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Senate

State of Minnesota

January 17, 2017

Re: The MnPCA and SEIU contest over SEIU Representation of
Personal Care Attendants (PCAs)

As you know, a 2014 vote resulted in the unionization of personal care attendants receiving Medical Assistance. PCAs are now represented by the Service Employees International Union (SEIU). A number of PCAs, MnPCA (Minnesota Personal Care Attendants), have organized an effort to hold an election to decertify SEIU and end union participation. I am writing to answer any questions you may have regarding this process.

If PCAs are not state employees, how does SEIU represent PCAs?

In 2013, Governor Dayton authorized a law to reclassify certain PCAs as state employees in order to drive a vote on union representation. SEIU succeeded in meeting the threshold for an election in 2014. It then won the right to represent certain PCAs with 13% of eligible PCAs voting (5,849 PCAs voted, or about 22%; of that, 3,543 voted 'yes' out of a possible 26,977 PCAs statewide).

Does SEIU pay PCAs or provide any benefits?

SEIU does not pay or provide any direct benefits to PCAs. Just as before the 2014 election, federal and state Medicaid/Medical Assistance funds allocate benefits for the disabled, including the PCA care stipend. The legislature appropriates this money. SEIU can negotiate pay and other benefits, but state appropriations are solely responsible for providing funds for payments. Anything in the SEIU contract can be provided by the legislature.

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Why does SEIU do this?

SEIU claims the union helps PCAs. However, many PCAs dealt with their agencies, DHS, and the legislature successfully, and believe SEIU claims representation simply to control the program and deduct dues – 3% of gross pay up to \$948 per year. SEIU claims about 5,000 dues paying members in Local 113, which means it is taking an estimated \$4.7 million a year in Medical Assistance funds.

What would change if SEIU were decertified and did not represent PCAs?

If SEIU lost representation rights, the union would not be able to deduct dues nor negotiate with the state on behalf of PCAs. But, the legislature would continue to appropriate money for the Medical Assistance payments that fund the PCA program. DHS, PCA agencies and county welfare offices would continue to administer the program. The current benefit levels would remain the same until the legislature increased them, as it has prior to SEIU representation.

Is there any precedent for this SEIU decertification process?

Decertification of a union is the right of employees. SEIU was recently decertified by a group of Mayo Clinic Health System LPNs and technicians in Red Wing. Child care providers for low-income families voted not to unionize by a wide margin last year, operating under the same law that allowed for the unionization of PCAs. These providers rejected the American Federation of State, County and Municipal Employees Union (AFSCME) for reasons similar to those cited by MnPCAs: they are not state employees and the union would not benefit them.

Am I represented by SEIU even if I do not pay dues?

Yes, you are in the “bargaining unit” even if you are not paying SEIU any dues.

What should I do?

Personal care attendants do valuable work for disabled Minnesotans. The legislature appreciates what you do for citizens and taxpayers. I believe that PCAs have the right to seek a decertification election. Especially considering only 13% voted for SEIU representation in the first election.



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Once you have an election, you will have a serious choice to make. I cannot tell you and or any other PCA how to vote, but I can promise you that the legislature and greater public will support PCAs whether they are represented by SEIU or not, just as the legislature did before SEIU represented you prior to 2014.

I hope this is helpful to you. Please email or call me if I can answer other questions.

Sincerely,

A handwritten signature in black ink that reads "Dan D. Hall". The signature is written in a cursive, flowing style.

cc: Interested PCAs



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