
HOUSE BILL 2449

State of Washington

60th Legislature

2008 Regular Session

By Representatives Pettigrew, Conway, Goodman, Kagi, Haler, Priest, Morrell, Green, Appleton, Sullivan, Wood, Sells, Williams, Haigh, Campbell, Simpson, Wallace, Barlow, Ormsby, Kessler, Jarrett, Dunshee, Walsh, Hudgins, Moeller, VanDeWege, Blake, Hasegawa, Hunt, Lias, Miloscia, McIntire, Kenney, Santos, Cody, Nelson, Rolfes, Chase, and Darneille

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1 AN ACT Relating to improving quality, access, and stability of
2 child care through providing collective bargaining for child care
3 center directors and workers; amending RCW 41.56.028, 41.56.030,
4 41.56.113, 41.04.810, 43.01.047, 43.215.500, and 43.215.505; adding a
5 new section to chapter 43.215 RCW; creating new sections; and declaring
6 an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **PART I - CHILD CARE CENTER DIRECTORS AND WORKERS**

9 NEW SECTION. **Sec. 1.** The legislature finds that, as of 2008, the
10 challenges posed by low wages and lack of training that the legislature
11 identified in enacting the child care career and wage ladder persist,
12 and the availability of quality child care in the state continues to
13 suffer. The legislature intends to address these problems by creating
14 the possibility for a new relationship between child care center
15 directors and workers and the state. Child care center directors and
16 workers are to be given the opportunity to work collectively to improve
17 standards in their profession and to expand opportunities for
18 educational advancement to ensure continuous quality improvement in the

1 delivery of early learning services. Family child care providers in
2 the state have recently been given a similar opportunity, and the
3 results of their efforts have improved standards and quality for that
4 segment of the child care industry.

5 The legislature intends to create a new type of collective
6 bargaining for these directors and workers whereby they can come
7 together and bargain with the state over its role in improving the
8 quality of child care and subsidizing child care for the state's
9 families. All child care center directors and workers will equally be
10 able to maintain full membership in the organization that represents
11 them in their efforts to improve the quality of child care they provide
12 to the state's children. This new bargaining relationship does not
13 intrude in any manner upon those relationships governed by federal
14 labor relations law. In becoming members of an organization that
15 represents them in their dealings with the state, child care center
16 directors and workers do not forfeit their rights under federal law.

17 **Sec. 2.** RCW 41.56.028 and 2007 c 278 s 2 are each amended to read
18 as follows:

19 (1) In addition to the entities listed in RCW 41.56.020, this
20 chapter applies to the governor with respect to family child care
21 providers and to child care center directors and workers. Solely for
22 the purposes of collective bargaining and as expressly limited under
23 subsections (2) and (3) of this section, the governor is the public
24 employer of family child care providers and of child care center
25 directors and workers who, solely for the purposes of collective
26 bargaining, are public employees. The public employer shall be
27 represented for bargaining purposes by the governor or the governor's
28 designee appointed under chapter 41.80 RCW.

29 (2) This chapter governs the collective bargaining relationship
30 between the governor and family child care providers and between the
31 governor and child care center directors and workers, except as
32 follows:

33 (a) (~~A statewide unit of all family child care providers is~~) The
34 only units appropriate for purposes of collective bargaining under RCW
35 41.56.060 are:

36 (i) A statewide unit for family child care providers; and

1 (ii) Two units for child care center directors and workers. One
2 unit shall be composed of all child care center directors and workers
3 employed at centers located in the following areas: Island, Kitsap,
4 Pierce, San Juan, Skagit, Snohomish, and Whatcom counties, the part of
5 King county outside the city of Seattle, and the part of the city of
6 Seattle west of the Duwamish river. The other unit shall be composed
7 of all child care center directors and workers employed at centers
8 located in the remaining areas of the state.

9 (b) The exclusive bargaining representative of family child care
10 providers or of child care center directors and workers in the units
11 specified in (a) of this subsection shall be the representative chosen
12 in an election conducted pursuant to RCW 41.56.070, except that:

13 (i) In the initial election conducted under chapter 54, Laws of
14 2006, or this act, if more than one labor organization is on the ballot
15 and none of the choices receives a majority of the votes cast, a
16 run-off election shall be held; and

17 (ii) To show at least thirty percent representation within a unit
18 to accompany a request for an initial election under this act, the
19 written proof of representation is valid only if collected not more
20 than two years prior to the date the request is filed with the
21 commission.

