

Building a Union of Family Child Care and FFN Providers

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Role of Unions

- Build a provider-led movement to win the right to bargain with the state over improvements and new investment in child care.
- Partner with child care advocates to build public momentum for a solution to the child care crisis.
- Elect politicians who support working families and affordable, quality child care for all.

Steps to Collective Bargaining

- Create the legal authority to have a union, be recognized as a bargaining agent through card check or election and bargain through executive order and state legislation.
- Certify the union as representative through an election or a count of authorization cards
- Negotiate a Contract – Providers complete a bargaining survey and elect a committee of representatives (bargaining committee) who negotiate with the state. Providers covered by the contract vote to approve the contract.

Who are we organizing?

- Collective bargaining over rates and benefits covers regulated family child care providers and “Family, friend and neighbor” (FFN - providers exempt from regulation) who receive public funds.
- Meet and discuss regulatory issues affecting state-regulated family providers (private pay and those who receive public funds)

Definition of the Bargaining Unit

- Providers may be grouped based for representation and bargaining purposes based on whether or not they have an economic interest with the state, based on their regulatory status, and political considerations.

States with State-authorized Representation and Bargaining

- Illinois (2005)
- Washington (2006)
- New Jersey (2006)
- Iowa (2006)
- Michigan (2006)
- Oregon (2007)
- New York (2007)
- Maryland (2007)
- Kansas (2007)
- Maine (2007-pending)
- Pennsylvania (2007–pending)

Illinois Agreement - SEIU

- Illinois was the first state to complete negotiations and sign a statewide contract for home-based child care providers (December 2005).
- One unit of licensed and FFN state-subsidized providers.
- SEIU and State agreed to a three-year estimated \$250 million contract, includes:
 - *Rate increases:* FCC and FFN providers will receive 4 rate increases totaling 35% over three years. FCC providers who meet certain training or quality standards receive an additional 5-20% increase.
 - *Health Insurance:* The state will contribute \$27 million toward premiums for subsidized FCC and FFN providers to obtain health insurance beginning the third year.
 - *Grievance Procedures:* Payments to subsidized FCC and FFN providers must be processed in a timely fashion and grievances may be settled by binding arbitration.
 - *Labor Management Committee.*
- An additional \$18 million will increase rates for child care centers.

Legislative and Policy Successes

- Working with advocates to:
 - Expand child access to preschool programs – especially amongst FFN providers - \$315 million in new funding.
 - Eliminate zoning restrictions that prevent licensed family child care providers from operating in neighborhoods.
 - Stop cuts to the child care subsidy program.
 - Expand access to the federal food program.
 - Expand parent eligibility from 150% FPL to 185% FPL.
- Increased subsidy rates have lead to more licensed providers taking children receiving subsidies.

Washington Agreement - SEIU

- SEIU and State of Washington reached agreement in November 2006.
- Two bargaining units: (1) subsidized FCC and FFN providers; (2) FCC providers who do not receive subsidies.
- FCC providers not receiving subsidies have the right to union representation only for purposes of “negotiated rule making.”

Washington Agreement - SEIU

- Estimated \$50 million, two-year agreement approved by the legislature:
 - *Subsidy rate increases:* FCC providers will receive a 10% increase over 2 years, plus additional financial incentives for infants and care during nonstandard hours. FFN providers will receive uniform rates for each child in their care (instead of the lower rate now in effect for siblings of the first child), plus a 7% increase in that uniform rate over 2 years.
 - FFN providers who decide to get licensed will receive a \$250 bonus. FFN providers who receive 10 hours of training will receive a \$600 bonus per year.
 - *Health Insurance:* Beginning in 2008, subsidized FCC providers caring for at least four children receiving child care subsidies will have access to health insurance coverage. The state will contribute up to \$555 per month per provider. The total amount is capped.
 - *Other supports for both subsidized FCC and FFN providers:*
 - Increased training opportunities.
 - FFN providers receiving subsidies will qualify for the Child and Adult Care Food Program.
- The governor's budget includes an additional \$32 million to increase reimbursement rates for child care centers.
- Labor-Management Committee and grievance-arbitration procedure.

Legislative and Policy Successes

- Working with advocates to:
 - Win additional funding and provider voice in implementing the new QRIS system.
 - Increase access of FFN providers to “play and learn programs.”
- Working with the State and CCRRs to develop an FFN training program.
- Opened FFN access to the CACFP.
- Licensed providers, advocates and parents are reviewing child care licensing to make them more user-friendly.

Oregon Agreement – AFSCME and SEIU

- AFSCME and SEIU, representing two different groups of providers, have each signed agreements with state agencies.
- State agreements approved by legislature as part of the 2007 budget process.

