues equal 2% of PCA wages before taxes are taken out every pay period. There is also a minimum and maximum dues payment. **All PCAs will pay at least \$6.50/pay period** and PCAs only pay the 2% on their first 40 hours they work each week." (emphasis added)

Workers blow whistle on SEIU election fraud
<http://www.youtube.com/watch?v=Vg06CC1vkX8>

SEIU Staff Union Pickets the SEIU! <http://www.youtube.com/watch?v=RwsVnbLruwI>

"SEIU Employees Picket Own Union Over Layoffs," San Francisco Chronicle, March 28, 2009 by Sam Hananel, Associated Press <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/03/28/MNIC16O7P4.DTL> "the UUR has filed unfair labor practice charges and age and race discrimination claims against the SEIU."

SEIU Blog: <http://www.seiu.org/2011/02/the-dropkick-murphys.php>

<http://countrythinker.com/home/politics/song-released-for-wisconsin-workers-we-gotta-take-the-bastards-down/> "Taken literally, the release of this song for use in a protest of legislation is essentially a call to overthrow the Wisconsin state government.... it is vastly more likely that someone would be inspired to violence by this song than [Sarah Palin's] political strategy map."

<http://www.unionfacts.com/unions/unionProfile.cfm?id=137>

"Critics Attack Malloy for Opening Door to Unionization," The Day (New London), September 26, 2011 by J. C. Reindl
<http://www.theday.com/article/20110926/NWS12/309269958/Critics-attack-Malloy-for-opening-door-to-unionization>

Pictures of SEIU and Communists marching together:
<http://www.ringospictures.com/index.php?page=20110501>

"Three Union Leaders to be honored at 'Keep the Ball Rolling' Event," People's World, November 28, 2009 <http://peoplesworld.org/three-union-leaders-to-be-honored-at-keep-the-ball-rolling-event/> "Three Connecticut labor leaders, Art Perry, Anna Montalvo and Gwen Mills, will be honored on Sunday, Dec. 6, with the annual Amistad Award presented by the People's World, on the occasion of the 90th anniversary of the Communist Party USA." ... "Art Perry has been an organizer and community and political activist since working at Southbury Training School as a member of New England Health Care Employees Union / District 1199 in the 1970s. His grassroots political organizing with working families has elected many progressives to local, state and federal office. He served with 1199 for 17 years, and is now Connecticut political director of SEIU 32BJ Justice for Janitors"

Labor History News, by Joelle Fishman
<http://www.laborhistory.org/newsletterarchive?mode=PostView&bmi=733915>
honoring Delphine Clyburn of 1199SEIU "The annual awards are presented to allies by the People's World on the occasion of the 92nd anniversary of the Communist Party USA."

November 10, 2011

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Testimony for Executive Order 10

Good Morning,

Working as a personal assistant on and off for the last 9 years, I feel that I am pretty connected in the disability community. Over the last year I have spoken to many employers and PCAs about the proposals for unionization of PCAs. I have yet to find any who are in favor of these proposals.

When I read an article stating that stakeholders had been consulted in creating Executive Order 10, I inquired as to how many PCAs and employers were involved, and was told NONE!

Executive Order 10 states:

WHEREAS, reform of the PCA waiver programs requires careful consideration of the economic impact of such reform and must ensure Connecticut's right to receive the maximum amount of federal funds to which it is entitled to receive and, therefore, should include all of the relevant stakeholders.

So why are there no PCAs on the work force council?

Another problem with the executive order is a serious misunderstanding of what PCA work is all about. To quote Executive Order 10:

WHEREAS, personal care attendants typically earn low wages, no benefits, no paid time off, and receive no standardized training;

WHEREAS, as a result, the pool of personal care attendants in this State suffers from high turnover and inconsistent quality;

In my experience turnover doesn't come from low wages, lack of benefits or training. It comes from burning out PCAs by expecting them to work 40, 50, 60, or more hours every week. A good personal assistant cares deeply, and due to the emotional nature of this work, burnout SHOULD BE expected for anyone who builds their entire life around their employer. Because of how personal this relationship is, PCAs can become emotionally drained when working full time for the same person.

The relationship between employer and PCA is unique and it should be protected. Creating a work force council is inserting a third party in the mix that will negatively affect this relationship. I anticipate that this work force council will actually reduce the number of dedicated PCAs.

I am asking that you respect the people and respect the relationship!

