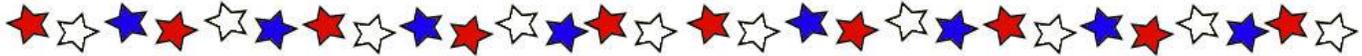




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S.F. 778, which unionizes family childcare providers, was signed into law by Governor Dayton on May 24, 2013

Who would be unionized?

If the majority of ballots cast in the election are yes votes, all family childcare providers (licensed and unlicensed) who accept Child Care Assistance Program (CCAP) payments for any children in their care would be exclusively represented by AFSCME. They would then be forced to pay AFSCME through union dues or "fair share" fees—unless and until the recent *Harris v. Quinn* decision of the U.S. Supreme Court is applied to the current litigation here, which could take many months.

Is it legal to unionize small business owners and employers?

No. It violates the U.S. Constitution; federal labor and anti-trust laws prohibit employers from unionizing. This new law labels family childcare providers who accept families on CCAP as public employees for the purpose of unionization. People can't be both independent business owners and state employees. The *Harris* decision states that they aren't "public employees."

Isn't it voluntary to join the union?

Union *membership* is voluntary; however, union *representation* and payment of "fair share" fees are **not** voluntary. AFSCME has said they want to negotiate on issues besides CCAP rates, such as trainings, licensing regulations, grievance procedures, etc. Every licensed family childcare provider would be impacted by any of these changes, whether or not they want them. Minnesota is a "Fair Share" state, so providers who do not want to join the union will still *have* to pay "fair share" fees (typically 85% of regular dues), which will be deducted from CCAP payments, under current Minnesota law.

How much will I have to pay?

Dues will not be determined until after a contract is negotiated. Minimum dues are \$25/month, \$300/year, but they could increase. Providers in New York pay \$400 - \$700/year; providers in Illinois pay up to \$900/year. Most of the monthly amount goes to the international and national union. If the *Harris* decision is applied in Minnesota, it means those who effectively "opt out" of support for the union won't have to pay, but that will likely take time and jumping through hoops. Most eligible public and private employees aren't able to choose "fair share" fees over full dues now, although that's been the law for decades.

Why not allow a vote?

Family childcare providers could have chosen to join the union for the past 9 years; approximately 100 providers have done so. The vote would exclude 50% of licensed family childcare providers but allow 6,500 unlicensed family child care providers to vote; 75% of them are no longer providing care. Childcare union elections in other states have been underpublicized, voter turnout has been low, and they purposefully include unlicensed providers to outnumber licensed providers.

Would unlicensed providers be unionized with licensed providers?

Yes. This law includes unlicensed family childcare providers, most of whom care for family members, with licensed family childcare providers who are *required* to follow regulations to ensure children's safety and optimal development. They are two distinct groups, though both groups love children. Unlicensed providers outnumber licensed providers in this proposed bargaining unit, giving them the majority in a vote and negotiations that will affect every licensed family child care provider.

Will child care unionization increase quality?

It has not been shown to increase quality in other states, and including licensed professionals with unlicensed providers will not increase quality. Family childcare providers set their own standards of quality as business owners and do not need a union to define quality. Quality improvement grants will be tied to unionization because providers cannot accept a grant unless they are willing to care for a child on assistance. They will have to choose between refusing a grant to improve their program or being represented by and paying (for the near future) the union if they accept a child on assistance.

Will this give family child care providers a voice?

Unionization does not offer family child care providers anything they cannot already do themselves. They already have a voice and a seat at the table, working with licensors, DHS, and legislators to ensure their questions and concerns are addressed. Numerous state, city, and county childcare associations work solely for licensed family childcare providers and the families they serve; membership is voluntary. Benefits include free monthly trainings, conferences, resources, and networking opportunities. Unfortunately, unionization will exclude these associations from the negotiations with the state.

What about health insurance?

In only 3 states have the unions negotiated health care coverage for a small percentage of providers (NOT their families); there are strict eligibility requirements based on income, children on assistance, and length of time in care.

Will the union be able to increase the CCAP subsidy rates?

Most states with childcare unions have **not** increased the subsidy rate. Legislators already have the power to change the subsidy rate if they deem it necessary. This benefits families, not providers. Childcare providers, including those who care for children on the subsidy program, determine their business rate. If the family's subsidy amount does not cover the provider's full rate, the provider can choose to charge the difference.



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What will this mean for Minnesota children and families?

Providers will likely pass the increased costs of union dues/"fair share" fees (for providers who can't or don't opt out) on to the families in their care by raising their rates. Providers will be forced to choose between caring for children on assistance and paying the union or turning them away, limiting the quality childcare options for low-income children and families, creating a system that segregates them into fewer family child care homes. In addition, if subsidy rates become locked in by a union contract, program cuts cannot be made by reducing rates; states typically reduce the number of families who can receive assistance, creating a longer waiting list (currently 7,000 families in Minnesota). Since the first child care union formed in 2005, unions have taken hundreds of millions of dollars from the child care assistance programs, even as many of those programs faced funding reductions. If a vote passes, the union would take millions of dollars per year from Minnesota's children and families who need it most!

What will this mean for Minnesota taxpayers?

This law costs taxpayers \$1 - \$3 million every year just to manage its provisions. It adds 16 full-time employees to the state payroll. These numbers could increase. In other states, childcare unionization has cost taxpayers millions of dollars each year and done nothing to improve quality or help children or providers.

What happens next?

1. Union organizers will be coming to family child care providers' doors to get them to sign union authorization cards. Most organizers are paid by the union and may be flown in from out of state. They are trained to get signatures, stay for a long time, and not take "no" for an answer.
2. If someone asks you to sign something, don't sign unless you are certain you know what you are signing. **If you sign an authorization card, you are saying yes to childcare unionization and are giving AFSCME permission to be your exclusive representative regarding family childcare issues and enroll you as a dues-paying member.**
3. AFSCME needs to present 500 signed cards to the state to acquire the list of all eligible voters. Only those who have had an active CCAP registration (NOT necessarily a payment) in the 12 months before an election will be eligible.
4. If AFSCME submits authorization cards signed with approximately 3600 signatures (30% of the voting "unit"), there will be a mail-ballot election.
5. Ballots will be mailed out to eligible voters and must typically be returned within a few weeks. Only the returned ballots count (ex. if 1000 ballots are cast and 501 vote YES to unionize, unionization passes).
6. The U.S. Supreme Court ruled that home health care providers can't be forced to pay union fees in *Harris* (6/30/14).
7. Two lawsuits sought to invalidate the MN law in federal court: *Saville v. Dayton* and *Parrish v. Dayton*. The 8th Circuit Court of Appeals ruled on 7-31-14 that the *Parrish* case is not "ripe," lifting the injunction halting a potential election. Both lawsuits will be refiled if and when AFSCME files for an election. The providers involved are seeking legally to protect "opt out" rights under *Parrish* and to stop the unlawful forced unionization scheme under *Saville*.

What are my rights?

- You can hang signs against unionization on your property.
- You can refuse to answer the door as children should be your first priority.
- You can refuse to talk to union organizers, ask them to leave, or ask them to return at a different time.
- You can require anyone who comes on your property to show ID.
- You can call the police if they refuse to leave, ignore your sign, or misrepresent themselves.
- You can record your conversation with an organizer and do not have to inform them that you are recording.
- You do **NOT** need to sign the card to get a ballot or "get more information."
- You do **NOT** need to sign the card for the food program, grants, licensing, or CCAP eligibility.
- You can register to accept CCAP (whether or not you have eligible families) through your county or by downloading the form: www.minnesotafamilychildcare.com/CCAPform.pdf. This will give you a vote on an issue that *will* affect you.

How can I help?

The only way we can prevent forced unionization is to stand together and make it clear that an overwhelming majority of family child care providers and the public are opposed to union representation (that does not make them anti-union).

- Share this information so that family child care providers and the public can be educated and empowered.
- Organize a Family Child Care Night of Empowerment in your area; we come to you to share facts about unionization.
- Write letters to the editor of your local newspaper, the Star Tribune, the Pioneer Press, and contact radio stations.
- Visit www.MinnesotaFamilyChildCare.com and MinnesotaFamilyChildcare on Facebook for more information.