

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Establishment of Agency Child Care Centers

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Originating Office: Facilities Division
Real Property Management Branch

This Replaces:

Distribution: Headquarters, Areas, and Locations

- ! States policy and assigns responsibility for pursuing establishment of Agency child care centers.
- ! Outlines options to consider in meeting Agency child care needs.
- ! Outlines general criteria which should be followed in reviewing and determining child care requirements.
- ! Outlines the extent to which Federal funds and other resources can be used to support child care centers.

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1. REFERENCES

- DIRECTIVE 212.10, ARS Construction Program Appropriation Authorities/Limitations
- DIRECTIVE 464.6, Employee Organizations and Activities

2. ABBREVIATIONS

- AD - Area Director
- CD - Center Director
- FD - Facilities Division
- GSA - General Services Administration
- IRS - Internal Revenue Service
- LAO - Location Administrative Officer
- LC - Location Coordinator
- MU - Memorandum of Understanding
- OPM - Office of Personnel Management
- RL - Research Leader
- RPMB - Real Property Management Branch, FD
- SLUC - Departmental Standard Level User Charge
- TSB - Ten Small Building Authority

3. AUTHORITIES

- 40 U.S.C 490b (Trible Amendment), 12/22/87
- C.G. Decision B-39772-O.M., 7/30/76
- 40 U.S.C. 601a, 10/18/76
- 5 U.S.C, Section 5536, 9/6/66

4. POLICY

It is ARS policy to:

- Pursue program initiatives which enhance the workplace environment and promote recruitment, morale, efficiency, and productivity of Agency employees.
- Encourage Agency management officials and supervisory personnel to be aware of the child care needs of ARS employees.

- Assist working parents with young children by establishing child care centers, when it is determined necessary to the execution of Agency program functions and the required resources, authorities, and strong employee participation are present to accomplish identified actions.

5. RESPONSIBILITIES

FD-RPMB is responsible for:

- Developing and disseminating policies, guidelines, and advisory information on child care services and facilities.
- Recommending actions and providing guidance to line officials and their staffs on planning and budgeting for child care facilities.
- Reviewing and monitoring ongoing child care activities in the Agency.

AD's and their staffs are responsible for:

- Ensuring compliance with all Federal, State, and local regulations and standards applicable to Area child care activities.
- Ensuring compliance with all policies, procedures, and guidelines issued by ARS with respect to Area child care activities.
- Providing guidance to Area/Location supervisory personnel in addressing program and resource issues on proposed or ongoing child care activities.

CD's, LC's, and RL's are responsible for:

- Developing the facts necessary to determine whether establishment of a child care center can be justified.
- Developing action and financial plans covering proposed centers which identify the impacts on ARS such as (1) the manner in which the proposed center will operate, (2) building service, space, renovation, and other costs to be paid by ARS, (3) per child fees expected to be paid by ARS employees, (4) the anticipated enrollment, and (5) actions to be taken by ARS to satisfy Federal, State, and local requirements.

- Ensuring compliance with all Federal, Agency, State, and local policies, regulations, standards, procedures, and guidelines which are applicable to local child care activities.
- Obtaining AD approval for any proposed child care center.
- Responding to employees, unions, parent/employee groups, etc., on issues and proposals relative to ongoing or proposed child care centers.

6. OPTIONS TO CONSIDER IN MEETING CHILD CARE NEEDS

When considering establishment of child care centers, options are to be reviewed in the following order of priority:

- Use of privately run centers (including those run by cooperators). No ARS funds would be expended and no ARS property would be used.

Examine current child care providers in the area. Particular attention should be given to GSA-sponsored programs or centers operating in federally provided space. Public licensing agencies can provide useful information on local child care providers. Information requested from providers should include:

- Number of facilities; capacity of each.
 - Per child costs.
 - Operating hours.
 - Level of service.
 - Availability of service. Are there openings or selection criteria?
- Use of GSA-provided child care centers. Reimbursement for facility use would come out of SLUC funds, not out of ARS funds.
 - Establishment of child care centers in ARS-owned buildings which are safe for children's occupancy. Child care would be contractor operated. Federal agencies are authorized to use available Federal space for onsite child care programs. The following items need consideration:
 - Determine if the use of existing space in a Federal building will be the least expensive alternative in establishing an onsite program.
 - Determine if local zoning and building codes will allow for child care programs at that site.

- Determine the level of service to be provided by the program.
 - Determine if Federal space can be modified to meet minimum requirements of a child care operation.
 - Determine if funds are available for renovation through GSA, employee participation, or ARS.
 - Determine if a child care service provider is available to operate the program.
- If ARS-controlled space is inappropriate or unavailable, it should be determined whether leased space can be secured. GSA is authorized to enter into a lease agreement on behalf of ARS for child care services. Funds are provided through SLUC funds, not ARS operational funds.
 - Determine if GSA will assist in entering into a lease agreement for space.
 - Determine if local zoning will allow child care programs at that site.
 - Determine if funds are available for renovation through GSA, employee participation, or ARS.
 - Determine if a child care service provider is available to operate the program.