Good morning, I am Claude Holcomb. I am an employer for several attendants, who support me in the community. I fought for many years to leave a nursing home and have been determined since to remain in the community. In my opinion, Executive Order Ten will take Connecticut back many years to a medical model where people with disabilities were viewed as sick and in need of skilled care. We may need support to live in the community, but this support can be successfully realized through attendant services, which are directed and managed by the individuals who need such supports.

Under the current Medicaid law in America, nursing home care is guaranteed to all Americans who qualify, and home care is only an option. For the past few years, the tide has been turning toward home care. We, the recipients of home care services have been trying to get the law changed so that home care is guaranteed to all Americans who qualify for such services and nursing home care is a last option for those who need it.

Local unions, which cover healthcare workers in nursing home settings, are also aware of this trend moving toward more home care. These unions see their memberships shrinking if America stops making institutional care a mandate to fund. Naturally, they would like to preserve their membership, in part by unionizing home care workers all over the country.

I am opposed to unionizing Connecticut attendants who work in our homes. If Executive Order Ten goes forward there will no longer be a level playing field between the individual employer and the attendant. The unionization of workers almost always results in individual workers receiving more hourly pay. However, the people who require home care services will not receive an increased allotment of funding to accommodate these pay increases, because Connecticut's Medicaid waiver funding programs have caps. If attendant wages are increased, and the total pie stays the same, then a person's hours of care will need to be reduced to cover these pay increases. Many people receiving attendant services are already living on the edge. Fewer hours of support may mean they end up living in nursing homes, which would mean the total cost to Connecticut would be greater.

Unionizing attendants will also make it more difficult for a person with a disability to fire someone for abuse or neglect. Abuse or neglect perpetrated by an attendant against a person in their own home would most likely happen without the presence of witnesses. It would be one person's word against another's and the union would advocate for the attendants. If I want to terminate someone now, I need a good reason. But when attendants become unionized, I will have to defend my decision to terminate someone unaided before the employee and their union steward. My care will cease while the case is being resolved.

How will the state handle a walkout or a slow down? If my care is stopped for a strike or to resolve a grievance, there will be no one to assist me, as is the case for people supported by an administrative structure, such as a nursing home or a group home. Our independence works because we are on an equal footing with the people we hire to provide our support.

Finally, I am concerned about the intention of the two-year study outlined in Executive Order Ten, because it will allow the unions to take control over people and services that are currently saving the state large sums of money.

I urge people who are sitting here today to think about the kinds of services and supports they would want for themselves, because the decisions that result from the implementation of Executive Order Ten may help the unions and hurt the people of this state. If you are here today because a union asked you to come and lend them your support, please think about this subject as you would have it apply to yourself if you were in need of home supports to live in the community.

I believe people in the disability community in Connecticut and the governor of this state who support this bill really need to rethink unionization for attendants in Connecticut.

November 10, 2011

My name is John Beidler, I reside in Southington, CT.

The Constitution is, believe it or not, extremely popular! And this gives me a glimmer of hope. How do I know this? For everything the government does, when a constitutional question arises, politicians and pundits alike ALL try to find a way to argue that their favorite programs are "constitutional." They seem to reach for the worst, most obvious nonsense to back up their laws rather than just admit the opposite.

How many times have you heard Obama or Bush or Malloy say something like this...."look, we know this action isn't constitutional, but we need to do it anyway. The constitution is an old tired document, and we need to get with the times... so let's get on track America, get on board, and forget that constitution thing. This new way is going to be much better!"

The US & CT Constitutions don't apply to you. They don't apply to me. They don't apply to any person at all. They are documents that lay out the rules for the federal government, and rules for the state government.

But documents don't enforce themselves. It takes you to understand what those rules are, and it takes you refusing to go along with anything outside of those Constitutional limits. That's how documents are enforced.

If you want to understand why liberty is being flushed down the toilet, and at the same time, if you want to understand how to turn things around, I have one simple suggestion for you.

Look in a mirror. Because liberty begins – and ends – with you.

Might I take a moment to remind you and read the Oath of Office Administered to Members of CT Senate & CT House of Representatives.

You do solemnly swear (or affirm) that you will support the Constitution of the United States, and the Constitution of the State of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the Office of Senator or State Representative to the best of your abilities; so help you God.

Please do so!

Jillian Strogoff
50 Haddam Street
Hartford, CT 06106

November 10, 2011
Testimony Concerning Executive Order 10

Good Morning Ladies and Gentleman,

I am going to make this short and to the point. I am standing up for what we believe in which is Nothing About US Without US! I can't say and emphasize any clearer than those 5 words can.

