2007 Regular Legislative Session FISCAL ANALYSIS OF PROPOSED LEGISLATION Prepared by the Oregon Legislative Fiscal Office

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MEASURE NUMBER: SB 858 STATUS: B-Engrossed

SUBJECT: Adult foster care providers' collective bargaining with State of Oregon

GOVERNMENT UNIT AFFECTED: Department of Administrative Services, Department of Human

Services/Seniors and People With Disabilities

PREPARED BY: Adrienne Sexton

REVIEWED BY: Dallas Weyand, John Britton

DATE: June 23, 2007

EXPENDITURES – DEPARTMENT OF	<u>2007-2009</u>	<u>2009-2011</u>
ADMINISTRATIVE SERVICES – Other Funds:		
Personal Services	\$ 125,894	\$ 125,894
Services and Supplies	\$ Indeterminate	\$ Indeterminate

EXPENDITURES – DEPARTMENT OF HUMAN SERVICES

See Comments.

POSITIONS / FTE:

Labor Relations Unit Manager – Department of Administrative Services

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EFFECTIVE DATE: January 1, 2008

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The Governor's Executive Order 07-07 issued June 1, 2007 directed the Department of Human Services (DHS) to engage in collective negotiations and attempt to reach an agreement with SEIU Local 503 on behalf of eligible adult foster care home (AFCH) providers. The executive order defined "eligible adult foster care home provider", excluding a person who: 1) is a resident manager who does not provide AFCH services in the resident manager's own home or who does not have a controlling interest in, or is not an officer or partner in, the entity that is the provider of AFCH services; 2) is not a natural person; 3) who operates only a relative adult foster home (a home in which care and services are provided only to certain adult family members of the licensed provider); or 4) whose participation in collective bargaining is determined by DHS to be inconsistent with the executive order or in violation of state or federal law.

The measure would grant AFCH providers to collectively bargain with the state, with the Department of Administrative Services (DAS) representing the state. The measure would codify much of the Governor's executive order, including recognizing the named bargaining unit. However, the exclusion described in (3) in the above paragraph is not part of SB 858-B.

DHS reports that currently there are 2,600 providers in Oregon operating about 3,000 homes. The Spring 2007 projected caseload for relative adult foster care was 1,451, and for commercial adult foster care, 2,498. The average cost of the 3,949 total adult foster care cases is \$1,131 per month, for a biennial total of approximately \$117.8 million. After client contributions of \$22.2 million, payments made to providers through DHS will be \$58.1 million Federal Funds and \$37.4 million General Fund.

DAS assumes that a collectively bargained agreement would be in effect in the 2009-11 biennium. The immediate, quantifiable fiscal effect will be the costs to the Department of Administrative Services (DAS) Human Resource Services Division (HRSD) to provide contract negotiation services to the new interest arbitration group in 2007-09, as shown in the Expenditures and Positions tables, above. Future representation at interest arbitration is also possible. DAS is not able to estimate the Services and Supplies expenditures, but elements could include Attorney General charges and contract administration, depending on the bargained agreement and activity in grievance arbitrations. The legislatively adopted budget does not include funding for this additional function. The revenue source for DAS HRSD is by assessment to state agencies on a per FTE basis.

The bill's provisions to allow collective bargaining rights do not have a direct fiscal impact on other state expenditures. However, to the extent the collective bargaining process occurs and is used to ultimately improve the financial status of AFCH providers who receive payment from the State, there will be a fiscal impact. That impact is indeterminate, because costs will vary with the negotiated benefits and any administrative costs to implement those. If, however, payment rates were increased by 3% in 2009-11 (using the Federal Funds and General Fund totals, above), Federal Fund expenditures would increase by \$1.7 million and General Fund by \$1.2 million. If the payment rates were increased by 7% Federal Funds expenditures would increase by \$4.1 million and General Fund by \$2.6 million.

It is not known whether health care benefits will be a subject of collective negotiations, or what would be the outcome if it were. Therefore, the total fiscal impact of allowing the AFCH providers to collectively bargain with the state is indeterminate.