

Towards Better Family Child Care : Oregon and AFSCME Council 75

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Child care, long ignored by politicians, is emerging as a major policy issue. The Senate in early 2014 overcame its usual gridlock to pass a child care bill that had been 18 years in the making (Severns 2014). Bill de Blasio has gained national attention by establishing a universal pre-kindergarten program in New York City. Even reports of endangered children have sometimes strengthened concern about the lack of child care support for poverty-ridden parents (Martin 2014). In addition, supporters of a strengthened child care support system observe that it is highly effective in helping parents, especially in low-income and immigrant families, to remain in the work force. For this reason, advocates of strong child care support are finding some allies even among businesspersons and moderate Republicans.

Family (home-based) child care is an effective means of adding flexibility to the child care system by providing additional options, besides daycare centers, for working parents. It provides an important employment option as well by providing a means for women, who account for most family child care providers, to become small business operators. Many providers achieve high personal fulfillment by being able to help children (and sometimes disadvantaged families) while running businesses. In addition, home-based child care provides an important route into the work force for women lacking English fluency or formal job skills since they can work at home and have flexible means of gaining qualifications.

Oregon, along with New York, is regarded as a national leader in providing reliable child care services and in organizing child care providers. This report, based on interviews conducted in March 2014 with officials and members of Council 75 of the American Federation of State, County and Municipal Employees (AFSCME), especially in Local 132 Child Care Providers Together (family child care providers), examines the family child care industry in Oregon, focusing on the union's ongoing efforts to improve standards

both for childcare and for provider employment conditions. Union officers and active members made a strong case that union involvement has been vital for greatly improving standards over the past decade. Nevertheless, most providers remain unorganized and many lack knowledge of basic practices or safety standards. Meanwhile, possibilities of Tea Party-inspired funding cuts are ever present. Therefore, the accounts also argue for the importance of conducting political action to maintain support from elected representatives.

Family daycare

Family child care is recognized as a means of providing flexibility and greater choice to daycare systems since providers can work at home, and can provide more personalized and diverse services than are available at most traditional daycare centers. At the same time, there are difficult challenges to creating a reliable high-quality home daycare industry. Obvious dilemmas include the need to balance flexibility and safety, and to mesh professional responsibilities with personal lives. Furthermore, family child care providers have to overcome the common perception that they are mere unskilled baby-sitters. Interviewees argue that their skills and responsibilities are no less, and are in some ways greater, than those of daycare center workers. Family daycare providers undergo training in order to be either registered (licensed) or certified (a higher level of quality assurance). Many provide extra services, such as educational services (notably bilingual education), special needs care, and extended care for parents working long or irregular hours. Family child care providers believe that responsible providers bond more tightly with children than is usually possible in daycare centers because the setting is more personal and family-like.

The level of responsibility is high. One provider said, “They [parents] are dependent on you. I don’t have backup. You work through sickness.” Another provider stressed the importance of provider support to hard-pressed parents, especially for lower-income families. “You have to serve parents who can’t take off another day.” I wondered how providers dealt with illness (their own, that is), and was assured that they developed immunity to everything the children brought into their homes. Not surprisingly, one new helper was said to be constantly sick throughout his first year on the job.

Even in an era of powerful neoliberal pressure, providers wield a potent economic argument. Above all, child care support is a highly cost-efficient means of increasing work force participation by low-income parents, and is increasingly recognized as a means of

promoting business and economic development (Warner and Prentice 2012). As one Local 132 organizer noted, “It’s more beneficial to...keep paying for the childcare so that they can become more self-sufficient. They are working, they’re paying some taxes into the system. [It is socially beneficial] for them to get self-sufficient, so they don’t need any more childcare assistance or food stamps or anything, and they’re paying more taxes so they can help the next one up.” The economic benefit is likely to be especially strong in Oregon, where the ratio of mothers with children three years old and under working low-wage jobs is 26.2 percent, one of the nation’s highest rates¹⁾. In addition, family child care provides a path to productive employment for many parents, especially women, who would otherwise have trouble performing paid employment, either because of the need to care for their own children, or because they are immigrants lacking either English proficiency or conventional job skills.

Career family child care providers generally love the work; for others the turnover rate is known to be high. Officers say the average career for most family daycare providers is just three to five years, typically until a provider’s children finish elementary school. Only a few persons make family daycare a real career. One provider stated that people who go into family child care for the money are “delusional.” One of the organizers admitted underestimating the burdens prior to working with providers. “I thought at first it was easy, I told my relatives to start childcare businesses. But it’s not easy.” People who last - among quality providers anyway - typically love the job. “I live daycare, that’s just my life.” Another provider wrote, “I have always loved being around children especially babies!”

Home child care presents special challenges for unions because the providers are small business operators. One member commented, “We are a different animal as far as the union goes. We...don’t have shop stewards....We’re not state employees who have perks and health benefits and stuff. We’re independent people, our own bosses.” Providers who hire staff become employers, an unusual situation for union members, and one that poses potential conflicts of interest.

