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NEWS RELEASE

Court Finds Governor's Order to Unionize Homecare Workers Illegal, Rules in Favor of Privacy for Homecare Workers and Consumers

Lemoyne, Pa. (September 22, 2016) – Today, the Commonwealth Court declared Governor Tom Wolf's Executive Order 2015-05 illegal. The Order unionized homecare workers under the Department of Human Services' (DHS) Participant- Directed program. In its ruling, the Court said that the Order's requirement that an employee organization representing direct care workers (DCWs), the United Home Care Workers of Pennsylvania (UHCWP), and the Department meet and confer is the "essence of collective bargaining," and not merely information gathering as argued by the Governor's attorneys.

The Court viewed the executive order as legislation rather than an exercise of the Governor's executive power. It also concluded that, "at its core, the Executive Order invades the relationship between a DCW (homecare worker) and the employer participant who receives personal services in his or her home."

"The Court's ruling today is a victory to consumers and direct care workers whose privacy was violated by the actions of state government," said Vicki Hoak, CEO of the Pennsylvania Homecare Association, which challenged the order, along with two consumers, one homecare worker and United Cerebral Palsy of Pennsylvania (UCP).

Victoria Markham, a plaintiff in the case and a homecare consumer who receives care at home from her daughter Jessica, said she felt that this order violated her privacy rights. In her statement to the Court, Markham said, "I am very upset that strangers continued to come to my home, call over and over again and otherwise harass my family, despite being told continuously to leave us alone. In particular, 'Molly's' [United Healthcare Workers of Pennsylvania worker] insistence, rude manner and intrusive actions frightened and angered me."

Another plaintiff, Jesse Charles, a consumer of homecare services, told the Court that "the Executive Order...permits the Department to pursue unionization and engage in negotiations with direct care workers, thereby interfering with the current relationship between me and my attendants."

Hoak stressed the importance of homecare workers who are lifelines to seniors and adults with disabilities. "Every day across Pennsylvania, homecare workers enable thousands of people to remain independent in their own homes," she said. "Their care and support are vital to the Commonwealth's long-term living system, and they deserve our respect and appreciation."

Today's Court decision invalidates the election of the United Home Care Workers of Pennsylvania as the exclusive DCW representative and prevents the Governor from entering a Memorandum of Understanding that affects DHS' Participant-Directed program. More importantly, it stops the Governor from releasing a list of homecare workers' names each month to UHCWP for solicitation purposes.

[Click here](#) to read the decision from the Commonwealth Court.

***About PHA...** The Pennsylvania Homecare Association is a statewide organization of nearly 700 homecare and hospice providers. PHA members provide quality care and serve as advocates for their patients and clients on a variety of healthcare related issues. PHA and its members work hard to improve professional standards and ensure access to quality homecare throughout the Commonwealth. To learn more, visit www.pahomecare.org.*

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