If GSA is unwilling to lease space, determine if ARS has the necessary funds available and is willing to enter into a lease for space. Rent would come out of ARS operational funds. If the space to be leased is outside a major urban area, as defined by GSA, the length of the lease for space would be limited to 5 years in accordance with GSA's Delegation of Authority to ARS. If the space to be leased is within a major urban area, a one-time Delegation of Authority from GSA would be required to enter into a lease agreement.

- Make ARS-owned land available for GSA-provided facilities designed specifically for a child care program. Space solely for the purpose of a child care center normally will not be made available by GSA through new construction or through the purchase or lease of modular buildings. However, where no other space can be economically developed and made available for child care use, new construction or modular buildings can be considered.

In such circumstances, GSA would be responsible for all expenses associated with site preparation and the construction, purchase, or lease of buildings including design services and water, sewer, and utility service installation costs. ARS would be responsible for providing land and program startup costs. ARS may be required to assume facility repair and maintenance responsibilities as well as support services costs such as utilities, janitorial service, etc. If ARS-owned land were made available to GSA for such purposes, legislation would not be required. However, reimbursement of costs in most all cases would be sought from ARS by GSA.

If GSA does not wish to be involved, determine if ARS has the funds available and is willing to construct the needed facility. Under present circumstances, no special construction authority is needed for ARS to construct a child care center on ARS land, provided the project has program approval and can be designed and constructed within the cost limitations set under the ARS TSB authority. See provisions in DIRECTIVE 212.10.

- Make ARS-owned land available for a private contractor to build a child care facility. Projected Federal employee participation in the proposed program must be sufficient over an extended period to support contractor cost of construction and program operations. These costs would be passed on to the parents of children participating in the program in the form of fees for child care services. Congressional authority would be required before ARS could make land available to a non-Federal service provider and enter into a contract for child care services.

At the termination of any land lease agreement, the child care service provider would have the option of removing any buildings and associated structures constructed or placed on ARS-owned land or turning title over to the Federal Government. The owner would not have the option of selling the facility to anyone other than the Federal Government unless the owner was to operate a child care program as provided in the lease agreement.

7. GENERAL CRITERIA TO APPLY

Determining Need for Child Care Centers

The following aspects require consideration in determining the need for ARS child care centers.

- Survey the Federal employee population at the Location.

- Survey the non-Federal employee population at the Location.
- Identify nearby Federal and non-Federal employee groups that could potentially participate in a center.

It is important that a comprehensive survey be made of the employee population to determine the actual need. The sample survey included as Exhibit 1 indicates the types of information required. GSA Regional Offices can provide additional guidance on conducting surveys and establishment of child care centers.

Child Participation Requirements

- There are no hard and fast rules on the number of children required to justify establishment and maintenance of a child care center. Judgment, interest, resource requirements, and availability will determine whether a center should be established and maintained as an ongoing service operation. Recommended guidelines for participation are as follows:
 - Conversion of existing federally owned space. Participation of a minimum of 20 children is recommended.
 - Conversion of leased property. Participation of a minimum of 40 children is recommended.
 - Building of child care center on ARS land. Participation of a minimum of 60 children is recommended.
- Cooperators and other non-Federal groups can be allowed to enroll children in Federal child care centers. However, at least 50 percent enrollment must be children of Federal employees. Also, preference must be given to Federal employees and their families.
- It should be noted that assurance must be made that ARS will be in full compliance with State and local regulations when establishing the number of participants for an Agency child care center.

Oversight of Child Care Center Operations

In establishing a child care center, responsibility for and oversight of the operation will be handled as follows:

- A parent/employee organization will contract with a child care provider and monitor day-to-day program operations.

- The ARS LC/LAO or other designated ARS representative will provide oversight and guidance to the parent/employee organization to help assure it monitors compliance with the service operator's contract which would include the requirement to comply with State and local child care standards.
- An ARS representative will monitor compliance with conditions of the revocable permit issued to the operator covering use of any Federal space.
- All child care providers will be required to have liability insurance. The provider will be fully responsible for the conduct and behavior of its employees. Nevertheless, ARS will have the ultimate responsibility under the Federal Tort Claims Act for any program operated in a Federal facility.

Other Child Care Program Criteria

- Any child care facility established by ARS must comply with State and local child care laws and regulations. These regulations impact on the number of participants; the number and qualifications of staff; size and contents of the facility; the type and amount of equipment required; and health, fire, and safety requirements.
- Projected Federal employee participation in any proposed program must be sufficient to support Federal expense required. GSA's participation in the establishment of any child care facility, either through the lease of space or the construction of new facilities, would be based on a needs assessment survey indicating sufficient sustained interest and program viability.
- An organizing committee, board of directors, or parent organization will need to be formed consisting of potential users, representatives from employee associations, unions, etc., to ensure that all key issues are handled in an organized, equitable, and timely manner. The use of a consultant should be considered early on in the process to assist in determining the appropriateness of a child care center and in planning the approach.
- A formal proposal, outlining how the proposed program is to operate and the projected costs to the parents as well as to the Agency, needs to be prepared by the parent/employee group which will be sponsoring the program. Activities carried on by an employee group must comply with the provisions of ARS DIRECTIVE 464.6.

