

# Stage set for vote to unionize private child-care workers in R.I. <sup>[1]</sup>

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**Source:** Providence Journal

**Format:** Article

**Publication Date:** 28 Aug 2013

## EXCERPTS:

While the National Right to Work Foundation objects from afar, the Chafee administration has signed an agreement that sets the stage for a vote, within the next two months, on the drive to unionize upwards of 580 private contractors who provide state-subsidized child care in their homes.

No dates have been set for the voting.

But the State Labor Relations Board on Wednesday made public an agreement signed by the state's director of administration, Richard Licht, and Chas Walker, an organizer for the local arm of the Service Employees International Union that is leading the unionization drive.

In the agreement, both sides agreed to include anyone receiving payment from the state for providing home-based child care services, in the group eligible for voting, "during the period March 1, 2013 through August 30, 2013."

Among the other key provisions of the agreement:

"The sole question to be voted on at the election shall be: "Do you desire to be represented for the purpose of collective bargaining by Service Employees International Union, District 1199, NE or by no provider representative."

"The director of the Department of Administration agrees not to interfere, directly or indirectly, or through its agents, with the providers' free choice of collective bargaining representatives."

The agreement also spells out a half dozen locations for the voting by the private contractors, scattered across the state, who provide day care services in their homes, including the Community College of Rhode Island campuses in Lincoln and Newport, the University of Rhode Island campus in Kingston, the city of Providence police and fire complex, the Roosevelt Avenue fire station in Pawtucket, and the Department of Labor & Training building in Cranston.

State lawmakers approved - and Governor Chafee - signed legislation allowing the unionization of the child care workers, and requiring the Department of administration to negotiate payment rates, benefits and other economic matters with whichever union is chosen.

The SEIU, the union leading the legislative lobbying effort, says it has since submitted cards of interest from more than 500 of the child care providers, which would be the vast majority.

In a related development Wednesday, a local research group made public an opinion letter from a lawyer associated with the National Right to Work Legal Defense Foundation, which has taken the lead in challenging union drives - and the unionization of childcare workers, in particular - elsewhere in the country, but says no such action is imminent in Rhode Island.

"Nothing imminent, but we are keeping an eye on Rhode Island," says the foundation's spokesman Anthony Riedel in an interview earlier this week.

But a lawsuit the organization filed in U.S. District Court in Minnesota on June 5 provides an insight into the legal arguments wielded by opponents.

The complaint filed on behalf of a dozen home-based child care workers in Minnesota alleged that new law there, calling for "state certification of an 'exclusive representative' to speak and act for all family child care providers" violates their 1st Amendment rights "to individually choose with whom they associate to petition the government for redress of grievances."

The lawsuit says the child care workers bringing the challenge also strongly object to being forced to "financially support," through required union dues, "a mandatory exclusive representative for purposes of petitioning the state."

On July 28, the chief judge of the court dismissed the complaint without prejudice, on grounds the filing was not yet "ripe."

But the Rhode Island Center for Freedom & Prosperity made public on Wednesday an "initial analysis" that it was provided by Aaron Solem, a staff attorney for the National Right to Work in Springfield, Va.

It says: "Rhode Island is violating providers' First Amendment rights by forcing them into an unwanted relationship with the SEIU. The First Amendment protects the right of freedom of speech and to petition government. The government does not have the power to force citizens to accept handpicked lobbyists for small businesses.

"Childcare providers are small, independent business owners. They set their own working conditions and hours and hire their own employees. Caring for children on state assistance does not transform them into public employees, nor does it create an employment relationship with the state government."

The head of the research group, Mike Stenhouse, said his group has formed a partnership with a Minnesota-based advocacy group opposed to the union drive there to collect and dispense information before the vote here, but no legal action is contemplated.

-reprinted from the Providence Journal

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