



EXECUTIVE ORDER NO. 06-04

REPRESENTATION OF SUBSIDIZED, LICENSE-EXEMPT FAMILY CHILD CARE PROVIDERS

The availability of quality child care enables Oregon parents to work and contribute directly to Oregon's economy. Further, quality child care is a vital contributor to the healthy development of Oregon's young children. More than one-third of Oregon children are in paid child care during the most critical stage of their development, from birth to age five. Numerous long-term studies have shown that high quality care during these formative years increases the likelihood of a child's success in school and later in life.

The quality of child care depends upon several factors, including the caregiver's training and continuity in the relationship between the child and the caregiver. The State now requires all providers and staff to have criminal background checks and to maintain health and safety standards, but there is a need to provide them with more training opportunities.

To ensure quality standards of care, it is in the public interest for Oregon to maintain a child care delivery system that encourages the recruitment and retention of family child care providers delivering these services. Increased stability in the child care workforce will preserve freedom of choice for parents to select appropriate child care services for their children based on increased availability of a wide range of child care options. Increased recruitment, retention and stability will also benefit children by allowing them continuity with their caregiver.

The state Child Care Division is the executive agency authorized to administer and direct regulated child care services in Oregon and the Department of Human Services administers state-subsidized care for Oregon families. The Child Care Division, Department of Human Services, parents, children and family child care providers will all benefit from a process that allows for collective input from family child care providers on how to improve stability in the workforce and quality of care provided.

SEIU Local 503 has presented cards to the Employment Relations Board ("ERB") and ERB has certified that the cards represent a request to be represented by SEIU Local 503 by more than fifty percent of eligible family child care providers who provide subsidized care and are neither certified nor registered. For purposes of this Executive Order, "Subsidized, License-Exempt Family Child Care Providers" are family child care providers who participate in the program of state-subsidized care, excluding family child care homes and facilities that are registered pursuant to ORS 657A.330 or certified pursuant to ORS 657A.280 (as described more fully in OAR 414-205-0000 through 414-205-0170 and OAR 414-350-0000 through OAR 414-350-0400).



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Executive Order 05-10 was promulgated on September 23, 2005. EO 05-10 relates to the representation of certified and registered child care providers. This Executive Order 06-04 relates only to child care providers who are neither certified nor registered. There is intended to be no overlap among the populations of child care providers covered by Executive Orders 05-10 and 06-04.

THEREFORE, IT IS HEREBY ORDERED AND DIRECTED:

1. The Director of the Department of Human Services and the Director of the Employment Department, as appropriate, or their designees, shall meet and confer with SEIU Local 503, on behalf of Subsidized, License-Exempt Family Child Care Providers, regarding issues of mutual concern. Such issues of mutual concern may include, but are not limited to, training and other requirements and opportunities that are appropriate for providers in the license-exempt classification, reimbursement rates, payment procedures, health and safety conditions, and any other changes to current practice that would improve recruitment and retention of qualified family child care providers, that would improve the quality of the programs they provide, or that would encourage qualified providers to seek additional education and training.
2. To the extent an agreement on any issue of mutual concern is reached, such agreement shall be memorialized in writing, subject to any agency rulemaking or statutory changes that may be required. Any agreement which requires rulemaking or statutory changes will be contingent upon the successful completion of such rulemaking or legislative process. The parties recognize that such rulemaking or legislative process may require reconsideration of, or modification to, any contingent agreement that is reached. The parties may jointly submit unresolved issues of mutual concern to a mutually-acceptable neutral third-party for the making of non-binding recommendations.
3. This Executive Order is not intended to create any contractual rights or obligations. It is intended solely as executive direction to the State agencies identified herein. Nothing in this Executive Order is intended to give to family child care providers, or imply that family child care providers have, any right to engage in a strike or a collective cessation of the delivery of child care services. Nothing in this Executive Order is intended to provide SEIU Local 503 or any other entity with third-party beneficiary rights.



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4. Family child care providers are not employees or agents of the State. Nothing in this Executive Order is intended to alter the existing relationship between family child care providers and the State or in any way imply an employer-employee or principal-agent relationship.
5. The Director of the Department of Human Services and the Director of the Employment Department shall report to the Office of the Governor regarding their progress under this Executive Order within 120 days.
6. This Executive Order is effective immediately.

Done at Salem, Oregon this ^{13th} day of February, 2006.




GOVERNOR

ATTEST:


SECRETARY OF STATE