Oregon Agreement - Licensed

- *Subsidy rate increases:* Increase rates for FCC providers to the 75th percentile of 2006 market rates. Child care centers will receive the same rate increase.
- *Payment Procedures:* Requires DHS to make improvements.
- *Eligibility Expansion:* Restore the eligibility for subsidized child care to 185% of the federal poverty level (from 150%).
- *Reductions in Parent Co-payments:* Both contracts call on DHS to lower co-payments by 20%.
- *Health Insurance:* In the AFSCME agreement the union and the agencies agreed to “work together to explore” ways to help FCC providers “access affordable, comprehensive health insurance coverage.
- *Provider Bill of Rights:* Establishes procedural protections for FCC providers in their dealings with state regulatory agencies.
 - Right to have a union representative present during interactions with regulators.
 - Right to have complaints be found “valid” before the provider’s registration/certification may be revoked.
- *Training:* FCC providers will have a larger voice in training.

Oregon Agreement - FFN

- *Subsidy rate increases:* Increase rates for FFN providers to 88% of the 75th percentile of 2006 market,
- *Training Incentives:* Work with CCRR to develop training program and make training more accessible and affordable. "Enhanced" reimbursement rates – 7% increase (for meeting certain training requirements) to 95% of the 75th percentile. FFN providers can attend all trainings offered by the CCRR for free and will receive a stipend to cover the cost of substitute care and transportation. DHS is creating an orientation designed specifically for FFN providers.
- *Payment Procedures:* Direct deposit and expedited payments
- *Eligibility Expansion:* DHS should include in its budget request funds to restore the eligibility for subsidized child care to 185% of the federal poverty level (from 150%).
- *Reductions in Parent Co-payments:* DHS to lower co-payments by 20%.
- *Payment Processes:* The SEIU/FFN contract addresses procedures for dealing with disputes and overpayments.

New Jersey Agreement – AFSCME/CWA

- Agreement to be presented to members for ratification:
 - Establishes a grievance procedure.
 - Increases reimbursement rates 21% over three years.
 - Sets up a process to study health care needs of providers.

Overall Legislative/Administrative Initiatives and Success

- Worked with advocates to stop
 - proposed cuts in maximum hours
 - proposed cuts in child care funding
 - cuts in co-pays
- Worked with advocates to secure
 - caps on licensing fees
 - increased funding
 - expanded eligibility guidelines for subsidies
- Sponsored CPR classes for thousands of providers
- Expanded access to the Child and Adult Care Food Program
- Local and statewide zoning issues

Union Cooperation

In the summer of 2006, SEIU and AFSCME announced a plan under which one union or the other would take the lead in organizing FCC and FFN providers in sixteen states, and in one state, each union would take the lead in a different part of the state.

- AFSCME will take the lead in Hawaii, Michigan, Oklahoma, New Jersey, New Mexico, New York, Ohio and Wisconsin
- SEIU will take the lead: Arizona, Colorado, Connecticut, Louisiana, Massachusetts, Maryland, North Carolina and Rhode Island.
- The unions will form joint locals in California and Pennsylvania and take the lead in different counties in Minnesota

SEIU KidsFirst Campaign States

- Maryland – (September 2007) Won election for 5,800 providers with 80% of providers supporting
- Maine – (October 2007) Election for 2,500 providers
- Rhode Island – Passed legislation, vetoed
- Massachusetts – Working to pass collective bargaining legislation, expanded training for providers
- Minnesota – Passed reduction in licensing fees, pursuing county recognition. Worked with advocates to restore child care funding
- **Connecticut** – Working to pass collective bargaining legislation; health insurance effort, expanding funding

AFSCME Campaign States

- Iowa: Executive Order; licensed; in negotiations
- Kansas: Executive Order; licensed; negotiations to begin soon
- Michigan (with UAW): Executive Order; in negotiations
- Minnesota: recognized in 3 counties
- New Mexico: pursuing legislation
- Ohio: pursuing Executive Order
- Wisconsin: Executive Order; in negotiations

AFSCME Campaign States (continued)

- In New York AFSCME represents 7,600 regulated providers outside NYC under VOICE.
- AFSCME is organizing 15,000 FFN outside NYC.
- AFT represents FFN in NYC.
- Negotiations with state expected to begin soon.

Child Care Providers United Campaign States

- Joint AFSCME-SEIU Effort
 - Pennsylvania
 - 2 executive orders for registered and FFN providers.
 - Election in October 2007 for 3,500 registered providers. FFN provider election to follow.
 - Worked with advocates to introduce zoning legislation to eliminate barriers to getting registered.
 - California
 - Passed legislation (also 2004, 2006) establishing collective bargaining rights. Awaiting Governor's signature.
 - Partnered with advocates to stop budget cuts.
 - Local training partnerships.