

To: House Committee on Rules
From: Ben Straka, Freedom Foundation
Date: April 28, 2025
Re: HB 3838

Chair Bowman and Members of the Committee:

My name is Ben Straka, and I serve as a research and government affairs associate with the Freedom Foundation, a 501(c)(3) nonprofit organization with a mission to advance the principles of individual liberty, free enterprise, and limited, accountable government.

We oppose HB 3838 and its amendments for the reasons many others have already expressed; namely, the outsized control the bill appears designed to give its main proponent, the Service Employees International Union (SEIU) Local 503, over the home and community-based care industry by legislative and executive *fiat* rather than legitimate support from the workforce it would seek to represent.

In 2000, SEIU Local 503 successfully ran a ballot measure creating the legal framework to unionize state-paid home care workers employed by individual Medicaid-eligible clients. While the ballot title centered only on the creation of the Oregon Home Care Commission,¹ the last provision of the measure designated home care workers as public employees for the sole purpose of unionization. The following year, SEIU Local 503 was elected as the “exclusive” collective bargaining representative all home care workers in the state, although less than half of Oregon’s home care workers participated in the election.² Adult foster home providers were unionized under a similar arrangement via executive order in 2007,³ while personal support workers were added to SEIU Local 503’s home care bargaining unit following the passage of enabling legislation in 2010.⁴

The first collective bargaining agreement negotiated for state-paid home care workers following their unionization with SEIU Local 503 required caregivers to pay union fees as a condition of employment, and these fees were deducted from their Medicaid payments.⁵ Though this arrangement continued for many years, the U.S. Supreme Court ruled in 2014 that Medicaid-paid

¹ A copy of the ballot description is available online at:
<https://sos.oregon.gov/admin/Documents/irr/2000/104cbt.pdf>.

² *Northwest Labor Press*. “12,000 homecare workers in Oregon say ‘Union Yes,’” December 21, 2001.
<https://nwlaborpress.org/2001/12-21-01SEIU.html>.

³ Oregon Gov. Ted Kulongoski. Executive Order No. 07-07. June 1, 2007. <https://www.oregon.gov/gov/eo/eo-07-07.pdf>.

⁴ HB 3618 (2010). <https://olis.oregonlegislature.gov/liz/2010S1/Downloads/MeasureDocument/HB3618/Enrolled>.

⁵ 2003-2005 collective bargaining agreement between the Oregon Home Care Commission and SEIU Local 503. Article 9, Section 7. <https://www.oregon.gov/odhs/providers-partners/homecare-workforce/Documents/2003-2005-seiu-ohcc-contract.pdf>.

individual providers like home care workers, personal support workers, and adult foster home providers could no longer be forced to pay union fees against their will.⁶

With significantly decreased financial support from Oregon's state-paid individual caregivers who can now choose whether to pay, HB 3838 would appear to signal SEIU Local 503's intent to shift and grow its influence over the private home and community-based care sector. In theory, there's nothing wrong with that goal. The federal National Labor Relations Act (NLRA) provides a legal framework for SEIU Local 503 and others to unionize private agency caregivers should the workers wish to organize with the union.

However, HB 3838 is something else entirely. It would leapfrog the arduous task of mobilizing grassroots support for a union representative and instead effectively install one from on high, through the creation of an unelected board that would give organized labor (presumably the bill's main proponent, SEIU Local 503) disproportionate control over a workforce that hasn't asked for it, potentially thumbing the scale for union organizing and other outcomes that place union interests above those of clients, caregivers, and the industry as a whole.

For example:

- Though the -3 amendment removes the specific provision requiring employers to turn over their workers' personal contact information to the board,⁷ the -3 amendment, like the introduced bill, simply establishes "minimum" standards and there is nothing about the amendment that would prevent the board from adopting a future requirement for employers to turn over such information. SEIU Local 503 already receives the home addresses, mailing addresses, home and cell phone numbers, and personal email addresses of all home care workers, personal support workers and personal care attendants in the state,⁸ for which there is no apparent policy reason other than to aid in union communications, including membership solicitations.
- Similarly, the removal of the training provisions⁹ by the -3 amendment does not preclude the board from adopting them in the future, above and beyond the bill's minimum standards—or from designating a labor organization as the required training provider, as the introduced bill did. Unsurprisingly, SEIU Local 503 already operates the entity that conducts the state's required training for home care and personal support workers,¹⁰ some of which includes a 30-minute captive audience presentation by the union.¹¹ HB 3838 still carries the potential for SEIU Local 503 to use board power to position itself similarly within the entire home and community-based care workforce, giving it monopoly access to the workers it seeks to organize.

⁶ *Harris v. Quinn* (2014).

⁷ See page 4, lines 12-16 of the introduced bill.

⁸ 2023-2025 collective bargaining agreement between the Oregon Home Care Commission and SEIU Local 503. Article 7, Section 10. <https://seiu503.org/wp-content/uploads/2024/03/SEIU-Non-State-Oregon-Home-Care-Commission-23-25-FINAL-MASTER.pdf>.

⁹ Page 6, line 23-25 of the introduced bill.

¹⁰ Carewell SEIU 503. "Welcome to Your Carewell Training." <https://www.carewellseiu503.org/training/>.

¹¹ 2023-2025 collective bargaining agreement between the Oregon Home Care Commission and SEIU Local 503. Article 7, Section 5. <https://seiu503.org/wp-content/uploads/2024/03/SEIU-Non-State-Oregon-Home-Care-Commission-23-25-FINAL-MASTER.pdf>.

- The bureaucratic and regulatory burdens imposed by the board could function to unduly increase pressure on private employers to seek unionization with SEIU Local 503 or others as a safer route to compliance that makes them less likely to be targeted with union-initiated civil lawsuits or Bureau of Labor and Industries (BOLI) complaints.¹²
- The shuttering of businesses unable to keep up with the regulatory demands of HB 3838's workforce standards board could, alternatively, drive increasing numbers of caregivers out of Oregon's private home and community-based care settings and back under the state-run home care worker and personal support worker employment model unionized by SEIU Local 503. While good for the union, such outcomes would reduce access to care and ultimately hurt Oregon's seniors and people with disabilities.

For all of the foregoing reasons, the Freedom Foundation joins the countless others opposing HB 3838 and respectfully urges the committee to do the right thing by rejecting this bill.

Please do not hesitate to contact me should you have any questions.

Respectfully,



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¹² See section 10 of the -3 amendment.