

Enrolled Senate Bill 788

Sponsored by Senator AVAKIAN; Senators BROWN, MORRISETTE, PROZANSKI, WALKER,
WESTLUND, Representatives GALIZIO, GREENLICK, HOLVEY, KOTEK

CHAPTER

AN ACT

Relating to family child care providers; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 657A.250 to 657A.450.

SECTION 2. (1) As used in this section:

(a) "Certified family child care provider" means an individual who operates a family child care home that is certified under ORS 657A.280.

(b) "Child care subsidy" means a payment made by the state on behalf of eligible children for child care services provided for periods of less than 24 hours in a day.

(c) "Exempt family child care provider" means an individual who provides child care services in the home of the individual or in the home of the child, whose services are not required to be certified or registered under ORS 657A.250 to 657A.450 and who receives a child care subsidy.

(d) "Family child care provider" means an individual who is a certified, registered or exempt family child care provider.

(e) "Registered family child care provider" means an individual who operates a family child care home that is registered under ORS 657A.330.

(2) For purposes of collective bargaining under ORS 243.650 to 243.782, the State of Oregon is the public employer of record of family child care providers.

(3) Notwithstanding ORS 243.650 (19), family child care providers are considered to be public employees governed by ORS 243.650 to 243.782. Family child care providers have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters concerning labor relations. These rights shall be exercised in accordance with the rights granted to public employees, with mediation and interest arbitration under ORS 243.742 as the method of concluding the collective bargaining process. Family child care providers may not strike.

(4) Notwithstanding subsections (2) and (3) of this section, family child care providers are not for any other purpose employees of the State of Oregon or any other public body.

(5) The Oregon Department of Administrative Services shall represent the State of Oregon in collective bargaining negotiations with the certified or recognized exclusive representatives of all appropriate bargaining units of family child care providers. The Oregon Department of Administrative Services is authorized to agree to terms and conditions of collective bargaining agreements on behalf of the State of Oregon.

(6) Notwithstanding ORS 243.650 (1):

(a) The appropriate bargaining unit for certified and registered family child care providers is a bargaining unit of all certified and registered family child care providers in the state.

(b) The appropriate bargaining unit for exempt family child care providers is a bargaining unit of all exempt family child care providers in the state.

(7) This section does not modify any right of a parent or legal guardian to choose and terminate the services of a family child care provider.

SECTION 3. (1) For the purposes of ORS 243.650 (8) and 243.666, on the operative date of section 2 of this 2007 Act, the State of Oregon shall:

(a) Recognize as the exclusive representative the labor organization that was recognized as the majority representative of certified and registered family child care providers under Executive Order 05-10 prior to the effective date of this 2007 Act; and

(b) Recognize as the exclusive representative the labor organization that was recognized as the majority representative of exempt family child care providers under Executive Order 06-04 prior to the effective date of this 2007 Act.

(2) Nothing in this section may be construed to interfere with family child care providers' rights under ORS 243.650 to 243.782 to question representation or seek a representation election, or the State of Oregon's rights under ORS 243.650 to 243.782 to withdrawn recognition of a labor organization or seek a representation election.

SECTION 4. Section 2 of this 2007 Act becomes operative on October 1, 2007.

SECTION 5. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate May 11, 2007

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Secretary of Senate

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President of Senate

Passed by House June 11, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State