
SENATE BILL 6522

State of Washington

60th Legislature

2008 Regular Session

By Senators Kohl-Welles, Zarelli, Hargrove, Benton, Kauffman, Murray, Kline, Kilmer, Keiser, Tom, Shin, Delvin, Marr, Prentice, McAuliffe, Roach, Pridemore, Franklin, Rockefeller, Weinstein, Rasmussen, and Eide

Read first time 01/17/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to improving quality, access, and stability of
2 child care through providing collective bargaining for child care
3 center directors and workers; amending RCW 41.56.028, 41.56.030,
4 41.56.113, 41.04.810, 43.01.047, 43.215.500, and 43.215.505; adding a
5 new section to chapter 43.215 RCW; creating new sections; and declaring
6 an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **PART I - CHILD CARE CENTER DIRECTORS AND WORKERS**

9 NEW SECTION. **Sec. 1.** The legislature finds that, as of 2008, the
10 challenges posed by low wages and lack of training that the legislature
11 identified in enacting the child care career and wage ladder persist,
12 and the availability of quality child care in the state continues to
13 suffer. The legislature intends to address these problems by creating
14 the possibility for a new relationship between child care center
15 directors and workers and the state. Child care center directors and
16 workers are to be given the opportunity to work collectively to improve
17 standards in their profession and to expand opportunities for
18 educational advancement to ensure continuous quality improvement in the

1 delivery of early learning services. Family child care providers in
2 the state have recently been given a similar opportunity, and the
3 results of their efforts have improved standards and quality for that
4 segment of the child care industry.

5 The legislature intends to create a new type of collective
6 bargaining for child care center directors and workers whereby they can
7 come together and bargain with the state over matters within the
8 state's purview and its role in subsidizing and improving the quality
9 of child care for the state's families. Unlike traditional collective
10 bargaining, this new approach will afford directors and workers the
11 opportunity to bargain with the state only over the state's support for
12 child care centers, a matter of common concern to both center directors
13 and workers. Specific terms and conditions of employment at individual
14 centers, which are the subjects of traditional collective bargaining
15 between employers and their employees, fall outside the limited scope
16 of bargaining defined by chapter 41.56 RCW. Accordingly traditional
17 policy concerns over supervisors and employees being organized into a
18 common bargaining unit are inapplicable. Sharing a community of
19 interest in the subjects of bargaining enables directors and workers to
20 work side by side in the same bargaining unit for common goals.

21 All child care center directors and workers will equally be able
22 to maintain full membership in the organization that represents them in
23 their efforts to improve the quality of child care they provide to the
24 state's children. This new bargaining relationship does not intrude in
25 any manner upon those relationships governed by federal labor relations
26 law. In becoming members of an organization that represents them in
27 their dealings with the state, child care center directors and workers
28 do not forfeit their rights under federal law.

29 **Sec. 2.** RCW 41.56.028 and 2007 c 278 s 2 are each amended to read
30 as follows:

31 (1) In addition to the entities listed in RCW 41.56.020, this
32 chapter applies to the governor with respect to family child care
33 providers and to child care center directors and workers. Solely for
34 the purposes of collective bargaining and as expressly limited under
35 subsections (2) and (3) of this section, the governor is the public
36 employer of family child care providers and of child care center
37 directors and workers who, solely for the purposes of collective

1 bargaining, are public employees. The public employer shall be
2 represented for bargaining purposes by the governor or the governor's
3 designee appointed under chapter 41.80 RCW.

4 (2) This chapter governs the collective bargaining relationship
5 between the governor and family child care providers and between the
6 governor and child care center directors and workers, except as
7 follows:

8 (a) (~~A statewide unit of all family child care providers is~~) The
9 only units appropriate for purposes of collective bargaining under RCW
10 41.56.060 are:

11 (i) A statewide unit for family child care providers; and

12 (ii) Two units for child care center directors and workers. One
13 unit shall be composed of all child care center directors and workers
14 employed at centers located in the following areas: Island, Kitsap,
15 Pierce, San Juan, Skagit, Snohomish, and Whatcom counties, the part of
16 King county outside the city of Seattle, and the part of the city of
17 Seattle west of the Duwamish river. The other unit shall be composed
18 of all child care center directors and workers employed at centers
19 located in the remaining areas of the state.

