

E2SHB 2449 - S COMM AMD

By Committee on Labor, Commerce, Research & Development

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that, as of 2008, the
4 challenges posed by low wages and lack of training that the legislature
5 identified in enacting the child care career and wage ladder persist,
6 and the availability of quality child care in the state continues to
7 suffer. The legislature intends to address these problems by creating
8 the possibility for a new relationship between child care center
9 directors and workers and the state. Child care center directors and
10 workers are to be given the opportunity to work collectively to improve
11 standards in their profession and to expand opportunities for
12 educational advancement to ensure continuous quality improvement in the
13 delivery of early learning services. Family child care providers in
14 the state have recently been given a similar opportunity, and the
15 results of their efforts have improved standards and quality for that
16 segment of the child care industry.

17 The legislature intends to create a new type of collective
18 bargaining for these directors and workers whereby they can come
19 together and bargain with the state over matters within the state's
20 purview and support for improving the quality of child care for the
21 state's families. Unlike traditional collective bargaining, this new
22 approach will afford these directors and workers the opportunity to
23 bargain with the state only over the state's support for child care
24 centers, a matter of common concern to both directors and workers.
25 Specific terms and conditions of employment at individual centers,
26 which are the subjects of traditional collective bargaining between
27 employers and their employees, fall outside the limited scope of
28 bargaining defined by this act. Accordingly, traditional policy
29 concerns over supervisors and employees being organized into a common

1 bargaining unit are inapplicable. Sharing a community of interest in
2 the subjects of bargaining enables directors and workers to work side
3 by side in the same bargaining unit for common goals.

4 All child care center directors and workers will equally be able to
5 maintain full membership in the organization that represents them in
6 their efforts to improve the quality of child care they provide to the
7 state's children. This new bargaining relationship does not intrude in
8 any manner upon those relationships governed by the national labor
9 relations act (29 U.S.C. Sec. 151 et seq). Child care center directors
10 and workers do not forfeit their rights under the national labor
11 relations act by becoming members of an organization that represents
12 them in their dealings with the state. Under the national labor
13 relations act, an organization that represents child care center
14 directors and workers in bargaining with the state under this act is
15 precluded from representing workers seeking to engage in traditional
16 collective bargaining with their employer over specific terms and
17 conditions of employment at individual child care centers.

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

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

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

34 (a) (~~(A statewide unit of all family child care providers is)~~) The
35 only units appropriate for purposes of collective bargaining under RCW
36 41.56.060 are:

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

1 (ii) The units for child care center directors and workers
2 determined by the commission which shall conform to the unit requested
3 in the application for certification as the bargaining representative
4 if consistent with the terms of this act. In determining the units,
5 the commission shall include in the same unit all child care center
6 directors and workers employed at child care centers located in
7 department of social and health services regions existing on the
8 effective date of this section, and may group together regions to
9 minimize the number of units.

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

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

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

23 (c) For the exclusive bargaining representatives who represent the
24 units for child care center directors and workers certified by the
25 commission, negotiations of a collective bargaining agreement shall be
26 by a coalition of all of those exclusive bargaining representatives.
27 The coalition shall bargain for a master collective bargaining
28 agreement covering all of the child care center directors and workers
29 represented by the coalition.

30 (d)(i) Notwithstanding the definition of "collective bargaining" in
31 RCW 41.56.030(4), the scope of collective bargaining for family child
32 care providers under this section shall be limited solely to: ((+i))
33 (A) Economic compensation, such as manner and rate of subsidy and
34 reimbursement, including tiered reimbursements; ((+ii)) (B) health and
35 welfare benefits; ((+iii)) (C) professional development and training;
36 ((+iv)) (D) labor-management committees; ((+v)) (E) grievance
37 procedures; and ((+vi)) (F) other economic matters. Retirement
38 benefits shall not be subject to collective bargaining. By such

1 obligation neither party shall be compelled to agree to a proposal or
2 be required to make a concession unless otherwise provided in this
3 chapter.

4 ~~((d))~~ (ii) Notwithstanding the definition of "collective
5 bargaining" in RCW 41.56.030(4), the matters subject to bargaining
6 under this section shall be within the purview of the state and within
7 the community of interest of child care center directors and workers.
8 The public employer is: (A) Required to bargain over the manner and
9 rate of subsidy and reimbursement, including tiered reimbursements; (B)
10 permitted, but not required, to bargain over: (I) Professional
11 development and training; (II) mechanisms and funding to improve the
12 access of child care centers to health care insurance and other benefit
13 programs; (III) other economic support for child care centers; and (IV)
14 related grievance procedures; and (C) prohibited from bargaining over
15 retirement benefits. By such obligation neither party shall be
16 compelled to agree to a proposal or be required to make a concession
17 unless otherwise provided in this chapter.

