

SHB 1329 - S AMD TO WM COMM AMD (S-2924.1/09) **357**

By Senators Rockefeller and Zarelli

ADOPTED 4/13/2009

1 Beginning on page 1, line 5 of the amendment, after "persist"
2 strike all material through "centers" on page 2, line 17 and insert ".
3 The legislature intends to address these problems by creating the
4 possibility for a new relationship between child care center directors
5 and workers and the state. Child care center directors and workers
6 are to be given the opportunity to work collectively to improve
7 standards in their profession and to expand opportunities for
8 educational advancement to ensure continuous quality improvement in
9 the delivery of early learning services. Family child care providers
10 in the state have recently been given a similar opportunity, and the
11 results of their efforts have improved standards and quality for that
12 segment of the child care industry.

13 The legislature intends to create a new type of collective
14 bargaining for these directors and workers whereby they can come
15 together and bargain with the state over matters within the state's
16 purview to improve the quality of child care for the state's families.
17 Unlike traditional collective bargaining, this new approach will
18 afford these directors and workers the opportunity to bargain with the
19 state only over the state's support for child care centers, a matter
20 of common concern to both directors and workers. Specific terms and
21 conditions of employment at individual centers, which are the subjects
22 of traditional collective bargaining between employers and their
23 employees, fall outside the limited scope of bargaining defined by
24 this act. Accordingly, traditional policy concerns over supervisors
25 and employees being organized into a common bargaining unit are
26 inapplicable. Sharing a community of interest in the subjects of
27 bargaining enables directors and workers to work side by side in the

1 same bargaining unit for common goals.

2 This new approach to collective bargaining is available only to
3 center directors and workers who file a notice of intent to
4 participate in the initial opt in phase under section 4 of this act.
5 This new bargaining relationship does not intrude in any manner upon
6 those relationships governed by the national labor relations act (29
7 U.S.C. Sec. 151 et seq.). Child care center directors and workers do
8 not forfeit their rights under the national labor relations act by
9 becoming members of an organization that represents them in their
10 dealings with the state. Under the national labor relations act, an
11 organization that represents child care center directors and workers
12 in bargaining with the state under this act is precluded from
13 representing workers seeking to engage in traditional collective
14 bargaining with their employer over specific terms and conditions of
15 employment at individual child care centers."

16

17 On page 2, line 24 of the amendment, after "workers" insert "who
18 choose to opt in under section 4 of this act"

19

20 On page 3, line 4 of the amendment, after "(ii)" strike all
21 material through "units" on line 12 and insert "A statewide unit for
22 child care center directors and workers"

23

24 On page 3, beginning on line 26 of the amendment, after "election"
25 strike all material through "(d)" on line 34 and insert "under this
26 act may not occur before the opt in period has concluded on November
27 1, 2010."

28 (c)"

29

30 Reletter the remaining subsections consecutively and correct any
31 internal references accordingly.

32 On page 4, line 10 of the amendment, after "section" insert "for
33 child care center directors and workers"

34

1 On page 4, line 18 of the amendment, after "programs;" insert
2 "and"

3
4 On page 4, beginning on line 18 of the amendment, after "(III)"
5 strike all material through "(IV)" on line 19

6
7 On page 4, beginning on line 29 of the amendment, after
8 "providers" strike all material through "workers" on line 30

9
10 On page 4, line 33 of the amendment, after "year;" strike "and"
11 and insert "((and))"

12
13 On page 4, line 34 of the amendment, after "(ii)" insert "With
14 respect to commencement of negotiations between the governor and the
15 exclusive bargaining representative or representatives of child care
16 center directors and workers under (a) of this subsection,
17 negotiations may not commence before July 1, 2011, and thereafter must
18 commence by February 1st of any even-numbered year; and
19 (iii)"

20
21 On page 6, line 27 of the amendment, after "request" strike "may
22 not be submitted before July" and insert "must be submitted by
23 October"

24
25 On page 10, beginning on line 19 of the amendment, after "(15)"
26 strike all material through "act." on line 23 and insert "(a) "Child
27 care center" means a child care center licensed by the state under RCW
28 43.215.500 through 43.215.545 that has at least one child care slot
29 filled by a child for whom it receives a child care subsidy.

30 (b) "Child care center" does not include a child care center:
31 (i) Operated directly by another unit of government or a tribe;
32 (ii) Operated by an individual, partnership, profit or nonprofit
33 corporation, or other entity that operates ten or more child care
34 centers statewide; or

1 (iii) Operated by a local nonprofit organization whose primary
2 mission is to provide social services, including serving children and
3 families, and that pays membership dues or assessments to either: (A)
4 A national organization, exempt from income tax under section
5 501(c)(3) of the internal revenue code, with more than three million
6 dollars in membership dues and assessments annually, as reported to
7 the internal revenue service; or (B) a regional council that is
8 affiliated with a national organization, exempt from income tax under
9 section 501(c)(3) of the internal revenue code, with more than two
10 hundred affiliates."

