

Vermont Legislative Council

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MEMORANDUM

To: Senate Education Committee

From: David Huber

Date: January 6, 2014

Subject: DR 14-521; early child care provider collective bargaining

The following is a summary of DR 14-521. DR 14-521 contains the amendments proposed by the Senate Education Committee on May 8, 2013. The amendments are not summarized here, but are summarized in the attached “Summary: H.521 Amendments.”

Sec. 1: This is a findings section which stresses the importance of early childhood education.

Sec. 2: This section adds a new chapter 36 to Title 33, which sets up a process by which early care and education providers can organize and bargain with the State.

§ 3601. This section lays out the purpose of the new chapter 36: to allow early care and education providers to choose to unionize and bargain with the State.

§ 3602. This is a definitions section. An “early care and education provider” is defined as a licensed child care home provider, a registered provider, or a legally exempt provider.

§ 3603. This section establishes the right of collective bargaining between the exclusive representative of the providers and the State.

- The section outlines the following mandatory subjects of bargaining:
 - Subsidy reimbursement rates and payment procedures
 - Professional development
 - Payment of dues and fees
 - Grievance procedures
- This section also clarifies that early care and education providers are not considered state employees for any purpose other than collective bargaining.
- This section prohibits the collection of agency fees from providers who do not receive subsidy payments.

§ 3604. This section outlines the rights of providers to organize, join a union, bargain collectively, or refrain from doing so.

§ 3605. This section states that the act does not interfere with the right of the State to carry out the duties of the Agency of Human Services; to comply with Federal and state law; develop regulations related to child care; administer the STARS program; and accept grants and other funds.

§ 3606. This section defines the collective bargaining unit as a single unit of licensed, registered, and license exempt providers regardless of whether they have received a subsidy payment from the State.

§ 3607. This section outlines the process for petitioning the Labor Relations Board and electing a representative.

A petition may be filed by a provider alleging that at least 30 percent of the providers wish to be represented for bargaining. Once the petition is filed an election occurs.

§ 3608. This section outlines the election procedure. A labor organization receiving a majority of votes cast shall be certified by the board as the exclusive representative.

§ 3609. This section states that the exclusive representative shall represent all providers.

§ 3610. This section outlines the process by which an agreement reached between the State and the exclusive representative is funded and implemented. It tracks the process used for the state employees' contract.

- After an agreement is reached the Governor requests funds from the General Assembly for inclusion in the next operating budget.
- If the Assembly appropriates sufficient funds the agreement becomes effective at the beginning of the next fiscal year.
- If different funds are appropriated the agreement is renegotiated based on the actual funds appropriated.

§ 3611. This section allows for mediation, fact-finding, and the submission of last best offers in the event there is an impasse in bargaining negotiations.

§ 3612. This section outlines unfair labor practices, including interfering with the right to organize, refusing to bargain in good faith, and discriminating against providers.

§ 3613. This section contains an antitrust provision in order to allow providers to organize.

§ 3614. This section lists rights that are not affected by this chapter, including the rights of parents to select or discontinue child care services.

Sec. 3. This section states that the State must bear the costs of negotiating an agreement with the providers out of funds already allocated to it by the General Assembly.

Sec. 4 is the Effective Date section. All sections are effective on passage except (1) the extraordinary transportation grants, which are repealed on July 1, 2014, the same date by which SUs are responsible for transportation; and (2) the base salary for the Secretary of Education, which is retroactive to the date on which the position of Secretary was created.