

DEPARTMENT OF CHILDREN AND FAMILIES
DIVISION OF EARLY CARE AND EDUCATION
ADMINISTRATOR'S MEMO SERIES

ACTION
 NOTICE DECE 09-03

ISSUE DATE: 12/30/2009

DISPOSAL DATE: 12/31/2010

To: Child Care Program Directors

From: Henry Wilde /s/
Deputy Secretary
Acting Division Administrator

RE: Administration of Child Care Programs Contract
2010 Allocations

PURPOSE

This memo provides notice of 1) the Child Care Administration and Operations and Certification allocations for counties for the period of January 1, 2010 through December 31, 2010; 2) the Fraud Allocations for counties for the period of January 1, 2010 through December 31, 2010; 3) Information regarding eligibility and eligibility redetermination cost reimbursement, 4) Performance Measures; 5) the AFSCME family child care agreement during the 2010 contract period and 6) contract requirements.

BACKGROUND

Child care administration has been funded under Wisconsin Statutes 49.155 (3m) at a level of no more than 5% of the subsidy distributed by a county agency in a 12-month period prior to the contract period and at least \$20,000. Administration functions included determining an individual's liability for copayments, authorizing child care assistance, performing annual market rate surveys and assisting individuals who are eligible for child care assistance to identify child care providers and select appropriate child care arrangements under Wisconsin Statute 49.155 (3m).

Eligibility for Wisconsin Shares was designated in Wisconsin Statute 49.155 as a Wisconsin Works agency function and was included as an unspecified funding level in Wisconsin Works contracts.

Additionally, DCF Administrative Rules 201 directs administrative agencies to review financial and non-financial eligibility in a timely manner whenever there are reported changes that effected parental eligibility, and at least every six months. Administrator's Memo 07-09 clarified that redetermination of eligibility was an administrative function that represented allowable costs under child care administration allocations.

STATUTORY CHANGES

The Department of Children and Families options for contracting the Wisconsin Shares program eligibility determination and redetermination, provider certification, and administration functions were redefined in Act 28 in the Biennial Budget in June 2009 in s. 49.155 (3), (3a)-(3e) and (3m), and 48.651 (2) and (2c)(b). as follows:

1. A county department or agency means a county department under s. 46.215, 46.22, or 46.23, the unit as defined in 49.825 (1)(e), or a Wisconsin Works agency, child care resource and referral agency, or other agency.
2. Child care administration in areas other than counties having a population of 500,000 or more, the county department or agency that the Department of Children and Families contracts with to provide eligibility determination services shall also administer the Wisconsin Shares program.

For Balance-of-State (BOS) the Department has chosen all of the statutory options for child care administration listed below:

1. determining an individual's liability for copayments,
2. authorizing child care assistance,
3. performing annual child care market rate surveys,
4. assisting individuals who are eligible for child care assistance to identify child care providers and select appropriate child care arrangements, and
5. at intervals, or as otherwise required by the department, reviewing and redetermining the financial and nonfinancial eligibility of individuals receiving child care subsidies.

Distribution of funds to child care administrative agencies is now required to be in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all statewide subsidy authorizations and eligibility redeterminations in the 12-month period prior to the contract period. Additional requirements included:

1. No administration contracts may be awarded in amounts less than \$20,000,
2. Subsequent year contract renewals may not be less than 95% of the amount allocated in the previous year.
3. Within any contract period the department may redistribute unexpended contract balances to another county department or agency that reports expenditures in excess of their original contract amount.

Certification of child care providers has been separated from the functions of child care administration. The department may contract with a county, a Wisconsin Works agency, child care resource and referral agency, or other agency to certify child care providers.

1. The certifying agency may charge a fee to cover the costs of certifying those providers as specified by the department to supplement the amount provided by the department under contract for certifying the child care providers.
2. The department may determine to allocate available funds in proportion to the number of certified providers, applications for certification, previously experienced certification costs, estimated certification costs, or such other measures as the department determines.

