



EXECUTIVE ORDER NO. 05-10

**REPRESENTATION OF CERTIFIED AND REGISTERED 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 education and continuity in the relationship between the child and the caregiver. Laws enacted by our State within the past decade require child care providers in all regulated child care settings to complete basic training, including recognizing and reporting child abuse and neglect, food handling, and first aid and infant and child cardiopulmonary resuscitation (CPR). All regulated providers and staff are also required to have criminal background checks and to maintain health and safety standards. All child care facilities are inspected on a regular basis.

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.

AFSCME Council 75 has presented cards to the Employment Relations Board ("ERB") and ERB has certified that the cards represent a request to be represented by AFSCME Council 75 by more than fifty percent of the eligible certified and registered family child care work force.



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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, on behalf of the State, shall meet and confer with AFSCME Council 75, on behalf of certified and registered family child care providers, regarding issues of mutual concern. Such issues of mutual concern may include, but are not limited to, training and certification requirements, reimbursement rates, payment procedures, health and safety conditions, and any other changes to current practice that would improve recruitment and retention of qualified certified and registered family child care providers, that would improve the quality of the programs they provide, or that would encourage exempt providers to seek to become certified or registered providers.
- 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 third-party neutral 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 AFSCME Council 75 or any other entity with third-party beneficiary rights.
- 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.




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- 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 Portland, Oregon this 23rd day of September, 2005.




Theodore R. Kulongoski
GOVERNOR

ATTEST:


Bill Bradbury
SECRETARY OF STATE