I am absolutly shocked that Governor Malloy threw this executive order into play! Honestly, wasn't there anything else more important that can use the attention of a executive order? When during the legislative session it was a bill. There were many people that testified against that bill. Where was Governor Malloy or his testimony? Even yet why wasn't somebody that represented the Governor there to testify? That bill died out.

It looks like Governor Malloy wanted to suprise us with this executive order. Why hasn't he organized meetings to talk with Employers and Employees ? He is not understanding our needs and what is important to us. Why is this so important that the Governor over stepped the Legislators to have this executive order immediatly? Why can't Governor Malloy wait until he has involved US and be more collaborated without trying to rush this through?

Nothing About US Without US!

Thank you.

Dear Legislators, Ladies and Gentlemen,

I am a licensed Family Childcare provider in the town of Tolland. I have been licensed continuously since 1995. It was recently brought to my attention that the Governor of our State is seeking to unionize workers such as myself in an attempt to bring to us collectively better benefits and rights. I am opposed to this effort and wish to share my perspective on it.

The cost for childcare in America is staggering for families and honestly I do not know of a provider that enters into the field expecting to grow wealthy. It is labor intensive and requires a great deal of patience and love for young children. The 2-1-1 service in Connecticut conducts regular availability and pricing surveys by region. All concerned can easily see what their competitors are charging for care and what the market will bear for such services. This said, the State would be of no help in securing greater pay for our childcare services.

As an independent business owner, I am entirely confident in creating and maintaining contracts of care for my client families. They are fair and yet provide me with much needed and deserved time off for vacation and holiday. My contract allows me two weeks of paid vacation and paid holidays. My client families have never begrudged my need for or right to take reasonable time off with pay. The State does not need to assist me on this.

I must abide by the State of Connecticut Daycare Licensing Regulations, but I am not an employee of the State of Connecticut. I believe it is in the best interest of family daycare providers to have freedom to set practices that affect their parent fees and personal benefits. If the Governor were interested in determining satisfaction rating among Family Daycare workers in our State, perhaps a survey would be more meaningful place to start than more government intervention.

Thank you for listening to my perspective on this matter.

Sincerely,

Jennifer L. Harris
61 Brookmoor Road
Tolland, CT 06084

Good morning. My name is Debbie Barisano, and I am the Founder of the Connecticut Association of Personal Assistance. It is my privilege to read this testimony on behalf of Phyllis Zlotnick, renowned disability advocate, who recently passed away. Even as her condition deteriorated, Phyllis continued to fight against the unionization of personal assistants. One of her last public acts was to submit testimony for the March 8 hearing on HB 6486. Phyllis was aware of Executive Order 10, and the points she made for that hearing still apply.

Phyllis D Zlotnick
4 Hillcrest
South Windsor, CT 06074
pzlotnick1@yahoo.com
860-649-6024

RE: HB 6486, AN ACT CONCERNING HOME HEALTH CARE SERVICES AND THE ESTABLISHMENT OF A PERSONAL CARE ATTENDANT WORKFORCE COUNCIL

I am a recipient of services under the State's Personal Care Assistance Program. Many individuals have asked how I and other employers of PCA's would be negatively impacted by HB 6486. Please consider my reasons for opposing this bill.

Under the current PCA program, I am allowed to self-direct my own supports within a limit number of hours as determined by my case worker. I hire employees I feel can best meet my individual needs.

You must understand that our small, but vital, Personal Care Assistance Program (operating under a Title XIX waiver) is unique from other home care programs. It was designed specifically for those with physical disabilities, many of whom are employed. Unfortunately, we are being swept in with all in-home programs under this bill.

- I do my own hiring and my own training, and I've done so for over 40 years. I don't want some faceless council training them when they don't know my needs.
- We don't want a return of the medical model. The current program is for people who want to live in the community, be as independent as possible, and rely on assistants hired and trained by us to act as our hands and legs. DSS has determined that we are capable of performing these activities. Anyone who can't direct their own care has options available to them through other stay at home programs.