2010 CHILD CARE ADMINISTRATION, OPERATIONS AND CERTIFICATION ALLOCATIONS METHODOLOGY

CY2010 is a transition year to implement contract changes of Act 28 in the Biennial Budget.

Allocations for Wisconsin Shares eligibility determination have been awarded to some Wisconsin Works (W-2) Agencies for CY2010. Allocation amounts were determined based upon the number of Wisconsin Shares children in a county.

Wisconsin Shares program administration allocations to counties and tribes are to include all of the new administration functions, including eligibility redetermination, and also child care provider certification. Allocations are based upon the CY2009 contract level plus a 1% increase of either a counties' CY2008 expenditures or CY2009 contract level, whichever is greater, and a proportionate share of 1% of the \$7,362,547 administration funding base for CY2010 based upon the number of authorizations in a county or tribe from November 1, 2008 through October 31, 2009, or at least \$20,000.

The funding level for the 2010 Child Care Administration, Operations and Child Care Certification for the Balance-of-State is \$7,515,325. The 2010 Allocations are in Attachment A. The allocations in the attached chart are subject to two deobligation/reobligation exercises in CY2010 based on reported expenditures as of July 28, 2010 (for the first six months) and again on January 28, 2011 for the CY2010 year.

2010 FRAUD ALLOCATION METHODOLOGY

The funding level for the 2010 Child Care Fraud Allocations on a statewide level is \$605,000, including Milwaukee. The funding for counties other than Milwaukee totals \$284,028.

Historically, the Department of Health Services (DHS) has been contracted by the Department of Workforce Development and, more recently, the Department of Children and Families to reduce payment errors and investigate fraud for participant fraud in AFDC, W-2, and Child Care.

Wisconsin funds W-2 and Child Care benefits from a variety of state and federal sources, including federal TANF funds. Under these and other public assistance programs, a person may occasionally receive benefits that should not have, or may receive more than the correct amount (or, in the case of child care subsidies, receive the benefit of a higher payment to their provider). These circumstances can arise due to error by the administering agencies, error by child care providers, or intentional misrepresentations, which if legally proven, may constitute fraud. The federal government requires states to take measures to promote accuracy in benefit payments and to recover any overpayments that are made in order to ensure compliance with federal guidance related to AFDC and TANF overpayment recoveries.

In April 2009, the Department of Health Services (DHS) informed DCF that because of cost allocation requirements, DHS could only accept \$230,000 from the Department of Children and Families (DCF) for fraud contracts.

In 2009, DCF transferred \$230,000 to DHS for the contracts. DCF decided to allocate \$325,000 to local agencies child care administration contracts.

In 2010, DCF will not transfer any of the \$605,000 to DHS. W-2 will handle \$60,500 for W-2 fraud investigation and the remaining \$544,500 will be allocated to counties and tribes for child care client and provider fraud.

2010 Allocations are being issued to the counties who received funding in 2008 and are based on their percent of the total expenditures for Front End Verification and Investigations in 2008 after consultation with the Wisconsin County Human Services Association.

The purpose of the funding will be used to investigate suspected fraudulent activity on the part of recipients of W-2 and child care providers.

The 2010 Fraud Allocations including Milwaukee are in Attachment B.

CLARIFICATION ON REPORTING

Child Care Provider Fraud Investigation Services

The fraud funding is for expenses related to child care provider and client fraud.

The following are the descriptions to report expenditures:

0840: Child Care Fraud Prevention and Investigation Services (Contract Code-not used for reporting)

0841: Child Care Provider Fraud Prevention and Investigation Services: Report direct costs for operation of the child care provider fraud prevention and investigation services. Examples of eligible costs include program monitoring, fraud prevention efforts, internal provider investigation services, provider surveillance, contracted provider investigation services, provider overpayment determinations and costs associated with pursuing related criminal investigations.

0843: Child Care Client Fraud Prevention and Investigation: Report direct costs for operation of the child care client fraud prevention and investigation services. Examples of eligible costs include program monitoring, fraud prevention and investigation services.

8841: County Allocated Non-Direct Costs - Child Care Provider Fraud: Report all allocated, non-direct costs included in your shared cost pool related to expenditures identified in the reporting instructions for CORE code 0841, Child Care Provider Fraud Prevention and Investigation Services.

