Lawmakers should reject backhanded SEIU bill that would force caregivers to pay union dues again

For more than a decade, in-home caregivers serving Medicaid recipients in Oregon were forced to pay union dues as a condition of employment.

The reason?

Just ask the Service Employees International Union (SEIU), which devised and backed the ballot measure in 2000 demanding precisely that outcome.

It did so by creating the legal framework within which to unionize caregivers under the state's Home Care Commission — despite the fact that, for almost every *other* purpose, homecare workers are employees of the individual clients and family members they serve.

Fortunately, the U.S. Supreme Court stopped the worst of this scheme in 2014 when it ruled in *Harris v. Quinn* that Medicaid-paid, in-home caregivers could no longer be forced to pay union dues or fees against their will.

Now, SEIU Local 503 is looking to turn back the clock on caregivers' rights and once again create a system that would force them to pay up. Their vehicle is House Bill (HB) 4129, which was the subject of a contentious public hearing in the Oregon State Legislature on Monday and is set for a House committee vote on Wednesday.

Ironically, union leaders are abandoning their own creation — at least partially — in order to get what they really want.

Specifically, HB 4129 would create a new homecare "option" by requiring the state to contract with private vendors to take over certain administrative aspects of the state's Medicaid-funded homecare program. The SEIU-backed bill also includes provisions virtually guaranteeing these new entities would be unionized.

By doing so, the new model — dubbed "agency with choice" — would provide a roundabout way for SEIU 503 to reshuffle homecare workers into the realm of private-sector labor law outside the protections of the *Harris* decision.

Far from an unintended consequence, a similar bill was passed in Washington state in 2018 *with this exact intent*. Although state newspapers decried the SEIU's backhanded policymaking, union-allied politicians passed the bill anyway, rewarding one of their biggest campaign donors and causing nothing short of a public and political uproar.

Oregon lawmakers should learn from Washington's example and do everything in their power to prevent similar, bad-faith legislation in our state.

Stripping caregivers of their rights is bad enough, but HB 4129 will also come at a significant cost to taxpayers. The bill is awaiting fiscal analysis, but a similar version introduced last year was projected to cost *over $388 million* in just the first four years after passage.

Is the enormous cost — not to mention the disruptions to client care caused by adding new entities into an already complex system — worth it just to allow one of the state's biggest special interest groups to skirt a U.S. Supreme Court ruling and reach back into the pockets of in-home caregivers?

The answer should be a resounding no.

During a public hearing on Monday, neither SEIU 503 nor any of the proponents of HB 4129 attempted to rebut these substantive claims about the bill's true effects — although they did take time to impugn the motives of those testifying against it.

Contrary to their accusations, nobody is opposed to improving the homecare system.

As vice-chair of the House Committee on Early Childhood and Human Services and an employee of nonprofit that helps workers' exercise their union membership rights, respectively, the authors of this guest opinion have had the opportunity to interact with many of these caregivers, who are hard-working people performing important work — often caring for their own loved ones.

Unfortunately, that's not what HB 4129 is about.

To prove us wrong and show that it is, Oregon lawmakers can and should adopt an amendment to ensure that caregivers' rights remain protected by the *Harris* decision under the new employment model.

If not, they should oppose HB 4129.

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