22 (c)(i) Notwithstanding the definition of "collective bargaining" in
23 RCW 41.56.030(4), the scope of collective bargaining for family child
24 care providers under this section shall be limited solely to: ~~((+i+))~~
25 (A) Economic compensation, such as manner and rate of subsidy and
26 reimbursement, including tiered reimbursements; ~~((+ii+))~~ (B) health and
27 welfare benefits; ~~((+iii+))~~ (C) professional development and training;
28 ~~((+iv+))~~ (D) labor-management committees; ~~((+v+))~~ (E) grievance
29 procedures; and ~~((+vi+))~~ (F) other economic matters. Retirement
30 benefits shall not be subject to collective bargaining. By such
31 obligation neither party shall be compelled to agree to a proposal or
32 be required to make a concession unless otherwise provided in this
33 chapter.

34 (ii) Notwithstanding the definition of "collective bargaining" in
35 RCW 41.56.030(4), the scope of collective bargaining for child care
36 center directors and workers under this section shall be limited solely
37 to these matters within the purview of the state: (A) Professional
38 development and training, including the career and wage ladder

1 established under RCW 43.215.505, and other incentives; (B) mechanisms
2 to improve the access of child care centers to health care insurance
3 and other benefit programs; (C) economic compensation to child care
4 centers, such as manner and rate of subsidy and reimbursement,
5 including tiered reimbursements; (D) other economic matters; and (E)
6 grievance procedures related to (c)(ii)(A) through (D) of this
7 subsection. By such obligation neither party shall be compelled to
8 agree to a proposal or be required to make a concession unless
9 otherwise provided in this chapter.

10 (d) The mediation and interest arbitration provisions of RCW
11 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

12 (i) With respect to commencement of negotiations between the
13 governor and the exclusive bargaining representative of family child
14 care providers or of child care center directors and workers,
15 negotiations shall be commenced initially upon certification of an
16 exclusive bargaining representative under (a) of this subsection and,
17 thereafter, by February 1st of any even-numbered year; and

18 (ii) The decision of the arbitration panel is not binding on the
19 legislature and, if the legislature does not approve the request for
20 funds necessary to implement the compensation and benefit provisions of
21 the arbitrated collective bargaining agreement, is not binding on the
22 state.

23 (e) Nothing in chapter 54, Laws of 2006, or this act grants family
24 child care providers ((do not have)) and child care center directors
25 and workers the right to strike.

26 (3) Family child care providers and child care center directors and
27 workers who are public employees solely for the purposes of collective
28 bargaining under subsection (1) of this section are not, for that
29 reason, employees of the state for any purpose. This section applies
30 only to the governance of the collective bargaining relationship
31 between the employer and family child care providers and between the
32 employer and child care center directors and workers as provided in
33 subsections (1) and (2) of this section.

34 (4) This section does not create or modify:

35 (a) The parents' or legal guardians' right to choose and terminate
36 the services of any family child care provider that provides care for
37 their child or children;

1 (b) The child care centers' right to choose, direct, and terminate
2 the services of any child care worker who provides care in the center;

3 (c) The rights of employers and employees under the national labor
4 relations act, 29 U.S.C. Secs. 151 et seq.;

5 (d) The secretary of the department of social and health services'
6 right to adopt requirements under RCW 74.15.030, except for
7 requirements related to grievance procedures and collective
8 negotiations on personnel matters as specified in subsection (2)(c) of
9 this section;

10 ~~((e))~~ (e) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and
11 74.15.130; and

12 ~~((d))~~ (f) The legislature's right to make programmatic
13 modifications to the delivery of state services through child care
14 subsidy programs, including standards of eligibility of parents, legal
15 guardians, ~~((and))~~ family child care providers, and child care centers
16 participating in child care subsidy programs, and the nature of
17 services provided. The governor shall not enter into, extend, or renew
18 any agreement under this section that does not expressly reserve the
19 legislative rights described in this subsection (4)~~((d))~~ (f).

20 (5) Upon meeting the requirements of subsection (6) of this
21 section, the governor must submit, as a part of the proposed biennial
22 or supplemental operating budget submitted to the legislature under RCW
23 43.88.030, a request for funds necessary to implement the compensation
24 and benefit provisions of ~~((a))~~ collective bargaining agreements
25 entered into under this section or for legislation necessary to
26 implement such agreements.

27 (6) A request for funds necessary to implement the compensation and
28 benefit provisions of ~~((a))~~ collective bargaining agreements entered
29 into under this section shall not be submitted by the governor to the
30 legislature unless such request has been:

31 (a) Submitted to the director of financial management by October
32 1st before the legislative session at which the request is to be
33 considered, except that, for initial negotiations under this section
34 for family child care providers, the request must be submitted by
35 November 15, 2006, and for child care center directors and workers, the
36 request must be submitted by November 15, 2008; and

37 (b) Certified by the director of financial management as being

1 feasible financially for the state or reflects the binding decision of
2 an arbitration panel reached under this section.

3 (7) The legislature must approve or reject the submission of the
4 request for funds as a whole. If the legislature rejects or fails to
5 act on the submission, any such agreement will be reopened solely for
6 the purpose of renegotiating the funds necessary to implement the
7 agreement.

8 (8) The governor shall periodically consult with the joint
9 committee on employment relations established by RCW 41.80.010
10 regarding appropriations necessary to implement the compensation and
11 benefit provisions of any collective bargaining agreement and, upon
12 completion of negotiations, advise the committee on the elements of the
13 agreement and on any legislation necessary to implement such agreement.

14 (9) After the expiration date of any collective bargaining
15 agreement entered into under this section, all of the terms and
16 conditions specified in any such agreement remain in effect until the
17 effective date of a subsequent agreement, not to exceed one year from
18 the expiration date stated in the agreement, except as provided in
19 subsection (4)((~~d~~)) (f) of this section.

20 (10) If, after the compensation and benefit provisions of an
21 agreement are approved by the legislature, a significant revenue
22 shortfall occurs resulting in reduced appropriations, as declared by
23 proclamation of the governor or by resolution of the legislature, both
24 parties shall immediately enter into collective bargaining for a
25 mutually agreed upon modification of the agreement.

26 (11) In enacting this section, the legislature intends to provide
27 state action immunity under federal and state antitrust laws for the
28 joint activities of family child care providers and their exclusive
29 bargaining representative and of child care center directors and
30 workers and their exclusive bargaining representatives to the extent
31 such activities are authorized by this chapter.

32 **Sec. 3.** RCW 41.56.030 and 2007 c 184 s 2 are each amended to read
33 as follows:

34 As used in this chapter:

35 (1) "Public employer" means any officer, board, commission,
36 council, or other person or body acting on behalf of any public body
37 governed by this chapter, or any subdivision of such public body. For

1 the purposes of this section, the public employer of district court or
2 superior court employees for wage-related matters is the respective
3 county legislative authority, or person or body acting on behalf of the
4 legislative authority, and the public employer for nonwage-related
5 matters is the judge or judge's designee of the respective district
6 court or superior court.

7 (2) "Public employee" means any employee of a public employer
8 except any person (a) elected by popular vote, or (b) appointed to
9 office pursuant to statute, ordinance or resolution for a specified
10 term of office as a member of a multimember board, commission, or
11 committee, whether appointed by the executive head or body of the
12 public employer, or (c) whose duties as deputy, administrative
13 assistant or secretary necessarily imply a confidential relationship to
14 (i) the executive head or body of the applicable bargaining unit, or
15 (ii) any person elected by popular vote, or (iii) any person appointed
16 to office pursuant to statute, ordinance or resolution for a specified
17 term of office as a member of a multimember board, commission, or
18 committee, whether appointed by the executive head or body of the
19 public employer, or (d) who is a court commissioner or a court
20 magistrate of superior court, district court, or a department of a
21 district court organized under chapter 3.46 RCW, or (e) who is a
22 personal assistant to a district court judge, superior court judge, or
23 court commissioner. For the purpose of (e) of this subsection, no more
24 than one assistant for each judge or commissioner may be excluded from
25 a bargaining unit.

26 (3) "Bargaining representative" means any lawful organization which
27 has as one of its primary purposes the representation of employees in
28 their employment relations with employers.

29 (4) "Collective bargaining" means the performance of the mutual
30 obligations of the public employer and the exclusive bargaining
31 representative to meet at reasonable times, to confer and negotiate in
32 good faith, and to execute a written agreement with respect to
33 grievance procedures and collective negotiations on personnel matters,
34 including wages, hours and working conditions, which may be peculiar to
35 an appropriate bargaining unit of such public employer, except that by
36 such obligation neither party shall be compelled to agree to a proposal
37 or be required to make a concession unless otherwise provided in this
38 chapter.

1 (5) "Commission" means the public employment relations commission.

2 (6) "Executive director" means the executive director of the
3 commission.

4 (7) "Uniformed personnel" means: (a) Law enforcement officers as
5 defined in RCW 41.26.030 employed by the governing body of any city or
6 town with a population of two thousand five hundred or more and law
7 enforcement officers employed by the governing body of any county with
8 a population of ten thousand or more; (b) correctional employees who
9 are uniformed and nonuniformed, commissioned and noncommissioned
10 security personnel employed in a jail as defined in RCW 70.48.020(5),
11 by a county with a population of seventy thousand or more, and who are
12 trained for and charged with the responsibility of controlling and
13 maintaining custody of inmates in the jail and safeguarding inmates
14 from other inmates; (c) general authority Washington peace officers as
15 defined in RCW 10.93.020 employed by a port district in a county with
16 a population of one million or more; (d) security forces established
17 under RCW 43.52.520; (e) firefighters as that term is defined in RCW
18 41.26.030; (f) employees of a port district in a county with a
19 population of one million or more whose duties include crash fire
20 rescue or other fire fighting duties; (g) employees of fire departments
21 of public employers who dispatch exclusively either fire or emergency
22 medical services, or both; or (h) employees in the several classes of
23 advanced life support technicians, as defined in RCW 18.71.200, who are
24 employed by a public employer.

25 (8) "Institution of higher education" means the University of
26 Washington, Washington State University, Central Washington University,
27 Eastern Washington University, Western Washington University, The
28 Evergreen State College, and the various state community colleges.

29 (9) "Home care quality authority" means the authority under chapter
30 74.39A RCW.

31 (10) "Individual provider" means an individual provider as defined
32 in RCW 74.39A.240(4) who, solely for the purposes of collective
33 bargaining, is a public employee as provided in RCW 74.39A.270.

34 (11) "Child care subsidy" means a payment from the state through a
35 child care subsidy program established pursuant to RCW 74.12.340 or
36 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
37 program.

1 (12) "Family child care provider" means a person who: (a) Provides
2 regularly scheduled care for a child or children in the home of the
3 provider or in the home of the child or children for periods of less
4 than twenty-four hours or, if necessary due to the nature of the
5 parent's work, for periods equal to or greater than twenty-four hours;
6 (b) receives child care subsidies; and (c) is either licensed by the
7 state under RCW 74.15.030 or is exempt from licensing under chapter
8 74.15 RCW.

9 (13) "Adult family home provider" means a provider as defined in
10 RCW 70.128.010 who receives payments from the medicaid and state-funded
11 long-term care programs.

12 (14) "Child care center directors and workers" includes all
13 employees of child care centers who work on-site at the centers.
14 "Child care center directors and workers" includes owners of child care
15 centers who regularly work on-site at centers.

16 (15) "Child care center" means a child care center licensed by the
17 state under RCW 74.15.030 that has at least one child care slot filled
18 by a child for whom it receives a child care subsidy, but not a child
19 care center operated directly by another unit of government or a tribe.

20 **Sec. 4.** RCW 41.56.113 and 2007 c 184 s 3 are each amended to read
21 as follows:

22 (1) Upon the written authorization of an individual provider, a
23 family child care provider, or an adult family home provider within the
24 bargaining unit and after the certification or recognition of the
25 bargaining unit's exclusive bargaining representative, the state as
26 payor, but not as the employer, shall, subject to subsection (3) of
27 this section, deduct from the payments to an individual provider, a
28 family child care provider, or an adult family home provider the
29 monthly amount of dues as certified by the secretary of the exclusive
30 bargaining representative and shall transmit the same to the treasurer
31 of the exclusive bargaining representative.

32 (2) If the governor and the exclusive bargaining representative of
33 a bargaining unit of individual providers, family child care providers,
34 or adult family home providers enter into a collective bargaining
35 agreement that:

36 (a) Includes a union security provision authorized in RCW
37 41.56.122, the state as payor, but not as the employer, shall, subject

1 to subsection (3) of this section, enforce the agreement by deducting
2 from the payments to bargaining unit members the dues required for
3 membership in the exclusive bargaining representative, or, for
4 nonmembers thereof, a fee equivalent to the dues; or

5 (b) Includes requirements for deductions of payments other than the
6 deduction under (a) of this subsection, the state, as payor, but not as
7 the employer, shall, subject to subsection (3) of this section, make
8 such deductions upon written authorization of the individual provider,
9 family child care provider, or adult family home provider.

10 (3)(a) The initial additional costs to the state in making
11 deductions from the payments to individual providers, family child care
12 providers, and adult family home providers under this section shall be
13 negotiated, agreed upon in advance, and reimbursed to the state by the
14 exclusive bargaining representative.

