



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

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LEGISLATIVE ACTION ALERT

Patriot News©

Court upholds Wolf order organizing home health care workers

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By [The Associated Press](#)

HARRISBURG, Pa. (AP) -- Pennsylvania's highest court ruled Tuesday that Democratic Gov. Tom Wolf did not exceed his authority when he set up a process to give some union rights to home-based workers who care for elderly and disabled people.

The state Supreme Court, divided 5-2 along party lines, ruled that [Wolf's 2015 executive order](#) formalized a voluntary system to obtain information and discuss issues and did not impinge on the Legislature's prerogative.

"Critically, the entire process set forth in the order is voluntary, nonbinding, nonexclusive and unenforceable," [wrote Justice Debra Todd](#) for the majority. Todd, a Democrat, said the order "merely formalizes what the governor and executive officials could have done without an executive order."

The court, however, wants a lower court to examine whether the administration violated privacy rights by providing the names and contact information for the 20,000 direct-care workers to unions interested in organizing them.

A lawyer for the people and groups who sued -- including a woman and her daughter who cares for her -- said they are worried their employment relationship will be harmed by negotiations that they had believed were not legally permitted.

"Assuming this process goes into effect, they will be the subject of requests, knocks on the door to join a collective bargaining organization," said the attorney, James Kutz. "And they will have their employment rights negotiated by an exclusive representative."

In a [dissent](#), Chief Justice Thomas Saylor, a Republican, said that electing a labor organization, having the state Department of Human Services act as "an intermediary between the labor organization and consumer-employees," and affecting work relationships "represent(s) far more than simple communications with subordinate officials."

Shorting after taking office, Wolf issued the directive that set up a new advisory group within the Department of Human Services and

let direct-care workers elect representatives to meet with the agency.

The court ruling overturned a decision two years ago by Commonwealth Court, which had described Wolf's order as an "invalid exercise of executive authority" that invaded the relationship between workers and the patients who hire and supervise them.

A large percentage of the employee-employer relationships at issue consist of family members, with pay rates typically in the \$10-an-hour range. Wolf's order said it was not altering the ability of patients to "select, hire,

terminate and supervise" their direct-care workers.

Wolf, who had argued the order did not violate state law, called the ruling a step toward his goal of

improving home-based health care. He said his order did not grant the workers collective bargaining rights, force them to unionize or convert them into state workers.

"The court's decision affirms a key part of my plan to provide choices for seniors, improve home and community-based care and attract more qualified homecare attendants," the governor said in a news release.

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