2010 FRAUD PLAN

As a contract requirement, each county/tribal agency is required to submit a plan outlining the agency's efforts addressing fraud and program integrity for child care. The plan should respond to the following questions:

- Describe your current and future procedures for conducting Front End Verification for the prevention of fraud and improper payments. Does your agency use an error prone profile? If so, please include a copy.
- Describe your current and future procedures for finding and processing Intentional Program Violations. Does your agency have a procedure established for referring fraud to law enforcement? If so, please describe.
- Describe your current staffing for program integrity related to child care. Include full and/or partial positions for monitoring, quality assurance, fraud detection, overpayment calculations, and pursuit of fraud.
- What strategic objectives does your agency have related to program integrity and fraud detection/prevention/enforcement?
- Describe the budget that has been devoted to program integrity efforts. Include the fraud allocations identified in your contract as well as any additional resources your agency devotes to program integrity.

- Identify any needs that you foresee for your agency to properly operate a program integrity function. Include needed resources, data, automation, and any other items that would be helpful to improve program integrity for your county or tribe.

The plan will be due on March 31, 2010.

CHILD CARE ELIGIBILITY FOR 2010

The funding level for the 2010 Child Care Eligibility on a Balance-of-State level is \$4,400,000. Attachment C are the allocations for child care eligibility. The available funding for Child Care Eligibility for 2010 is \$6 Million. \$1.6 Million of the \$6 Million will be contracted directly to the Department of Health Services for Child Care eligibility in Milwaukee County. The remaining \$4.4 Million has been allocated by county based on the September 2008 through August 2009 average number of children served in the Wisconsin Shares Program. The majority of the allocations for eligibility are attached to the contracts going directly to the County Human/Social Service Agencies for administration, operations and certification in 2010. There will be separate contracts for eligibility for 2010 for one W-2 County consortium and four private W-2 agencies in the following counties: Ashland, Price, Waukesha, Douglas, Pierce, St. Croix, Vernon, Juneau, Jackson, Trempealeau, Buffalo, Monroe, Columbia, Barron, Chippewa, Rusk, Clark and Walworth.

PERFORMANCE MEASURES

DCF is working to strengthen its understanding, monitoring, and support of the current functions of child care administrative agencies. As you can see in Appendix E, all child care administrative agencies are now required to submit a comprehensive report of current operations by July 1, 2010. From this information, DCF can establish performance metrics and begin monitoring county functions over time to ensure public accountability of a high functioning Wisconsin Shares program.

It should be noted that in 2009, the Legislative Audit Bureau performed two audits on the Division of Early Care and Education subsidy and regulation programs, which confirmed the steps that the Department is taking to strengthen the Wisconsin Shares program and regulation of child care facilities: http://dcf.wisconsin.gov/program_integrity/audit.htm. DCF has added measures referenced in the audits to Appendix E of the contract.

Counties can expect a follow up memo regarding this report no later than April 1, 2010.

AFSCME/CHILD CARE PROVIDERS TOGETHER (WCCPT)

The county must comply with the AFSCME/Child Care Providers Together (WCCPT) contract. Governor Doyle signed Executive Order #172 on October 6, 2006 directing the Department of Health and Family Services and the Department of Workforce Development to Meet and Confer with Family Child Care Providers in order to improve the delivery of quality child care services.

The two departments negotiated an agreement with the Wisconsin Child Care Providers Together, AFSCME Councils 40 and 48, AFL-CIO. The members ratified the agreement and it was signed in July. The new Department of Children and Families is executing the agreement.

The following language from the State/WCCPT will be inserted in your CY2010 Child Care Administration contracts, Appendix E:

The County shall perform responsibilities related to the Child Care Programs as specified in this contract, including (but not limited to) following directives in Administrator's Memoranda issued

pursuant to Article 3 Sections A, B (6) and (7), C and D and Article 4, Sections 2 and 4 of the Memorandum of Agreement between the Wisconsin Department of Health and Family Services (DHFS), the Wisconsin Department of Workforce Development (DWD) and Wisconsin Child Care Providers Together, American Federation of State, County and Municipal Employees (AFSCME), Councils 40 and 48, AFL-CIO.

