

DRAFT

SUMMARY

Modifies meaning of “matters concerning labor relations” for collective bargaining with family child care providers. Authorizes family child care provider to have representation at all certification and registration reviews, investigations and at any meetings or procedures related to review or investigation.

A BILL FOR AN ACT

1
2 Relating to matters concerning labor relations for family child care provid-
3 ers; amending ORS 657A.430.

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

5 **SECTION 1.** ORS 657A.430 is amended to read:

6 657A.430. (1) As used in this section:

7 (a) “Certified family child care provider” means an individual who oper-
8 ates a family child care home that is certified under ORS 657A.280.

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

12 (c) “Exempt family child care provider” means an individual who provides
13 child care services in the home of the individual or in the home of the child,
14 whose services are not required to be certified or registered under ORS
15 657A.250 to 657A.450 and who receives a child care subsidy.

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

18 (e) **“Matters concerning labor relations” includes, but is not limited**
19 **to, licensing and registration processes and procedures, complaints,**

1 **appeals, grievances and compliance reviews.**

2 [(e)] (f) “Registered family child care provider” means an individual who
3 operates a family child care home that is registered under ORS 657A.330.

4 (2) For purposes of collective bargaining under ORS 243.650 to 243.782, the
5 State of Oregon is the public employer of record of family child care pro-
6 viders.

7 (3) Notwithstanding ORS 243.650 (19), family child care providers are
8 considered to be public employees governed by ORS 243.650 to 243.782. Fam-
9 ily child care providers have the right to form, join and participate in the
10 activities of labor organizations of their own choosing for the purpose of
11 representation and collective bargaining on matters concerning labor re-
12 lations. These rights shall be exercised in accordance with the rights granted
13 to public employees, with mediation and interest arbitration under ORS
14 243.742 as the method of concluding the collective bargaining process. Family
15 child care providers may not strike.

16 (4) **A certification, registration or on-site investigation conducted**
17 **under ORS 657A.390 shall be conducted in the presence of the family**
18 **child care provider subject to the investigation. The affected family**
19 **child care provider may be accompanied by a representative of the care**
20 **provider’s choice at all on-site investigations, certification and regis-**
21 **tration reviews and any meetings or procedures related to the inves-**
22 **tigation or review that may impact the ability of the family child care**
23 **provider to provide services.**

24 [(4)] (5) Notwithstanding subsections (2) and (3) of this section, family
25 child care providers are not for any other purpose employees of the State of
26 Oregon or any other public body.

27 [(5)] (6) The Oregon Department of Administrative Services shall repre-
28 sent the State of Oregon in collective bargaining negotiations with the cer-
29 tified or recognized exclusive representatives of all appropriate bargaining
30 units of family child care providers. The Oregon Department of Administra-
31 tive Services is authorized to agree to terms and conditions of collective

1 bargaining agreements on behalf of the State of Oregon.

2 [(6)] (7) Notwithstanding ORS 243.650 (1):

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

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

8 [(7)] (8) This section does not modify any right of a parent or legal
9 guardian to choose and terminate the services of a family child care pro-
10 vider.

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