



Guiding Principles: When Workers Organize within a Participant- Directed Environment

Financial Management Services Conference

November 17, 2009

Erin McGaffigan, MSW, MS Public Policy
National Resource Center for Participant-Directed Services
Boston College Graduate School of Social Work

Clarifying Points

- Union experiences and outcomes vary significantly from one state to the next
- NRCPPDS is not in a position to endorse (or reject) unionization
- Working within our Mission and our expertise
“...to infuse participant direction in all HCBS by providing national leadership, technical assistance, education, and research leading to improvement in the lives of individuals of all ages with disabilities”
- Intend for guiding principles to be useful across the participant direction continuum



Guiding Principles Formation

Workgroup Meetings Since Winter 2008

- SEIU
- Center for Self-Determination
- ADAPT
- Topeka Independent Living Resource Center
- NRCPPDS (including constituency representation)

Seeking Input

- NRCPPDS- states and participants (and now FMS!)
- Conference panels
- Potential future roundtables?



General Philosophy for Guiding Principles

Participant Direction/ Self Determination:

- All individuals should have the ability to make life decisions
- The workforce should be committed to participant control, direction and freedom of choice
- Opportunities to self direct should be growing across the country (both breadth and depth)

Long-Term Services and Supports:

- Quality workers are the foundation for quality care
- “Forced” impoverishment of individuals perpetuates dependency
- Increased availability of community-based options is critical, even within the existing fiscal climate



Stakeholder Involvement

- Individuals who receive services should have a voice in the collective bargaining process and the governance of the participant-directed services system



Union Administration

Desired Goals:

- Workers are paid decently and have the option to organize
- Opportunity to organize and bargain over a floor to wages, benefits (e.g., access to affordable family health insurance), access to training, and development of career paths

Topics of debate:

- Outreach to workers (e.g., participants' right to privacy)
- Collaboration among union representatives and stakeholders in outreach strategies, union design, and union roles
- Workers' ability to opt out of belonging to a union (addressing the “free rider” concept)



Floor to Wages and Benefits

- Negotiated floor (minimum) to compensation
- Individuals may use their individual budget allocation (if one exists) to pay workers more than the wage floor and/or make other improvements to compensation (e.g., provide room and board)
- The individual may also offer workers non-financial arrangements independent of collective bargaining (e.g., time off for school or bringing children to work)



Right to Strike

- Work stoppages, such as strikes, can have a devastating impact on those losing support services

Topic of debate:

- Most effective model(s) to address conflict and avoid work stoppages so not to interfere with the delivery of services?



Impact on Model and Services

A system-wide maintenance of effort is required so enhancements to workers' wages and benefits are not at the expense of:

- ❑ worker hours and/or individual budget dollars
- ❑ financing for the model's administration

Topic of debate:

What happens when difficult decisions have to be made?

Who has authority to make the decisions?



Systems of Support

- No one, by virtue of degree of disability, should be excluded from self-direction
- Some individuals may choose to select, manage, and dismiss their worker while others may seek assistance
- All individuals have access to “conflict-free” systems of support that allow them the opportunity to self-direct:
 - ❑ consultant services/ support brokerage
 - ❑ fiscal management services



Individual Budget Option

The individual...

- has the ability to control the individual budget allocation and to spend the allocation on a wide range of goods and services (e.g., to hire workers and/or purchase goods and other services)
- has the ability to make creative, non-traditional purchases based on individual needs
- is responsible for the use of public dollars in accordance with program requirements
- has access to unbiased and freely chosen assistance to inform decisions whenever necessary



Individual Budget Option

If there is access to an individual budget...

- the budget must meet the participant's needs for services and supports in order to allow him or her to live in his or her community
- some purchases may benefit the worker directly (e.g., financing additional worker training) or indirectly (e.g., purchasing equipment that assists with safe participant transfers)

Topic of debate:

If there is not access to an individual budget, will there be support for expansion of choice and control?



Hiring, Firing, and Supervision of Workers

- The individual always has the right to be the “employer” for purposes of hiring and dismissing workers (with freely chosen assistance as needed)
- Critical employer functions include the right to:
 - ❑ hire who the individual wants (including friends and relatives)
 - ❑ supervise/direct, assign tasks, schedule, evaluate, train, and terminate employees
- Individuals have the right to opt out of any requirements (e.g., the use of worker registries, criminal background checks, and “extensive” training) that infringe on these rights



Job Descriptions and Work Assignments

- The individual has the authority and responsibility to determine job descriptions and work assignments
- This role can be accomplished with freely chosen assistance from any source



Working Environment

- Significant safety needs of the individual and worker should be addressed in the individually developed plan and discussed during the worker hiring process
- The individual should have access to resources to address safety for themselves and their worker, including funds for (or access to):
 - ❑ equipment, housing modifications, etc.
 - ❑ training
 - ❑ worker screening



Screening Workers

- The individual's use of registries, criminal background checks, and drug testing is voluntary and self-directed
- If these systems are required by the State, the individual has the opportunity to opt out or seek an exception



Career Ladders

- Workers can organize and bargain over the development of career paths that lead to improved compensation tied to such things as increased skill development, training, or responsibility
- Participation in career ladder opportunities is optional for the worker
- Individuals may use their individual budgets to supplement any established career path with additional educational, monetary or other incentives for their employees



Training... YIKES!

- What is meant by training?
 - ❑ Basic (CPR, First Aid, etc.)
 - ❑ Classroom/ standardized training/ modular training?
 - ❑ On the job training
- Who decides what trainings are necessary? Should certain trainings be mandated?
- Who pays for trainings?
- Who designs/conducts trainings?

How do we not let traditional provider concepts drive participant direction training?

http://www.bc.edu/schools/gssw/nrcpds/meta-elements/pdf/Issue_Brief_Training.pdf



Comparison Chart: Massachusetts and Washington



Providing Input on Guiding Principles

- Contact Erin McGaffigan, Public Policy Lead
781-944-1853 or mcgaffie@bc.edu
- General resources available at NRCPDS website
www.participantdirection.org