Attachment D contains reference materials in the interpretation of these provisions with information to clearly identify what procedures and activities the county agency workers are responsible to provide to family child care provides because of the agreement.

AFSCME REGIONAL REPRESENTATIVES

The following is the contact information for AFSCME Regional Representatives:

Milwaukee:

Pete Swinford

Council 48
3427 W. St. Paul Ave.
Milwaukee, WI 53208
1-414-344-6868 ext 227
petedc48@hotmail.com

Balance of State:

Silke O'Donnell

Genniene Lovelace-Michel

Child Care Representatives
AFSCME-CCPT Council 40
8033 Excelsior Dr. Ste. B
Madison, WI 53717
608-836-4040 Ext. 222
608-335-7661 Cell
wiccpt@afscmecouncil40.org

CONTRACT REQUIREMENTS

NEW CIVIL RIGHTS COMPLIANCE AND AFFIRMATIVE ACTION PLAN REQUIREMENTS

Sections 14.8-14.93 of this contract contain new provisions for Civil Rights Compliance and Affirmative Action Plan requirements. The process by which the agency will ensure compliance with the requirements has changed from previous years. Additional resources and training information is available at: [http://dcf.wisconsin.gov/civil rights/default.htm](http://dcf.wisconsin.gov/civil%20rights/default.htm)

SUBCONTRACTING

Wisconsin Shares administrative agencies are allowed to subcontract portions of their child care administration contract with approval of the Department of Children and Families under DCF 201.05 (1). Counties who chose to subcontract portions of their administration contract must submit a notice to the DCF contract manager no later than February 26, 2010. The notice must contain the subcontracted agency name, contract amount, and description of the services to be performed. Please send your subcontract information to: Sue Mathison, Contract Manager,

Wisconsin Department of Children and Families, Bureau of Early Childhood Education, P.O. Box 8916, Madison, WI 53708-8916 or to susan.mathison@wisconsin.gov.

ACTION SUMMARY STATEMENT

County contracts, for the period of January 1, 2010 through December 31, 2010 will be issued in December 2009 for the amounts listed on the attached 2010 Allocation chart. Tribal contracts, for the period of October 1, 2009 through September 30, 2010 were issued in September 2009.

CONTACT: DES Grant and Contract Managers
Sue Mathison, County Contract Manager, Bureau of Early Childhood Education,
(608) 266-8872, susan.mathison@wisconsin.gov
Jim Bates, Section Chief, Fraud, Detection and Investigation Section (608) 266-
6946, jim.bates@wisconsin.gov

Attachment: 2010 Child Care Administration Allocations
2010 Fraud Allocations
2010 Eligibility Allocations
AFSCME Contract Language

ATTACHMENT A
2010 CHILD CARE ADMINISTRATION AND OPERATIONS CONTRACT ALLOCATIONS
Contract Period – Counties: 01/01/10-12/31/10; Tribes: 10/1/09-09/30/10

| Agency | Agency No. | 2010 Contract |
|-------------|------------|---------------|
| Adams | 1 | 20,413 |
| Ashland | 2 | 37,004 |
| Barron | 3 | 41,976 |
| Bayfield | 4 | 20,310 |
| Brown | 5 | 416,879 |
| Buffalo | 6 | 20,335 |
| Burnett | 7 | 20,427 |
| Calumet | 8 | 46,238 |
| Chippewa | 9 | 104,311 |
| Clark | 10 | 20,435 |
| Columbia | 11 | 54,813 |
| Crawford | 12 | 20,460 |
| Dane | 13 | 1,278,243 |
| Dodge | 14 | 115,158 |
| Door | 15 | 33,136 |
| Douglas | 16 | 78,291 |
| Dunn | 17 | 20,540 |
| Eau Claire | 18 | 218,983 |
| Florence | 19 | 20,249 |
| Fond du Lac | 20 | 106,709 |
| Forest | 21 | 20,414 |
| Grant | 22 | 31,726 |
| Green | 23 | 47,187 |
| Green Lake | 24 | 20,474 |
| Iowa | 25 | 20,457 |
| Iron | 26 | 20,355 |
| Jackson | 27 | 20,436 |
| Jefferson | 28 | 61,015 |
| Juneau | 29 | 20,444 |
| Kenosha | 30 | 599,861 |
| Kewaunee | 31 | 20,442 |
| LaCrosse | 32 | 192,733 |
| Lafayette | 33 | 20,358 |
| Langlade | 34 | 29,216 |
| Lincoln | 35 | 32,994 |
| Manitowoc | 36 | 66,746 |
| Marathon | 37 | 221,019 |
| Marinette | 38 | 21,653 |
| Marquette | 39 | 20,339 |
| Monroe | 41 | 43,153 |

