

HOUSE RESEARCH

Bill Summary

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Section

- 1 **Representation of family child care providers.** Identifies legislation as the Family Child Care Representation Act.
- 2 **Definitions.** Provides definitions of terms used in the act. Family child care provider means legal licensed or non licensed family child care providers who provide child care services under the child care assistance programs in chapter 119B. Center based child care services are not included.
- 3 **Right to organize.**
 - Subd. 1. Right to organize; limitations.** Provides family child care providers the right to form, join and participate in the activities of labor organizations for the purpose of representation and bargaining with the state. Family child care providers have the right to interest arbitration; they do not have the right to strike.
 - Subd. 2. Employer of record.** Provides that the state is the employer of record for family child care providers.
 - Subd. 3. Statewide unit.** The bargaining unit shall be a statewide unit of all family child care providers.
 - Subd. 4. Certification; process.** Certification of a labor organization would follow the processes under PELRA and a certification election is to be conducted by mail ballot. A list of family child care providers would be provided by the department of human services.

Section

Subd. 5. Meet and negotiate; meet and confer. If the commissioner certifies a labor organization as the exclusive representative, the state shall meet and negotiate over grievance issues, child care assistance reimbursement rates and terms and conditions of service. Agreement or arbitration decisions must be submitted to the legislature for approval or rejection.

The state and the exclusive representative may also meet and confer on other issues that are not terms and conditions of service.

Terms and conditions of service has the same meaning as that given to terms and conditions of employment under PELRA.

Subd. 6. Exemption; federal law. Sets forth that the state intends that the "state action" exemption from federal antitrust laws be available to the state.

Subd. 7. Rights. States that nothing in the bill shall be construed to interfere with:

- parent rights to select or reject providers or the ability of providers to establish the rate they charge to parents;
- the right of any state agency to communicate with others; and
- the rights and responsibilities of providers under federal law.

Subd. 8. Severability. Provides that should any part of the act be declared invalid or unenforceable or enforcement suspended, constrained or barred, the remainder of the act remains in effect.