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THE FINAL WORD

Quality of home health care focus of Prop 4 fight

Backers like rules; foes say union dues mean less for patients

By Serena Maria Daniels

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Families that have a member with a disability say caring for them is a labor of love.

Whether that labor should be a union job is a question voters will answer in November when they decide on Proposal 4.

The proposed constitutional amendment would establish a minimum wage, require home health care aides to pass criminal background checks and provide consumers with a registry of workers in their area.

Opponents of the ballot measure say if it passes it will force people into a union and require them to pay dues out of subsidy checks they say are needed to provide for the critical needs of family members.

The Hayneses of Macomb Township, the sole caregivers of their two adult children with cerebral palsy, say that's not fair.

"I don't need a union, my kids can't give me better working conditions, they're not going to give me a raise, they're not going to hire or fire me," said Patricia Haynes, who with her husband, Robert, tend to every detail of their son's and daughter's lives.

The measure makes perfect sense to Monette Winfield, 62, of Walker, Mich., who relies on a home care aide four or five days a week because of complications from osteoporosis.

"A person should have the right to hire who they want to come into their home and have that person be qualified to come into the home," said Winfield. She has had to search for several qualified workers over the past decade after losing home care aides who have left for better-paying jobs, some without giving notice.

It's an argument supported by union organizers and advocates for the disabled and elderly, who say the 1.8 million home health caregivers in one of the country's fastest growing industries have not historically had minimum



(Todd McInturf / The Detroit News)

Bob Haynes of Macomb Township cares for his son Kevin, who has cerebral palsy. He opposes Proposal 4, which would give home care workers collective bargaining rights.

wage standards.

Forced unionization, dues

The political wrangling over collective bargaining of home health care aides has been years in the making. Under former Gov. Jennifer Granholm, the state formed in 2005 the Michigan Quality Community Care Council, which provided consumers with a registry of screened, trained workers.

When the workers covered by the council joined the Service Employees International Union, business and conservative groups cried foul. They said the move forced Michigan's 60,000 home health care workers to pay fees — sometimes without giving approval — out of the small Medicaid stipends provided mostly to family members. The council has since been defunded by the Legislature.

Under Proposal 4, anyone providing home care to patients who receive Medicaid has the option to join the registry, so long as they pass a background check. The SEIU would

be in charge of labor negotiations with the newly renamed Michigan Quality Home Care Council, which would be the link between the state and agencies for the aging and disabled. Union membership would be optional, though a fee would be deducted from workers' checks.

The problem with negotiating wages for home health care workers is that compensation is set by the Legislature, said Patrick Wright, director of the Mackinac Center Legal Foundation.

"This language is a little bit uncertain with how this is going to play out," he said.

The foundation last week filed papers with the Michigan Employment Relations Commission calling on it to reverse its 2005 decision that allowed the "forced unionization of tens of thousands of home-based caregivers."

"These victims, most of whom are family members caring for disabled loved ones who receive a Medicaid stipend, have seen some \$32 million in 'union dues' skimmed by the Service Employees International Union since November 2005," the foundation said.

SEIU representatives could not be reached for comment.

A reliable registry of aides

Supporters of the measure say consumers of home health care need a registry that will provide them with a reliable resource of providers.

"The issue has become like a political football between conservatives and unions," said Tina Abbate Marzolf, CEO of the Area Agency on Aging 1-B. The nonprofit, which represents 435,000 elderly in Macomb, Monroe, Oakland, St. Clair, Livingston and Washtenaw counties, has not taken a stand on the measure, but supports a registry.

Conservatives oppose the measure because they do want collective bargaining for these workers to be guaranteed by the state constitution, while supporters see the measure less as a labor issue and more as a consumer rights initiative.

The Arc Michigan executive director Dohn Hoyle said many who receive or provide home health care are in support of union representation.

"Back before the registry there were people paid less than

minimum wage," Hoyle said, with some getting \$5 an hour. "Once we got represented, we had a few more rights." Michigan's minimum wage is \$7.40 per hour.

Proposal 4 comes as the country is grappling with how to compensate and train those who work in the personal care aide industry. The sector in recent years has seen exponential sales growth, compared to others that slogged through the recession, said Libby Bierman, an analyst with Sageworks, a Raleigh, N.C.-based firm that analyzes industry finances.

The industry experienced sales growth of more than 10 percent in the past 12 months, while other industries experienced growth of 5 percent to 6 percent.

The Hayneses say they and families like theirs should not be lumped into the same category as those who make a living as home care workers.

"It's one thing if the person is not related, then yes, I agree those people should have a union," Patricia Haynes said. "But those are my kids, I have no intention of opening up my own home health care business or making money."

Her children, Melissa, 34, and Kevin, 31, are unable to speak, walk or feed themselves.

Why, Patricia and Robert Haynes argue, should they be forced to pay dues to a union that could do nothing to change their children's reality?

Winfield, a widow with no children, two hip replacements and a back and neck fusion, has no family to turn to for help.

Winfield's Medicaid pays a home health care worker \$8 an hour to help with preparing meals, cleaning and sometimes getting out of bed.

"The people on the opposition aren't looking at what would happen if the family was no longer able to take care of their loved one," Winfield said. "People would be headed for the nursing homes if they didn't have this help."

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