



2005-1

**EXECUTIVE ORDER ON COLLECTIVE NEGOTIATION
BY DAY CARE HOME PROVIDERS**

WHEREAS, day care homes provide essential services to Illinois children and families in need as part of the State's child care assistance program administered by the Department of Human Services under 305 ILCS 5/9A-11 and 89 Ill. Admin. Code 50.210 et seq.; and

WHEREAS, the State Department of Human Services has adopted as priority goals: fully implementing a child care assistance system that enables all Illinois families to access quality care; supporting quality child care through a system of adequate base rates and financial incentives for implementing progressively higher quality standards; and supporting a child care workforce dedicated to providing the highest quality care;

WHEREAS, there is a continuing need to expand access to quality child care including that provided by day care home providers and low reimbursement rates have contributed to the decreasing numbers of licensed homes and the difficulties of parents in finding adequate care;

WHEREAS, there is a need to stabilize the day care home workforce which includes licensed and license exempt home providers;

WHEREAS, it is important to preserve freedom of choice for parents in selecting appropriate day care services for their children and to do so, the State must be able to ensure the availability of quality child care services on terms that will attract and retain sufficient numbers of licensed and license exempt day care home providers in the State's child care assistance program; and

WHEREAS, individual families receiving services through the State's child care assistance program do not control all the economic terms of the delivery of services and therefore cannot effectively address concerns common to day care home providers; and

WHEREAS, day care home providers are located throughout the State and therefore may not be able to effectively voice their common concerns about the State's child care assistance program, their role in the program, or the terms and conditions of their provision of services under the program without representation; and

WHEREAS, it is essential for the State to receive input from the day care home providers in order to improve the delivery of services under the State's child care assistance program; and

WHEREAS, the Department of Human Services would benefit from a system of representation for day care home providers in implementing its goals for improvement of the State's child care assistance program and in particular the delivery of quality day care home services; and

WHEREAS, a system of representation for providers should provide for a fair election, instituted by a reasonable percentage of providers, given the 70% provider turnover every year, and held promptly in accordance with nationally recognized standards for consent elections; and

WHEREAS, the Department of Human Services, subject to my constitutional authority to ensure the faithful execution of the laws, has plenary authority to determine the terms and conditions under which day care services are provided in the State's child care assistance program, including setting rates and other compensation and devising a process for ensuring that those rates are fair and reasonable; and

WHEREAS, day care home providers are not State employees for the purposes of eligibility to receive statutory benefits because the State does not hire, supervise or terminate their services.

THEREFORE, I hereby order the following:

- I. The State shall recognize a representative designated by a majority of day care home licensed and license exempt providers, voting in a mail ballot election, as the exclusive representative of day care home providers that participate in the State's child care assistance program, accord said

representative the same rights and duties granted to employee representatives by the Illinois Labor Relations Act, 5 ILCS 315/1 et seq., and engage in collective negotiations with said representative concerning all terms and conditions of the provision of services for day care home providers under the State's child care assistance program that are within the State's control. Any organization that can show that at least 10% of providers wish to be represented by it may participate in such an election, which shall be held within 42 days of a request for an election.

- II. In according the day care home providers and their selected representative these rights, the State intends that the "State action exemption" to application of the federal antitrust laws be fully available to the State, day care home providers and their selected representative to the extent that their activities are authorized pursuant to this Executive Order.
- III. This Executive Order is not intended to and will not alter in any way either (1) the role of parents in selecting, directing and terminating the services of day care home providers under the State's child care assistance program nor (2) the fact that the providers are not state employees.

This Executive Order _____ shall take effect upon filing with the Secretary of State.

Rod R. Blagojevich, Governor

Issued by the Governor: February 18, 2005
Filed with the Secretary of State: _____, 2005