

Testimony Opposed to House Bill 3838

Chair Grayber, Vice-Chair Elmer, Vice-Chair Muñoz, and Members of the House Committee Labor and Workplace Standards,

I am a 4-year resident of Holladay Park Plaza, a CCRC, in Portland and I strongly urge you to vote NO on HB 3838. The SEIU is attempting to force its way into home and community-based care facilities, where it has little presence, to take control of wages, benefits, working conditions, and staffing. This will be done by mandating that four members come from those who “represent the...workers or worker organizations.” Unions are thinly represented among the affected workers; this gives the union almost 1/3 of the Board membership; this is hardly representative. This bill circumvents negotiations, collective bargaining, and intelligent HR management while driving up costs for consumers, many of whom are living on fixed incomes.

Community-based care organizations are already licensed and highly regulated, subject to routine examinations. This is a professionally managed facility, with exemplary operating audits. The proposed bill makes no valid argument why CCRCs and similar organizations should be subject to the bureaucratic intervention of a proposed board when they are already functioning well. The board’s mandate as stated in HB 3838 is to set standards that are, at a minimum, more generous than any other currently existing in statute, rule, or previously established standard. Does this bill then assume that previously set standards were incorrectly done? If so, fix them; don’t add a layer of bureaucracy.

Compensation is set in a competitive environment; finding qualified health-care workers has been an on-going challenge since COVID started. All successful health-care managers offer compensation packages that attract qualified workers. Importantly, however, direct compensation is only a piece of the compensation package. Each facility has unique characteristics and opportunities that others don’t (e.g., HPP has a pool, a generous employee scholarship fund, a library, a very active thrift shop, etc. that employees can use). How can a state-wide board possibly take into account all the variables involved in compensation. And setting a base rate will hurt facilities without amenities; the facilities need the flexibility to adapt to changing market conditions.

Asking the Board to set work schedules is an impossible task. HPP uses a staffing model that can require different staffing levels hourly, based on the current population and the varying levels of care each needs. No set formula can mandate the needed flexibility to meet resident/patient needs.

It would appear that the data collection process would be extensive and would increase each facility's labor costs at a time when all are dealing with reduced reimbursements rates from insurance and government sources. Additionally, I am concerned about the public disclosure of private operating information, either inadvertently or via a FOIA request. Yes, our financials are public via the IRS 990 forms, but not the level of detail the proposed project will require.

In short, this is a bad bill for at least the following reasons:

- It essentially mandates unionization / union representation in an "at-will" state, even without employees voting for it.
- It imposes a reporting burden on the facilities.
- It attempts to set standards that are inflexible and do not provide facilities with the flexibility necessary to deal with changes in the operating environment.
- It will be costly; no estimate is given in the bill of the cost of the proposed board, nor how much staff will be required to actually do the work.
- It seems to set up processes that are already covered by other parts of Oregon law and practice (e.g., community-based health care facilities are already licensed and regulated.)

Thank you for reading.

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