



32ND DISTRICT
P.O. BOX 30036
LANSING, MI 48909-7536
PHONE: (517) 373-1760
TOLL-FREE: (866) 305-2132
FAX: (517) 373-3487
www.SenatorRogerKahn.com

ROGER KAHN, M.D.
STATE SENATOR

COMMITTEES:
CHAIR — APPROPRIATIONS
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BOARD OF GOVERNORS

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By Roger Kahn

On November 9 the Mackinac Center's Michigan Capitol Correspondent ran a story on "*forced unionization*" and the *Michigan Quality Care Council*, "siphoning" off adult home help workers' wages, my lack of response to inquiries, my interest in maintaining the MQC3, and political contributions to my senate campaign.

I want to **readdress** this group of issues. I say "readdress" as I spoke to Kathy Hoekstra of the Mackinac Center about this for her October 31 article. I also responded to a request from Jack Spencer who wrote the Nov 9 article. Late on Nov 7 he asked me to respond to the above charges and this is what I wrote him: "The Michigan Quality Care Council saves taxpayers millions of dollars each year and helps seniors and people with disabilities remain healthy, independent and in their own homes. It provides in-depth training to home healthcare providers and performs thorough background checks to promote safety, accountability, and transparency. That's why I've supported this important program for years and continue to do so. The Mackinac Center's attempt to turn the MQC3 into a political football ignores the facts and does a disservice to the taxpayers and the seniors and families served by this important program."

I am disappointed that Mr. Spencer did not include my response in his article. I am further disappointed as I told Mr. Spencer (see below) that I also had written a complete response to his article and that I would send it to him ***if he would print it***. He never addressed that offer. And so.....

I would like to address the Mackinac Center's and Mr. Spencer's repetitive accusations of forced unionization. I have had to become familiar with this issue because of their unending charges. Adult home help workers were legally organized by Service Employees International Union (SEIU) in 2005, before I chaired the DCH appropriations budget, and ***these workers are still not forced to be in the union***. They have the right to opt out of membership in SEIU and cease paying union dues. If they do so they ***are*** required to pay for union bargaining efforts that benefit them. This is called a "fair-share" fee and has been affirmed by the US Supreme Court which the Mackinac Center should know. Additionally, the 7th Circuit of the U.S. Court of Appeals, on September 1st of this year wrote: "*The Supreme Court has long approved collective bargaining agreements that compel even dissenting, non-union members to financially support the costs of collective bargaining ...*" Incidentally that opinion was unanimous and written by Judge Daniel Wilson, a President Reagan appointee.

Does the SEIU "siphon" off wages of those it represents? Mr. Spencer gives the example of a \$30 per month paycheck dues deduction but ignores the more than \$456 a month pay increase that SEIU has won for home help workers. Compared to \$456 that \$30 seems a pretty small "siphon" to me.

Mackinac Center's position, it appears, is that home help workers are independent contractors and not government workers and as such are/were inappropriately organized in the first place. They don't believe home help workers are like teachers or corrections officers or others that have organized and have union representation. Yet home help workers pay taxes and have social security and fica deductions from their paychecks. They also receive W2s and not 1099s for tax purposes. *Mackinac Center* may believe home help unionization to be wrong but they should know that the *US Court of Appeal's* said: "The state controls all the economic aspects of employment: it sets salaries and work hours, pays for training and pays all wages-twice a month, directly to the personal assistants after withholding federal and state taxes... Thus, because of the significant control the state exercises over all aspects of the personal assistants' jobs we conclude that personal assistants are employees of the state." What is unclear about that? Here is the website:

<http://www.leagle.com/xmlResult.aspx?xmldoc=In%20FCO%2020110901168.xml&docbase=CSLWAR3-2007-CURR>

Mackinac Center has also questioned the mechanism of creation of the Michigan Quality Community Care Council (MQC3) and the failure to notify media of the 2005 union election. The MQC3 was started in 2004 by inter-local agreement, pursuant to the Urban Cooperation Act in like fashion to the Michigan Economic Development Corporation, founded in 1999 by former Gov. John Engler. At least 15 different senior and disability rights groups urged creation of the MQC3, which, prior to this fiscal year, maintained a statewide registry of in-home care providers to help Michigan's most vulnerable citizens with their daily-living activities such as eating, bathing and toileting. I think that is important. MQC3 also did/does background checks on workers to identify sexual predators, felons, drug abusers, and thieves. I think that is important too. After all is a person with a stroke or dementia supposed to be able to do background checks on the person bathing them? I suppose the Mackinac Center position is: if you get a bad apple it is your own fault.

What is the end result of this "checking" by MQC3? Does it cost the state millions as Mackinac Center states? The nonpartisan Anderson Economic Group *after study* stated that the MQC3 saved Michigan millions in unemployment costs and expensive nursing home care. Here is a link to that report:

http://www.andersoneconomicgroup.com/Portals/0/upload/AEG_MQC3_PUBLIC_March15.pdf

Mackinac Center should read it. *I have* and because of the *good* MQC3 does and the *savings* they provide Michigan I continue to support MQC3. I suspect this is also why Gov. Rick Snyder said earlier this year that the agency provides "*something of value.*"

Mackinac Center has also stated that the 2005 union election that led to organization of adult home help workers was "kept secret from the news media." Michigan law requires posting of a sample ballot and notice of such an election "*in a prominent place or places ... not less than 5 days before the date of the election.*" In the case of adult home help workers, the prominent place was the home help workers homes, to which the Michigan Employment Relations Commission mailed ballots for the 2005 election. I think that is more appropriate than posting union election notices in the lobby of the Mackinac Center. Eighty-seven (87) percent of the workers who exercised their right to vote in that election did so in favor of joining SEIU. Perhaps Mackinac Center's Michigan Capitol Correspondent should interview some of those workers. They shouldn't be too hard to find.

Lastly, the Mackinac Center suggests that my support of the MQC3 is tied to political support from SEIU. Not only is that untrue, it's morally offensive and unworthy of Mackinac Center. SEIU contributions to my campaigns were a very small fraction of the money contributed to my campaign committee and the cost of my senate election. Mackinac Center also seems to believe that other health care industry contributions to me were done at SEIUs request. This is absolutely untrue and Mackinac Center should apologize for linking this story to my campaign committee. As a physician, I have *always* been a strong supporter of the health care industry and that, not SEIU, is why health care supports me.

I'd rather return to spending my time solving real problems for the people of Michigan. I do and will continue to support MQC3 and affordable health care for Michigan's citizens. I also will continue to work for all the people of Michigan... even the Mackinac Center when they are right.

Roger Kahn is a Republican State Senator from Saginaw Township and Chairman of the Senate Appropriations Committee.