- The union wants to bargain for better pay for PCA's. Where's that funding going to come from? The only place would be the hours I am given by DSS to meet my independent living needs. There isn't enough money available now to provide decent durable medical equipment (DME), so how can PCA's get a larger paycheck without my hours being cut?
- I don't want people picketing or on strike down my street the way the union does at group homes now.
- Enhanced pay for PCA's does not mean better care and union membership does not insure quality care. What's inside the heart and soul of the assistant means so much more. I've had employees over the years who also happened to be union members (1199). I had to let them go for reasons such as: 1) One left me half naked because she wasn't getting paid for her transportation time - she considered that finishing dressing me and giving me breakfast would cut into what should be her transportation time; 2) Another said NO to most of what I needed because the union said those jobs were supposed to be done by others like homemakers, health aides, nurses, etc.
- I don't want to be forced to hire only union members from the Council's "approved" list. I don't want to be told who can come into MY HOME!
- In order to qualify for this waiver, we the consumer, must be able to self-direct our needs. If this Council/Union runs the program, tells us what they will and will not do, the tail will wag the dog. I'll be told who I can hire from a select list. If there are problems between me and my PCA, I will have to await a Union decision. Who dresses and feeds me in the intervening weeks? What if they won't perform the task I need due to Union rules?

Why does the union (SEIU) want this bill so badly?? Why is all this better for me? I've had some of my aides for 15 years. They are here faithfully, knowing they're under paid, because they care about me. Currently, none of them want to join the union. If they won't join the Union, do I have to reward their loyalty by firing them?

Union labels have their purpose, but they don't necessarily belong everywhere. We are like David to the Union's Goliath. We are not companies, groups, states nor organizations. We are just individual human beings with extra needs trying to fight to be treated as such.

Phyllis Zlotnick

Comments from Rhonda Butler, Branford Family Childcare Provider,
Owner/Operator of Rhonda's Rhompers and Co-President of Second
Homes Family Childcare Association

My name is Rhonda Butler. I am a childcare provider and owner and operator of "Rhonda's Rompers Family Daycare Home" in Branford for the last 32 years. I am writing to ask you to recommend that family daycare providers in Connecticut have the right to collectively bargain with the state as they have done in other states. In addition to running my daycare I have been a member of Second Homes Family Childcare Association for the past 17 years. I currently hold the office of co-president of this organization, a position I have held for 5 years. Our members receive over 15 hours of training a year by childhood educators who present at our monthly meetings. In addition our members attend training workshops to earn certificates in infant and child CPR, medication administration and infant and child first aid including epi-pen administration, none of this training is free. In addition many of us also pay out of pocket to attend conferences and workshops to further educate ourselves with childcare topics which enhance our skills.

Parents employ me to care for their children not only because they appreciate the home setting versus a center-based program but because of the many positive aspects of family childcare. The children in my care enjoy a nurturing and safe environment which is literature rich and fundamentally enriched with age appropriate curriculums and activities. They receive good nutrition and develop social and language as well as academic skills. I have the privilege to include music, yoga and sign language programs by hiring teachers that come to my home to share their gifts. I presently have 9 families with children ranging in age 19 months to 12 years of age. The parents depend on my dedication to be there for them and to be part of a team effort of raising their precious children.

Sadly I am in a position where it is becoming increasingly difficult to afford to keep my business open. I am aware of many providers who already have closed their daycares simply because they couldn't afford to stay open. Subsidies from Care 4 Kids have not increased with the higher cost of living and the rising costs of providing quality care. It is truly sad that I am among numbers of providers who not only struggle to stay open but cannot afford health insurance for myself or my family. The hardship it would cause to

the nine families I serve would be at the least devastating in their ability to keep their jobs, undeniably a vicious circle of consequence.

The positive aspects of collective bargaining are quite clear. It will provide not only a greater voice with the state but will help retain the very experienced and capable providers we so desperately need for our future generations. The executive order was an important first step. It is imperative that we also have a strong collective bargaining statute so that children can continue to receive high quality early education and care in home settings.

With sincerest respect,

Rhonda Butler

Robin Willoughby
New Haven
Provided Care for 4Yrs

I am Robin Willoughby, I am a Provider in New Haven

Being a home-based childcare provider allows me to be self-employed and work from home. One of the many challenges I face, is providing *quality* care for very little pay.

The greater challenge is the process we go through to be paid. It's not always guaranteed you will be paid on time, or paid at all. I have been providing child care for 4 years. I take great pride in being a quality early educator. I make sure that all of my children are able to read, write, and are potty trained by the time they enter kindergarten. To make sure that my children have the best early learning experience possible I put a lot of money into my business. I have purchased computers, lots of reading materials, and many educational videos.

