

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

2019-12-13

2. Department

Department of Human Resources

3. Organizational Placement (Division/Branch/Office Name)

Childcare Providers Labor Relations Division

4. CEA Position Title

Chief, Childcare Providers Labor Relations Division

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The newly created Childcare Providers Labor Relations Division (CPLRD) administers CalHR's newly enacted responsibility to collectively bargain with childcare provider unions and administer related labor relations functions in response to Assembly Bill 378 (AB 378). The Chief, CPLRD, will establish the CPLRD, and will have primary leadership of the unit as well as overall responsibilities for policy development, strategic planning, organizing, developing, managing and coordinating all matters within the CPLRD. The Chief will also set policy and advise the Governor on childcare providers matters as it relates to collective bargaining and matters within the scope of representation.

6. Reports to: (Class Title/Level)

Director/California Department of Human Resources

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st 2nd 3rd 4th 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the administrative direction of the Director of the California Department of Human Resources (Director), the Childcare Providers Labor Relations Division (CPLRD) Chief (CEA B) will be the chief policy-maker and principal policy advisor to the Director and the Governor on matters related to the Building a Better Early Care and Education System Act (Ed. Code, § 8430 et seq.) that was enacted for the purpose of promoting full communication between the Governor and the recognized employee organization representing family childcare providers, as defined, by resolving disputes regarding matters within the scope of representation. The Chief will also be the principal liaison to the Department of Social Services (CDSS) and Department of Education (CDE), which administer childcare provider subsidies.

The CEA B will implement and maintain the Building a Better Early Care and Education System Act (SB 75 and AB 378) (Ed. Code, § 8430 et seq.) as the Governor's representative for collective bargaining with family child care home providers, including guiding the process of developing bargaining proposals, gathering of information from various stakeholders, researching and analyzing information, and making recommendations to the Governor's Office on proposals for bargaining. Responsible for the formulation, operation and evaluation of program policies regarding how CalHR will administer the memorandum of understanding reached through the collective bargaining process, including responding to grievances, providing oversight and support to the applicable stakeholders that are bound by the collective bargaining agreement (i.e., counties, subcontractors, CDSS, and CDE). Provides recommendations and direction on childcare provider policies to the Governor related to the Building a Better Early Care and Education System Act. Represents the Governor in collective bargaining negotiations. Monitors legislation that may directly or indirectly have impact on the division and amends/ establishes division policy accordingly.

The CEA B will direct the collective bargaining process, including conducting negotiations and communication with the exclusive bargaining representative. Serves as the chief negotiator for the collective bargaining process. Provides technical expertise and support for collective bargaining. Acts as a liaison with CDSS, CDE, counties, and subcontractors to integrate the existing child care subsidy program with the new collective bargaining scheme. Liaisons between CalHR and the Governor's Office, and the Department of Finance, CDSS, and CDE. Represents the Governor and coordinates with the exclusive union representative, the Department of Finance, CDSS, CDE, applicable counties, contractors, and subcontractors, and others concerning the activities of the CPLRD. Develops internal and external communications for the CPLRD.

The CEA B will provide primary leadership and management of CPLRD staff to perform labor relations and collective bargaining tasks on behalf of the Governor by performing highly sensitive and complex employer-employee relations. Develops policies and procedures for the division. Establishes the human resources for the unit and subsequently manages the division's personnel needs (e.g., selection, workforce and succession planning, training and development). Reviews and prepares administrative documents, including Budget Change Proposals.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The state, through the Department of Social Services (CDSS) and the Department of Education (CDE), provide for subsidized child care. California primarily distributes child care funding through a voucher system, and the majority of the vouchers are given to low income families. The state's subsidized child care system serves approximately 360,000 subsidized children. Care is provided to children in families currently or previously receiving CalWORKs, as well as to other working families subject to available resources. Existing law authorizes the CDE to create alternative payment providers in each county to establish a reimbursement system for subsidized child care in which eligible parents can either choose a licensed day care center or a family child care home, and the state reimburses the provider the same rate that the provider charges a family that is not subsidized, up to a ceiling established by the state. Eligible parents can also choose a provider that is exempt from the licensing requirements, and the state reimburses that provider at a rate set within each county, based on the mean cost of licensed care in the county. Also, eligible parents can choose to enroll their children in a center or network of family childcare homes that has a direct contract with the CDE. Childcare in these programs is reimbursed at a daily rate established in the contract. For most contractors, the daily rate is the Standard Reimbursement Rate, set in statute and adjusted by the Legislature to reflect changes in the cost of living.

