

A-Engrossed
House Bill 3279

Ordered by the House May 1
Including House Amendments dated May 1

Sponsored by Representative KENNEMER (at the request of Adult-Care.ORG)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires Department of Human Services to develop and administer resident satisfaction survey for adult foster homes. Directs department to require additional continuing education to address source of dissatisfaction identified in surveys. Prohibits adult foster home provider from retaliating against resident who gives poor rating.]

Makes provider base rates and add-on payments mandatory subjects of collective bargaining for adult foster care home providers who receive fees or payments from state.

A BILL FOR AN ACT

1
2 Relating to adult foster homes; amending ORS 443.733.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 443.733 is amended to read:

5 443.733. (1) As used in this section, "adult foster care home provider" means a person who op-
6 erates an adult foster home in the provider's home and who receives fees or payments from the state
7 for providing adult foster care home services. "Adult foster care home provider" does not include
8 a person:

9 (a) Who is a resident manager of an adult foster home who does not provide adult foster care
10 home services in the resident manager's own home or who does not have a controlling interest in,
11 or is not an officer or partner in, the entity that is the provider of adult foster care home services;

12 (b) Who is not a natural person; or

13 (c) Whose participation in collective bargaining is determined by the Department of Human
14 Services to be inconsistent with this section or in violation of state or federal law.

15 (2) For purposes of collective bargaining under ORS 243.650 to 243.782, the State of Oregon is
16 the public employer of record of adult foster care home providers.

17 (3) Notwithstanding ORS 243.650 (19), adult foster care home providers are considered to be
18 public employees governed by ORS 243.650 to 243.782. Adult foster care home providers have the
19 right to form, join and participate in the activities of labor organizations of their own choosing for
20 the purposes of representation and collective bargaining on matters concerning labor relations.
21 **Mandatory subjects of collective bargaining include but are not limited to provider base rates**
22 **and add-on payments.** These rights shall be exercised in accordance with the rights granted to
23 public employees, with mediation and interest arbitration under ORS 243.742 as the method of con-
24 cluding the collective bargaining process. Adult foster care home providers may not strike.

25 (4) Notwithstanding subsections (2) and (3) of this section, adult foster care home providers are
26 not for any other purpose employees of the State of Oregon or any other public body.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (5) The Oregon Department of Administrative Services shall represent the State of Oregon in
2 collective bargaining negotiations with the certified or recognized exclusive representative of an
3 appropriate bargaining unit of adult foster care home providers. The Oregon Department of Admin-
4 istrative Services is authorized to agree to terms and conditions of collective bargaining agreements
5 on behalf of the State of Oregon.

6 (6) Notwithstanding ORS 243.650 (1), an appropriate bargaining unit for adult foster care home
7 providers is any bargaining unit recognized by the Governor in an executive order issued prior to
8 January 1, 2008.

9 (7) This section does not modify any right of an adult receiving foster care.
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