15 (b) The allocation of ongoing additional costs to the state in
16 making deductions from the payments to individual providers, family
17 child care providers, or adult family home providers under this section
18 shall be an appropriate subject of collective bargaining between the
19 exclusive bargaining representative and the governor unless prohibited
20 by another statute. If no collective bargaining agreement containing
21 a provision allocating the ongoing additional cost is entered into
22 between the exclusive bargaining representative and the governor, or if
23 the legislature does not approve funding for the collective bargaining
24 agreement as provided in RCW 74.39A.300, 41.56.028, or 41.56.029, as
25 applicable, the ongoing additional costs to the state in making
26 deductions from the payments to individual providers, family child care
27 providers, or adult family home providers under this section shall be
28 negotiated, agreed upon in advance, and reimbursed to the state by the
29 exclusive bargaining representative.

30 (4) The governor and the exclusive bargaining representative of a
31 bargaining unit of family child care providers may not enter into a
32 collective bargaining agreement that contains a union security
33 provision unless the agreement contains a process, to be administered
34 by the exclusive bargaining representative of a bargaining unit of
35 family child care providers, for hardship dispensation for license-
36 exempt family child care providers who are also temporary assistance
37 for needy families recipients or WorkFirst participants.

1 (5) In lieu of the deductions authorized under subsections (1) and
2 (2) of this section, and the union security provisions authorized under
3 RCW 41.56.122, the governor and the exclusive representative of a
4 bargaining unit of child care center directors and workers shall agree
5 to a representation fee to be paid to the exclusive representative for
6 the costs of representation of child care center directors and workers
7 as provided in this chapter. The state shall deduct the representation
8 fee from the monthly amount of the child care subsidy due to a child
9 care center and transmit the representation fee to the secretary of the
10 exclusive bargaining representative. Any child care center that is
11 operated by a church or other religious body for which payment of a
12 representative fee is contrary to bona fide religious tenets shall pay
13 an amount equivalent to the representation fee to a nonreligious
14 charity or to another charitable organization mutually agreed upon by
15 the child care center and the exclusive representative to which the
16 center would otherwise pay the representation fee. The child care
17 center shall furnish written proof that such payment has been made. If
18 the child care center and the exclusive representative do not reach
19 agreement on such matter, the commission shall designate the charitable
20 organization.

21 **Sec. 5.** RCW 41.04.810 and 2007 c 184 s 4 are each amended to read
22 as follows:

23 Individual providers, as defined in RCW 74.39A.240, family child
24 care providers, as defined in RCW 41.56.030, child care center
25 directors and workers, as defined in RCW 41.56.030, and adult family
26 home providers, as defined in RCW 41.56.030, are not employees of the
27 state or any of its political subdivisions and are specifically and
28 entirely excluded from all provisions of this title, except as provided
29 in RCW 74.39A.270, 41.56.028, and 41.56.029.

30 **Sec. 6.** RCW 43.01.047 and 2007 c 184 s 5 are each amended to read
31 as follows:

32 RCW 43.01.040 through 43.01.044 do not apply to individual
33 providers under RCW 74.39A.220 through 74.39A.300, family child care
34 providers under RCW 41.56.028, child care center directors and workers
35 under RCW 41.56.028, or adult family home providers under RCW
36 41.56.029.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.215 RCW
2 to read as follows:

3 (1) Every child care center shall provide to the department a list
4 of the names and addresses of all current child care center directors
5 and workers, as defined in RCW 41.56.030, annually by January 30th,
6 except that initially the lists shall be provided within thirty days of
7 the effective date of this section.

8 (2) The department shall, upon request, provide to a labor
9 organization seeking to organize child care center directors and
10 workers, a list of all directors and workers in the unit that the
11 organization seeks to organize. The list shall contain the information
12 collected with regard to the directors and workers pursuant to
13 subsection (1) of this section.

14 **PART II - CHILD CARE CAREER AND WAGE LADDER**

15 **Sec. 8.** RCW 43.215.500 and 2005 c 507 s 1 are each amended to read
16 as follows:

17 The legislature finds that as of 2000, child care workers in the
18 state earned an average hourly wage of eight dollars and twenty-two
19 cents, only fifty-eight percent received medical insurance through
20 employers, only sixty-six percent received paid sick leave, and only
21 seventy-three percent received paid vacation. The legislature further
22 finds that low wages for child care workers create a barrier for
23 individuals entering the profession, result in child care workers
24 leaving the profession in order to earn a living wage in another
25 profession, and make it difficult for child care workers to afford
26 professional education and training. As a result, the availability of
27 quality child care in the state suffers.