Union Organizing and Bargaining

Oregon and New York are regarded as leaders in daycare worker organizing as well

1) Children First for Oregon website (post dated May 7, 2014), at <http://www.cffo.org/>.

as in quality daycare provision. Oregon is believed to be the first state to have a contract for family daycare providers, largely due to the organizing efforts of activist providers and AFSCME officers, and a progressive governor a decade ago.

AFSCME Council 75 began serious organizing of childcare providers in 2004, when Organizing Director Sue Lee-Allen and Executive Director Ken Allen met with Denise Dowell, a leader in the national childcare field. (Council 75, representing all of Oregon, includes some 25,000 members at present.) In October 2004, Council 75 hired Faye Zepeda, a family child care provider already known for her efforts to organize providers. One provider, now an active union member, noted that she had little awareness of unions at that time, but she knew of Faye's reputation and was therefore easily convinced to join the new union.

Skill development was an important part of the appeal from the start of organizing efforts. "In the beginning, when we first started organizing," Faye stated, "that's really how we got people to come and hear what we had to say." Faye emphasized that Council 75 also made strong efforts to gain member support for organizing childcare providers. "When Oregon began organizing childcare providers, it was a conscious decision by Council 75 and all of the membership of AFSCME. It wasn't just our executive director saying, Oh we're going to organize childcare. It was voted on and money was devoted to it. So it's been a big process educating all of that membership who work in state, county, city government, hospitals, all over the place, what childcare is." The educational efforts apparently proved successful. In April 2005, members at Council 75's convention in Seaside gave the providers present a standing ovation. Local 132 Oregon Child Care Providers Together was officially established in 2007 to represent licensed childcare providers.

Governor Ted Kulongoski, a Democrat, issued executive orders in 2006 authorizing the creation of two bargaining units: one of some 4,500 subsidized and unsubsidized licensed family childcare providers represented by AFSCME, and a second of around 6,000 subsidized family, friend and neighbor (FFN) providers represented by SEIU (which still represents Oregon's unlicensed providers). In 2007, Kulongoski signed SB788 into law, giving both groups of providers full collective bargaining rights. The two unions began conducting collective bargaining on behalf of family daycare providers for the first time in 2006. AFSCME won assent to a surprisingly strong family child care Bill of Rights, and gained a subsidy increase to the 75th percentile of the market rate (the level recommended by the national government). In addition, parent co-pays were reduced and eligibility for childcare subsidies was expanded to include families earning up to 175 percent of

the Federal Poverty Level (although some areas, notably insurance, remained badly underfunded)²⁾. Local 132 also learned that disseminating information about new terms would be an important function: According to one newsletter, many providers did not know about the first rate increase and continued to bill at the lower rate for several years.

As the recession hit, Local 132 fought largely to maintain rates in the following rounds of bargaining, in 2009 and 2011, though it did gain other incremental improvements, such as easing some compliance practices and winning slightly improved insurance coverage. It took until 2013, the fourth round of collective bargaining, for Local 132 to win another rate increase. The 2013 contract also enables providers to receive reimbursement for training received anywhere, providing greater flexibility. Previously, there were problems such as Latinos with weak English skills attending English-language classes in order to receive reimbursement (especially in rural areas with limited class options).

While unions have won important gains for Oregon childcare providers, they still represent only a minority of family child care providers. This is a source of frustration to union officers, especially since they are legally required to provide representation for all licensed providers, about 3,500 people. Providers are not required to join the union, yet receive improved rates and other benefits gained in collective bargaining, along with unpaid representation. (The exception is providers who care for state-subsidized children. They are required to pay a representation fee, called Fair Share, which is the same amount as dues, \$35/month.) The union has a “duty of fair representation”: It is required by law to provide representation to all members of the bargaining unit accused of compliance violations, whether or not they are union members. One official estimated that if the providers receiving representation but not paying were to contribute dues, an additional organizer could be hired. Sometimes union lawyers represent non-members before the state; it was unclear how great the cost burden is, but concern seems to focus more on lack of dues and union income (Blank, Campbell, and Entmacher 2010: 12-16). During the time I was interviewing, there was concern about *Harris vs. Quinn*, a case challenging the right of unions to charge fees to non-members receiving union services. Council 57 is currently devoting relatively large resources to organizing family daycare provid-

2) Helen Blank, Nancy Duff Campbell, and Joan Entmacher, *Getting Organized: Unionizing Home-Based Child Care Providers* (2010 Update), Washington, D.C.: National Women’s Law Center, 2010.

ers, partly because of the strong potential for expanding membership, and partly because representing providers bolsters efforts to address concerns about economic growth (since daycare helps working parents enter and stay in the work force) and social justice (since many providers are women and minorities). Nevertheless, officers lack resources to make a strong organizing push, because they are also heavily engaged in supporting current members and persuading fee-paying non-members to join the union.

