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STATE OF CONNECTICUT

BY HIS EXCELLENCY

DANNEL P. MALLOY

EXECUTIVE ORDER NO. 9

**WHEREAS**, this administration is committed to ensuring that Connecticut families have access to high-quality family child care providers;

**WHEREAS**, everyday in Connecticut more than 4,000 family child care providers care for thousands of young children in the State;

**WHEREAS**, Connecticut parents deserve the freedom to choose the most appropriate child care services for their children and, therefore, it is appropriate for the State to attract and retain sufficient numbers of well-qualified family child care providers;

**WHEREAS**, the Care 4 Kids program, administered by the Department of Social Services, is a program designed to make child care affordable for low to moderate income families in Connecticut;

**WHEREAS**, the quality of life for Connecticut's low and moderate income residents is improved through access to affordable high-quality child care services, which allow parents to go to work or attend school;

**WHEREAS**, family child care providers typically earn low wages, no benefits, no paid time off, and receive no standardized training;

**WHEREAS**, as a result, the pool of family child care providers in this State suffers from high turnover and inconsistent quality;

**WHEREAS**, there is a need to stabilize the family child care workforce in this State, which includes both licensed providers and providers legally exempt from licensing;

**WHEREAS**, family child care providers are located throughout the State and therefore may not be able to effectively voice their common concerns about their participation in the Care 4 Kids program;

**WHEREAS**, it is important for family child care providers to be given the opportunity to collectively communicate with the Department of Social Services to explore opportunities to increase wages and benefits through the Care 4 Kids program, thereby providing a stabilized workforce; and

**WHEREAS**, reform of the Care 4 Kids program requires careful consideration of the economic impact of such reform and should, therefore, include all of the relevant stakeholders.

**NOW, THEREFORE**, I, DANNEL P. MALLOY, Governor of the State of Connecticut, by virtue of the power and authority vested in me by the Constitution and by the Statutes of the State of Connecticut do hereby **ORDER AND DIRECT**:

1. **Majority Representative.** The state shall recognize a majority representative of family child care providers ("**Majority Representative**") selected, in accordance with the provisions of this Executive Order, by family child care providers who participate in the child care subsidy program under section 17b-749 of the general statutes ("**Care 4 Kids**") for purposes of the meet and confer process set forth in this Executive Order.

- a. The only unit appropriate for the purpose of the meet and confer process shall be a state-wide unit of all family child care providers who participate in the Care 4 Kids program, in a family day care home, described in subdivision (3) of subsection (a) of section 19a-77 of the

general statutes, or a home described in subdivision (4) of subsection (b) of said section 19a-77.

- b. An impartial third party, who is mutually acceptable to the Governor and the organization seeking to become the Majority Representative, shall designate a Majority Representative pursuant to the election process or authorization card verification procedure described in this Executive Order

2. **Provider List.** The Commissioner of Social Services shall compile and provide a list of the names of family child care providers who within the previous six (6) months have participated in the Care 4 Kids program, in a family day care home, described in subdivision (3) of subsection (a) of section 19a-77 of the general statutes, or a home described in subdivision (4) of subsection (b) of said section 19a-77 (**the "Provider List"**) to the organization seeking to be designated as the Majority Representative. This Provider List shall be provided within thirty days after such organization has made a request for such list. The Provider List shall be considered a public record, as defined in section 1-200 of the general statutes, and shall not be exempt from disclosure pursuant to section 1-210 of the general statutes.

- a. The Department of Social Services shall provide an updated copy of the Provider List each month to, or upon request by: (1) the organization seeking to be designated as the Majority Representative; and (2) the Majority Representative, once such representative has been so designated.

- b. The Governor, or the Governor's designee, shall designate the most recent Provider List prior to a request by an organization for and election as a Majority Representative as the approved list for purposes of conducting an election or for verifying the majority of signed authorization cards as described in this Executive Order (**the "Approved List"**). The Department of Social Services shall provide the Approved List to: (A) the impartial third party conducting such election or verifying such majority of signed authorization cards; and (B) the organization or organizations seeking to be designated as the Majority Representative.

3. **Election Procedure.** The election of a Majority Representative shall be conducted by an impartial third party who is mutually acceptable to the Governor, or the Governor's designee, and the organization seeking to become the Majority Representative.

