

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 178

EFFECTIVE ~~Approved~~ April 15, 2013

WHEREAS, Quality child care provides children with learning opportunities, security, and stability; and

WHEREAS, Access to affordable child care is a basic need in every society in which parents and caregivers work outside the home; and

WHEREAS, The State of Rhode Island provides financial assistance to working families for child care provided through the Child Care Assistance Program (CCAP); and

WHEREAS, Improved opportunities for child care providers participating in CCAP would benefit the program, encouraging greater numbers of providers and participants; and

WHEREAS, Allowing CCAP providers to form a union, to increase professional development and training opportunities, and to improve recruitment and retention of providers, would positively impact the success of CCAP; and

WHEREAS, Several states, including Connecticut and Massachusetts, allow family child care providers to form a union; and

WHEREAS, Greater parent engagement regarding issues relating to child care services through CCAP would enhance the quality of the services, and improve child care services in Rhode Island overall; and

WHEREAS, As the democratically elected representatives of the people of Providence, the City Council has a moral obligation to promote healthy and stable learning environments for the next generation of Rhode Islanders; and

WHEREAS, House Bill 5946 and Senate Bill 0794 would establish a CCAP Parent Advisory Council, and would extend broader rights to family child care providers, with the goal of providing better, more reliable care for young children and their families.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby urge the General Assembly to approve House Bill 5946 and Senate Bill 0794, the Rhode Island Quality Family Child Care Act.

BE IT FURTHER RESOLVED, That upon passage a copy of this resolution be sent to House Gordon D. Fox, Majority Leader Nicholas A. Mattiello, the sponsors of House Bill 5946; the members of the House Committee on Labor; Senate President M. Teresa Paiva-Weed, Senate Majority Leader Dominick J. Ruggerio, the sponsors of Senate Bill 0794, the members of the Senate Committee on Labor, and all other Providence representatives and senators.

IN CITY COUNCIL

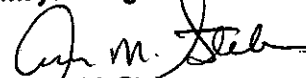
APR 04 2013

READ AND PASSED


PRES.


CLERK

Effective without the
Mayor's Signature


Anna M. Stetson
City Clerk

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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.

LC01333

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

- 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.
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LC01333

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO HUMAN SERVICES - QUALITY FAMILY CHILD CARE ACT

Introduced By: Senators Goodwin, Jabour, Pichardo, Crowley, and Ruggerio

Date Introduced: March 27, 2013

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

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3 CHAPTER 6.6

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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:

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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RELATING TO HUMAN SERVICES - QUALITY FAMILY CHILD CARE ACT

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