

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
EXECUTIVE ORDER

Subject:		REGISTERED FAMILY CHILD CARE PROVIDERS		Number:		2007-06	
Date:		June 14, 2007		By Direction of:		 Edward G. Rendell, Governor	

- WHEREAS, quality early childhood education and care is essential to the quality of life in the Commonwealth and is a vital contributor to the development of children. Numerous studies have demonstrated that high quality early childhood education and care during the first five years of a child's life is crucial to brain development and increases the likelihood of a child's success in school and later in life; and
- WHEREAS, affordable, quality early childhood education and care is necessary for families to obtain work, achieve self-sufficiency and contribute to Pennsylvania's economy; and
- WHEREAS, the Commonwealth is committed to ensuring that all of Pennsylvania's children are ready to succeed in kindergarten; and
- WHEREAS, the quality of early childhood education and care depends on multiple factors, including practitioner education, preparation and ongoing professional development, making the preparation and development of regulated practitioners a concern for the Commonwealth; and
- WHEREAS, the Commonwealth is committed to ensuring access to high quality early childhood education for Pennsylvania's children through quality initiatives, such as Keystone STARS/Keys to Quality, and T.E.A.C.H., and the development of career lattices for practitioners and administrators; and
- WHEREAS, registered family child care providers are an essential part of the Commonwealth's early childhood system and have the capacity to serve nearly 25,000 of Pennsylvania's children and families; and
- WHEREAS, the Commonwealth of Pennsylvania's Department of Public Welfare establishes and maintains standards for the delivery of quality child care services and supports low-income families with access to subsidized child care through the Child Care Works Program; and
- WHEREAS, the Commonwealth is interested in receiving input from registered family home based providers in order to meet its goals for early childhood education and care.

NOW, THEREFORE, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct the following:

1. Definitions. For purposes of this Executive Order, the following definitions shall apply:

a. Exclusive Representative. The exclusive representative of registered family child care providers elected pursuant to paragraph 2.

b. Registered Family Child Care Provider. A person who operates a family child day care home granted a certificate of registration under Article X(c) of the Public Welfare Code and governed by the provisions of 55 Pennsylvania Code Chapter 3290.

c. Secretary. The Secretary of the Department of Public Welfare or the Secretary's designee.

2. Election of Exclusive Representative. The Secretary shall select a reputable organization with experience in conducting representation elections to conduct a mail ballot election for the exclusive representative of registered family child care providers. In order for an election to occur, a representative or representative organization must have collected signed cards from at least 30 percent of registered family child care providers indicating their desire for representation. The exclusive representative will be named upon successful completion of an election in which the representative receives at least a majority of the votes cast.

3. Meeting with Exclusive Representative. The Secretary shall meet, confer and discuss with the exclusive representative issues of mutual concern on common goals such as a quality early childhood education and care program that includes availability to low-income families, professional preparation and development, health and safety regulations, reimbursement rates, payment procedures, the monitoring and evaluating of registered family child care as well as other issues that are of mutual interest for quality early education and care.

4. Memorialization of Agreement. When an agreement is reached, it shall be memorialized in writing. Such agreement shall be subject to any agency rulemaking, statutory, or budgetary changes that may be required. Any agreement which requires rulemaking, statutory or budgetary changes will be contingent upon the successful completion of such rulemaking, legislative and/or budgetary process. The parties will jointly seek the enactment of such regulatory or legislative action.

5. State Action Exemption. In affording registered family child care providers the right to select the exclusive representative, engage in collective action, and jointly engage in negotiations with the Commonwealth pursuant to this Executive Order, the Commonwealth intends that the "State Action" exemption to federal antitrust laws be fully available to the Commonwealth, family child care providers and the exclusive representative. The exempt conduct shall be actively supervised by the Department of Public Welfare.

6. Report to Governor. The Secretary shall issue a report to the Governor regarding the progress of the Secretary and the exclusive representative under the terms of this Executive Order within 120 days following the effective date of this Executive Order and annually thereafter on or before September 1st until an agreement under paragraph 4 has been reached.

7. Miscellaneous Provisions.

a. Nothing in this Executive Order is intended to give registered family child care providers, or imply that registered family child care providers, have any right to engage in a strike or work stoppage.

b. Nothing in this Executive Order is intended to grant registered family child care providers Commonwealth employee status or in any way imply an employer-employee relationship with the Commonwealth.

8. Term. This Executive Order shall be effective immediately and shall remain in effect until rescinded by the Governor.