

**COMMONWEALTH OF PENNSYLVANIA**  
**GOVERNOR'S OFFICE**  
**EXECUTIVE ORDER**

Subject: <b>SUBSIDIZED CHILD CARE PROVIDERS EXEMPT FROM CERTIFICATION OR REGULATION</b>		Number: <b>2007-07</b>
Date: <b>June 14, 2007</b>	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, subsidized child care providers exempt from certification or regulation provide services to children and their families; and
- WHEREAS, the Commonwealth is committed to developing a strategy to support these child care providers so that they can receive information to assist them in becoming registered and provide better quality early care and education to children they serve; and
- WHEREAS, the Commonwealth is interested in receiving input from these 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 Subsidized Child Care Providers Exempt from Certification or Registration elected pursuant to paragraph 2.

**b. Subsidized Child Care Providers Exempt from Certification or Registration (hereinafter referred to as “exempt providers”).** Child care providers who participate in the subsidized child care program and are not subject to Article IX or X of the Public Welfare Code and not governed by the provisions of 55 Pennsylvania Code Chapters 3270, 3280 and 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 exempt providers. In order for an election to occur, a representative or representative organization must have collected signed cards from at least 30 percent of all exempt 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 regarding quality early care and education that prepares children for schools.

**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 exempt providers the right to select the exclusive representative, engage in collective action, and jointly engage in negotiations with the Commonwealth pursuant to the terms of this Executive Order, the Commonwealth intends that the “State Action” exemption to federal antitrust laws be fully available to the Commonwealth, exempt providers and the exclusive representative. The exempt conduct shall be actively supervised by the Department of Public Welfare.

**6. Report to the 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 exempt providers, or imply that these exempt providers, have any right to engage in a strike or work stoppage.

**b.** Nothing in this Executive Order is intended to grant exempt providers Commonwealth employee status or in any way imply an employer-employee relationship.

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