

A-Engrossed
Senate Bill 788

Ordered by the Senate May 9
Including Senate Amendments dated May 9

Sponsored by Senator AVAKIAN; Senators BROWN, MORRISETTE, PROZANSKI, WALKER, WESTLUND

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Gives family child care providers right to collectively bargain with State of Oregon.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to family child care providers; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 657A.250 to**
5 **657A.450.**

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

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

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

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

15 (d) "Family child care provider" means an individual who is a certified, registered or ex-
16 empt family child care provider.

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

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

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

28 (4) Notwithstanding subsections (2) and (3) of this section, family child care providers are

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 not for any other purpose employees of the State of Oregon or any other public body.

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

7 (6) Notwithstanding ORS 243.650 (1):

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

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

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

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

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

19 (b) Recognize as the exclusive representative the labor organization that was recognized
20 as the majority representative of exempt family child care providers under Executive Order
21 06-04 prior to the effective date of this 2007 Act.

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

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

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

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