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|-------------------------|----|--------------------|
| Oconto | 42 | 53,141 |
| Oneida | 43 | 51,180 |
| Outagamie | 44 | 239,970 |
| Ozaukee | 45 | 94,225 |
| Pepin | 46 | 20,297 |
| Pierce | 47 | 32,918 |
| Polk | 48 | 32,519 |
| Portage | 49 | 98,544 |
| Price | 50 | 20,425 |
| Racine | 51 | 508,822 |
| Richland | 52 | 20,457 |
| Rock | 53 | 344,538 |
| Rusk | 54 | 20,449 |
| St Croix | 55 | 45,772 |
| Sauk | 56 | 51,509 |
| Sawyer | 57 | 43,207 |
| Shawano | 58 | 43,696 |
| Sheboygan | 59 | 96,578 |
| Taylor | 60 | 20,480 |
| Trempealeau | 61 | 39,655 |
| Vernon | 62 | 20,458 |
| Vilas | 63 | 20,476 |
| Walworth | 64 | 63,295 |
| Washburn | 65 | 20,482 |
| Washington | 66 | 155,838 |
| Waukesha | 67 | 435,448 |
| Waupaca | 68 | 37,468 |
| Waushara | 69 | 20,416 |
| Winnebago | 70 | 293,626 |
| Wood | 71 | 121,388 |
| Menominee | 72 | 20,337 |
| County Total | | \$7,313,546 |
| Bad River | CT | 20,261 |
| Lac Courte Oreilles | 3T | 20,279 |
| Lac du Flambeau | 4T | 20,234 |
| Oneida Tribe | 6T | 39,383 |
| Forest Co Potawatomi | 7T | 20,386 |
| Red Cliff | 8T | 20,281 |
| Sokaogon | 9T | 20,555 |
| Stockbridge Munsee | BT | 20,200 |
| St. Croix | AT | 20,200 |
| Tribe Total | | \$201,779 |
| Statewide Total | | \$7,515,325 |

ATTACHMENT B
Fraud CONTRACT ALLOCATIONS
Contract Period – Counties: 01/01/10-12/31/10

| County | 2010 Allocation |
|-------------|-----------------|
| ADAMS | \$1,231 |
| ASHLAND | \$2,016 |
| BARRON | \$3,115 |
| BAYFIELD | \$0 |
| BROWN | \$19,055 |
| BUFFALO | \$603 |
| BURNETT | \$851 |
| CALUMET | \$1,876 |
| CHIPPEWA | \$0 |
| CLARK | \$1,140 |
| COLUMBIA | \$2,859 |
| CRAWFORD | \$1,256 |
| DANE | \$39,564 |
| DODGE | \$0 |
| DOOR | \$0 |
| DOUGLAS | \$4,520 |
| DUNN | \$1,967 |
| EAU CLAIRE | \$9,577 |
| FLORENCE | \$0 |
| FOND DU LAC | \$6,387 |
| FOREST | \$0 |
| GRANT | \$0 |
| GREEN | \$0 |
| GREEN LAKE | \$1,033 |
| IOWA | \$1,000 |
| IRON | \$653 |
| JACKSON | \$1,082 |
| JEFFERSON | \$0 |
| JUNEAU | \$1,239 |
| KENOSHA | \$25,310 |
| KEWAUNEE | \$0 |
| LA CROSSE | \$9,337 |
| LAFAYETTE | \$0 |
| LANGLADE | \$0 |
| LINCOLN | \$1,917 |
| MANITOWOC | \$0 |
| MARATHON | \$9,734 |
| MARINETTE | \$1,843 |
| MARQUETTE | \$802 |
| MENOMINEE | \$0 |
| MILWAUKEE | \$257,959 |
| MONROE | \$2,471 |

