Concerns with HF3456
Minnesota House Committee on Labor and Industry Finance and Policy
February 14, 2024

Minnesota ChildCare Association MCCA

Dear Chair Nelson and Committee Members,

I write today on behalf of the Minnesota Child Care Association (MCCA), a statewide non-profit membership association representing licensed child care centers. Our providers are concerned about HF3456 in its current form and unintended consequences if it is passed.

Minnesota is making great strides in supporting the child care industry as both an educational and economic driver for our communities. Last year's session invested heavily in programs to support low-income family access to child care, compensation of the early educators who provide it, and numerous supports to grow the education, skill, and quantity of the child care workforce across our state. These supports are built on the idea that a well-trained, well-compensated child care workforce is integral to the success of our communities and economy.

It is because so much is moving in a positive direction for child care in Minnesota that we wonder about HF3456, which would remove providers' current ability to, if they so choose, enter into an agreement with their customers to help protect the child care workforce for their businesses and for the general public. It seems an unnecessary intrusion into the relationship between a business and its clients.

MCCA supports family choice in early care and education arrangements – no single setting or provider can work for the diverse needs of Minnesota families. In-home nannies are one of the choices available to families, and it is understandable that sometimes a family becomes attached to an early educator and would like to hire that educator to work privately for the family. The educator is of course free to choose this if she/he desires. This does represent a loss for the employer, however, and not simply in terms of the costs of hiring and training a new employee.

As our own response to workforce challenges, many providers invest significant private resources in the education and training of their educators, often financially supporting certificates and college degrees in the field of early childhood in order for them to achieve the licensing requirements of a lead classroom position. Due to both ratio and educator qualification requirements, the loss of a single educator in a child care center can affect 10-20 families. At the least this is a disruption for those children and families. At the worst it can cause a provider to lose the ability to offer care, leaving many families in a difficult situation on short notice, as well as severely affecting the operational stability of the provider.

Since these losses can be significant, some providers do enter into agreements with clients to receive compensation should a client choose to "hire away" an educator for private family employment. Prior to these providers entering into such agreements, there were several incidents where families hired their educators, causing significant disruptions to their school and the remaining families and staff. Since entering into these agreements, they have rarely had to be enforced. While this practice does not prohibit such solicitation or movement of employees, it does ask that the client recognizes this burden and offer some recompense. From our point of view this is not unreasonable, nor does it restrict the ability of employees to choose other opportunities.

With so much good happening for child care and the families who depend on it in Minnesota, we respectfully ask that consideration be given to bill changes that may preserve providers' ability to continue some agreements with their customers. Thank you for this opportunity to share our thoughts.

Sincerely,

Clare I. Sanford

Clare Sanford
Chair, MCCA Government Relations