

## **Early Care and Education Providers Labor Relations Act**

Vermont's seventh collective bargaining statute, an act relating to early care and education providers, was enacted in 2014.<sup>1</sup> Covered early care and education providers are: a licensed child care home provider, a registered child care home provider, or a legally exempt child care home provider, which is defined by the Legally Exempt Childcare Provider Requirements set forth by the Vermont Department for Children and Families, Child Development Division, who provides child care services.<sup>2</sup>

The Act grants early care and education providers the right to form a union, bargain collectively with the State of Vermont through their chosen representative, pursue grievances through their exclusive bargaining representative, and to refrain from such activities.<sup>3</sup> Petitions are filed with the Vermont Labor Relations Board for election of a collective bargaining representative.<sup>4</sup> The statute provides that the bargaining unit shall be composed of licensed home child care providers, registered home child care providers, and legally exempt child care providers who have an agreement with the Department for Children and Families to accept a subsidy.<sup>5</sup>

Mandatory bargaining subjects are limited to: 1) child care subsidy reimbursement rates and payment procedures, excluding quality standards and payment schedules associated with the Step Ahead Recognition Program; 2) professional development 3) the collection of dues and disbursement to the exclusive representative, 4) agency fees and disbursement to the exclusive representative, and 5) procedures for resolving grievances.<sup>6</sup>

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<sup>1</sup> 33 V.S.A. §3601 *et seq.*

<sup>2</sup> 33 V.S.A. §3602(3).

<sup>3</sup> 33 V.S.A. §3604.

<sup>4</sup> 33 V.S.A. §3607 - 3608.

<sup>5</sup> 33 V.S.A. §3606.

<sup>6</sup> 33 V.S.A. §3603.

The Act provides that independent direct support providers shall not be considered state employees for purposes other than collective bargaining. It further states they “shall not be eligible for participation in the State Employees Retirement System or health insurance plans available to Executive Branch employees solely by virtue of bargaining under this Section.”<sup>7</sup>

If the parties reach an impasse in negotiations, the Act provides successively for mediation, fact-finding, and selection by the Labor Relations Board between the parties’ last best offers. The Board decision is subject to appropriations by the legislature.<sup>8</sup>

The act specifies unfair labor practices of labor organizations and the State of Vermont, and provides for the Labor Relations Board adjudicating unfair labor practice cases.<sup>9</sup>

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<sup>7</sup> 33 V.S.A. §3603.

<sup>8</sup> 33 V.S.A. §3610 - 3611.

<sup>9</sup> 33 V.S.A. §3612.

