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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HUMAN SERVICES - QUALITY FAMILY CHILD CARE ACT

Introduced By: Representatives Slater, Diaz, Almeida, Blazejewski, and Handy

Date Introduced: March 28, 2013

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 6.6

4 QUALITY FAMILY CHILD CARE ACT

5 **40-6.6-1. Short title.** – This chapter shall be known and may be cited as the “Rhode  
6 Island Quality Family Child Care Act of 2013.”

7 **40-6.6-2. Definitions.** – As used in this chapter, the following terms shall have the  
8 meanings set forth herein, unless the context in which such terms are used clearly indicates to the  
9 contrary:

10 (1) “CCAP” means the program administered by the department of human services that  
11 provides financial assistance to families for child care.

12 (2) “CCAP family child care provider” or “CCAP provider” means an individual who:

13 (i) Participates in CCAP; and

14 (ii) Is either licensed by the department of children, youth and families to provide child  
15 care services in the provider’s own home, or license exempt but approved by the department of  
16 human services to participate in CCAP.

17 (3) “Provider organization” means an organization that includes CCAP family child care  
18 providers and has as one of its purposes the representation of CCAP providers in their relations  
19 with the state.

1           (4) “Provider representative” or “representative” means a provider organization that is  
2 certified as the exclusive negotiating representative of CCAP family child care providers as  
3 provided in section 40-6.6-10.

4           **40-6.6-3. Child Care Assistance Program Parent Advisory Council.** – (a) There is  
5 established a Child Care Assistance Program Parent Advisory Council. The council shall consist  
6 of seven (7) members, six (6) of whom shall be the parents or guardians of children who  
7 participate or have participated in CCAP. The secretary of the executive office of health and  
8 human services or his or her designee shall serve on the council and act as its chair. A majority of  
9 members of the council shall constitute a quorum for the transaction of any business.

10           (b) The council members shall be appointed for three (3) year terms. Two (2) shall be  
11 appointed by the governor, two (2) by the speaker of the house of representatives, and two (2) by  
12 the president of the senate.

13           (c) The council shall advise the governor, or his or her designee, and any provider  
14 representative regarding issues relating to the quality, affordability, and accessibility of child care  
15 offered through CCAP. In particular, the council shall make recommendations regarding:

16           (1) Strategies for improving quality, affordability, and access to child care for CCAP  
17 families; and

18           (2) The structure of the CCAP program, including, but not limited to, the application and  
19 renewal process, eligibility rules and standards, and family co-payment levels.

20           **40-6.6-4. Right of CCAP providers to choose provider representative; subjects of**  
21 **negotiation.** – CCAP family child care providers may, in accordance with the procedures set  
22 forth in section 40-6.6-10, choose a provider organization to be their provider representative and  
23 to negotiate with the governor, or his or her designee, over the terms and conditions of CCAP  
24 providers’ participation in CCAP, including, but not limited to: (1) Training and professional  
25 development; (2) Improving the recruitment and retention of qualified CCAP providers; (3)  
26 Reimbursement rates and other economic matters; (4) Benefits; (5) Payment procedures; and (6)  
27 A grievance resolution process.

28           **40-6.6-5. Good faith negotiations.** – It shall be the obligation of the governor, or his or  
29 her designee, to meet and confer in good faith with the provider representative within thirty (30)  
30 days after receipt of written notice from the provider organization of the request for a meeting for  
31 bargaining purposes. This obligation shall include the duty to cause any agreement resulting from  
32 the negotiations to be reduced to a written contract.

33           **40-6.6-6. Unresolved issues; impasse procedures.** – In the event that the provider  
34 representative and the governor, or his or her designee, are unable to reach an agreement on a

1 contract, or reach an impasse in negotiations, the procedures of sections 36-11-7.1 through 36-11-  
2 11 shall be followed.

3 **40-6.6-7. Economic aspects of contract subject to legislative appropriation.** – Any  
4 aspects of a contract requiring appropriation by the legislature or statutory or regulatory revisions  
5 shall be subject to passage of those appropriations or statutory or regulatory revisions.

6 **40-6.6-8. Duty to represent all CCAP providers fairly; service charge and**  
7 **deductions.** – (a) A provider organization certified as the provider representative shall represent  
8 all CCAP family child care providers in the state fairly and without discrimination, without  
9 regard to whether or not the CCAP providers are members of the provider organization.

10 (b) Each CCAP provider may choose whether to be a member of the provider  
11 organization; provided, however, that after a first contract is ratified, the provider representative  
12 shall be authorized to collect from non-member CCAP providers a service charge as a  
13 contribution toward the negotiation and administration of the written contract. The service charge  
14 shall not exceed the regular dues paid by CCAP providers who are members of the provider  
15 representative. The state shall deduct the service charge, membership dues, and any voluntary  
16 deductions authorized by individual CCAP providers, from the payments to CCAP providers.

17 **40-6.6-9. Certification and decertification of provider organization.** – (a) Petitions to  
18 certify a provider organization to serve as the provider representative of CCAP family child care  
19 providers, petitions to intervene in such an election, and any other petitions for investigation of  
20 controversies as to representation may be filed with and acted upon by the labor relations board in  
21 accordance with the provisions of Chapter 7 of Title 28 and the board's rules and regulations;  
22 provided that any valid petition as to whether CCAP providers wish to certify or decertify a  
23 provider representative shall be resolved by a secret ballot election among CCAP family child  
24 care providers, for which the purpose the board may designate a neutral third party to conduct  
25 said secret ballot election.

26 (b) The only appropriate unit shall consist of all CCAP family child care providers in the  
27 state.

28 (c) The cost of any certification election held under this section will be split equally  
29 among all the provider organizations that appear on the ballot.

30 **40-6.6-10. Unfair practices.** – It shall be unlawful for the state to do any of the acts  
31 made unlawful under section 28-7-13. It shall be unlawful for the provider representative to do  
32 any of the acts made unlawful under section 28-7-13.1. Any alleged violation of this provision  
33 may be filed with the labor relations board as an unfair labor practice and considered and ruled  
34 upon in accordance with chapter 7 of title 28 and the board's rules and regulations.

1           **40-6.6-11. CCAP providers not state employees.** – Nothing in this chapter shall be  
2 construed to make CCAP family child care providers employees of the state for any purpose,  
3 including for the purposes of eligibility for the state employee pension program.

4           **40-6.6-12. Right of families to select, direct, and terminate CCAP family child care**  
5 **providers.** – Nothing in this chapter shall be construed to alter the rights of families to select,  
6 direct, and terminate the services of CCAP family child care providers.

7           **40-6.6-13. Strikes not authorized.** – CCAP family child care providers shall not engage  
8 in any strike or other collective cessation of the delivery of child care services.

9           **40-6.6-14. State action exemption.** – The state action exemption to the application of  
10 state and federal antitrust laws is applicable to the activities of CCAP family child care providers  
11 and their provider representative authorized under this chapter.

12           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HUMAN SERVICES - QUALITY FAMILY CHILD CARE ACT

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- 1           This act would establish the Quality Family Child Care Act with a parent advisory
- 2 council and it would provide for the rights of Child Care Assistance Program providers,
- 3 certification of provider organizations and conflict resolution with provider organizations.
- 4           This act would take effect upon passage.

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