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|-------------------------|------------------|
| OCONTO | \$1,942 |
| ONEIDA | \$2,752 |
| OUTAGAMIE | \$10,684 |
| OZAUKEE | \$0 |
| PEPIN | \$281 |
| PIERCE | \$0 |
| POLK | \$1,876 |
| PORTAGE | \$5,107 |
| PRICE | \$925 |
| RACINE | \$23,732 |
| RICHLAND | \$1,206 |
| ROCK | \$15,155 |
| RUSK | \$950 |
| SAUK | \$3,553 |
| SAWYER | \$2,305 |
| SHAWANO | \$2,148 |
| SHEBOYGAN | \$5,445 |
| ST. CROIX | \$4,008 |
| TAYLOR | \$0 |
| TREMPEALEAU | \$1,843 |
| VERNON | \$0 |
| VILAS | \$0 |
| WALWORTH | \$0 |
| WASHBURN | \$934 |
| WASHINGTON | \$6,718 |
| WAUKESHA | \$15,493 |
| WAUPACA | \$2,545 |
| WAUSHARA | \$1,215 |
| WINNEBAGO | \$12,510 |
| WOOD | \$8,263 |
| County Total | \$541,987 |
| | |
| Tribe | |
| BAD RIVER | \$587 |
| FOREST CO POTAWATOMI | \$0 |
| LAC DU FLAMBEAU | \$0 |
| ONEIDA TRIBE | \$1,463 |
| RED CLIFF | \$207 |
| SOKAOGON | \$256 |
| STOCKBRIDGE-MUNSEE | \$0 |
| Tribe Total | \$2,513 |
| | |
| Statewide Grand Total | \$544,500 |

ATTACHMENT C
2010 CHILD CARE ELIGIBILITY CONTRACT ALLOCATIONS
Contract Period – Counties: 01/01/10-12/31/10

| BOS County | Child Care Eligibility Allocation |
|-------------|-----------------------------------|
| Adams | \$14,005 |
| Ashland | 29,047 |
| Barron | 35,970 |
| Bayfield | 5,812 |
| Brown | 235,797 |
| Buffalo | 8,571 |
| Burnett | 12,356 |
| Calumet | 23,638 |
| Chippewa | 66,873 |
| Clark | 16,715 |
| Columbia | 36,996 |
| Crawford | 14,579 |
| Dane | 543,376 |
| Dodge | 82,685 |
| Door | 20,452 |
| Douglas | 45,445 |
| Dunn | 17,741 |
| Eau Claire | 131,220 |
| Florence | 3,138 |
| Fond du Lac | 86,483 |
| Forest | 13,065 |
| Grant | 44,041 |
| Green | 34,371 |
| Green Lake | 17,692 |
| Iowa | 16,325 |
| Iron | 7,973 |
| Jackson | 13,199 |
| Jefferson | 56,129 |
| Juneau | 13,968 |
| Kenosha | 341,144 |
| Kewaunee | 17,033 |
| La Crosse | 141,879 |
| Lafayette | 10,012 |
| Langlade | 26,801 |
| Lincoln | 28,876 |
| Manitowoc | 43,162 |
| Marathon | 134,016 |
| Marinette | 21,843 |
| Marquette | 10,684 |
| Menominee | 7,314 |
| Monroe | 23,260 |