In 2019, the Building a Better Early Care and Education System Act was enacted via Senate Bill 75 and Assembly Bill 378 (AB 378), which gives family child care home providers that receive state subsidies the right to collectively bargain with the state so they can negotiate for improvements that impact their work. These improvements include, but are not limited to, reimbursement rates, rate add-ons for providers who complete additional training, improved recruitment and retention of qualified providers and access to relevant training. AB 378 provides CalHR is the Governor's designated representative to meet and confer with the certified provider organization and to fulfill ongoing labor relations responsibilities. To fulfill the requirements of SB 75 and AB 378, CalHR is establishing a new division, Childcare Providers Labor Relations Division (CPLRD). The CPLRD, headed by the CEA, will directly implement and administer CalHR's new legislative mandate.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

In 2019, the Building a Better Early Care and Education System Act was enacted via Senate Bill 75 and Assembly Bill 378 (AB 378) (Ed. Code, § 8430 et seq.), which gives family child care home providers that receive state subsidies the right to collectively bargain with the state so they can negotiate for improvements that impact their work. These improvements include, but are not limited to, reimbursement rates, rate add-ons for providers who complete additional training, improved recruitment and retention of qualified providers and access to relevant training. AB 378 provides CalHR is the Governor's designated representative to meet and confer with the certified provider organization and to fulfill ongoing labor relations responsibilities. To fulfill the requirements of SB 75 and AB 378, CalHR is establishing a new division, Childcare Providers Labor Relations Division (CPLRD). The CPLRD, headed by the CEA, will directly implement and administer CalHR's new legislative mandate.

Although CalHR already performs collective bargaining and contract administration relating to state employees through its Labor Relations Division, this existing division cannot subsume the collective bargaining responsibilities for the childcare provider bargaining. First, the existing Labor Relations Division does not have the capacity to take on the additional workload. Second, and most importantly, CalHR's authorizing statutes limit the Labor Relations Division to activities associated with the Ralph C. Dills Act (Dills Act) [collective bargaining for state rank and file employees] and the Excluded Employee Bill of Rights (EEBR) [limited bargaining for state supervisors and managers]. (Gov. Code, § 19819.7.)

Given the law requires CalHR to perform new collective bargaining and labor relations functions that cannot be subsumed by its existing Labor Relations Division, CalHR will need to establish a new division, along with the necessary staff to run the division. The Chief has responsibility for managing the Childcare Providers Labor Relations Division (CPLRD), provides oversight for the CPLRD, and labor relations and collective bargaining on behalf of the Governor by performing highly sensitive and complex employer-employee relations under the Building a Better Early Care and Education System Act.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA will have primary leadership of Childcare Providers Labor Relations Division (CPLRD). As a new division at CalHR, the CEA will develop policies and procedures for the unit. In addition, the CEA will play a key role in establishing the unit including recruiting and hiring the staff for the unit, and succession planning, including anticipating upcoming vacancies and recruiting appropriate replacement candidates

The CEA will implement the Building a Better Early Care and Education System Act (SB 75 and AB 378) (Ed. Code, § 8430 et seq.) as the Governor's representative for collective bargaining with family child care home providers. This will include guiding the process of developing bargaining proposals, including gathering of information from various stakeholders, research, analyzing information, and making recommendations to the Governor's Office on proposals for bargaining. The CEA will liaison with CDSS, CDE, counties, and subcontractors to integrate the existing child care subsidy program with the new collective bargaining scheme.

The CEA will also direct the collective bargaining process, including conducting negotiations and communication with the exclusive bargaining representative. The CEA will also serve as the chief negotiator for the collective bargaining process.

The CEA will set policies on how CalHR will administer the memorandum of understanding reached through the collective bargaining process, including responding to grievances, providing oversight and support to the applicable stakeholders that are bound by the collective bargaining agreement (i.e., counties, subcontractors, CDSS, and CDE).

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

Via the 2019 enactment of the Building a Better Early Care and Education System Act (SB 75 and AB 378) (Ed. Code, § 8430 et seq.), CalHR was designated as the Governor's representative for collective bargaining with the representative of family child care home providers. The CEA will have the primary decision-making authority for collective bargaining and contract administration for the family child care home providers, brought about by the new legislation. The CEA will develop and implement policy, in coordination with the direction of the Governor's Office, for collective bargaining processes and bargaining proposals for family child care home providers. Because of the overlay of collective bargaining on the child care subsidy program, the decisions of the CEA will impact CDSS and CDE, and will have a statewide impact as to the counties and subcontractors that administer the subsidies, and the family child care home providers themselves.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA will be developing and implementing new policy as collective bargaining rights for home daycare providers is an entirely new function of the state. The CEA will also interpret and implement existing policies of CDSS and CDE. CDSS/CDE administer the subsidy program from daycare, which subsidies is a subject of collective bargaining. The CEA will have to merge the existing subsidy program into the new collective bargaining scheme.