20 (b) The exclusive bargaining representative of family child care
21 providers or of child care center directors and workers in the units
22 specified in (a) of this subsection shall be the representative chosen
23 in an election conducted pursuant to RCW 41.56.070, except that:

24 (i) In the initial election conducted under chapter 54, Laws of
25 2006, or this act, if more than one labor organization is on the ballot
26 and none of the choices receives a majority of the votes cast, a
27 run-off election shall be held; and

28 (ii) To show at least thirty percent representation within a unit
29 to accompany a request for an initial election under this act, the
30 written proof of representation is valid only if collected not more
31 than two years prior to the date the request is filed with the
32 commission.

33 (c)(i) Notwithstanding the definition of "collective bargaining" in
34 RCW 41.56.030(4), the scope of collective bargaining for family child
35 care providers under this section shall be limited solely to: (~~(i)~~)
36 (A) Economic compensation, such as manner and rate of subsidy and
37 reimbursement, including tiered reimbursements; (~~(ii)~~) (B) health and
38 welfare benefits; (~~(iii)~~) (C) professional development and training;

1 ~~((iv))~~ (D) labor-management committees; ~~((v))~~ (E) grievance
2 procedures; and ~~((vi))~~ (F) other economic matters. Retirement
3 benefits shall not be subject to collective bargaining. By such
4 obligation neither party shall be compelled to agree to a proposal or
5 be required to make a concession unless otherwise provided in this
6 chapter.

7 (ii) Notwithstanding the definition of "collective bargaining" in
8 RCW 41.56.030(4), the scope of collective bargaining for child care
9 center directors and workers under this section shall be limited solely
10 to these matters within the purview of the state and within the
11 community of interest of directors and workers: (A) Professional
12 development and training, including the career and wage ladder
13 established under RCW 43.215.505, and other incentives; (B) mechanisms
14 and funding to improve the access of child care centers to health care
15 insurance and other benefit programs; (C) economic compensation to
16 child care centers, such as manner and rate of subsidy and
17 reimbursement, including tiered reimbursements; (D) other support for
18 child care centers; and (E) grievance procedures related to (c)(ii)(A)
19 through (D) of this subsection. By such obligation neither party shall
20 be compelled to agree to a proposal or be required to make a concession
21 unless otherwise provided in this chapter.

22 (d) The mediation and interest arbitration provisions of RCW
23 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

24 (i) With respect to commencement of negotiations between the
25 governor and the exclusive bargaining representative of family child
26 care providers or of child care center directors and workers,
27 negotiations shall be commenced initially upon certification of an
28 exclusive bargaining representative under (a) of this subsection and,
29 thereafter, by February 1st of any even-numbered year; and

30 (ii) The decision of the arbitration panel is not binding on the
31 legislature and, if the legislature does not approve the request for
32 funds necessary to implement the compensation and benefit provisions of
33 the arbitrated collective bargaining agreement, is not binding on the
34 state.

35 (e) Nothing in chapter 54, Laws of 2006, or this act grants family
36 child care providers ~~((do not have))~~ and child care center directors
37 and workers the right to strike.

1 (3) Family child care providers and child care center directors and
2 workers who are public employees solely for the purposes of collective
3 bargaining under subsection (1) of this section are not, for that
4 reason, employees of the state for any purpose. This section applies
5 only to the governance of the collective bargaining relationship
6 between the employer and family child care providers and between the
7 employer and child care center directors and workers as provided in
8 subsections (1) and (2) of this section.

