



OHIO EDUCATION ASSOCIATION

Michael Billirakis, President
Gary Allen, Vice President
William Dorsey, Secretary-Treasurer

MEMORANDUM

TO: Members of the ad hoc MR/DD Task Force

FROM: Daniel Smith, Director of Legal Services 

DATE: November 12, 1997

RE: Task Force Report

Attached please find a copy of my draft of the Task Force Report. Please review and communicate to me any suggestions or corrections that you may have. I have delivered a copy of this draft to Gary Allen so that it may be discussed this weekend at the meeting of the Legislative Commission.

Thanks for your patience in getting it out. I look forward to talking to you soon.

DSS/jh

attachment

Ohio Education Association

Report of the ad hoc MR/DD Task Force

November 11, 1997

Task Force Members

Dennis Cook (Chair), Michael Constantino, Daniel Smith, Debbie Chrystal, William Pearsol, Hank Haynes, Ann Field

Introduction

OEA President Michael Billirakis established this ad hoc Task Force for two purposes: to review the legislative policies concerning the election or appointment of members of the county boards of mental retardation and developmental disabilities, and to recommend an Association position concerning the introduction of managed care principles into the service delivery system for MR/DD clients.

The Task Force met on two occasions, on March 21/22, 1997 and on May 16/17 1997, to discuss and review its two charges. OEA Lobbyist Ed Helvey met with the Task Force on May 16 to discuss the current legislative policies concerning MR/DD issues and the process for revising them.

Summary of Recommendations

A. Proposed Legislative Policies

Concerning OEA Legislative Policies, the Task Force recommends to the OEA Legislative Commission:

1. That Legislative Policy 3476 be deleted.
2. That Legislative Policy 3760 be replaced with the following policy:

Where governing boards for educational programs, including governing boards for MR/DD programs and other similar educational entities, are appointed, such appointments should be announced in a newspaper of general circulation for the geographic area serviced by the board or entity at least sixty days prior to the date the appointee is to take office, and opportunity should be allowed for input before the appointing official or body no later than thirty days prior to the day that the appointee is to take office.

3. That a new legislative policy be adopted which advocates that county MR/DD boards be required to adopt a uniform system of accounting.
4. That a new legislative policy be adopted which advocates that county MR/DD boards be provided the authority to enter into health care consortiums independently from other county employees.

B. Proposed Resolutions

Concerning the introduction of managed care principles in the service delivery system for MR/DD clients, the Task Force recommends the adoption of resolutions by the Association which reflect the following principles:

1. That MR/DD employees are valued stakeholders in any process of change concerning the MR/DD service delivery system.
2. That any process of change should not be at the expense of quality service.
3. That the Association should be vigilant to ensure that managed care concepts do not become a cover for transferring work to unorganized, poorly compensated and poorly trained workers.

C. Other Recommendations

The Task Force also recommends that a staff work group be composed to create a resource manual for labor relations consultants with MR/DD assignments to include collective bargaining and subcontracting issues specific to MR/DD members and local affiliates.

Rationale for Recommendations

A. Proposed Legislative Policies

The Task Force took in upon itself to review all legislative policies which specifically address MR/DD member issues. Legislative Policy 3476 concerns issues specific to events occurring in the late 1970's and early 1980's which is no longer a matter of controversy. This policy should be deleted.

Considerable discussion took place concerning Policy 3760. The Task Force could arrive at no conclusion as to whether an elected or appointed board better served the interests of our MR/DD members. The Task Force did conclude that the likelihood of achieving a change in the method of selecting county MR/DD board members was remote. It therefore focused its attentions on other means of addressing the underlying problems created by appointed boards. The chief concern identified was the fact that appointments to county MR/DD boards are made without notice and opportunity to the public for comment. Appointments are typically announced at or shortly before the first meeting of

the board attended by the appointee. The Task Force strongly believes that the interests of our members and the clients would be best served by having an opportunity for input before appointments are finalized. Too often, such appointments are given to persons with minimal experience or credentials. The people appointed based solely on the county superintendent's recommendation. Therefore, in overseeing the operations of the county boards, board members too often tend to rubber stamp the decisions of the superintendent, especially when they concern collective bargaining matters. A period of public scrutiny would allow local associations to have more input into that selection process, and therefore be recognized by board nominees as a force that has to be respected.

Within this context, members of the commission discussed others ways in which meaningful collective bargaining in MR/DD units was impaired. This led the commission members to identify two other issues of importance to MR/DD members.

The first was the fact that county MR/DD boards are not required to have a uniform system of accounting. Each board has its own system. Therefore, county MR/DD boards are less accountable than school districts. There are more ways to hide or pidgeon-hole money within the board's budget. OEA professional staff must spend significantly more time analysing MR/DD budgets than they do school district budgets. Furthermore, the knowledge about one MR/DD unit is not transferrable to another, which discourages Labor Relations Consultants from accepting new assignments to Service Councils with MR/DD units.

The second issue is that county MR/DD boards are not permitted to bargain for health insurance on their own or to enter into a consoritum with other county boards. Health insurance is provided through the county commissioners to all county employees. This makes improvements in health insurance for MR/DD employees difficult to obtain. It also makes it difficult to obatin coverages that MR/DD workers would prefer but other county employees generally would not.

Therefore, the Task Force recommends that the OEA Legislative Commission consider the adoption of additional policies concerning these two issues.

B. Proposed Resolutions

In 1995, the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities led a movement to change the present MR/DD service delivery system to a managed care model. That push by the County Boards Association failed for many reasons, one of which was the opposiiton of the OEA. At the present, the use of managed care jargon to describe proposed changes to the MR/DD service delivery system has fallen out of favor. However, the Task Force recognized that the future remains uncertain in Ohio as to changes in the delivery system of services to persons with mental retardation or developmental disabilities. The potential for outsourcing all services remains high. The potential for implementing the equivalent of a voucher system for MR/DD clients remains high. The implementation of these kinds of

measures within the MR/DD service delivery system can have a broader adverse impact on the entire educational community in Ohio.

Furthermore, our experience was that during the period of time when managed care was being considered, the OEA was not invited to participate in any of the groups or committees organized to recommend changes by the County Boards Association or the Ohio Department of Mental Retardation and Developmental Disabilities. In particular, the County Boards Association was hostile to OEA involvement at any level.

Organizationally, the Task Force believes that it is important for the OEA to adopt a position on changes to the MR/DD service delivery system and the role employees should play in formulating those changes. To this end, the Task Force recommends that appropriate resolutions be adopted by the OEA.

C. Other Recommendations

Lastly, the Task Force reviewed the recommendations of the 1991 MR/DD Task Force and the extent to which those recommendations have been achieved by the OEA. The Task Force notes the success of the annual MR/DD staff and leadership conference and encourages that the conference be maintained. The Task Force also noted that there is not yet an "MR/DD Handbook" as recommended by the 1991 group. The Task Force continues to believe that such a handbook would be of significant value to professional staff serving MR/DD units. Therefore, we recommend that a group be brought together to assemble a resource manual as soon as possible.