11
12 On page 10, beginning on line 26 of the amendment, strike all
13 material through "act." on line 31 and insert "(1) A child care center
14 may participate in collective bargaining under this act if the child
15 care center owner or director if there is no owner files a notice of
16 intent to opt in with the commission. The notice of intent must:
17 Include the names and addresses of that child care center's owners,
18 directors, and workers; include written authorization cards signed by
19 a majority of owners, directors, and workers employed at the center
20 indicating their desire to opt in; and be filed after June 30, 2010,
21 and before November 2, 2010.

22 (2) A child care center that does not file a notice of intent with
23 the commission may not be included in a bargaining unit under this
24 act.

25 (3) The commission must, upon request, provide to a labor
26 organization seeking to organize child care center directors and
27 workers, a list, including names and addresses, of the child care
28 center owners, directors, and workers provided in notices of intent
29 submitted under subsection (1) of this section."

30 Beginning on page 11, line 23 of the amendment, after "(3)" strike all
31 material through "organization;" on page 12, line 3 and insert "In
32 lieu of the deductions authorized under subsections (1) and (2) of
33 this section, and the union security provisions authorized under RCW
34 41.56.122, the state shall deduct from the monthly amount of the child

1 care subsidy due to a child care center a monthly representation fee,
2 as certified by the secretary of the exclusive bargaining
3 representative, for the costs of representation of child care center
4 directors and workers, and transmit the representation fee to the
5 secretary of the exclusive bargaining representative. However:

6 (a) Any agreement to pay a representation fee must safeguard the
7 child care center owner's or director's rights of nonassociation based
8 on bona fide religious tenets or teachings of a church or other
9 religious body of which the owner or director is a member. The child
10 care center owner or director shall pay an amount equivalent to the
11 representation fee to a nonreligious charity or to another charitable
12 organization;"

13
14 Beginning on page 15, line 25 of the amendment, strike all of
15 section 9

16
17 Renumber the remaining sections consecutively and correct any
18 internal references accordingly.

19 On page 23, after line 35 of the amendment, insert the following:

20
21 "NEW SECTION. Sec. 13. A new section is added to chapter 43.131
22 RCW to read as follows:

23 This act terminates June 30, 2014, as provided in section 14 of
24 this act.

25
26 NEW SECTION. Sec. 14. A new section is added to chapter 43.131
27 RCW to read as follows:

28 The following acts or parts of acts, as now existing or hereafter
29 amended, are each repealed, effective June 30, 2015:

- 30 (1) Section 1 of this act;
- 31 (2) Section 2 of this act;
- 32 (3) Section 3 of this act;
- 33 (4) Section 4 of this act;
- 34 (5) Section 5 of this act;

1 (6) Section 6 of this act;
2 (7) Section 7 of this act;
3 (8) Section 8 of this act;
4 (9) Section 9 of this act;
5 (10) Section 10 of this act;
6 (11) Section 11 of this act; and
7 (12) Section 12 of this act."

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11 On page 24, line 17 of the title amendment, after "41.56 RCW;" strike
12 the remainder of the title and insert "adding new sections to chapter
13 43.131 RCW; creating new sections; and providing an effective date."
14

15
EFFECT: (1) Child care centers that choose to opt in and participate in collective bargaining under the act must file a notice of intent with the Public Employment Relations Commission between July 1, 2010, and November 1, 2010.

(2) The notice of intent must include: The names and addresses of the child care center's owners, directors, and workers; and authorization cards signed by a majority of the center's owners, directors, and workers indicating their desire to opt in.

(3) The requirement that child care centers provide the names and addresses of its employees to the Department of Early Learning is removed. Instead, labor organizations wishing to organize may request this information from the Public Employment Relations Commission.

(4) The requirement that the units for bargaining be based on DSHS regions is removed and replaced with a statewide unit.

(5) The initial election may not occur before November 1, 2010.

(6) The bargaining representative may not begin negotiations with the Governor before July 1, 2011, and must submit its request for funds necessary to implement the agreement by October 1, 2011.

(7) The definition of child care center is modified. A child care center includes those centers with one or more subsidized children. Child care centers operated by a unit of government, operated by an entity that operates ten or more child care centers, and operated by large nonprofit organizations are exempted from the bill.

(8) Adds a JLARC sunset review to the bill.

(9) Other economic support for child care centers is removed from the list of permissive items that may be bargained under the bill.

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