- a. An election shall be conducted to designate a Majority Representative when an organization seeking to be so designated presents signed authorization cards to the Governor, or the Governor's designee, demonstrating that at least twenty per cent of the providers identified on the Approved List choose to be represented by such organization.

- b. After a request for an election is made by the organization seeking to become the Majority Representative, any other organization seeking to be designated as the Majority Representative shall have fourteen days to present signed authorization cards to the Governor, or the Governor's designee, demonstrating that at least twenty per cent of the providers identified on the Approved List choose to be represented by such other organization.

- c. The persons eligible to vote in the election shall be those persons whose names appear on the Approved List. An organization shall be designated as the Majority Representative only if it receives a majority vote of those persons voting in the election.

4. **Authorization Card Verification.** In the alternative to the election procedure, an organization seeking to be designated as the Majority Representative may be designated as such upon a showing of a majority of signed authorization cards by those persons whose names appear on the Approved List to the impartial third party. Such impartial third party shall verify that such organization has been authorized by a majority of family child care providers to represent such family child care providers. The provisions of this paragraph shall only be available if no other organization has previously been designated as Majority Representative pursuant to this paragraph.

5. The Majority Representative shall continue to act as such for so long as such organization complies with its responsibilities concerning representation of family child care providers. Family child care providers who seek to remove the Majority Representative shall seek such removal in accordance with the election processes set forth in this Executive Order. Family child care providers may not seek such removal earlier than one year after the organization is designated as the Majority Representative.

6. All costs associated with an election or verification of authorization cards shall be paid by the organization(s) seeking to become Majority Representative.

7. Any member of the Majority Representative may voluntarily authorize the state to deduct dues and contributions from the subsidy grant payment made to such member under the Care 4 Kids subsidy. Such deduction shall be made not later than ninety days after such authorization.

8. **Meet and Confer Process.** The Majority Representative shall meet and confer with representatives of the Department of Social Services and any other executive branch representatives the Governor deems appropriate to discuss ways of improving the quality and accessibility of family child care services for parents and children who participate in the Care 4 Kids program, and the delivery of early childhood care and education in the state.

a. The meet and confer discussions between the Majority Representative and the department shall include the following topics: (i) the quality and availability of family child care in the state; (ii) improving the recruitment and retention of qualified family child care providers; (iii) standards for family child care provider compensation; (iv) procedures for the state payment of grants to family child care providers under the Care 4 Kids program; and (v) training, professional development, and other requirements and opportunities for family child care providers.

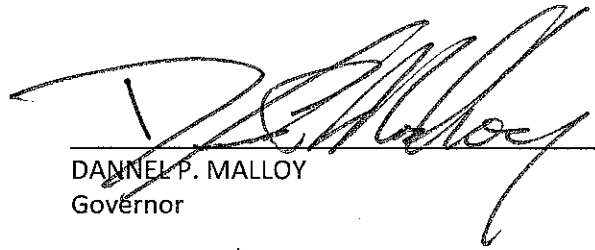
b. Mutual understandings reached during the meet and confer process shall be documented in writing. If any such understanding requires legislation or rule making, the Majority Representative of the family child care providers may make recommendations for such legislation or rule making to the relevant department or the General Assembly, as appropriate.

9. **Working Group.** There shall be established a family child care working group to make recommendations on how best to structure collective bargaining rights and relationships for the Majority Representative in order to enable the Majority Representative to collectively bargain the terms and conditions of family child care providers' participation in the Care 4 Kids program. In preparing its recommendations, the group shall examine such systems as have been adopted in other states.

a. The working group shall consist of nine persons appointed by the Governor, three of whom shall have expertise in labor relations, four of whom shall of expertise in Medicaid and/or the Care 4 Kids program, and two of whom shall be a family child care provider. The working group shall be established on or before October 1, 2011.

b. Not later than February 1, 2012, the working group shall submit a report on its findings and recommendations to the Governor. Such report shall include, but not be limited to, the findings and recommendations on issues concerning the timing, structure, parties and scope of collective bargaining for family child care providers participating in the Care 4 Kids program.

Dated at Hartford, Connecticut this 21<sup>st</sup> day of September, 2011.

  
DANNEL P. MALLOY  
Governor

By His Excellency's Order

  
Denise Merrill  
Secretary of the State