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|---------------------------|--------------------|
| Oconto | 23,834 |
| Oneida | 33,492 |
| Outagamie | 139,449 |
| Ozaukee | 50,940 |
| Pepin | 5,458 |
| Pierce | 23,748 |
| Polk | 24,066 |
| Portage | 68,265 |
| Price | 13,504 |
| Racine | 362,523 |
| Richland | 17,692 |
| Rock | 182,208 |
| Rusk | 13,651 |
| St. Croix | 38,083 |
| Sauk | 51,684 |
| Sawyer | 34,932 |
| Shawano | 33,296 |
| Sheboygan | 69,547 |
| Taylor | 16,093 |
| Trempealeau | 28,070 |
| Vernon | 15,970 |
| Vilas | 15,543 |
| Walworth | 52,869 |
| Washburn | 16,141 |
| Washington | 98,705 |
| Waukesha | 208,337 |
| Waupaca | 31,636 |
| Waushara | 13,516 |
| Winnebago | 157,715 |
| Wood | 105,347 |
| Total BOS Counties | \$4,400,000 |

**ATTACHMENT D
PROCEDURES FOR COUNTY AGENCY WORKERS**

| AFSCME Language – County Contract | Explanation |
|---|---|
| <p>Article 3: Provider Rights</p> <p>The State, the Union and providers will treat each other with fairness, courtesy, dignity, consideration and respect. All licensed, certified and provisionally certified family child care providers have:</p> <p>A. General Provisions</p> <p>1. The right to be treated as professionals, with courtesy, dignity, consideration, and respect.</p> | <p>The State means that agents of state through contractual arrangements will need to follow this provision.</p> |
| <p>2. The right to conduct their business, free from discrimination based upon their race, color, religion, gender, sexual orientation, national origin, political affiliation, disability, marital status, age, or union affiliation.</p> | <p>The State means that agents of state through contractual arrangements will need to follow this provision.</p> |
| <p>3. The right to substantially consistent and fair application of the rules among all state regulators.</p> | <p>All State Regulators means that agents of state (counties) through contractual arrangements will need to follow this provision.</p> |
| <p>B. Records and Rules</p> <p>6. The right to receive any requests, policy change notifications, or any other written communication from the state in the provider’s primary language, as required by state or federal law.</p> | <p>Any records or rules need to be provided in the provider’s primary language as required by state or federal law. Translation is required if a provider requests it.</p> |
| <p>7. The right to have access to read, review and make copies, at the provider’s expense, of any information in one’s own provider file, provided that information is not protected by federal or state law.</p> | <p>When a provider requests to read, review and make copies of their provider file, the county will need to allow this, at the provider’s expense.</p> |
| <p>C. Inspections and Investigations</p> <p>8. The right to have due consideration given to the non-interruption of normal child care operations whenever an unannounced visit occurs. Nothing in this provision shall require the state regulator to leave the family child care center once the regulator has arrived for the unannounced visit.</p> | <p>When a county child care certifier conducts an unannounced visit to a certified provider, the certifier must allow the provider to give full attention to the children in care (finish meal time, activity that was in process when the certifier arriver, diaper changes, etc) as needed. Note: if violations are documented while the certifier is waiting for the provider’s attention, there is nothing in the agreement that prevents the violations be documented and the certifier from writing a non-compliance statement.</p> |
| <p>9. The right to be advised as to the type of visit by a state regulator or agent of the state.</p> | <p>The county child care certifier will need to advise the provider about the type of visit. When investigating complaints, the certifier may inform the provider about the type of visit at the end of the visit. Note: Most unannounced visits fall under the category of monitoring visits.</p> |
| <p>10. The right to require state staff and agents of the state to provide photo identification prior to all visits, as well as to leave a business card that includes their contact information.</p> | <p>A child care certifier will need to produce photo identification and leave a business card at visits.</p> |
| <p>11. The right to be informed of the name and contact information of the</p> | <p>The county child care certifier will need to inform</p> |

