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S.139

Senator Kitchel moves that the bill be amended in Sec. 31, by striking out the section in its entirety and inserting in lieu thereof a new Sec. 31 to read as follows:

Sec. 31. DESIGNATED AGENCIES; SPECIAL SERVICE AGENCIES;
EFFECT OF MEDICAID RATE INCREASE

(a)(1) A designated agency or specialized service agency shall use any additional funding the agency receives as a result of a Medicaid rate increase to provide additional compensation or benefits, or both, to the agency's direct care workers and may also use such additional funding to provide additional compensation or benefits, or both, to the agency's other employees.

(2) The designated agency or specialized service agency shall designate the direct care workers and, if applicable, other employees who will receive additional compensation or benefits pursuant to subdivision (1) of this subsection, and shall provide the additional compensation and benefits in a manner that the agency determines will best address its recruitment and retention needs.

(3) If the designated agency or specialized service agency is a party to a collective bargaining agreement for the direct care workers or other employees, or both, that the agency has designated to receive an increase in compensation or benefits pursuant to subdivision (1) of this subsection, the amount and terms

1 of the increased compensation or benefits shall be determined through
2 collective bargaining between the agency and the exclusive representative of
3 the direct care workers or other employees, or both. Nothing in this subsection
4 is intended to prevent a party to the collective bargaining agreement from
5 indicating during negotiations that its previous or current proposal regarding
6 compensation or benefits, or both, accounts for an actual or anticipated
7 increase in funding received by the agency as a result of a Medicaid rate
8 increase.

9 (b) Each designated agency and specialized service agency shall report to
10 the Agency of Human Services regarding its compliance with this section.