

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 5 - 1 - 1
Yeas: Edwards C., Esquivel, Holvey, Rosenbaum, Schaufler
Nays: Berger
Exc.: Smith P.
Prepared By: Theresa Van Winkle, Administrator
Meeting Dates: 4/11

WHAT THE MEASURE DOES: Requires the Home Care Commission to elect workers' compensation coverage for home care workers who are paid by the state on behalf of their client. Allows for the termination of temporary total disability benefits of home care workers who refuse modified employment in certain circumstances.

ISSUES DISCUSSED:

- Collective bargaining for home care workers
- Who currently pays for home care workers' benefits, i.e. health insurance
- Representation of home care workers during contract negotiations
- Number of home care workers affected by the measure
- Approval from the Management-Labor Advisory Committee (MLAC)

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Home Care Commission was established as a result of the passage of Ballot Measure 99 (November 2000 General Election). The commission is an independent public commission consisting of nine members appointed by the Governor that, amongst their responsibilities, serves as the employer of record for the purposes of collective bargaining for home care workers.

HB 3362 requires the Home Care Commission to elect workers' compensation coverage on behalf of the Department of Human Services clients who employ home care workers if the individual is paid by the state on behalf of the client. The measure also modifies return-to-work statutory provisions regarding temporary disability to allow a worker who needs modified work to work for any client of the Department of Human Services who employs a home care worker. Currently, the home care worker would have to stay with the same client.