

1 seventy-five cents (\$1.75) to the economy.

2 (4) Family child care providers play a crucial role in providing quality and affordable
3 child care for young children and working parents. Wages and training opportunities, however
4 need to be increased in order to attract sufficient numbers of these providers.

5 (5) To preserve freedom of choice for parents selecting child care services through the
6 state's Starting RIght Child Care Assistance Program, the state must be able to ensure the
7 availability of child care services on terms that will attract and retain sufficient number of
8 certified and noncertified family child care providers.

9 (6) Families receiving assistance through the state's Starting RIght Child Care Assistance
10 Program do not control the economic and other terms of the delivery of services and, therefore,
11 cannot effectively address concerns common to family child care providers throughout the state.

12 (7) Individual family child care providers are forced to accept the terms imposed upon
13 them under the state's Starting RIght Child Care Assistance Program as they are unable to
14 effectively voice their common concerns about the program, their role, and the terms and
15 conditions of their provision of services under the program.

16 (8) It is essential for the state to receive input from family child care providers in order to
17 improve the delivery of services under the state's Starting RIght Child Care Assistance Program.

18 (9) The departments of human services and children, youth and families would benefit
19 from a system of representation and joint negotiations for family child care providers in
20 improving the state's Starting RIght Child Care Assistance Program.

21 (10) Empowering family child care providers to negotiate jointly with health care insurers
22 will help correct the competitive balance and improve competition in the market for family child
23 care services, thereby providing benefits for parents.

24 (11) Allowing family child care providers to negotiate jointly with the departments of
25 human services and children, youth and families will improve the efficiency and effectiveness of
26 communication between the parties and result in provider agreements that better reflect the
27 mutual areas of agreement.

28 (12) This act is necessary, proper, and constitutes an appropriate exercise of the authority
29 of this state to regulate family child care services in order to ensure the safety of the children of
30 Rhode Island.

31 (13) It is the intention of the general assembly to authorize family child care providers to
32 discuss jointly with the departments of human services and children, youth and families topics of
33 concern regarding the provision of quality child care and to negotiate jointly with the
34 departments, and to qualify such joint negotiations and related joint activities for the state-action

1 exemption to the federal anti-trust laws through the articulated state policy and active supervision
2 provided in this act.

3 **40-6.6-3. Definitions.** – The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the context clearly indicates otherwise:

5 (1) "Board" means the labor relations board created by section 28-7-4.

6 (2) "CCAP" means the Starting RIght Child Care Assistance Program established
7 pursuant to Chapter 6.2 of Title 40.

8 (3) "CCAP family child care provider" means certified and noncertified family child care
9 providers that participate in the CCAP.

10 (4) "Certified family child care provider" means a family child care provider that has
11 been certified by the department of children youth and families to provide childe care services.

12 (5) "Department of human services" means the department of humans services of the
13 state.

14 (6) "Department of children, youth and families (DCYF)" means the department of
15 children, youth and families of the state.

16 (7) "Departments" means the departments of human services and children, youth and
17 families.

18 (8) "Family child care provider" means a provider of child care services in the provider's
19 home or the home of the parent.

20 (9) "Joint negotiation representative" means a representative designated by CCAP
21 providers as provided in section 40-6.6-6.

22 (10) "Noncertified family child care provider" means a family child care provider who is
23 not required by law to obtain DCYF certification but is legally authorized to participate in the
24 CCAP.

25 **40-6.6-4. Negotiations regarding CCAP provider agreements.** – Certified and non-
26 certified family child care providers who participate in the CCAP may jointly negotiate with the
27 departments and engage in related joint activity, as provided in this chapter concerning all terms
28 and conditions of the provision of child care provider services under the state's child care
29 assistance program and/or under state regulations.

30 **40-6.6-5. Conduct of joint negotiations.** – (a) Providers shall designate a joint
31 negotiation representative as the sole party authorized to negotiate with the departments on behalf
32 of the providers. The designation shall be made as provided in section 40-6.6-6.

