

Governor Inslee Meeting Memo

Updated 9/1/2014 1:15 PM

FROM:	Roe Marcus and Paulette Avalos	PHONE:	902-0546
EVENT:	MEETING WITH SEIU 775 AND 925 TO DISCUSS HARRIS V QUINN		
DATE/TIME:	Wednesday, June 4, 2014 at 10:30am-11am		
LOCATION:	Governor's Office		
ATTACHMENTS:			
CONTACT DAY OF:			
CELL NUMBER:			

MEETING OVERVIEW

David Rolf (775) and Karen Hart (925) would like to discuss the potential impacts of a pending decision by the U.S. Supreme Court on Harris v Quinn (see background). A decision is expected at any time and may dramatically change the way they do business. They would like to talk to you about this and request your help in finding ways forward to mitigate the effects.

DESIRED MEETING OUTCOME

A clear understanding of any additional requests the Unions might be making of the state to help mitigate the effects of the Harris v Quinn case.

TOP THREE TALKING POINTS

- You understand the magnitude of this issue for the Unions and are interested in exploring additional ways the state might be able to assist to mitigate any reduction in the Union's ability to represent their members.
- The State has already responded to previous requests for help, for example by filing an amicus brief in the case, by helping to streamline the process of getting membership signatures through electronic means, and by shortening the time it takes to get the Union contact information for potential bargaining unit members.
- While you are unable to make any immediate commitments, you will carefully consider the requests/information that the Unions have brought you today and will let them know as soon as possible what the state will be able to do to in response.

ATTENDEES

YOU

David Rolf, President of SEIU 775

Karen Hart, President of SEIU 925

Roe Marcus, OFM Counsel

Diane Lutz, Labor Relations

Aisling Kerins, External Affairs

Paulette Avalos, Policy Office

ADDITIONAL BACKGROUND

Case Summary

In *Harris v. Quinn*, the Seventh Circuit US Court of Appeals upheld a collective bargaining agreement provision requiring Medicaid home care personal assistants to pay a fee to a union representative, finding that it does not violate the First Amendment. Because the personal assistants are employees of the State of Illinois, at least in those respects relevant to collective bargaining, the union's collection and use of fair share fees is permitted by the Supreme Court's mandatory union fee jurisprudence. The issue of requiring employees to at least pay a fair share amount representative of the costs of collective bargaining and contract administration has withstood previous challenges based on the First Amendment right to free speech and association. In *Abood v. Detroit Bd. Of Educ.*, the Supreme Court held it is permissible to compel employees to support legitimate, non-ideological, functions tied to collective-bargaining representation. In *Harris*, among other things, the home care workers contesting the fee requirement contend that *Abood* and similar cases do not apply to them since they are not employees in the traditional sense. The Seventh Circuit declined to follow this argument and held the home care workers are employees.

ISSUES:

The decision from the U.S. Supreme Court and its review of the requirement that home care workers pay union dues or fees as condition to participating as a home care worker is expected anytime. AND WHAT COULD THAT MEAN FOR THESE UNIONS

Add a couple of sentences as to why they care about this..what are the potential decisions the SC could make that could change their world

DECISIONS AND ACTIONS BY YOUR OFFICE

The State has already taken the following actions at the request of the Unions:

- Filed an Amicus brief with the Supreme Court in *Harris v Quinn* case.
- Cooperated with the Unions' actions to have the Public Employment Relations Commission (PERC) accept electronic signatures to indicate union membership.
- Under the CBAs, both Unions are provided monthly lists of all providers in the bargaining unit.
- Under the CBA, SEIU 775 has paid IP time at initial trainings and at annual continuing education training to talk to IPs about union issues.
- Under the CBA, SEIU 775 can send union information out to bargaining unit members with mailed paychecks or payroll information.
- DSHS case managers give out union-provided orientation materials, including membership cards, during the IP contracting process.
- Under the CBA, DSHS has a link to the SEIU 775 website from the ALISA website.
- Shortened the time for SEIU 925 to receive contact information for new bargaining unit members.
- Under the CBA, SEIU 925 has 30 minutes to provide union information at in-person trainings and orientations; online trainings have link to union website; contact information for those providers who complete online training is sent to the Union by DEL.
- DEL gives out union information with other orientation materials.