9 (4) This section does not create or modify:

10 (a) The parents' or legal guardians' right to choose and terminate
11 the services of any family child care provider that provides care for
12 their child or children;

13 (b) The child care centers' right to choose, direct, and terminate
14 the services of any child care worker who provides care in the center;

15 (c) The rights of employers and employees under the national labor
16 relations act, 29 U.S.C. Secs. 151 et seq.;

17 (d) The secretary of the department of social and health services'
18 right to adopt requirements under RCW 74.15.030, except for
19 requirements related to grievance procedures and collective
20 negotiations on personnel matters as specified in subsection (2)(c) of
21 this section;

22 ~~((e))~~ (e) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and
23 74.15.130; and

24 ~~((d))~~ (f) The legislature's right to make programmatic
25 modifications to the delivery of state services through child care
26 subsidy programs, including standards of eligibility of parents, legal
27 guardians, ~~((and))~~ family child care providers, and child care centers
28 participating in child care subsidy programs, and the nature of
29 services provided. The governor shall not enter into, extend, or renew
30 any agreement under this section that does not expressly reserve the
31 legislative rights described in this subsection (4)~~((d))~~ (f).

32 (5) Upon meeting the requirements of subsection (6) of this
33 section, the governor must submit, as a part of the proposed biennial
34 or supplemental operating budget submitted to the legislature under RCW
35 43.88.030, a request for funds necessary to implement the compensation
36 and benefit provisions of ~~((a))~~ collective bargaining agreements
37 entered into under this section or for legislation necessary to
38 implement such agreements.

1 (6) A request for funds necessary to implement the compensation and
2 benefit provisions of ~~((a))~~ collective bargaining agreements entered
3 into under this section shall not be submitted by the governor to the
4 legislature unless such request has been:

5 (a) Submitted to the director of financial management by October
6 1st before the legislative session at which the request is to be
7 considered, except that, for initial negotiations under this section
8 for family child care providers, the request must be submitted by
9 November 15, 2006, and for child care center directors and workers, the
10 request must be submitted by November 15, 2008; and

11 (b) Certified by the director of financial management as being
12 feasible financially for the state or reflects the binding decision of
13 an arbitration panel reached under this section.

14 (7) The legislature must approve or reject the submission of the
15 request for funds as a whole. If the legislature rejects or fails to
16 act on the submission, any such agreement will be reopened solely for
17 the purpose of renegotiating the funds necessary to implement the
18 agreement.

19 (8) The governor shall periodically consult with the joint
20 committee on employment relations established by RCW 41.80.010
21 regarding appropriations necessary to implement the compensation and
22 benefit provisions of any collective bargaining agreement and, upon
23 completion of negotiations, advise the committee on the elements of the
24 agreement and on any legislation necessary to implement such agreement.

25 (9) After the expiration date of any collective bargaining
26 agreement entered into under this section, all of the terms and
27 conditions specified in any such agreement remain in effect until the
28 effective date of a subsequent agreement, not to exceed one year from
29 the expiration date stated in the agreement, except as provided in
30 subsection (4)~~((d))~~ (f) of this section.

31 (10) If, after the compensation and benefit provisions of an
32 agreement are approved by the legislature, a significant revenue
33 shortfall occurs resulting in reduced appropriations, as declared by
34 proclamation of the governor or by resolution of the legislature, both
35 parties shall immediately enter into collective bargaining for a
36 mutually agreed upon modification of the agreement.

37 (11) In enacting this section, the legislature intends to provide
38 state action immunity under federal and state antitrust laws for the

1 joint activities of family child care providers and their exclusive
2 bargaining representative and of child care center directors and
3 workers and their exclusive bargaining representatives to the extent
4 such activities are authorized by this chapter.

5 **Sec. 3.** RCW 41.56.030 and 2007 c 184 s 2 are each amended to read
6 as follows:

7 As used in this chapter:

8 (1) "Public employer" means any officer, board, commission,
9 council, or other person or body acting on behalf of any public body
10 governed by this chapter, or any subdivision of such public body. For
11 the purposes of this section, the public employer of district court or
12 superior court employees for wage-related matters is the respective
13 county legislative authority, or person or body acting on behalf of the
14 legislative authority, and the public employer for nonwage-related
15 matters is the judge or judge's designee of the respective district
16 court or superior court.

17 (2) "Public employee" means any employee of a public employer
18 except any person (a) elected by popular vote, or (b) appointed to
19 office pursuant to statute, ordinance or resolution for a specified
20 term of office as a member of a multimember board, commission, or
21 committee, whether appointed by the executive head or body of the
22 public employer, or (c) whose duties as deputy, administrative
23 assistant or secretary necessarily imply a confidential relationship to
24 (i) the executive head or body of the applicable bargaining unit, or
25 (ii) any person elected by popular vote, or (iii) any person appointed
26 to office pursuant to statute, ordinance or resolution for a specified
27 term of office as a member of a multimember board, commission, or
28 committee, whether appointed by the executive head or body of the
29 public employer, or (d) who is a court commissioner or a court
30 magistrate of superior court, district court, or a department of a
31 district court organized under chapter 3.46 RCW, or (e) who is a
32 personal assistant to a district court judge, superior court judge, or
33 court commissioner. For the purpose of (e) of this subsection, no more
34 than one assistant for each judge or commissioner may be excluded from
35 a bargaining unit.

36 (3) "Bargaining representative" means any lawful organization which

1 has as one of its primary purposes the representation of employees in
2 their employment relations with employers.

3 (4) "Collective bargaining" means the performance of the mutual
4 obligations of the public employer and the exclusive bargaining
5 representative to meet at reasonable times, to confer and negotiate in
6 good faith, and to execute a written agreement with respect to
7 grievance procedures and collective negotiations on personnel matters,
8 including wages, hours and working conditions, which may be peculiar to
9 an appropriate bargaining unit of such public employer, except that by
10 such obligation neither party shall be compelled to agree to a proposal
11 or be required to make a concession unless otherwise provided in this
12 chapter.

13 (5) "Commission" means the public employment relations commission.

14 (6) "Executive director" means the executive director of the
15 commission.

16 (7) "Uniformed personnel" means: (a) Law enforcement officers as
17 defined in RCW 41.26.030 employed by the governing body of any city or
18 town with a population of two thousand five hundred or more and law
19 enforcement officers employed by the governing body of any county with
20 a population of ten thousand or more; (b) correctional employees who
21 are uniformed and nonuniformed, commissioned and noncommissioned
22 security personnel employed in a jail as defined in RCW 70.48.020(5),
23 by a county with a population of seventy thousand or more, and who are
24 trained for and charged with the responsibility of controlling and
25 maintaining custody of inmates in the jail and safeguarding inmates
26 from other inmates; (c) general authority Washington peace officers as
27 defined in RCW 10.93.020 employed by a port district in a county with
28 a population of one million or more; (d) security forces established
29 under RCW 43.52.520; (e) firefighters as that term is defined in RCW
30 41.26.030; (f) employees of a port district in a county with a
31 population of one million or more whose duties include crash fire
32 rescue or other fire fighting duties; (g) employees of fire departments
33 of public employers who dispatch exclusively either fire or emergency
34 medical services, or both; or (h) employees in the several classes of
35 advanced life support technicians, as defined in RCW 18.71.200, who are
36 employed by a public employer.

37 (8) "Institution of higher education" means the University of

1 Washington, Washington State University, Central Washington University,
2 Eastern Washington University, Western Washington University, The
3 Evergreen State College, and the various state community colleges.

4 (9) "Home care quality authority" means the authority under chapter
5 74.39A RCW.

6 (10) "Individual provider" means an individual provider as defined
7 in RCW 74.39A.240(4) who, solely for the purposes of collective
8 bargaining, is a public employee as provided in RCW 74.39A.270.

9 (11) "Child care subsidy" means a payment from the state through a
10 child care subsidy program established pursuant to RCW 74.12.340 or
11 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
12 program.

13 (12) "Family child care provider" means a person who: (a) Provides
14 regularly scheduled care for a child or children in the home of the
15 provider or in the home of the child or children for periods of less
16 than twenty-four hours or, if necessary due to the nature of the
17 parent's work, for periods equal to or greater than twenty-four hours;
18 (b) receives child care subsidies; and (c) is either licensed by the
19 state under RCW 74.15.030 or is exempt from licensing under chapter
20 74.15 RCW.

21 (13) "Adult family home provider" means a provider as defined in
22 RCW 70.128.010 who receives payments from the medicaid and state-funded
23 long-term care programs.

24 (14) "Child care center directors and workers" includes all
25 employees of child care centers who work on-site at the centers.
26 "Child care center directors and workers" includes owners of child care
27 centers who regularly work on-site at centers.

28 (15)(a) "Child care center" means a child care center licensed by
29 the state under RCW 74.15.030 that has at least one child care slot
30 filled by a child for whom it receives a child care subsidy, but not a
31 child care center operated directly by another unit of government or a
32 tribe.

33 (b) "Child care center" does not include child care centers that
34 are:

35 (i) Operated on a for-profit basis and owned by an individual,
36 partnership, corporation, or other entity that owns ten or more child
37 care centers; and

1 (ii) Affiliated with a national organization that has more than two
2 hundred affiliated child care centers statewide.

3 **Sec. 4.** RCW 41.56.113 and 2007 c 184 s 3 are each amended to read
4 as follows:

5 (1) Upon the written authorization of an individual provider, a
6 family child care provider, or an adult family home provider within the
7 bargaining unit and after the certification or recognition of the
8 bargaining unit's exclusive bargaining representative, the state as
9 payor, but not as the employer, shall, subject to subsection (3) of
10 this section, deduct from the payments to an individual provider, a
11 family child care provider, or an adult family home provider the
12 monthly amount of dues as certified by the secretary of the exclusive
13 bargaining representative and shall transmit the same to the treasurer
14 of the exclusive bargaining representative.

15 (2) If the governor and the exclusive bargaining representative of
16 a bargaining unit of individual providers, family child care providers,
17 or adult family home providers enter into a collective bargaining
18 agreement that:

19 (a) Includes a union security provision authorized in RCW
20 41.56.122, the state as payor, but not as the employer, shall, subject
21 to subsection (3) of this section, enforce the agreement by deducting
22 from the payments to bargaining unit members the dues required for
23 membership in the exclusive bargaining representative, or, for
24 nonmembers thereof, a fee equivalent to the dues; or

25 (b) Includes requirements for deductions of payments other than the
26 deduction under (a) of this subsection, the state, as payor, but not as
27 the employer, shall, subject to subsection (3) of this section, make
28 such deductions upon written authorization of the individual provider,
29 family child care provider, or adult family home provider.

30 (3)(a) The initial additional costs to the state in making
31 deductions from the payments to individual providers, family child care
32 providers, and adult family home providers under this section shall be
33 negotiated, agreed upon in advance, and reimbursed to the state by the
34 exclusive bargaining representative.

35 (b) The allocation of ongoing additional costs to the state in
36 making deductions from the payments to individual providers, family
37 child care providers, or adult family home providers under this section

1 shall be an appropriate subject of collective bargaining between the
2 exclusive bargaining representative and the governor unless prohibited
3 by another statute. If no collective bargaining agreement containing
4 a provision allocating the ongoing additional cost is entered into
5 between the exclusive bargaining representative and the governor, or if
6 the legislature does not approve funding for the collective bargaining
7 agreement as provided in RCW 74.39A.300, 41.56.028, or 41.56.029, as
8 applicable, the ongoing additional costs to the state in making
9 deductions from the payments to individual providers, family child care
10 providers, or adult family home providers under this section shall be
11 negotiated, agreed upon in advance, and reimbursed to the state by the
12 exclusive bargaining representative.

13 (4) The governor and the exclusive bargaining representative of a
14 bargaining unit of family child care providers may not enter into a
15 collective bargaining agreement that contains a union security
16 provision unless the agreement contains a process, to be administered
17 by the exclusive bargaining representative of a bargaining unit of
18 family child care providers, for hardship dispensation for license-
19 exempt family child care providers who are also temporary assistance
20 for needy families recipients or WorkFirst participants.

21 (5) In lieu of the deductions authorized under subsections (1) and
22 (2) of this section, and the union security provisions authorized under
23 RCW 41.56.122, the governor and the exclusive representative of a
24 bargaining unit of child care center directors and workers shall agree
25 to a representation fee to be paid to the exclusive representative for
26 the costs of representation of child care center directors and workers
27 as provided in this chapter. The state shall deduct the representation
28 fee from the monthly amount of the child care subsidy due to a child
29 care center and transmit the representation fee to the secretary of the
30 exclusive bargaining representative. Any child care center that is
31 operated by a church or other religious body for which payment of a
32 representative fee is contrary to bona fide religious tenets shall pay
33 an amount equivalent to the representation fee to a nonreligious
34 charity or to another charitable organization mutually agreed upon by
35 the child care center and the exclusive representative to which the
36 center would otherwise pay the representation fee. The child care
37 center shall furnish written proof that such payment has been made. If

1 the child care center and the exclusive representative do not reach
2 agreement on such matter, the commission shall designate the charitable
3 organization.

4 **Sec. 5.** RCW 41.04.810 and 2007 c 184 s 4 are each amended to read
5 as follows:

6 Individual providers, as defined in RCW 74.39A.240, family child
7 care providers, as defined in RCW 41.56.030, child care center
8 directors and workers, as defined in RCW 41.56.030, and adult family
9 home providers, as defined in RCW 41.56.030, are not employees of the
10 state or any of its political subdivisions and are specifically and
11 entirely excluded from all provisions of this title, except as provided
12 in RCW 74.39A.270, 41.56.028, and 41.56.029.

13 **Sec. 6.** RCW 43.01.047 and 2007 c 184 s 5 are each amended to read
14 as follows:

15 RCW 43.01.040 through 43.01.044 do not apply to individual
16 providers under RCW 74.39A.220 through 74.39A.300, family child care
17 providers under RCW 41.56.028, child care center directors and workers
18 under RCW 41.56.028, or adult family home providers under RCW
19 41.56.029.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.215 RCW
21 to read as follows:

22 (1) Every child care center shall provide to the department a list
23 of the names and addresses of all current child care center directors
24 and workers, as defined in RCW 41.56.030, annually by January 30th,
25 except that initially the lists shall be provided within thirty days of
26 the effective date of this section.

27 (2) The department shall, upon request, provide to a labor
28 organization seeking to organize child care center directors and
29 workers, a list of all directors and workers in the unit that the
30 organization seeks to organize. The list shall contain the information
31 collected with regard to the directors and workers pursuant to
32 subsection (1) of this section.

33 **PART II - CHILD CARE CAREER AND WAGE LADDER**

1 **Sec. 8.** RCW 43.215.500 and 2005 c 507 s 1 are each amended to read
2 as follows:

3 The legislature finds that as of 2000, child care workers in the
4 state earned an average hourly wage of eight dollars and twenty-two
5 cents, only fifty-eight percent received medical insurance through
6 employers, only sixty-six percent received paid sick leave, and only
7 seventy-three percent received paid vacation. The legislature further
8 finds that low wages for child care workers create a barrier for
9 individuals entering the profession, result in child care workers
10 leaving the profession in order to earn a living wage in another
11 profession, and make it difficult for child care workers to afford
12 professional education and training. As a result, the availability of
13 quality child care in the state suffers.

14 The legislature intends to increase wages to child care workers
15 through establishing a child care career and wage ladder that provides
16 increased wages for child care workers based on their work experience,
17 level of responsibility, and education. In order to give child care
18 center directors and workers a voice in the determination of an
19 effective child care career and wage ladder, the ladder shall be
20 subject to collective bargaining as provided in RCW 41.56.028. To the
21 extent practicable within available funds, this child care career and
22 wage ladder shall mirror the successful child care career and wage
23 ladder pilot project operated by the state between 2000 and 2003.
24 While it is the intent of the legislature to establish the vision of a
25 statewide child care career and wage ladder that will enhance
26 employment quality and stability for child care workers, the
27 legislature also recognizes that funding allocations will determine the
28 extent of statewide implementation of a child care career and wage
29 ladder.

30 **Sec. 9.** RCW 43.215.505 and 2006 c 265 s 205 are each amended to
31 read as follows:

32 (1) Subject to the availability of funds appropriated for this
33 specific purpose, the department shall establish a child care career
34 and wage ladder in licensed child care centers that meet the following
35 criteria: (a) At least ~~((ten percent of))~~ one child care ~~((slots are))~~
36 slot is dedicated to children whose care is subsidized by the state or
37 any political subdivision thereof or any local government; (b) the

1 center agrees to adopt the child care career and wage ladder(~~(, which,~~
2 ~~at a minimum, shall be at the same pay schedule as existed in the~~
3 ~~previous child care career and wage ladder pilot project)~~); and (c) the
4 center meets further program standards as established by rule pursuant
5 to section 4, chapter 507, Laws of 2005.

6 The child care career and wage ladder shall include wage increments
7 for levels of education, years of relevant experience, levels of work
8 responsibility, relevant early childhood education credits, and
9 relevant requirements in the state training and registry system.

10 (2) The department shall establish procedures for the allocation of
11 funds to implement the child care career and wage ladder among child
12 care centers meeting the criteria identified in subsection (1) of this
13 section. In developing these procedures, the department shall
14 implement any agreements reached through collective bargaining between
15 the governor and child care center directors and workers pursuant to
16 chapter 41.56 RCW. In addition, prior to any bargaining, the
17 department shall:

18 (a) Review past efforts or administration of the child care career
19 and wage ladder pilot project in order to take advantage of any
20 findings, recommendations, or administrative practices that contributed
21 to that pilot project's success;

22 (b) Consult with stakeholders(~~(, including organizations~~
23 ~~representing child care teachers and providers,~~) in developing an
24 allocation formula that incorporates consideration of geographic and
25 demographic distribution of child care centers adopting the child care
26 career and wage ladder; ~~((and))~~

27 (c) Develop a system for prioritizing child care centers interested
28 in adopting the child care career and wage ladder that is based on the
29 criteria identified in subsection (1) of this section; and

30 (d) Provide to both parties information gathered in completing (a)
31 through (c) of this subsection.

32 ~~((3) Notwithstanding the requirements of subsection (2) of this~~
33 ~~section, child care centers meeting the criteria in subsection (1) of~~
34 ~~this section located in urban areas of the department of social and~~
35 ~~health services region one shall receive a minimum of fifteen percent~~
36 ~~of the funds allocated through the child care career and wage ladder,~~
37 ~~and of these centers, child care centers meeting the criteria in~~

1 ~~subsection (1) of this section participating in the Spokane tiered~~
2 ~~reimbursement pilot project shall have first priority for child care~~
3 ~~career and wage ladder funding.))~~

4 **PART III - GENERAL PROVISIONS**

5 NEW SECTION. **Sec. 10.** Part headings used in this act are not any
6 part of the law.

7 NEW SECTION. **Sec. 11.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 12.** If any part of this act is found to be in
12 conflict with federal requirements that are a prescribed condition to
13 the allocation of federal funds to the state, the conflicting part of
14 this act is inoperative solely to the extent of the conflict and with
15 respect to the agencies directly affected, and this finding does not
16 affect the operation of the remainder of this act in its application to
17 the agencies concerned. Rules adopted under this act must meet federal
18 requirements that are a necessary condition to the receipt of federal
19 funds by the state.

20 NEW SECTION. **Sec. 13.** This act may be known and cited as the
21 access to quality child care workforce act.

22 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

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