- The use of locally available child care consultants is recommended for the purpose of providing the following services: supplying a list of operators, developing criteria for selecting an operator, etc.
- Only space available in buildings which is set aside from main research operations and at a distance from functions in support of such operations (such as chemical storage facilities) should be used.
- For ARS facilities located on long-term lease or MU land, approval of the landowner must be obtained before the child care concept is pursued.

For cooperator space occupied by ARS, approval of the cooperator must be obtained.

- A Revocable Permit, executed by the Area Real Estate Warrant Officer, will be the real estate document used to make space available to non-Federal service providers in federally owned buildings.
- Liability is a key consideration in the child care issue. If established on ARS property, appropriate measures would need to be taken to reduce the risk of injury to children of Federal and non-Federal employees participating in the program. This may involve expenditure of additional funds to bring facilities to a level of safety that might not otherwise be required.
- Actions taken in regard to this DIRECTIVE and the policies contained herein will be implemented subject to labor negotiation obligations.

8. RESOURCE REQUIREMENTS

As a Federal Agency, ARS is allowed to spend appropriated funds in support of child care centers provided:

- Funds are available, and
- An administrative determination has been made by the AD that the center is necessary for the health or efficiency of the Agency's employees.

Once it is determined to be necessary to the execution of agency functions, Federal agencies can donate space rent-free (if available) and pay necessary renovation, utilities, and equipment costs associated with establishment of a child care center.

It is prudent to capture cost data for all annual major expenses related to maintaining an ARS child care center, in addition to startup costs incurred by the Agency. This cost data should cover any ongoing subsidies paid by ARS for space, maintenance, utilities, and/or janitorial services, as well as regular and recurring operating costs paid by the operator/employee group to run the center.

Funding for salaries of child care staff and other operational activities in support of child care functions must come from an employee association or from the child care operator. Such operating expenses, however, can be recovered by the operator through fees charged to the participants. Currently there is no specific legislative authority in USDA to pay day-to-day expenses to run a child care center, such as staff salaries, insurance, training, and food/expendable supplies.

Except for the provisions noted below, fees paid by ARS employees per child must be comparable to local prevailing rates to help avoid potential conflicts on whether cost assistance provided by ARS would constitute additional pay or allowance for the employee/parent which is prohibited under 5 U.S.C., Section 5536.

To maintain a high quality onsite child care service at an affordable cost, fundraising activities may be conducted by Federal employees in a private capacity to lower parent-paid fees for operational expenses, such as staff salaries and benefits. These fundraising activities must be conducted in full compliance with OPM, Federal Property, IRS, GSA, and other regulations, as well as any applicable Agency policies and procedures.

T. J. CLARK
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Exhibit

1 Sample Survey for the Assessment of
Child Care Needs

SURVEY FOR THE ASSESSMENT OF CHILD CARE NEEDS

This survey is to assess the potential need for a child care center for Federal employees. We hereby request that each parent, or prospective parent, complete this survey and return it to:

1. Do you have children who require child care while you are at work?

Yes No

1a. For each age range, indicate the number of children in your family:

0-18 months 18 months - 3 years
 3 years - kindergarten kindergarten - grade school (before and/or after school care)

1b. If you do not currently have children, do you plan on having or adopting a child within the next 2 years?

Yes No

2. Current child care arrangement, monthly fee, and distance from office:

Type of Care Fee Distance from Office

Child Care Center

Private School

Public School

Independent Sitter

Relative

Other (specify)

3. If interested in the proposed child care center, when would you be interested in making the change (month/year)?
4. If interested, what type of care would you require:
- ___ all day, everyday ___all day, occasionally
- ___ part-time, everyday ___ part-time, occasionally
- ___ summer care ___ before/after school only
5. Please rate the following features of child care in terms of importance to you. (1 being least and 10 being most important.)
- ___ convenience to work ___ teacher-child ratio
- ___ reasonable rates ___ education of staff
- ___ flexible hours ___ field trips
- ___ food provided ___ developmental activities
- ___ outdoor play activities ___ safety/sanitation
- ___ ability to visit children at lunch ___ availability of intermittent hours
6. What hours would you find convenient for a child care center?
7. How frequently are you required to work past your normal work hours?
- ___ once a week ___ once a month
- ___ biweekly ___ at a moment's notice
8. If a child care center were located near our organization and offered competitive rates and flexible hours, would you be interested in using the facility?
- ___ Yes ___ No

If yes, please complete the following:

age(s) of children using part-time care: age(s) _____
 age(s) of children using full-time care: age(s) _____

9. How many hours of leave would you save monthly if a facility were located convenient to work? _____
10. Would you be willing to pay:
- \$55-\$60 per week per child (age 2-5) Yes ___ No ___
\$95-\$100 per week per child (infant) Yes ___ No ___
11. Would you be interested in serving on the Board of Directors or the Parent Advisory Council?
- ___ Yes ___ No
12. Are you willing to work to set up and support a child care center?
- ___ Yes ___ No
13. Name: _____
- Agency: _____
- Location: _____
- Phone No.: (H) _____
- (W) _____
14. Additional comments or needs: