

House Bill 3146

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of AFSCME Council 75)

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 **as introduced**.

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 providers; amending ORS
3 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 operates a family child care
8 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 for
10 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 services
12 in the home of the individual or in the home of the child, whose services are not required to be
13 certified or registered under ORS 657A.250 to 657A.450 and who receives a child care subsidy.

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

16 (e) "**Matters concerning labor relations**" includes, but is not limited to, licensing and
17 registration processes and procedures, complaints, appeals, grievances and compliance re-
18 views.

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

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

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

30 **(4) A certification, registration or on-site investigation conducted under ORS 657A.390**

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 **shall be conducted in the presence of the family child care provider subject to the investi-**
2 **gation. The affected family child care provider may be accompanied by a representative of**
3 **the care provider's choice at all on-site investigations, certification and registration reviews**
4 **and any meetings or procedures related to the investigation or review that may impact the**
5 **ability of the family child care provider to provide services.**

6 [(4)] (5) Notwithstanding subsections (2) and (3) of this section, family child care providers are
7 not for any other purpose employees of the State of Oregon or any other public body.

8 [(5)] (6) The Oregon Department of Administrative Services shall represent the State of Oregon
9 in collective bargaining negotiations with the certified or recognized exclusive representatives of
10 all appropriate bargaining units of family child care providers. The Oregon Department of Adminis-
11 trative Services is authorized to agree to terms and conditions of collective bargaining agreements
12 on behalf of the State of Oregon.

13 [(6)] (7) Notwithstanding ORS 243.650 (1):

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

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

18 [(7)] (8) This section does not modify any right of a parent or legal guardian to choose and
19 terminate the services of a family child care provider.

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