

## **Healthy Families Act**

### **Ohio Provider Resource Association Position Statement**

The Ohio Provider Resource Association (OPRA) represents private providers of services, both non-profit and for-profit, to individuals with MR/DD. OPRA members include businesses of all sizes who strive to provide choice and quality care.

For the following reasons, the Board of the Ohio Provider Resource Association cannot support the Healthy Families Act, also known as State Issue 4, which will be on the November 4, 2008 statewide ballot.

- Members of OPRA are funded nearly 100% with Medicaid reimbursement. The Healthy Families Act (HFA) is an unfunded mandate on providers that are already faced with tight resources and an inability to shift costs.
  - Because the Act does not require notice to be given before the use of sick time, the HFA does not adequately ensure the health and safety of individuals we serve. If an employee suddenly calls off for a shift or leaves in the middle of the shift, individuals who require constant supervision will be left alone until a replacement can be found.
    - Leaving an individual alone can put them in a dangerous and unhealthy situation. We cannot support an issue that will endanger a person's welfare. Quality of services will suffer.
    - Such an instance will also leave providers in the difficult position of being faced with an investigation for abuse and neglect.
    - Providers will find their hands tied in trying to limit such behavior because the provisions of the Act make it difficult to reprimand an employee who misuses sick time.
    - Conflicting regulations between the HFA and Medicaid health and safety requirements will inevitably result in costly legal consultation.
  - OPRA members feel the HFA, as written, is unwieldy and difficult to implement in a practical manner.
    - The Act has a detrimental effect on current personnel policies and will force some providers to make extreme choices in their business practices such as increasing the employee share of health insurance or taking current benefits away to pay for seven mandated sick leave days.
    - The Act does not allow employers enough flexibility to manage the specific needs of their workforce.
    - The Act has an unclear effect on a business's practice of offering performance incentives for good attendance. Such incentives are an important employee retention tool and the inability to offer them will negatively affect employee morale.
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- The Act does not accommodate businesses that offer more than seven days of paid time off and who will be forced to take away the flexibility of the current leave to dedicate seven of those days to sick leave only. Most employees will view such a change as a loss in benefits.
- The Act has the potential to create negative employee morale between employees with good attendance and those who are perceived as abusers of the sick leave policy.
- Due to the vulnerable nature of the population served by OPRA members, different staff requirements are necessary in comparison to the average employer. It is not clear how the HFA will work with these needs.
  - Some staff work in 24-hour shifts, but the Act does not specify if they qualify for seven paid 24-hour sick days.
  - Workers who work a sleep-time shift to be on call if needed do not appear to be contemplated in the HFA provisions.

The board concurs with the statement from Governor Ted Strickland and Lieutenant Governor Lee Fisher with regard to the Healthy Families Act:

We also recognize it is important to make clear our thoughts on important public policy issues and today are announcing that we cannot support the paid sick-day ballot initiative. While we would hope that all Ohio businesses would make paid sick days available to their employees whenever possible, we believe that this initiative is unworkable, unwieldy and would be detrimental to Ohio's economy, and we will be opposing it and asking Ohioans to oppose it as a result.

-August 22, 2008

*Approved by the OPRA Board of Trustees: August 27, 2008*

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