



Testimony of Mark Carotenuto

President, United Food & Commercial Workers, Local 2013 (UFCW, Local 2013)

Before Joint Hearing of Senate Committees on Aging, Labor and Health

July 27, 2021

Good afternoon Senators, I am here on behalf of Louis Mark Carotenuto, President the United Food & Commercial Workers, Local 2013 (UFCW, Local 2013). We deeply appreciate this hearing and your interest in learning more about the current state of the home health industry. As a union representing workers in this sector, we believe there is much that the public and policymakers should know about the challenges facing patients, their families and our workforce. To give you some important insights into what our members and their patients experience, we want to share some of the problems we have endured at the hands of LINK Senior Care, a bad actor in this industry. We represent close to 600 hardworking home health aides who work for LINK. These health care professionals worked throughout the pandemic, and continue to do so, often in unsafe situations with little support or recognition. We believe the problems highlighted at LINK warrant closer oversight by State DOH and DOL and the attention of lawmakers such as yourselves.

LINK serves patients in both their homes and in adult care facilities. It expanded its scope in both 2017 and 2018, having merged with Senior Home care in 2017 and with COCOON in the following year. It has a for profit business model that accepts patients for private pay, Medicare and Medicaid. The overall manager of its operations is Mr. Hillel Adelman and he oversees the delivery of services by aides working in patient's homes and in two brick and mortar facilities. LINK typically does not provide a full-time workload for its affiliated aides, thereby necessitating that aide obtain other supplementary employment. Nevertheless, LINK aggressively and incessantly recruits new health aides to serve its patients. The result is high turnover and inexperienced providers serving a fragile population.

Our members report that communication with Link staff while on the job is near impossible. Their calls, texts and emails are not being responded to by appropriate LINK personnel in a timely fashion. This is a very dangerous shortcoming, especially when one of our members are in the home of a patient who is experiencing a medical emergency. We have aides who routinely have to call 911 to gain access to a patient's home when a patient is inappropriately refusing care or entrance to their home due to confusion, in short there is little or no back-up support for our members serving patients out in the field. Typically, their calls go directly to voicemail which directs them to a menu with other numbers where they leave a message. Responses to their messages often

are not received until weeks later. Such delays are inexcusable and a foreseeable danger to quality patient care.

Similarly, LINK frequently neglects to provide adequate training and orientation for its aides, our members. Even before the pandemic, training for aides was conducted solely online. This does not allow face-to-face interaction between trainer and trainee, or any hands-on training which is more effective. One of our Members, a new employee was sent a text asking if she could take a case and the only information provided by LINK about the patient was the patient's name, address and telephone number. No other information was forwarded **including a care plan which is required by State rules and regulations. Many aides report that they do not see a Care Plan for their patients.** (This plan should be done by a nurse and left/given to the aide)

LINK managers are very lax and negligent in scheduling aides. Frequently they send more than one aide to serve the same patient at the same time or send an aide to a home when the patient is not present. Similarly, when an aide calls in to say they will be on vacation, they are called by LINK a few days in and asked why they are not at work. One hand does not communicate with the other.

It is important to note that LINK does not compensate aides for the time they spend travelling to and from a patient's location, so the missed or duplicative trip by the aide is a loss only to aide, our member. If an aide has to stay past their normal hours with a patient at a doctor's office, they are not compensated. If an overnight aide has sleep interrupted during the night, they are not compensated as required by law. Even Patients family members have complained that they can't reach Link case managers, and they can't get compensated for car service for appts for their loved one receiving care.

LINK has set up an electronic pay system which is very hard to comprehend and has not provided information or help to aides who have difficulty accessing or understanding the paystubs. For example, LINK utilizes a discount card to provide mandated wage parity to our members, but not all of our members who serve Medicaid patients have been provided with those discount cards. Aide's report there are frequent errors in pay which take weeks to fix.

We at UFCW, Local 2013 assert that LINK's administrative shortcomings are inconvenient, incoherent, incompetent and the lack of support for and communication with aides presents a clear and present danger to the patient care. LINK's performance during the COVID – 19 emergency was dreadful. Our members were deemed essential workers but were not compensated for travel to pick up PPE on non-work hours. They did not always receive in person training on the proper use of the PPE which was distributed, and did not receive any hazard pay enhancements. Further, LINK issued no guidelines to the patients our members serve to sanitize their homes, test for COVID-19 or take any precautions by the patient or family members in the house in order to protect our members in their workplaces. The callous message sent by LINK to our Members was your safety and wellbeing is not important to us.

LINK's inaction at the bargaining table since our contract with them has expired, is currently the subject of an Unfair Labor practices complaint. I am not here to litigate our problems with them in this forum, but it would be negligent to not mention that LINK's intransigence to pay membership dues, process member grievances, and reach a collectively bargained agreement is not only not surprising, but indicative of their business plan to maximize profits at the expense and safety of all other interested parties.

On behalf of UFCW, Local 2013, our frontline workers, and the families they care for, I want to thank you for convening this hearing and allowing us to enter into the record the actions and omissions of a bad actor receiving public funds to underperform in the delivery of vital services to a fragile segment of the public. We are very happy to respond to any questions you may have concerning our testimony. Thank you for your time and your attention to this vital industry.