AFSCME is pursuing several objectives in collective bargaining and negotiations with the state. Standardizing rates is one of the most important. As noted above, price competition, especially from unregulated providers operating illegally, hurts legitimate providers, and puts downward pressure on quality. Another objective is to lower the infant age to 18 months from 24 months, which would de facto alter the provider-to-child ratio, and enable providers to increase the number of children in care. Providers argue that at 18 months, children can eat by themselves and play with the older children. They also hope to raise the threshold for the Women Infants and Children (WIC) program from the present 185% of poverty level to 250%, to help keep low-income families in the program. A third major concern is standardizing rates across regions. Oregon is divided into three regions (A, B, and C), based on the assumption that urban areas (A) are most expensive, and that the most rural and isolated (C) are cheapest, and can do with lower rates. Providers argue that actual conditions are quite different: rural areas are often as or considerably more expensive, especially for food, precisely because they are more isolated.

Although AFSCME and SEIU do not conduct collective bargaining together, they take care to adequately coordinate information and stances, and avoid being played off against one another. Faye notes that daycare centers benefit from family daycare provider rate increases, which tend to push daycare rates as well. Daycare centers have reportedly received bigger increases than family providers because they can more easily participate in market price studies. Some family daycare providers have changed businesses to daycare centers, which have to deal with more regulations, but can make more money by increasing volume³⁾.

3) Although most child care providers are clearly either centers or family-based, there is no clear-cut demarcation since some facilities blur the difference. Some family providers have converted themselves into centers in order to generate more revenue.

Oregon's Family Child Care Providers

Registered family daycare providers may care for up to ten children at one time, and certified FDP for up to 16. Since that number means number of children at one time, the total number be cared for can be much higher. One facility I visited is licensed for 16, but, because it operates 24/7 (around the clock), actually cares for children from about 45 families. The staff work three shifts. Around fourteen of the children receive care from 3:30 pm to midnight, four days a week.

The providers I talked to serve high proportions of low-income and single-parent families. Consequently, many of the parents are burdened with difficult jobs requiring irregular hours and long shifts. The facility operating 24/7 serves primarily single working parents, many working in retail and adult care, where late-night and extended shifts are common. Adult care providers may stay inside an elder person's home for up to four days. "So it's three solid days and nights because they go and live in that person's home.... So their kids live with me over that three days, the whole time, and there's not regular daycare that will do that." On the other hand, another provider emphatically refuses to do extended hour care on the grounds that children need to spend time with parents. A reasonable opinion but, as another provider lamented, parents are often forced to take bad jobs. "It's hard what some parents have to do to make ends meet." One provider emphasized the personal satisfaction of serving hard-pressed families. "We want these kids to have a better start. Just because your parents are lower income doesn't mean you should get lower quality childcare."

Helping disadvantaged families may confer personal satisfaction but, if the families receive subsidies, extensive paperwork is one of the consequent burdens. Most parents pay in advance, but DHS pays subsidies for children from low-income families and for special needs children only after the care is provided and paperwork completed. Time sheets have to be filled out for all kids, and multiple phone calls are generally required. DHS understaffing aggravates the problems. "Providers who don't have staff - I don't know how they can do it," observed one provider. "They're expected to watch the children and do all the paperwork, and be on the phone multiple hours with this department."

Some providers allege that state agencies constantly lose paperwork. ("We always tell the parents to get a receipt.") Consequently, one of the union organizers' routine tasks is helping providers get reimbursement following administrative errors, and it requires

relentlessness. In one case, it took six months to receive a missed payment. The union hopes that the new collective bargaining agreement improves matters through a contract clause mandating that providers get paid in a timely manner. Interviewees weren't sure why paperwork errors are so prevalent, although one speculated that Oregon may lag in effective utilization of information technology. Perhaps it was no coincidence that in April 2014, a month after my interviews, a failed website led Oregon to become the first to agree to allow the federal government to take over its healthcare system.

Compliance and Quality

A core dilemma for family child care is finding ways to balance flexibility with strong safety standards. The lack of regulation common in American daycare means that many children end up in dangerous situations, especially since many parents have few good daycare options (Cohn 2013; Fallis and Brittain 2014). On the other hand, stringent rules risk undermining the ability of responsible providers to provide a fun or family-like environment for children. The situation is complicated by the fact that family daycare providers generally live in their places of work. A common complaint was that many investigators too readily penalize providers for minor or unavoidable lapses (even as unlicensed and illegal establishments undergo no monitoring at all), and move too slowly to resolve issues. Naturally, no one wants a return to the days, of near-zero regulation. As one provider described it: "Back in the day, you filled out a piece of paper...They never even came to your house to check. They did a criminal history. That was it. You didn't have to have any qualifications at all."