28 The legislature intends to increase wages to child care workers
29 through establishing a child care career and wage ladder that provides
30 increased wages for child care workers based on their work experience,
31 level of responsibility, and education. In order to give child care
32 center directors and workers a voice in the determination of an
33 effective child care career and wage ladder, the ladder shall be
34 subject to collective bargaining as provided in RCW 41.56.028. To the
35 extent practicable within available funds, this child care career and
36 wage ladder shall mirror the successful child care career and wage

1 ladder pilot project operated by the state between 2000 and 2003.
2 While it is the intent of the legislature to establish the vision of a
3 statewide child care career and wage ladder that will enhance
4 employment quality and stability for child care workers, the
5 legislature also recognizes that funding allocations will determine the
6 extent of statewide implementation of a child care career and wage
7 ladder.

8 **Sec. 9.** RCW 43.215.505 and 2006 c 265 s 205 are each amended to
9 read as follows:

10 (1) Subject to the availability of funds appropriated for this
11 specific purpose, the department shall establish a child care career
12 and wage ladder in licensed child care centers that meet the following
13 criteria: (a) At least ~~((ten percent of))~~ one child care ~~((slots are))~~
14 slot is dedicated to children whose care is subsidized by the state or
15 any political subdivision thereof or any local government; (b) the
16 center agrees to adopt the child care career and wage ladder ~~((, which,~~
17 ~~at a minimum, shall be at the same pay schedule as existed in the~~
18 ~~previous child care career and wage ladder pilot project))~~; and (c) the
19 center meets further program standards as established by rule pursuant
20 to section 4, chapter 507, Laws of 2005.

21 The child care career and wage ladder shall include wage increments
22 for levels of education, ~~((years of relevant experience, levels of work~~
23 ~~responsibility,))~~ relevant early childhood education credits, and
24 relevant requirements in the state training and registry system.

25 (2) The department shall establish procedures for the allocation of
26 funds to implement the child care career and wage ladder among child
27 care centers meeting the criteria identified in subsection (1) of this
28 section. In developing these procedures, the department shall
29 implement any agreements reached through collective bargaining between
30 the governor and child care center directors and workers pursuant to
31 chapter 41.56 RCW. In addition, prior to any bargaining, the
32 department shall:

33 (a) Review past efforts or administration of the child care career
34 and wage ladder pilot project in order to take advantage of any
35 findings, recommendations, or administrative practices that contributed
36 to that pilot project's success;

1 (b) Consult with stakeholders(~~(, including organizations~~
2 ~~representing child care teachers and providers,~~) in developing an
3 allocation formula that incorporates consideration of geographic and
4 demographic distribution of child care centers adopting the child care
5 career and wage ladder; ~~(and)~~)

6 (c) Develop a system for prioritizing child care centers interested
7 in adopting the child care career and wage ladder that is based on the
8 criteria identified in subsection (1) of this section; and

9 (d) Provide to both parties information gathered in completing (a)
10 through (c) of this subsection.

11 ~~((3) Notwithstanding the requirements of subsection (2) of this~~
12 ~~section, child care centers meeting the criteria in subsection (1) of~~
13 ~~this section located in urban areas of the department of social and~~
14 ~~health services region one shall receive a minimum of fifteen percent~~
15 ~~of the funds allocated through the child care career and wage ladder,~~
16 ~~and of these centers, child care centers meeting the criteria in~~
17 ~~subsection (1) of this section participating in the Spokane tiered~~
18 ~~reimbursement pilot project shall have first priority for child care~~
19 ~~career and wage ladder funding.))~~

20 PART III - GENERAL PROVISIONS

21 NEW SECTION. Sec. 10. Part headings used in this act are not any
22 part of the law.

23 NEW SECTION. Sec. 11. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. Sec. 12. If any part of this act is found to be in
28 conflict with federal requirements that are a prescribed condition to
29 the allocation of federal funds to the state, the conflicting part of
30 this act is inoperative solely to the extent of the conflict and with
31 respect to the agencies directly affected, and this finding does not
32 affect the operation of the remainder of this act in its application to
33 the agencies concerned. Rules adopted under this act must meet federal

1 requirements that are a necessary condition to the receipt of federal
2 funds by the state.

3 NEW SECTION. **Sec. 13.** This act may be known and cited as the
4 access to quality child care workforce act.

5 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

--- END ---