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|---|---|
| regulator's supervisor and to discuss the regulator's performance and findings. | the provider of the supervisors name and contact information. |
| 12. The right to have a witness of the provider's choosing present to observe and document any visit, provided the visit starts when the state regulator arrives. | The certifier must give the provider a chance to make a quick phone call to call a witness. Note: if violations are documented during the phone call, there is nothing in the agreement that prevents the certifier from writing a non-compliance statement for those violations. The witness cannot interfere the monitoring of compliance. The witness is there to document and observe. |
| 13. The right to have an exit interview, at the conclusion of a state regulator's or agent of the state's licensing monitoring visit, that communicates in writing any violations noted, and to be informed of any changes to this report in advance of a final written report being sent. | Certifiers who currently complete the non-compliance statement at the site visit are not affected on this clause. Agencies, which choose to send the visit evaluation (noncompliance statement or checklist) after the visit, must change their routine to leave and Exit Interview Confirmation form attached to this memo. Certifiers will be notified once 2-ply copies of this form will be available from the DOA forms warehouse. If there are changes to the documents, the certifier must contact the provider to inform her/him about the changes. |
| 14. The right to receive a written report of the state regulator's findings listing each observed violation and the specific rule violated, within ten (10) business days of the visit; in a complaint investigation, the right to receive such a report within twenty (20) business days of the conclusion of the complaint investigation. | If violations are documented at a site visit, the certifier must send the non-compliance statement within 10 days of the visit. The agreement language also requires every certifying agency to send complaint investigation results to the provider in writing within 20 days of the conclusion of the complaint investigation. |
| 15. The right to technical assistance by the State, if resources so permit, when the provider receives a monitoring visit that identifies violations. | With reference to technical assistance, DWD 55 – certification rules require certifying agencies to help the provider to comply with the rules. If resources permit, the certifier is encouraged to provide technical assistance to the providers. This could be done by referring a provider to various community resources for assistance. |
| D. Recourse | There is currently no appeal process for the non-compliance statements; however, this agreement allows the provider to respond in writing to a violation. |
| 16. The right to respond in writing within 10 business days to licensing violations noted on the Statement of Noncompliance. | |
| 17. The right to have complaints against a provider investigated and substantiated before any enforcement action is taken, unless the State regulator determines that a summary suspension (per HFS 45.11(10)(a) is required. | If a complaint is filed against a certified provider, the agency may not take enforcement action (sanction) until the complaint has been investigated and substantiated; however, the agency may suspend the provider if serious concerns are present that may jeopardize health, safety and wellbeing of children in care. |
| 18. The right, if the provider is able to demonstrate discrimination or bias, to request and be provided an alternate state regulator one | If providers can demonstrate discrimination or bias, they can request a new child care certifier, if |

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| time, so long as staffing levels permit. | staffing levels permit. |
| 19. The right to have a union representative present, during any meetings or hearings, so long as this does not delay the interaction. | The provider may have a union representative present during any meeting or hearing. If the union representative is present during a monitoring visit, the representative cannot interfere with the activities of the visit. |
| <p>ARTICLE 4 – UNION RIGHTS</p> <p>Section 2. Participation at Trainings</p> <p>The State shall give the Union advance notification of all trainings and orientation sessions for licensed family child care providers that the State conducts, and shall encourage any entities providing such trainings and orientation sessions under contract with the State to so notify the Union. At trainings offered by the State, the Union will have up to fifteen (15) minutes prior to and following all such trainings and orientation sessions, on a space available basis, to conduct union orientation, hand out information about the union, and sign up family child care providers as members. The State will advise training providers under contract with the State that the Union should be permitted this same opportunity before and after training, space permitting.</p> | The counties must notify the union of any meetings/trainings that they hold for certified providers. The counties must allow a union representative time to conduct union business up to 15 minutes prior to and 15 minutes after the meeting. This does not mean that the union representative will have up to 30 minutes to speak to the training crowd, but only hand out fliers and talk to the training attendees one-on-one prior to and after the meeting. |
| <p>Section 4. Neutrality</p> <p>The State shall remain neutral on the question of Union membership and Union representation for Providers. All questions addressed to the State concerning membership in or representation by the Union will be referred to the Union. The State will insert a neutrality clause in all future contracts with all agents</p> | The certifier may not discriminate or favor a provider who is represented by WCCPT. |