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STATE OF CONNECTICUT
GOVERNOR DANIEL P. MALLOY

Family Child Care Working Group

Special Meeting

Tuesday, January 10, 2012

Old Judiciary Room, State Capitol Building – 7:00pm

Members Present: Dennis Murphy (Chair), Larry Fox, Teresa Younger, Jessica Sager, Dorotheia Barnett, Harriet Feldlaufer, Peter Palermino

Members Absent: Phyllis Hyman, Jane Norgren

- 1) **Call to Order:** Dennis Murphy called the meeting to order at 7:03pm.
- 2) **Approval of Minutes:** Dennis Murphy moved to approve the 12.21.2011 meeting minutes. Teresa Younger asked for a correction.
- 3) **Public Comment:** Blanca Mercado, a provider for 15 years said that the union would help ensure better communication and ensure payments are made on time.

Leonica Contreras, a provider from Waterbury, said that she has applied for certification to care for a child and in early November and still hasn't heard back. She hopes the union will help things run more smoothly.

Christine Welton asked if she will have to pay dues now that the union has been voted in even if she doesn't take Care 4 Kids.

Dennis Murphy told the speaker that the working group wouldn't be the group to answer her questions and that they should be directed to Care 4 Kids.

Ms. Williams, a provider from New Haven, talked about the difficulty of applying for Care 4 Kids and hopes a union can help change that.

A provider from New Haven, who has worked for more than 20 years hopes that the union will be someone on her side to vouch for her and her fellow providers.

Quenette Pugh said that the union would be a bridge between providers and Care 4 Kids that is much needed to ensure timely payment and a voice for providers.

Estelle Stevenson of We the People of Connecticut said the working group is unconstitutional.

Maria Nelson didn't receive a ballot but receives Care 4 Kids and knows many with the same problem. She doesn't know how the union will help.

Terry Bouchard also doesn't know how the union will help her.

Stephen Mendelsohn had questions about the scope of the bargaining unit to be established.

- 4) Maryann Parker, Associate General Counsel at SEIU** spoke and submitted a written presentation. She spoke about her experience working on collective bargaining statutes and executive orders for Family Childcare Providers in other states. She spoke about the unique nature of FCC workers as small business owners that are not currently covered by labor law.

There are currently eight states with collective bargaining statutes for FCC workers and SEIU represents those in Illinois, Washington, Oregon, Maryland and Maine. They are also working in Rhode Island, California and Massachusetts on legislation.

Maryann Parker spoke about the importance of reimbursement rates as well as the quality of family child care that can be improved through collective bargaining that leads to professional development and mentoring relationships.

She pointed out that state anti-trust laws are the concern when crafting collective bargaining statutes for these workers and the Department of Social Services (DSS) would be the logical agency to lead the bargaining on behalf of the State. Connecticut already has strong state employee collective bargaining statutes to build on and any legislation granting collective bargaining FCC providers could build on or constrain that.

Dennis Murphy asked about providers that only serve one child every month or so that has Care 4 Kids funding. Would that provider be covered under collective bargaining and pay dues?

Maryann Parker said that the statutes could include an hour threshold that would determine collective bargaining.

Dennis Murphy asked to confirm that Illinois is the only state where the legislature is bound to collective bargaining agreements made.

Maryann Parker said that she isn't 100% up to date on those statutes but knows that the Governor and his budget people are still at the table for those negotiations.

Teresa Younger asked what the biggest lesson Maryann Parker has learned in her experience with these issues. What should we watch out for?

Maryann Parker isn't aware of any one thing to watch out for. It's important for providers to participate in strengthening the family childcare and Care 4 Kids program.

Larry Fox pointed out that, right now, providers get 1099s from the State and that this isn't a joint employer program like PCAs, it's about finding a voice for independent contractors. It's about

finding a way around anti-trust laws that allow FCC providers to form one unit. What is the role of United Way?

Peter Palermino said that they determine eligibility to become a provider and the State issues the checks.

Maryann Parker pointed out that the passage of collective bargaining legislation in Maryland led to the immediate cessation of late payments there.

Harriet Feldlaufer asked Maryann Parker to talk about collective bargaining and its impact on educational opportunities for children.

Maryann Parker said collective bargaining legitimizes family childcare providers as early childhood educators and leads to better education in those settings.

Harriet Feldlaufer asked if additional training opportunities would be made available on a voluntary basis.

Maryann Parker said they could be if there were benchmarks for pay based upon qualification.

- 5) Harry Elliot, General Counsel to the State Board of Labor Relations.** Harry Elliot spoke about the importance of the joint employer status in this case. Independent contractors don't usually collectively bargain but to avoid anti-trust laws, there must be a joint employer model.

The bargaining unit must be well defined to limit those covered to only those receiving state funds and must preserve the single bargaining unit and not allow raiding unions to break it up.

Collective bargaining legislation must also ensure freedom of choice for FCC workers. The executive order is unclear as to when they can choose another union or no union at all and they shouldn't have to prove the union isn't complying with its responsibilities to do so. Harry Elliot outlined options for how that could be done.

He said that the dispute resolution process must also be clarified and a list of which items are illegal to collectively bargain over must be established. The scope of the grievance procedure must also be defined. Currently, if state collective bargaining statutes are violated a suit in court is the only way to resolve it and that must be changed. He made suggestions to change that.

He also talked about union dues and FCC workers having the right to challenge paying union dues. That must be resolved.

Larry Fox disagreed with Harry Elliot's analysis and they discussed his disagreement with Dennis Murphy.

- 6) Report on conversation with Liz Kelley, Director, Maryland Office of Child Care.** Dennis Murphy reported that dues collection is the biggest challenge Liz Kelley and the State of Maryland face. He also spoke about the difference between Maryland state laws and how they make Maryland's situation different from Connecticut's.

- 7) **Report on conversation with Helen Blank, Director of Leadership and Public Policy at the National Women's Law Center.** Dennis Murphy reported that Helen Blank gave a general overview of how collective bargaining has enhanced the family childcare provider profession in the states where it is found in terms of respectability, payment and workers compensation benefits in some states. She felt that Oregon, Washington, Illinois and New York have the best systems and Kansas, Ohio, New Jersey, Michigan, Iowa and Wisconsin have the worst. The group discussed why that might be.
- 8) **Report on conversation with Jerry Stermer, Senior Advisor to Illinois Governor Pat Quinn.** Dennis Murphy reported that Jerry Stermer gave a history of FCC collective bargaining there and said that during a recent vote, the family, friends and neighbors that provide family child care chose not to unionize. He said that there are benefits to collective bargaining beyond increased wages, such as improved capacity of service.

Harriet Feldlaufer wants the group to address what collective bargaining can do to improve early childhood education and services. She has questions about increasing the quality of childcare and will collective bargaining achieve that?

The group as a whole has an interest in hearing more from Helen Blank about improving the FCC workforce because it is a stable, non-outsourcable workforce. They will work to set up another conversation or visit from Helen Blank.

The group discussed its scope and its charge.

- 9) **Adjourn.** Dennis Murphy moved to adjourn at 8:57pm.