

HB 2353-S2.E - DIGEST

(DIGEST AS ENACTED)

Provides that, in addition to the entities listed in RCW 41.56.020, this act applies to the governor with respect to family child care providers. Solely for the purposes of collective bargaining and as expressly limited under this act, the governor is the public employer of family child care providers who, solely for the purposes of collective bargaining, are public employees. The public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW.

Declares that this act governs the collective bargaining relationship between the governor and family child care providers, except as follows: (1) A statewide unit of all family child care providers is the only unit appropriate for purposes of collective bargaining under RCW 41.56.060.

(2) The exclusive bargaining representative of family child care providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

(3) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including but not limited to: (a) Economic compensation, such as manner and rate of subsidy and reimbursement, including tiered reimbursements; (b) health and welfare benefits; (c) professional development and training; and (d) labor-management committees. By such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this act.

Declares that this act does not create or modify: (1) The parents' or legal guardians' right to choose and terminate the services of any family child care provider that provides care for their child or children;

(2) The secretary of the department of social and health services' right to adopt requirements under RCW 74.15.030, except for requirements related to grievance procedures and collective negotiations on personnel matters as specified in this act;

(3) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and 74.15.130; and

(4) The legislature's right to make programmatic modifications to the delivery of state services through child care subsidy programs, including standards of eligibility of parents, legal guardians, and family child care providers

participating in child care subsidy programs, and the nature of services provided.

Provides that, upon meeting the requirements of this act, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this act or for legislation necessary to implement such agreement.

Declares that solely for the purposes of negotiated rule making pursuant to RCW 34.05.310(2)(a) and 74.15.030, a statewide unit of all family child care licensees is appropriate. As of the effective date of this act, the exclusive representative of family child care licensees in the statewide unit shall be the representative selected as the majority representative in the election held under the directive of the governor to the secretary of the department of social and health services, dated September 16, 2005. If family child care licensees seek to select a different representative thereafter, the family child care licensees may request that the American arbitration association conduct an election and certify the results of the election.

Declares that, in enacting this act, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care licensees and their exclusive representative to the extent such activities are authorized by this act.