



The Provider is a publication of the
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"NJFCCPA, professionals at the heart of child care..."



EXECUTIVE ORDER NO. 23

DID YOU KNOW? - Governor Jon S. Corzine signed an Executive Order recognizing the Child Care Workers Union, a joint partnership between CWA and AFSCME, as the representative of home-based family child care providers, and authorizing the State to enter into good faith talks with CCWU on their behalf.

The full text of the order is below.

EXECUTIVE ORDER NO. 23

WHEREAS, family child care providers in the State of New Jersey, as defined by N.J.S.A. 30:5B-18, provide an invaluable and essential service to working parents and guardians by providing a healthy, safe and productive environment for their children while they are engaged in work and training opportunities; and

WHEREAS, the State of New Jersey appreciates the importance of these services and recognizes the need to continue and improve both the quality of care and the living and working conditions of the providers; and

WHEREAS, the State of New Jersey, through the Department of Human Services, is vested with the regulatory authority, including but not limited to the establishment of reimbursement rates, and the administrative oversight responsibility for the operation of family child care homes; and

WHEREAS, to ensure quality standards of care, it is in the public interest for New Jersey to maintain a child care delivery system that encourages the recruitment and retention of quality family child care-providers to deliver these vital services; and

WHEREAS, a majority of New Jersey's registered and approved family child care providers have authorized either the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) or the Communications Workers of America, AFL-CIO (CWA) to be their exclusive representative through individually-signed authorizations, not more than twelve (12) months old; and

WHEREAS, AFSCME and CWA have formed the Child Care Workers Union (CCWU) for the purpose of jointly representing family child care providers; and

WHEREAS, the State Board of Mediation has certified CCWU as having presented to the Board of Mediation authorization cards representing a majority of family child care providers;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Commissioner of the New Jersey Department of Human Services (DHS) or his/her designee, or if applicable the Commissioner of the Department of Children and Families or his/her designee, on behalf of the State of New Jersey, shall meet in good faith with the CCWU, as the recognized exclusive majority representative of all registered and approved family child care providers, for the purpose of entering into a written agreement regarding reimbursement rates, payment procedures, benefits, health and safety conditions and any other matters that would improve recruitment and retention of qualified family child care providers and the quality of the programs they provide, subject to the provisions of paragraph 6 below. Nothing in this Order shall require that an agreement be reached on any particular matter provided the parties act in good faith.
2. When an agreement is reached pursuant to paragraph 1 above, it shall be embodied in writing and shall be binding upon the State of New Jersey. Any agreement that requires rule making or statutory changes will be contingent upon the successful completion of such regulatory or legislative action. If any provisions of the agreement require legislative action, or require the appropriation of funds to be effective, the parties will jointly seek the enactment of such legislative action. If any provisions of the agreement require the adoption or modification of rules and regulations of any department or agency of State government to be effective, the department or agency shall seek the adoption or modification of such rules or regulations through appropriate regulatory action.
3. In affording family child care providers the right to act through an exclusive majority representative and seek an agreement with the State per the terms of this Order, the State intends that the "State Action" exemption to federal antitrust laws be fully available to the State, family child care providers and their exclusive representative and that exempt conduct shall be actively supervised by the Department of Human Services, or if applicable the Department of Children and Families.
4. Nothing in this Order is intended to give to family child care providers, or imply that family child care providers have, any right to engage in a strike or collective cessation of the delivery of child care services.
5. The agreement entered into between CCWU and the Commissioner may provide for the payment of union dues and representation fees.
6. Nothing in this Order shall be construed to grant family child care providers status as Stateemployees for any purposes, including, but not limited to, the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.), the New Jersey Temporary Disability Benefits Law (N.J.S.A. 43:21-25 et seq.), the New Jersey Unemployment Compensation Law (N.J.S.A. 43:21-1 et seq.), and the New Jersey Workers

JULIE'S JUNQUE!

submitted by Julie Payne

Character Cups



Materials Needed: plastic, paper or styro-foam cups, elmers glue, roll of bandage guaze, eyes, straws, pipe cleaners etc

Procedure:

Apply glue to outside of cup and have children wrap in guaze. Let dry and apply eyes, straws and pipe cleaners for arms and other choices of decorations. Ghosts can me made for Halloween, along other characters, be creative and let the kids have fun.

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Compensation Law (N.J.S.A. 34:15-1 et seq.). Although family child care providers are not State employees, the subjects to be included in an agreement shall be consistent with those areas that are considered negotiable pursuant to the New Jersey Employer-Employee Relations Act (N.J.S.A. 34:13A-1 et seq.).

7. Nothing in this Order shall be construed to interfere with the rights of parents or guardians to choose family child care providers.

8. No action may be taken under this Order that would derogate from the status, functions or authority of the Department of Human Services in its capacity as Lead Agency pursuant to the State Plan for Child Care Development Services filed by the Commissioner of Human Services with the U.S. Secretary of Health and Human Services.

9. Should any part of this Order be declared to be invalid or unenforceable, or should the enforcement of or compliance with any part of this Order be suspended, restrained or barred, by the final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

10. This Order shall take effect immediately.



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