18 (e) The mediation and interest arbitration provisions of RCW
19 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

20 (i) With respect to commencement of negotiations between the
21 governor and the exclusive bargaining representative of family child
22 care providers or the coalition of all the exclusive bargaining
23 representatives of child care center directors and workers,
24 negotiations shall be commenced initially upon certification of an
25 exclusive bargaining representative under (a) of this subsection and,
26 thereafter, by February 1st of any even-numbered year; and

27 (ii) The decision of the arbitration panel is not binding on the
28 legislature and, if the legislature does not approve the request for
29 funds necessary to implement the compensation and benefit provisions of
30 ~~((the))~~ an arbitrated collective bargaining agreement for family child
31 care providers or the subsidy and reimbursement provisions of an
32 arbitrated collective bargaining agreement for child care center
33 directors and workers, is not binding on the state.

34 ~~((e))~~ (f) Nothing in chapter 54, Laws of 2006, or this act grants
35 family child care providers ~~((do not have))~~ and child care center
36 directors and workers the right to strike.

37 (3) Family child care providers and child care center directors and
38 workers who are public employees solely for the purposes of collective

1 bargaining under subsection (1) of this section are not, for that
2 reason, employees of the state for any purpose. This section applies
3 only to the governance of the collective bargaining relationship
4 between the employer and family child care providers and between the
5 employer and child care center directors and workers as provided in
6 subsections (1) and (2) of this section.

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

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

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

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

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

20 ~~((e))~~ (e) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and
21 74.15.130; and

22 ~~((d))~~ (f) The legislature's right to make programmatic
23 modifications to the delivery of state services through child care
24 subsidy programs, including standards of eligibility of parents, legal
25 guardians, ~~((and))~~ family child care providers and child care centers
26 participating in child care subsidy programs, ~~((and))~~ the nature of
27 services provided, and the right to determine standards for
28 professional development and training, quality criteria, or ratings
29 through programs such as a quality rating system. The governor shall
30 not enter into, extend, or renew any agreement under this section that
31 does not expressly reserve the legislative rights described in this
32 subsection (4)~~((d))~~ (f).

33 (5) Upon meeting the requirements of subsection (6) of this
34 section, the governor must submit, as a part of the proposed biennial
35 or supplemental operating budget submitted to the legislature under RCW
36 43.88.030, ~~((a))~~ requests for funds necessary to implement the
37 compensation and benefit provisions of a collective bargaining
38 agreement for family child care providers and the subsidy and

1 reimbursement provisions of a collective bargaining agreement for child
2 care center directors and workers entered into under this section or
3 for legislation necessary to implement such agreements.

4 (6) ((A)) Requests for funds necessary to implement the
5 compensation and benefit provisions of a collective bargaining
6 agreement for family child care providers and the subsidy and
7 reimbursement provisions of a collective bargaining agreement for child
8 care center directors and workers entered into under this section shall
9 not be submitted by the governor to the legislature unless such
10 ((request has)) requests have been:

11 (a) Submitted to the director of financial management by October
12 1st before the legislative session at which the request is to be
13 considered, except that, for initial negotiations under this section
14 for family child care providers, the request must be submitted by
15 November 15, 2006, and for child care center directors and workers, the
16 request must be submitted by November 15, 2008; and

17 (b) Certified by the director of financial management as being
18 feasible financially for the state or reflects the binding decision of
19 an arbitration panel reached under this section.

20 (7) The legislature must approve or reject the submission of the
21 requests for funds as a whole. If the legislature rejects or fails to
22 act on the submissions, any such agreements will be reopened solely for
23 the purpose of renegotiating the funds necessary to implement the
24 agreements.

25 (8) The governor shall periodically consult with the joint
26 committee on employment relations established by RCW 41.80.010
27 regarding appropriations necessary to implement the compensation and
28 benefit provisions of ((any)) a collective bargaining agreement for
29 family child care providers and the subsidy and reimbursement
30 provisions of a collective bargaining agreement for child care center
31 directors and workers and, upon completion of negotiations, advise the
32 committee on the elements of the agreements and on any legislation
33 necessary to implement such agreements.

