



**OHIO ASSOCIATION OF COUNTY BOARDS OF DD**  
73 East Wilson Bridge Road, Suite B-1  
Worthington, OH 43085  
(614) 431-0616 www.oacbddd.org



# Association NewsAlert

**Issue 2010-010**

To: County Board of DD Superintendents  
County Board of DD SSA Directors

From: Dan Ohler, Executive Director

Subject: **Representation of Independent Providers**

Date: May 18, 2010

It has come to our attention that many of you are receiving phone calls and/or emails related to the representation of independent providers. Specifically, that independent providers were now represented by organized labor and would begin to pay union dues and/or a fair share payment if they chose not to join the union. Amended Substitute House Bill 1, as passed by the 128th *General Assembly* and signed into law by Governor Strickland, established that a single organization be the exclusive representative of all providers in all provider categories defined in statute; one of those provider categories includes persons who provide home services under a Medicaid Waiver component (i.e., that includes the Individual Options & Level One Waivers). Individuals employed by provider agencies are not included in the statutory definition, nor are persons who provide supported living funded by the *County Board of Developmental Disabilities (CBDD)*. The language regarding this representation is in OHIO REVISED CODE Section 741.

The exclusive entity that represents providers is the *Service Employees International Union (SEIU), District 1199*. On May 1, 2010, *SEIU 1199* sent their initial mailing to independent providers. That letter contained information relative to joining the union, the calculation of fees (i.e., union dues) and charging non-members the equivalent of dues (i.e., fair share payment). This letter, which is included as Attachment A, seems to have prompted those telephone calls and/or emails to *CBDD*. Our advice is that the appropriate individual(s) at each *CBDD* closely review the information (Attachment B, 5 pages) that was shared and to instruct providers that contact your Board to read carefully over information provided by *SEIU*. That literature does include information regarding the calculation of fees and the process by which one can object to those fees (Attachment C, 5 pages). Be clear that this issue is something that has been created in state law (Attachment D, 3 pages) and nothing that the *CBDD* has any influence over. When the representation fees begin (i.e., at this date we are not aware of the specific date, but it appears it will be in August 2010), they will be deducted automatically by the State from the payment sent to waiver providers. The *CBDD* need do nothing relative to the payment authorization for waiver services or any other waiver related form or on-line application.

It is our hope that this communication brings clarity to the inquiries some of you are receiving. We hope to see you later this week at *OACB's ANNUAL SPRING CONFERENCE*.

c: *OACB* Board of Trustees  
*County Board of DD* Business Managers  
*OACB* Affiliate Members