The cost of living continues to increase, but the Care 4 Kids reimbursement rate has not gone up in 10 years. It has become increasingly harder to provide the same quality of care my children and parents are accustomed to. If rates are not increased soon it will lead to a decline in quality care and the closing of many childcare businesses. Collective bargaining will help us work with C4K to address reimbursement rates and problems that affect our day to day work. The executive order was a great first step in helping to improve childcare, but we cannot stop here. We need full collective bargaining rights so we can continue to provide stable, quality.

Beba's Day Care

Nelida Centeno
50 Piedmont Street
Meriden, CT 06451
Phone: (203) 686-0181

I am Nelida Centeno. I Live
in meriden Ct. I have been providing child
care for 8 years. I take great pride in being a
quality early educator. I make sure that
all of my children are able to read and
write by the time they enter kindergarten.
To make sure that my children have the
best early learning experience possible I
put a lot of money into my business.
I have purchased computers, lots of reading
materials, and educational videos. Even
though the cost of living continues to rise,
the care 4 kids reimbursement rate has not
gone up in many years. It is becoming
increasingly harder to provide the same
standard of care. If rates are not

increased soon it will lead to decline in quality care. Collective bargaining gives Providers a way to address reimbursement rates and problems that affect our day to day work. The executive order was the first step and we cannot stop here. Now we need strong collective bargaining language so that children can continue to receive quality early education and care.

Queen Freelove
33 Maple Street
New Haven, CT 06511

I have been a child care provider for twenty years.

The importance of the work I do for children and parents lasts a lifetime. As a provider, I believe we are the children's first teachers. We often begin caring for a child at two or three months old, way before they attend a larger school setting. By the time that child is ready to move into a school, we have worked very closely with the child and parents to educate the play, daily reading, and other activities. The work that I do is very challenging, but it is something that must be done. Typically parents' drop off the children at around 7:00am and pick them up at about 5:30pm. They then go grocery shopping, home to cook, wash up the child and get them ready for bed; just how much time did the parent spend with the child? I guess you never thought about it that way! That's why our job is so very important.

Collective bargaining will help us address challenges that we face as providers.

Statistically, it costs a lot to run any business; a child care business is no different. The Care4Kids reimbursement rates are outdated. As a business owner, it hurts when there is nothing to show and for all the hard work you have done. Let's work together through the collective bargaining process to address these problems so that providers can continue to give the same quality care we have always given.

My name is Durley Arteaga and I have been a provider for 8 years in Bridgeport.

I am very proud to be a child care provider because I am an essential part of the children whom I care for. I help form the basics that will influence them for the rest of their lives: I teach them socialization, motor agility, and psychological development. However, in the last few years it has become harder and harder for me to keep my child care home running smoothly. Each day, I face challenges in supplying learning materials and mentally stimulating activities for my children because there is no money in my budget. As providers in the home for children we are not recognized for the quality care that we provide. I think a way to address all the issues providers have and to achieve change in our workforce we need to come together as a collective bargaining unit. Through collective bargaining we will achieve equality amongst each other, respect from C4K & the parents but most importantly we will raise the standards of quality child care across all boards. This way we will have a voice and the power to determine our future as child care providers in our homes.

My name is Medelicia Antonetty. I'm a home-based childcare provider in the city of Hartford.

I have been providing care to children for 25 years. I like my job because I love the children I take care of and I like giving them lots of love. One of my favorite things to do is educate them by showing them their letters and numbers. I love many things about my job because I become their second mother and they become my kids. These children I care for don't want to leave my house. Often, they spend more time with me than their own mothers. I'm very proud when they leave and I feel a sense of accomplishment watching them grow.

It's becoming really hard to be able to work with Care4Kids because of the long wait times for approval and also the late paychecks. With both these issues combined, it's very hard to pay my bills on time. Collective bargaining is going to help myself and other providers bring positive solutions to the table to address these issues and others. Having a say in the work we do will help validate childcare as a profession.

My name is Ancella Robinson and I have been provider for 5 years in Bridgeport.

Child Care is something that I love to do. That's why I decided to get licensed and then take care of children in my home. I decided to do it for the parents' to find a safe place to leave their children, and for the children to grow up in a safe environment. At times it's a challenge to take care of children in my home because I never discriminate against any children needing care in my home: I care for disabled and non-disabled children. This requires me to always set boundaries, rules, and a system of teaching for the children which is difficult with the resources providers are given. I teach the children to count, their ABCs, reading, their colors, and life lessons. I try to give these children a head start in their lives.

I am a strong believer in collective bargaining because it will give us more input in our work. Through collective bargaining, there are more possibilities for us to achieve the improvements that we desperately need in our work.

Ancella Robinson

