



Andrew M. Cuomo  
*Governor*

NEW YORK STATE  
OFFICE OF CHILDREN & FAMILY SERVICES  
52 WASHINGTON STREET  
RENSSELAER, NY 12144

Gladys Carrión, Esq.  
*Commissioner*

## Local Commissioners Memorandum

<b>Transmittal:</b>	11-OCFS-LCM-13
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Child Care Services
<b>Date:</b>	October 28, 2011 (Revised January 4, 2012, to update CSEA contact information)
<b>Subject:</b>	<b>Child Care Providers Deduction of Union Dues/Fees In Social Services Districts Other Than New York City</b>
<b>Contact Person(s):</b>	See Pages 3-4
<b>Attachments:</b>	Attachment A: WMS Codes that Include Union Dues/Fees Attachment B: WMS Codes that Exclude Union Dues/Fees
<b>Attachments Available Online:</b>	These attachments are available online only as part of this policy. They can be accessed with these links: <a href="http://www.ocfs.state.ny.us/main/policies/external">http://www.ocfs.state.ny.us/main/policies/external</a> <a href="http://ocfs.state.nyenet/policies/external">http://ocfs.state.nyenet/policies/external</a> (OCFS Intranet website)

### I. Purpose

The purpose of this Local Commissioners Memorandum is to inform social services districts (SSD), other than New York City (NYC), of the implementation of the deduction of union dues/fees from child care subsidy payments made to providers of family day care, group family day care, legally-exempt in-home and legally-exempt family child care.

### II. Background

On October 1, 2010, provisions permitting the unionization of certain child care providers were added to the New York State Labor Law through the enactment of Chapter 540 of the Laws of 2010, which added a new Article 19-c (sections 695-a through 695-g).

The legislation allowed child care providers to organize themselves and select representatives for the purpose of discussing with the state the conditions of their employment, the stability of funding and operation of child care programs, and the expansion of quality child care.

The legislation does not:

1. permit child care providers the right to engage collectively in a strike or to take work action to secure any right or privilege from the State or its agencies;
2. make providers state officers or employees or in any way imply an employee-employer relationship with the State or its subdivisions, including but not limited to the public retirement system, public health insurance program, unemployment insurance, workers compensation, disability coverage, New York civil service law or indemnification under the public officers law;
3. alter any current regulations, policies or procedures for health, safety, discipline, inspection or enforcement applicable to child care providers or programs unless agreed to and enacted;
4. interfere with the existing relationship between consumers and child care providers, including existing rights of parents or guardians to change or terminate a provider's service;
5. interfere with any ability of child care providers or child care provider representatives to meet or correspond with any state agency with regard to any matter of relevance; or
6. create any contractual right or obligations.

In accordance with the provisions of the new law, eligible providers outside of NYC designated the Civil Service Employees Association (CSEA), Local 1000, AFSCME, AFL-CIO (hereinafter known as the "Union" or "CSEA") as their union; it currently remains the designated union.

### **III. Program Implications**

Implementation of the deduction of union dues/fees from each child care subsidy payment made to eligible providers is scheduled to start with checks produced on January 3, 2012.

The New York State Office of Children and Family Services (OCFS) will notify eligible child care providers who receive child care subsidies in SSD outside of NYC of the New York State Labor Law, and the process for the automatic deduction from provider checks for the union dues/fees. The Benefit Issuance and Control System (BICS) will be updated to provide a means to deduct union dues/fees from each child

care subsidy payment made to eligible providers and report the transfer of amounts to the Union.

Child care providers who do not receive child care subsidies will be notified of the union dues/fees directly by the Union with instruction on how to submit annual union dues/fees.

During each calendar year, BICS will deduct up to two percent (2%) from each child care subsidy payment made to eligible providers up to the annual maximum allowable union dues/fees deduction amount of \$690 for each provider. Each provider check will include contact information for CSEA if the providers or SSD have questions about the union dues/fees deductions.

The SSD should pay the collected union dues/fees amount at least once a month. Instruction to the SSD on how to make payments to the Union will be forthcoming.

The following are excluded from union dues/fees deductions:

- Out-of-state child care providers
- Child care providers who reside on the tribal nations
- Authorizations to Parents, who pay the child care providers directly
- Authorizations to Voluntary Agencies which pay the child care provider directly
- Child care providers who have met the annual limit of union dues deducted (\$690)
- Child care providers who have been excluded by the State (provider may have paid Union directly)

Instructions on how to exclude this subset of providers from having union dues/fees deducted from their child care subsidy payments will be forthcoming.

To ensure that union dues/fees are being deducted from payments to providers in the applicable modalities of care, SSD must verify that non-service payment lines and purchase of service (POS) lines are coded correctly in the Welfare Management System (WMS). To identify which payment codes in WMS are scheduled to have union dues/fees deducted from child care subsidy payments, SSD should refer to Attachment A: WMS Codes that Include Union Dues/Fees. To identify which payment codes are excluded from union dues/fees deductions, SSD should refer to Attachment B: WMS Codes that Exclude Union Dues/Fees. Both attachments provide the WMS Payment Type and POS Type codes, WMS Mnemonic, and New York State Modalities.

## **CONTACT PERSONS**

If you have any program questions regarding information contained in this LCM, contact Rhonda Duffney of the OCFS Division of Child Care Services at (518) 474-3775, or email at [Rhonda.Duffney@ocfs.state.ny.us](mailto:Rhonda.Duffney@ocfs.state.ny.us).

If you have any fiscal questions regarding information contained in this LCM, contact James Carroll of the OCFS Bureau of Financial Operations at (518) 474-0131, or email at [James.Carroll@ocfs.state.ny.us](mailto:James.Carroll@ocfs.state.ny.us).

If you have WMS Services authorization questions regarding information contained in this LCM, contact Tina McCarthy of the OCFS IT Operations at (800) 342-3727, or email at: [Tina.McCarthy@ocfs.state.ny.us](mailto:Tina.McCarthy@ocfs.state.ny.us).

All calls, inquiries, or communications about union dues/fees that SSD receive from child care providers residing in SSD outside of NYC should be directed to the Union at the following address: **CSEA Membership Department, 143 Washington Ave., Albany, NY 12210**; or by phone at **(877) 483-CSEA (2732)**; or by email at [ccptny@cseainc.org](mailto:ccptny@cseainc.org).

*/s/ Janice M. Molnar, Ph.D.*

---

**Issued By:**

Janice M. Molnar, Ph.D.  
Deputy Commissioner  
Division of Child Care