33 (b) After selecting a joint negotiation representative, providers may communicate with
34 each other and their joint negotiation representative regarding matters to be negotiated with the

1 departments.

2 (c) The joint negotiation representative may present to the departments a proposal
3 concerning the terms and conditions of child care provider services, and the parties shall
4 thereafter engage in good faith negotiations, subject to paragraph (d) of this section. The parties
5 agree to be bound by the terms and conditions arrived at through these negotiations.

6 (d) To the extent that the terms or conditions proposed by the joint negotiation
7 representative on behalf of the providers would require modification of existing regulations, the
8 departments may not finally agree to such terms until they have completed the rule-making
9 procedures set forth in section 42-35-3 and such modifications to existing regulations have been
10 made.

11 **40-6.6-6. Selection of joint negotiation representative.** – (a) An organization or
12 individual may request that the board conduct an election to certify the organization or individual
13 as a joint negotiation representative upon a showing that the organization or individual has
14 written authorization from at least thirty percent (30%) of CCAP providers selecting the
15 organization or individual to serve as such representative.

16 (b) The board shall verify the showing of interest and shall thereafter conduct a secret
17 mail ballot election in accordance with its rules and regulations and determine whether a majority
18 of the CCAP providers wish to be represented by the petitioner. If the election determines that a
19 majority of the CCAP providers casting ballots wish to be represented by the petitioner, the board
20 shall certify it as the joint negotiation representative. A certified representative shall be
21 authorized to collect a monthly fee from each CCAP provider to cover the costs of its preparation
22 for participation in joint negotiations.

23 (c) The state, its departments, agencies, and employees shall not interfere with the right
24 of a provider to select a representative and shall not retaliate or discriminate against a family
25 provider for exercising that right.

26 **40-6.6-7. Removal of joint representative.** – A petition to decertify a joint
27 representative may be filed with the board and acted upon in accordance with the provisions of
28 Chapter 7 of Title 28 and the board's rules and regulations; provided, however, that following the
29 first certification of a joint negotiation representative, the board shall not entertain any
30 decertification petition for at least two (2) years thereafter; and provided, further, that any such
31 petition must be supported by fifty percent (50%) or more of the providers. The board shall
32 conduct a secret mail ballot election with respect to a validly submitted decertification petition.

33 **40-6.6-8. Good faith negotiations.** – It shall be unlawful for either party to a negotiation
34 to refuse or fail to meet and negotiate in good faith. Any alleged violation of this provision or of

1 section 40-6.6-6(3) may be filed with the board as an unfair labor practice and considered and
2 ruled upon in accordance with Chapter 7 of Title 28 of the general laws and the board's rules and
3 regulations.

4 **40-6.6-9. Independent contractor status.** – Nothing in this chapter shall be construed to
5 make family child care providers employees of the state for any purpose.

6 **40-6.6-10. Strikes not authorized.** – No provision of this chapter shall be construed to
7 authorize family child care providers to engage in a consented strike, boycott, or cessation of the
8 delivery of child care services.

9 **40-6.6-11. Exception to anti-trust laws.** – Joint negotiations and related joint activity by
10 family health care providers, as authorized pursuant to this chapter, shall qualify for the state-
11 action exemption to the federal anti-trust laws.

12 **40-6.6-12. Jurisdiction.** – The labor relations board shall have jurisdiction over
13 negotiations provided for in this chapter.

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

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LC02205
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HUMAN SERVICES -- AUTHORIZING PROVIDERS TO NEGOTIATE
JOINTLY WITH THE DEPARTMENTS OF HUMAN SERVICES AND CHILDREN YOUTH
AND FAMILIES

- 1 This act would authorize family child care providers to engage in collective negotiations
- 2 with DHS and DCYF.
- 3 This act would take effect upon passage.

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LC02205
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