

Child care unionization squeaks through first House vote ^[1]

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EXCERPTS

Child care providers in Vermont are one step closer to winning the right to collectively bargain for increased state subsidies. Legislation to that effect squeaked through the House Monday afternoon after long debate - and a six-vote margin.

S.316 would allow certain child care providers the option of voting on whether they want to organize a collective bargaining unit. If workers do form a union, they could negotiate higher subsidies for the care they provide to children from low-income families.

Rep. Tom Stevens, D-Waterbury, presented the bill to the House chamber Monday. H.316 previously survived hearty debate in the Senate. The House took a preliminary vote Monday to accept the same version without changes.

"The state has a vested interest in retaining as many child care providers as they can," Stevens said.

He said there is a high turnover rate among child care staff, many of whom say they do not earn enough money, do not have sufficient access to professional development, and do not have a voice in negotiating their compensation from the state.

The collective bargaining rights would not apply to child care centers, nor to any child care provider who is not registered to accept subsidized payments from the state on their clients' behalf.

Rep. Ronald Hubert, R-Milton, countered that the child care providers in his district made it "abundantly clear ... that this is an intrusion into their business.

"They have told me they do not want any part of paid agency fees," Hubert said. "They do not want to be part of a union. They do not even want to be part of an association. They are truly independent operators."

Hubert and other opponents were outvoted 70-64. If the bill clears another vote in the House, it will go to Gov. Peter Shumlin's desk. The governor has long been an advocate for the legislation. He relied on help from the American Federation of Teachers, which has backed the unionization effort, to get elected in 2010, and he is expected to sign the bill into law.

Shumlin signed a similar bill last year for home health care workers. Many advocates and detractors, alike, of the child care proposal cite similarities between the two provisions.

News broke Thursday that Shumlin had reached a tentative agreement with newly organized Vermont Homecare United, a chapter of the union American Federal, State, County and Municipal Employees. Funding for the two-year agreement is uncertain, but it would raise hourly wages for home health workers who provide government-subsidized care to the elderly and people with disabilities.

Estimates for the home health deal, which would bump rates up to \$10.80 per hour with a 2.5 percent cost-of-living adjustment for some workers by July 1, reach about \$4 million in new labor costs, Secretary of the Agency of Administration Jeb Spaulding confirmed. It will put \$2.2 million worth of new pressure on the General Fund that has not yet been accounted for in either the House or the Senate budget proposals, which are now under review in conference committee.

Jim Durkin, a representative for AFSCME, said the 7,500 home health care workers have saved the state millions of dollars by providing care to elderly and disabled Vermonters in their own homes. (The union also represents 1,600 municipal workers and employees at the Howard Center, a mental health agency.) The tentative collective bargaining agreement with the state, in his view, is long overdue for underpaid workers.

Spaulding said he doesn't yet know where the money will come to pay for the increase in pay for home health care workers.

"We will be working with the Legislative conferees to include the funding in the Big Bill," Spaulding said. "It is hard to say how that will work out, because there are a lot of pieces in play - some ups, some downs. Once we know what the budget total will be, there will need to be a reconciliation with miscellaneous tax, where there are also a lot of pieces in play."

Many House members Monday questioned where they would find money to pay for similar funding increases for child care subsidies, if child care providers do end up organizing and negotiating higher reimbursements.

A fiscal note indicated child care subsidies could increase by anywhere from \$800,000 to \$2.5 million as a result of negotiations.

The fiscal note also mentioned other sources of upward pressure on reimbursements: Provider rates are currently tied to a 2008 market rate survey, plus 3 percent. If they reflected 2012 market rates, it would cost the state about \$9.6 million in state funds.

Despite the money potentially at stake down the road, the House Appropriations Committee took the unusual move of voting the bill out, 6-4-1, without a recommendation to the full chamber.

When Chair Martha Heath, D-Westford, was questioned on her committee's procedure, she said she did not feel compelled to offer a recommendation on a bill with negligible impact on the pending budget. Only the cost of negotiation would have to be covered immediately. About \$125,000 to \$160,000 annually would have to be found within existing appropriations for the Department for Children and Families.

Heath voted for S.316. Vice Chair Mitzi Johnson, D-South Hero, voted against it, both voted without explanation.

Other members offered several reasons to vote it down, in the face of a small but solid nucleus of support.

A pending ruling by the U.S. Supreme Court in the case *Harris v. Quinn* potentially could undermine the legislation. With that in mind, Stevens said the bill is written to nullify any provisions that may be deemed unconstitutional.

The *Harris* case hinges on whether non-union members should be required to pay fees to the union in order to benefit from their collective bargaining contracts.

Rep. Robert Bouchard, R-Colchester, argued that independent child care providers - for example, people who are licensed or registered to look after children in their homes - are operating their own businesses. He disagreed with the premise of S.316 that considers them state employees for the sake of the bargaining.

"Businesses should not be made to pay for (anything) they don't want a part of," Bouchard said.

Others agreed that child care subsidies are woefully low, but tried to vote S.316 down, nonetheless. Some said it's one of many underfunded causes that has not yet risen to the top of the priority heap in budget writing.

Rep. Chris Pearson, P-Burlington, countered that the right to organize is as fundamental as the right to peacefully assemble.

"I hope they will form a union. I hope they will come here and I hope they will advocate for themselves. And that might put pressure on our budget," Pearson said. "But we should leave it to them to fend for themselves."

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