Oregon's family daycare providers deal primarily with two agencies, DHS (Department of Human Services) and Office of Child Care (OCC; formerly Child Care Division, CCD), located in the ELC (Early Learning Division) within the Oregon Department of Education. (Child care supervision was recently shifted from the Department of Employment to Education.) DHS handles subsidies and includes Child Protective Services (CPS), which handles child abuse complaints, but was badly under-funded for a time. Matters have improved, but at one point recently only one person was available to answer phones, not a satisfactory situation for an industry focused on safety and flexibility. ("It took 45 minutes sometimes to get a question answered...and when you're trying to take care of kids...") In contrast, OCC, which handles licensing, is well-funded since it receives federal money, while the number of licensed providers it is charged with covering had been

shrinking until recently because of the weak economy. While OCC enjoys relatively ample funding, it also covers child development block grant funds, Race to the Top, and other programs, meaning that competition for funds is heated. Officers also cautioned that funding will likely be reduced in the near future as policy priorities shift.

Certified Family Licensed providers are visited twice a year by inspectors. One visit is announced, the other unannounced (more are conducted if suspicions are aroused). The importance of investigations seemed clear to me. I was able to observe one investigation (in a home undergoing remodeling). The investigator usefully pointed out some minor problems, and talked through other issues with the provider. Clearly, an additional set of eyes can be useful for spotting potential problems. On the other hand, interviewees recounted war stories about investigator misjudgments, often resulting from lack of relevant experience. Interviewees stated that few of the investigators conducting daycare investigations and enforcement have actually worked in child care, and some have not raised children. In one case, a young investigator grilled a provider upon finding a heated milk bottle of formula on the table; not being a mother herself, she had thought the milk was spoiled, and did not know that babies take it warm. To do the job well, providers believe that a certifier needs to have at least worked for a couple of weeks in child care. They suggest that a few certifiers focus on helping the providers, but that hiring practices unfortunately continue to emphasize educational degrees, not practical experience or training.

The lack of experience also risks undermining quality, which is inherently difficult to judge. An officer described, for example, the case of one low-income provider who had almost no toys and bare-bones facilities, a situation that could easily draw an investigator's complaint. (Not without reason, since I have heard tales elsewhere of unethical providers keeping toys and equipment only for parental or inspection visits, and locking them away the rest of the time.) More importantly, however, this provider had excellent interaction with the children, keeping them active with the materials on hand. "It would have been easy to misjudge [the situation]." One provider wrote, "I can use my training and years of experience to the best advantage for the children...Children need to be treated as individuals and their needs met not what some schedule says." Another provider commented similarly, "You have to give them space and freedom, but also supervision...Providers have different conditions."

Interviewees feel that agencies usually give priority to complaints from families, slighting the rights of providers. OCC is allegedly too ready to assume provider error or misconduct, and to penalize them for Lack of Supervision, a serious complaint. The situation is

worsened because complaints can be made anonymously, but even if dubious they generally are posted online. It was also noted that parents occasionally make bogus complaints, sometimes to get out of payments, sometimes to harass a provider (as spiteful spouses and neighbors have sometimes done). Providers and officers related horror stories about hard-luck cases that led to, or could have led to, compliance charges. In one case, a provider was charged with having too many children onsite at one time because a parent arriving to pick up one child brought another of her children into the provider's home for a few minutes. A common fear is that an investigator can arrive at an inopportune moment, especially when a provider or parent is using the bathroom, which can result in the child-provider ratio exceeding the prescribed limit. ("For things that are really big infractions...but when parents are in the restroom, that's silly.")

In many states, websites and official Child Care Resource and Referral centers provide information for parents seeking child care, but the data available is often inadequate or even misleading (Martin 2014). Oregon is no exception. State agencies have established a website where parents can view valid complaints, but officers believe that the posting can be random and misleading. Many parents assume that all complaints are valid; in fact, officers claim, many are erroneous or misleading. ("So people look at the website, they don't understand what stupid things get written up.") As already noted, providers believe that they are too often written up for minor, non-dangerous problems. Moreover, "Lack of supervision" is a serious charge, but also a catchall phrase. Agencies may note "Unable to substantiate" of a problem, but this still creates doubt for parents. On the other hand, the website sometimes "creates a false sense of security" for parents when no or few complaints are listed, though this does not necessarily indicate that a provider is safe. In the most recent contract negotiation, the union won agreement to allow providers to rebut complaints on the website. Officers also devote considerable energy to trying to have complaint findings reviewed and changed so they are not put on the website.

Union members argue that stringent enforcement often penalizes the unlucky more than the careless, and can harm families as well. A daycare home is closed if it undergoes a CPS investigation, and all income for that period is lost even if the provider is ultimately absolved. A home may be closed even when there is no clear origin for a problem (such as a bruise). Moreover, the administrative process is slow. It can take a week or more to write up the results even after an investigation concludes. Union officers have emphasized to DHS that families are at risk also. If a family's usual provider is closed down, children can end up being placed in unsafe environments. Union officers believe

that many problems or violations should be labeled “Technical assistance.” Much less severe than Lack of Supervision, this designation invites agencies to help resolve problems rather than assess penalties.