34 (9) After the expiration date of any collective bargaining
35 agreement entered into under this section, all of the terms and
36 conditions specified in any such agreement remain in effect until the
37 effective date of a subsequent agreement, not to exceed one year from

1 the expiration date stated in the agreement, except as provided in
2 subsection (4)(~~(d)~~) (f) of this section.

3 (10) If, after the compensation and benefit provisions of (~~an~~) a
4 collective bargaining agreement for family child care providers or for
5 the subsidy and reimbursement provisions of a collective bargaining
6 agreement for child care center directors and workers are approved by
7 the legislature, a significant revenue shortfall occurs resulting in
8 reduced appropriations, as declared by proclamation of the governor or
9 by resolution of the legislature, both parties shall immediately enter
10 into collective bargaining for a mutually agreed upon modification of
11 the agreement.

12 (11) In enacting this section, the legislature intends to provide
13 state action immunity under federal and state antitrust laws for the
14 joint activities of family child care providers and their exclusive
15 bargaining representative and of child care center directors and
16 workers and their exclusive bargaining representatives to the extent
17 such activities are authorized by this chapter.

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

20 As used in this chapter:

21 (1) "Public employer" means any officer, board, commission,
22 council, or other person or body acting on behalf of any public body
23 governed by this chapter, or any subdivision of such public body. For
24 the purposes of this section, the public employer of district court or
25 superior court employees for wage-related matters is the respective
26 county legislative authority, or person or body acting on behalf of the
27 legislative authority, and the public employer for nonwage-related
28 matters is the judge or judge's designee of the respective district
29 court or superior court.

30 (2) "Public employee" means any employee of a public employer
31 except any person (a) elected by popular vote, or (b) appointed to
32 office pursuant to statute, ordinance or resolution for a specified
33 term of office as a member of a multimember board, commission, or
34 committee, whether appointed by the executive head or body of the
35 public employer, or (c) whose duties as deputy, administrative
36 assistant or secretary necessarily imply a confidential relationship to
37 (i) the executive head or body of the applicable bargaining unit, or

1 (ii) any person elected by popular vote, or (iii) any person appointed
2 to office pursuant to statute, ordinance or resolution for a specified
3 term of office as a member of a multimember board, commission, or
4 committee, whether appointed by the executive head or body of the
5 public employer, or (d) who is a court commissioner or a court
6 magistrate of superior court, district court, or a department of a
7 district court organized under chapter 3.46 RCW, or (e) who is a
8 personal assistant to a district court judge, superior court judge, or
9 court commissioner. For the purpose of (e) of this subsection, no more
10 than one assistant for each judge or commissioner may be excluded from
11 a bargaining unit.

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

15 (4) "Collective bargaining" means the performance of the mutual
16 obligations of the public employer and the exclusive bargaining
17 representative to meet at reasonable times, to confer and negotiate in
18 good faith, and to execute a written agreement with respect to
19 grievance procedures and collective negotiations on personnel matters,
20 including wages, hours and working conditions, which may be peculiar to
21 an appropriate bargaining unit of such public employer, except that by
22 such obligation neither party shall be compelled to agree to a proposal
23 or be required to make a concession unless otherwise provided in this
24 chapter.

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

26 (6) "Executive director" means the executive director of the
27 commission.

28 (7) "Uniformed personnel" means: (a) Law enforcement officers as
29 defined in RCW 41.26.030 employed by the governing body of any city or
30 town with a population of two thousand five hundred or more and law
31 enforcement officers employed by the governing body of any county with
32 a population of ten thousand or more; (b) correctional employees who
33 are uniformed and nonuniformed, commissioned and noncommissioned
34 security personnel employed in a jail as defined in RCW 70.48.020(5),
35 by a county with a population of seventy thousand or more, and who are
36 trained for and charged with the responsibility of controlling and
37 maintaining custody of inmates in the jail and safeguarding inmates
38 from other inmates; (c) general authority Washington peace officers as

1 defined in RCW 10.93.020 employed by a port district in a county with
2 a population of one million or more; (d) security forces established
3 under RCW 43.52.520; (e) firefighters as that term is defined in RCW
4 41.26.030; (f) employees of a port district in a county with a
5 population of one million or more whose duties include crash fire
6 rescue or other fire fighting duties; (g) employees of fire departments
7 of public employers who dispatch exclusively either fire or emergency
8 medical services, or both; or (h) employees in the several classes of
9 advanced life support technicians, as defined in RCW 18.71.200, who are
10 employed by a public employer.

11 (8) "Institution of higher education" means the University of
12 Washington, Washington State University, Central Washington University,
13 Eastern Washington University, Western Washington University, The
14 Evergreen State College, and the various state community colleges.

15 (9) "Home care quality authority" means the authority under chapter
16 74.39A RCW.

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

20 (11) "Child care subsidy" means a payment from the state through a
21 child care subsidy program established pursuant to RCW 74.12.340 or
22 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
23 program.

24 (12) "Family child care provider" means a person who: (a) Provides
25 regularly scheduled care for a child or children in the home of the
26 provider or in the home of the child or children for periods of less
27 than twenty-four hours or, if necessary due to the nature of the
28 parent's work, for periods equal to or greater than twenty-four hours;
29 (b) receives child care subsidies; and (c) is either licensed by the
30 state under RCW 74.15.030 or is exempt from licensing under chapter
31 74.15 RCW.

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

35 (14) "Child care center directors and workers" includes all
36 employees of child care centers who work on-site at the centers.
37 "Child care center directors and workers" also includes owners of child
38 care centers.

1 (15)(a) "Child care center" means a child care center licensed by
2 the state under RCW 74.15.030 that has at least one child care slot
3 filled by a child for whom it receives a child care subsidy.

4 (b) "Child care center" does not include a child care center:

5 (i) Operated directly by another unit of government or a tribe;

6 (ii) Operated by an individual, partnership, profit or nonprofit
7 corporation, or other entity that operates ten or more child care
8 centers statewide; or

9 (iii) Operated by a local nonprofit organization whose primary
10 mission is to provide social services, including serving children and
11 families, and that pays membership dues or assessments to either: (A)
12 A national organization, exempt from income tax under section 501(c)(3)
13 of the internal revenue code, with more than three million dollars in
14 membership dues and assessments annually, as reported to the internal
15 revenue service; or (B) a regional council that is affiliated with a
16 national organization, exempt from income tax under section 501(c)(3)
17 of the internal revenue code, with more than two hundred affiliates.

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

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

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

34 (a) Includes a union security provision authorized in RCW
35 41.56.122, the state as payor, but not as the employer, shall, subject
36 to subsection (~~((3))~~) (4) of this section, enforce the agreement by

1 deducting from the payments to bargaining unit members the dues
2 required for membership in the exclusive bargaining representative, or,
3 for nonmembers thereof, a fee equivalent to the dues; or

4 (b) Includes requirements for deductions of payments other than the
5 deduction under (a) of this subsection, the state, as payor, but not as
6 the employer, shall, subject to subsection (~~((3))~~) (4) of this section,
7 make such deductions upon written authorization of the individual
8 provider, family child care provider, or adult family home provider.

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

29 (4)(a) The initial additional costs to the state in making
30 deductions (~~((from the payments to individual providers, family child~~
31 ~~care providers, and adult family home providers))~~) under this section
32 shall be negotiated, agreed upon in advance, and reimbursed to the
33 state by the exclusive bargaining representative.

34 (b) The allocation of ongoing additional costs to the state in
35 making deductions (~~((from the payments to individual providers, family~~
36 ~~child care providers, or adult family home providers))~~) under this
37 section shall be an appropriate subject of collective bargaining
38 between the exclusive bargaining representative and the governor unless

1 prohibited by another statute. If no collective bargaining agreement
2 containing a provision allocating the ongoing additional cost is
3 entered into between the exclusive bargaining representative and the
4 governor, or if the legislature does not approve funding for the
5 collective bargaining agreement as provided in RCW 74.39A.300,
6 41.56.028, or 41.56.029, as applicable, the ongoing additional costs to
7 the state in making deductions (~~from the payments to individual~~
8 ~~providers, family child care providers, or adult family home~~
9 ~~providers)) under this section shall be negotiated, agreed upon in
10 advance, and reimbursed to the state by the exclusive bargaining
11 representative.~~

12 ~~((4))~~ (5) The governor and the exclusive bargaining
13 representative of a bargaining unit of family child care providers may
14 not enter into a collective bargaining agreement that contains a union
15 security provision unless the agreement contains a process, to be
16 administered by the exclusive bargaining representative of a bargaining
17 unit of family child care providers, for hardship dispensation for
18 license- exempt family child care providers who are also temporary
19 assistance for needy families recipients or WorkFirst participants.

20 **Sec. 5.** RCW 41.56.465 and 2007 c 278 s 1 are each amended to read
21 as follows:

22 (1) In making its determination, the panel shall be mindful of the
23 legislative purpose enumerated in RCW 41.56.430 and, as additional
24 standards or guidelines to aid it in reaching a decision, the panel
25 shall consider:

- 26 (a) The constitutional and statutory authority of the employer;
27 (b) Stipulations of the parties;
28 (c) The average consumer prices for goods and services, commonly
29 known as the cost of living;
30 (d) Changes in any of the circumstances under (a) through (c) of
31 this subsection during the pendency of the proceedings; and
32 (e) Such other factors, not confined to the factors under (a)
33 through (d) of this subsection, that are normally or traditionally
34 taken into consideration in the determination of wages, hours, and
35 conditions of employment. For those employees listed in RCW
36 41.56.030(7)(a) who are employed by the governing body of a city or

1 town with a population of less than fifteen thousand, or a county with
2 a population of less than seventy thousand, consideration must also be
3 given to regional differences in the cost of living.

4 (2) For employees listed in RCW 41.56.030(7) (a) through (d), the
5 panel shall also consider a comparison of the wages, hours, and
6 conditions of employment of personnel involved in the proceedings with
7 the wages, hours, and conditions of employment of like personnel of
8 like employers of similar size on the west coast of the United States.

9 (3) For employees listed in RCW 41.56.030(7) (e) through (h), the
10 panel shall also consider a comparison of the wages, hours, and
11 conditions of employment of personnel involved in the proceedings with
12 the wages, hours, and conditions of employment of like personnel of
13 public fire departments of similar size on the west coast of the United
14 States. However, when an adequate number of comparable employers
15 exists within the state of Washington, other west coast employers may
16 not be considered.

17 (4) For (~~employees~~) family child care providers listed in RCW
18 41.56.028:

19 (a) The panel shall also consider:

20 (i) A comparison of child care provider subsidy rates and
21 reimbursement programs by public entities, including counties and
22 municipalities, along the west coast of the United States; and

23 (ii) The financial ability of the state to pay for the compensation
24 and benefit provisions of a collective bargaining agreement; and

25 (b) The panel may consider:

26 (i) The public's interest in reducing turnover and increasing
27 retention of child care providers;

28 (ii) The state's interest in promoting, through education and
29 training, a stable child care workforce to provide quality and reliable
30 child care from all providers throughout the state; and

31 (iii) In addition, for employees exempt from licensing under
32 chapter 74.15 RCW, the state's fiscal interest in reducing reliance
33 upon public benefit programs including but not limited to medical
34 coupons, food stamps, subsidized housing, and emergency medical
35 services.

36 (5) For child care center directors and workers listed in RCW
37 41.56.028, the panel shall also consider:

1 (a) A comparison of child care provider subsidy rates and
2 reimbursement programs by public entities, including counties and
3 municipalities, along the west coast of the United States; and

4 (b) The financial ability of the state to pay for the subsidy and
5 reimbursement provisions of a collective bargaining agreement.

6 (6) For employees listed in RCW 74.39A.270:

7 (a) The panel shall consider:

8 (i) A comparison of wages, hours, and conditions of employment of
9 publicly reimbursed personnel providing similar services to similar
10 clients, including clients who are elderly, frail, or have
11 developmental disabilities, both in the state and across the United
12 States; and

13 (ii) The financial ability of the state to pay for the compensation
14 and fringe benefit provisions of a collective bargaining agreement; and

15 (b) The panel may consider:

16 (i) A comparison of wages, hours, and conditions of employment of
17 publicly employed personnel providing similar services to similar
18 clients, including clients who are elderly, frail, or have
19 developmental disabilities, both in the state and across the United
20 States;

21 (ii) The state's interest in promoting a stable long-term care
22 workforce to provide quality and reliable care to vulnerable elderly
23 and disabled recipients;

24 (iii) The state's interest in ensuring access to affordable,
25 quality health care for all state citizens; and

26 (iv) The state's fiscal interest in reducing reliance upon public
27 benefit programs including but not limited to medical coupons, food
28 stamps, subsidized housing, and emergency medical services.