Some providers are calling for rules on presence to be eased. At present, providers are required to be in attendance constantly, even when they have staff. The current rules mandate constant presence, meeting parents at the door (failure to have parents sign in and out is regarded as a serious lapse), and paperwork (which is extensive for some providers). As a result, many providers have little flexibility during work hours. This deprives some providers of the flexibility to act to their strengths. For example, two veteran providers who prefer to focus on teaching stated that they would prefer to focus on paperwork and training instead of being forced to take direct charge of each activity. “We’d rather be hands-on with the teachers, and teach them how to be hands-on with the children.” One member observed, “My perception is, They’re afraid of us losing the family home environment, the connection with our parents...Because you’ve got so much paperwork, and so much it takes to run your business in a professional qualified way that you almost can’t be hands-on...You’re running 24 hours a day, and you have to be there two-thirds of the time, you’ve got a certain chunk of hours that you can do paperwork and do [other stuff]... I think if they would free up some that time a little bit for us, it would allow us to provide better quality because it would allow us to focus on the projects that they want us to focus on.”

Family daycare poses another challenge for balanced regulation because the providers invariably live in their places of business, and agencies are supposed to check, for example, backgrounds of family members or friends who stay over. Checking is even more complicated for businesses operating extended hours because they are often technically open even when no children are present. It remains unclear about how freely providers can engage in otherwise normal social activities like inviting friends over and drinking a beer when child care children are present. One provider commented, “It would be a nightmare if something should happen. But what’s the line for people who have these businesses in their homes, so they can have a normal life?” Providers have sometimes been cited in such instances because they could not prove there were no children present, so Local 132 continues to discuss the problem with state representatives.

I heard mixed views about enforcement trends. One officer believes that communications between AFSCME and state officials have steadily improved over the past decade. Union officers enjoy good relationships with DHS officials handling subsidies, she

stated, but are still working to develop good relations at lower levels, where agency officials are less experienced. “It takes time to develop these relations.” She believes that investigators are more willing to assess infractions as Technical Assistance rather than serious. On the other hand, AFSCME’s political officer stated that enforcement has in some respects become more inflexible, partly because of growing concerns about quality and safety. “We’re seeing a crackdown because of quality discussions and [the re-authorization]. And they’re being more technical about non-compliance. They could say, let’s take this opportunity to talk about what compliance means. Now they just write you up.”

Creating further possibilities for confusion, three state agencies, DHS, OCC, and Child Protective Services, are authorized to investigate childcare problems, and they sometimes reach conflicting conclusions. Not only do they focus on different concerns and types of evidence, but their premises are different as well. CPS, though part of DHS, works with law enforcement agencies, which emphasize that suspects are innocent until proven guilty, but the other two agencies assume guilt until a party is cleared. In the area of investigations also, union officials gained improved treatment. Agencies now send the union a list of suspended providers. The union knows more quickly when a provider may be in trouble with compliance, and can take quicker action.

The union mission of protecting workers or members creates dilemmas in the case of childcare providers. As an AFSCME officer noted, “Protecting is a tricky keyword.” To some people, unions are prone to protect the lazy or irresponsible. This opinion is not entirely unfounded. As industrial relations researcher Ruth Milkman points out, protecting malfeasant is one of the most onerous and time-wasting tasks of many American unions (Milkman 1997). Similarly, Local 132 officers emphasize that they act to protect the process, and the right of all members to be evaluated and judged properly.

While compliance is necessarily a core issue for responsible providers and state agencies, unregulated childcare facilities abound, even in relatively childcare-progressive Oregon. Some are surely dangerous, although interviewees knew of few specific problems. One unlicensed home reportedly kept as many as 24 children, or 20 children in a single room. Although such places are unregulated, they are apparently illegal, since they violate the regulation limiting caring to a maximum of three children per provider. Another problem, naturally, is that irresponsible providers typically pacify kids by plopping them in front of the television.

Unregulated businesses drain income from responsible licensed providers and create downward pressure on quality. Some operators undercut licensed providers by charging

less. Some providers allegedly charge as little as one dollar per hour per child. Licensed or responsible providers cannot go nearly so low because they are obligated to pay taxes and insurance premiums, not to mention provide suitable food and facilities. Other unregulated providers free-ride on recent union gains by charging the same fees. Furthermore, one of the biggest problems is that many parents have no idea that they may be dealing with unlicensed, possibly unsafe, providers (see also Cohn 2013, and Fallis and Brittain 2014). Some of the illegal providers probably do not realize that they are violating regulations; lacking training and input from the care community, they may not even be aware of the safety risks they pose.

Organizing

Officers see promise in Local 132's situation, but suffer frustrations as well. On the positive side, Local 132 has been able to achieve important gains for workers, something achieved by few American unions in recent years. As officers emphasize, membership in the union provides clear cost benefits. The recent rate increase alone greatly outstrips the \$35 monthly dues (raised in January 2014 from \$25), and other important benefits are also available. These include training, discounts for insurance and phone service (the latter obtained through the support of fellow unionists at AT&T), and the right to deduct union dues from income taxes. To help overcome the free rider problem, the union encourages members to help one another recruit new parents through word of mouth, and also uses various events to attract clients for members, and a Find Union Child Care website. In addition, some conventions and events serve as social opportunities for at least some members.

On the other hand, there are at least three major organizing challenges. One - a business- rather than labor-oriented consciousness - is unusual, but two others - weak political consciousness, and a work force that is geographically scattered and ethnically and linguistically diverse - are common. Indeed, a scattered and diverse work force is very common for care givers. To some extent, the challenges can be played to organizing advantage. For example, Local 132 provides business assistance, and the union appeals to prospective members in part by providing a sense of community. Moreover, stressing the importance of serving children enables the union to at least partially offset weak political consciousness.

Perhaps the major frustration for Local 132 is that a lack of resources makes it

difficult to maintain recruiting drives that would expand membership and strengthen the financial base to provide better services. There are presently just two organizers. Only one works full-time for Local 132 while the other organizes for other AFSCME locals as well, and both spend time representing workers in complaints. On the plus side, active members are perhaps more able or willing to help with organizing than in most industries, since many providers feel a sense of community with other care givers, and some may value the union's efforts to raise quality (especially if they link such efforts to a sense of responsibility for children in their care). Some active members participate in visits to non-union homes (as during a recruiting "blitz" on April 5-6, the weekend following my visit).

Nevertheless, with resources lacking, recruiting focuses on bringing in Fair Share members. Since most already (at least partly) understand the benefits and pay agency fees, they are reportedly usually easy to convince when they can be engaged face-to-face. Interviewees sometimes stated that other (non-Fair Share paying) providers are also quite persuadable - the core problem appears to be that there are simply not enough people with time to meet them. The best times for talking to prospective members is usually after 6 p.m. and on weekends, limiting the time available and forcing organizers to work odd hours. Council 75 would like to have at least one more person available to organize providers.

One of the most important means of addressing the problems is by developing a sense of community, starting with monthly meetings and training activities. Organizers have to take account of the unusual situation of union members as business operators. "Sometimes it is not easy to do it, they have a mentality of ownership. They own their own business. Sometimes they don't want someone to tell them what to do. They want to do it how they feel they want to do it. So it is all a process of education to understand why we need to be united. They were isolated, now they are united. So we need to educate them. So they don't feel like they are alone." Similarly, one interviewee stated, "You feel like someone's rooting for you. You're not all alone out there, you know."

Officers felt that family daycare providers are not, by nature, politically aware or active⁴⁾. Of course, efforts to stimulate union or provider consciousness are relatively re-

4) My interviews have indicated that this situation is common, even among teachers and other public sector workers closely affected by politics. In addition, compared to some other unions, a high proportion of AFSCME members are Republicans (the political director states that membership in Oregon is generally representative of the state population), though this is not necessarily a major concern.

cent, since Local 132 is barely a decade old. Like many unions, Council 75 encourages political participation in various forms, and some former members have been elected to office, but the demands of the job mean that a provider wanting to run for office would almost certainly have to quit working.

Facebook and other social media provide an effective way for family daycare providers to stay connected, since they work in their homes and often have some down time, like when children take naps. This pattern also makes it easy for union officers to circulate messages and appeals. “If I send a message saying contact your legislator about ERDC etc., a handful will actually respond. Maybe only five out of a hundred will respond, maybe like other populations. That’s how they engage a little bit more.” An organizer commented, “We are in the process of educating them” about using computers and social media, especially to get past “excuses” (I don’t have time, I’m not a computer person) and encourage members to be more active. The most active members are said to be those who are active by nature. “I think that those who are most involved in other groups are most likely to be active, too. Because they are getting those multiple points of contacts. and it isn’t just Facebook or phone calls...” Oregon’s family child care providers are engaged in the One Voice Coalition (“a pretty broad coalition”) so members obtain information from multiple sources. Local 132’s most important political partners include National Association for the Education of Young Children (NEAYC) and Children First for Oregon.

As part of efforts to build community and provide business assistance, some union members emphasize the importance of not badmouthing other providers. It is more than cold economic calculation: Providers, like parents, can easily make the mistake of assuming criticisms about other providers to be accurate. Rumors “can take on a life of their own,” especially on the internet, damaging a provider’s livelihood, and undermining the industry as a whole. “We’re not perfect,” says one officer. “It [false or exaggerated complaints] can happen to any of us.”

As part of the broader AFSCME strategy to organize family daycare providers, the Strategic Alliances Coordinator is currently making childcare providers a primary focus of his efforts to recruit community partners. (Strategic Alliance Coordinator is a new position.) The approach is an attempt to match strategy to environment since community partners are frequently found in low-income and minority communities; further, these communities supply a high proportion of caregivers for children and the elderly since care giving is a common occupation for many women lacking both English and

conventional job skills. The Strategic Alliances Coordinator's other core task at present is seeking partners for living wage campaigns, partly to capitalize on current public sentiment, and because Portland's present living wage ordinance is regarded as weak. In addition, AFSCME officials have noted lessons from Wisconsin, where the failure of unions to better engage the community reportedly made it difficult to gain allies to resist Scott Walker's anti-public sector union policies⁵⁾.

Oregon presently has numerous non-native English speaking family daycare providers. Since family daycare providers in Oregon are ethnically and linguistically diverse, Local 132 won a clause in the state contract mandating provision of materials in the top five languages spoken in Oregon: English, Spanish, Russian, Chinese, and Vietnamese. (The Strategic Alliances director speaks Vietnamese and is learning Chinese.) Because of the language barrier, many Vietnamese and Russian speaking members do not know about benefits they could receive - and some do not know about benefits that they do receive⁶⁾. ("For a lot of Vietnamese workers, they don't what benefits they have...even though they are members [of the union], they don't know.") The Strategic Alliances Coordinator sometimes accompanies organizers to speak with providers, or goes by himself. Like the organizers he often goes without appointment, and generally after usually hours of operation. "[I] go right in and talk to them and ask what their concerns are. How we can help support them." Many members or Fair Share payers wonder why they are paying dues, so explaining benefits is a common activity. Some Vietnamese who may be unfamiliar with the concept of a democratic union are possibly best approached as business owners.

Many providers with limited or weak English may be open to unionization, but recruiting is difficult since Council 75 lacks foreign language speaking staff apart from Spanish. Furthermore, many are scattered around the state. For these reasons, developing leaders among the non-English speaking providers is a major objective. Consequently, on February 11-12, 2014, the union offered a Spanish-language track at its annual conference for the first time.

5) However, in an interview in March 2013, AFSCME officials in Wisconsin stressed that they had made efforts to engage the community, and that LGBT and other groups had participated actively in the 2011 Uprising. Still, the adequacy of the efforts might be at issue.

6) It was therefore not fully clear how they became organized in the first place. Most likely, some came into contact with the union because they serve families receiving DHS subsidies and have needed assistance.

Political action

Political action is crucial to raising and maintaining standards for home daycare. Probably no state has ever recognized family daycare providers without some form of concerted political action or pressure. Oregon generally leans liberal, but the progressive margin is not large. The I-5 corridor running north-to-south through Portland, Salem, Eugene, and most of the other large cities leans liberal, while the eastern and more rural areas of the state are more conservative. Oregon conservatives made gains in the 2010 “big red wave,” but fell just short of gaining the majorities needed to enact drastic policies to slash budgets and services. Governor John Kitzhaber, a Democrat with a strong pro-education and childcare credentials, recently negotiated a agreement in which labor groups took revenue-raising initiatives off the ballot in exchange for business groups taking right-to-work initiatives off the ballot⁷⁾. That helps childcare representatives, for now, to focus on building engagement rather than fighting a political battle.

AFSCME’s child care political director is a member of Oregon’s Early Learning Council (ELC), the state’s main daycare regulatory agency, bringing her into frequent contact with business representatives and Republicans. Tea Partiers and hard-core conservatives are usually inflexibly opposed to all subsidies, she observes, and frequently argue that low-income women shouldn’t have children in the first place. On the other hand, moderate Republicans are often supportive since “they hear from business leaders, I need help from my work force with getting childcare. They see that subsidizing childcare provides a stable base...Businesses are able to hire people that have children. [They can] keep a stable work force. [Employees can] work and know their child is safe.” Moderates “understand the importance of the program to keep low-income families working and off public assistance. They see it as vital program. They would like to see it funded more as well.” AFSCME was planning to support at least one Republican in upcoming elections.

Local 132 generally mobilizes members for election-related activities in even numbered years, and for major political lobbying campaigns in odd-numbered years, when the legislature convenes for longer sessions (generally from February through June). In Febru-

7) Kitzhaber served two terms as governor from 1995-2003, and was elected to a third term in 2011. During his first term, he established the Oregon Children’s Plan, designed to identify and assist at-risk children and their families.

ary 2013, Local 132 members conducted a Teddy Cares campaign, sending bears and buttons to all legislators, and building a pyramid of bears, each bear representing children receiving child care assistance. Such themes make it easier to include children and parents in the campaigns⁸⁾. The actions proved rewarding for many participants. “Our parents really enjoyed kids going to capital and learning.”

Providers are urged to testify before the legislature, ELC and other state agencies, especially because their testimony is often the most convincing. “It is most important to hear directly from the people who do the work.” As the political director observed, “When they go and lobby it is more effective than when I go and lobby because they know the day-to-day.” A major task is, of course, to appeal to policymakers to adequately fund child-care and other family-related programs as well. “If we’re going to do this, we need to make sure that people are paid well - [and can] access nutritional assistance programs, or housing.”

Training and skill development

Interviewees believe that the union has played an important role in raising skill levels and improving training, partly by conducting training, and partly by working with state agencies. One provider commented, “I think that there has been a huge jump in quality of childcare out there since the union got involved.” Although people tend to assume that traditional daycare workers are better trained than home-based providers, more people see that family daycare providers are “actually educated in their fields. So the reputations of home providers are getting so much better.”

Registered family daycare providers in Oregon are required to take 15 hours of training a year to maintain their licenses, and a network of educational institutions, especially Portland State University and Western Oregon University, are involved in training. Two veteran providers stated that extensive duplication was the case ten years ago, but that the union helped bring better order to the training system. A major first step was Governor Kitzhaber’s recognition of AFSCME and SEIU as childcare providers’ unions, enabling them to exercise strong voice and to help resolve turf battles. One provider stated, “I think everyone was doing their own thing, and half the agencies were do-

8) Officers also have at least faint hopes of forming common cause with pro-life activists when activities bring them into contact in the capital.

ing the same exact thing, but they didn't know they were doing the same thing because no one was communicating...Then the governor signed us [the unions] in and said, Let's do it. It started from there." One result is a stronger sense of mission: "I think all the agencies involved are now on board about raising quality."

What kind of skills do family daycare providers actually develop? One provider, who emphasizes education in her care work, explained that she has used classes to broaden her teaching skills, notably her ability to teach science activities to children. Another provider emphasized the importance of structure provided by formal classes because classwork schedules help keep people focused.

The union provides training at monthly meetings. One important task is "nurturing them [providers] to get better, more professional." The union makes special efforts to provide training in areas, such as special needs children, where state support is lacking. One member complained, "You guys [state officials] are pushing for kids with special needs to be in the daycare programs, but you don't provide training." Since training for special needs is not ordinarily available for family child care providers, for example, Council 57 recently brought in a teacher to conduct a special needs course. "Most providers don't want to work with special needs because they don't know how," observed one interviewee. Local 132's forums form part of a network through which skills and insights disseminate. One provider who frequently cares for special needs children commented, "It helps with the classes I've taken, and I've been able to teach other providers with the children here."

While the increased attention to quality and training are generally welcome, one unwanted side effect has been a succession of shifts in policies and strategies. Providers are wary of some new programs, notably QRIS (Quality Rating and Improvement System), a national rating and quality improvement system currently starting up in Oregon⁹. QRIS is intended to improve service by establishing quality guidelines, but providers worry that it is too inflexible. A compliance violation in the previous year renders a provider ineligible for certification, for instance, and providers believe that many current non-compliance designations are arbitrary. Similarly, the political director notes that the state is attempting to push providers to improve quality before the system takes effect, but argues that the approach is mistaken ("putting the stick before the carrot") because it emphasizes penalties over positive incentives. Furthermore, the new regulations will

9) See the Oregon website at <http://www.wou.edu/tri/QRIS/>.

probably add to the already onerous paperwork burden.

Another possible negative tradeoff is that clear rules may reduce flexibility or reduce the leeway of individual providers to use their own judgment. One provider criticized a particular requirement calling for scissors and crayons to be readily available. This requirement, she believes, may correspond adequately to conditions in daycare centers, where children are generally aged 4 and up, but not to those in family daycare, with 2-year-olds prone to mischief like eating crayons (“They’d have purple poop that night. Parents don’t like that.”) or dispensing unwanted haircuts. “I won’t sign up for it until it’s mandatory.”

Conclusion

The quality of child care in the US is generally poor, and efforts to improve it typically raise strong political resistance because of costs and conservative concerns about government overreach. However, a growing body of research and investigative journalism has indicated the importance of setting standards, and discussions with AFSCME officials and Local 132 members suggest the importance of mobilizing members to deal with problems ranging from bureaucratic errors to skill development. Official agencies may be well intentioned, but lack the resources or organizational structure to form the needed close ties to actual workers, especially minorities or weak English speakers. The union local appears to form an entity well structured to handle formal tasks such as collective bargaining along with more informal tasks like disseminating information. On the other hand, the low level of organization limits the union’s ability to represent members effectively or pursue more ambitious tasks such as standardizing regulations in order to improve safety. Plaintiffs in *Harris vs. Quinn* may question the legitimacy of mandatory participation in organizations such as unions, but the case of Local 132 suggests that the social benefits should be considered as well.

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