29 (~~(6)~~) (7) Subsections (2) and (3) of this section may not be
30 construed to authorize the panel to require the employer to pay,
31 directly or indirectly, the increased employee contributions resulting
32 from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required
33 under chapter 41.26 RCW.

34 **Sec. 6.** RCW 41.04.810 and 2007 c 184 s 4 are each amended to read
35 as follows:

36 Individual providers, as defined in RCW 74.39A.240, family child
37 care providers, as defined in RCW 41.56.030, child care center

1 directors and workers, as defined in RCW 41.56.030, and adult family
2 home providers, as defined in RCW 41.56.030, are not employees of the
3 state or any of its political subdivisions and are specifically and
4 entirely excluded from all provisions of this title, except as provided
5 in RCW 74.39A.270, 41.56.028, and 41.56.029.

6 **Sec. 7.** RCW 43.01.047 and 2007 c 184 s 5 are each amended to read
7 as follows:

8 RCW 43.01.040 through 43.01.044 do not apply to individual
9 providers under RCW 74.39A.220 through 74.39A.300, family child care
10 providers under RCW 41.56.028, child care center directors and workers
11 under RCW 41.56.028, or adult family home providers under RCW
12 41.56.029.

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.215 RCW
14 to read as follows:

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

20 (2) The department shall, upon request, provide to a labor
21 organization seeking to organize child care center directors and
22 workers, a list of all directors and workers in the unit that the
23 organization seeks to organize. The list shall contain the information
24 collected with regard to the directors and workers pursuant to
25 subsection (1) of this section.

26 NEW SECTION. **Sec. 9.** (1) The Washington state institute for
27 public policy shall study outcomes associated with granting collective
28 bargaining rights to child care center directors and workers.

29 (2) The study shall, at a minimum, report whether:

30 (a) Standards for the child care profession have improved;

31 (b) Continuous quality improvement in the delivery of early
32 learning services has been achieved;

33 (c) Expanded opportunities for educational advancement for child
34 care center directors and workers, including degree and certificate
35 completion, are available; and

1 (d) Wage and benefit progression for child care center directors
2 and workers has occurred.

3 (3) The results of the study shall be reported biennially, no later
4 than December 1st, beginning in 2009, to the governor and to
5 appropriate committees of the legislature.

6 (4) This section expires January 1, 2014.

7 NEW SECTION. **Sec. 10.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 11.** If any part of this act is found to be in
12 conflict with federal requirements that are a prescribed condition to
13 the allocation of federal funds to the state, the conflicting part of
14 this act is inoperative solely to the extent of the conflict and with
15 respect to the agencies directly affected, and this finding does not
16 affect the operation of the remainder of this act in its application to
17 the agencies concerned. Rules adopted under this act must meet federal
18 requirements that are a necessary condition to the receipt of federal
19 funds by the state.

20 NEW SECTION. **Sec. 12.** This act may be known and cited as the
21 access to quality child care workforce act.

22 NEW SECTION. **Sec. 13.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2008, in the omnibus appropriations act, this act
25 is null and void."

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By Committee on Labor, Commerce, Research & Development

26 On page 1, line 3 of the title, after "workers;" strike the

1 remainder of the title and insert "amending RCW 41.56.028, 41.56.030,
2 41.56.113, 41.04.810, and 43.01.047; adding a new section to chapter
3 43.215 RCW; creating new sections; and providing an expiration date."

EFFECT: Deletes the requirement that the Public Employment Relations Commission determine bargaining units based on Department of Social and Health Services subregions and permits but does not require PERC to minimize the number of units. Requires that negotiation of a collective bargaining agreement be conducted by a coalition of all the exclusive bargaining representatives who represent the units of child care center directors and workers. Creates mandatory and permissive items subject to collective bargaining for child care centers under the act. The sole mandatory item is the manner and rate of subsidy and reimbursement. The permissive items are professional development and training, mechanisms and funding to improve the access of child care centers to health insurance and other benefits programs, other economic support for child care centers, and related grievance procedures. Specifies that an arbitration panel for child care center directors and workers must consider a comparison of child care provider subsidy rates and reimbursement programs by public entities along the west coast of the United States and the financial ability of the state to pay for the subsidy and reimbursement provisions of a collective bargaining agreement. Modifies the exemptions to the definition of child care centers by reducing the amount of membership dues and assessments a national organization must report annually to the IRS from five million to three million dollars. Provides that the WSIPP study requirement ends January 1, 2014.

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