

# MANAGEMENT DIRECTIVE

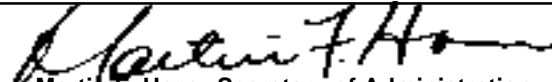
205.21  
Amended  
Number

## COMMONWEALTH OF PENNSYLVANIA GOVERNOR'S OFFICE

Subject:

Commonwealth Child Care Program

By Direction Of:

  
Martin F. Horn, Secretary of Administration

Date:

September 12, 2001

This directive contains policy, procedures, and responsibilities for administering child care centers in Commonwealth agencies. This amendment contains minor policy changes with the most significant relating to the minimum eligibility age for children.

**1. PURPOSE.** To establish responsibilities and procedures for administering child care centers in agencies under the Governor's jurisdiction.

- **2. SCOPE.** This directive applies to all agencies, boards, and commissions under the Governor's jurisdiction.

**3. OBJECTIVE.** To provide safe, high quality child care services in selected agencies for eligible children of Commonwealth employees.

#### 4. POLICY.

a. The Governor recognizes the need of Commonwealth employees to have access to child care services at a convenient location close to their place of employment.

- b. On-site child care services assist employers in attracting and retaining employees, enhancing employee commitment and productivity, and reducing replacement and training costs.

c. The agencies, unions, providers, and employees, through Parents' Associations, shall be partners in implementing the program.

d. Practices shall be nondiscriminatory and will be in accordance with Commonwealth contract procedures, and *Management Directive 205.14, Prohibition of Activities Not Specifically or Directly Connected With the Official Business of the Commonwealth on Commonwealth Property*.

e. Commonwealth Child Care Centers are to be self supporting, except for the designated "landlord" services and expenditures provided in this directive.

f. Agencies with established Child Care Centers, in conjunction with the Department of General Services (DGS), are to function as "landlords" for the centers and are to establish a budget for their respective child care center to meet the "landlord" expenditures.

#### 5. DEFINITIONS.

a. **Agency Liaison.** A Commonwealth employee, designated by the agency head, who functions as a liaison between the agency head, other agency and Commonwealth management officials, and the Parents' Association. The liaison assists and monitors the activities of the Parents' Association and is the main contact with the Office of Administration (OA).

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**b. Agency Steering Committee.** A selected group of individuals associated with opening a center that works to organize a Parents' Association. The Steering Committee operates only until the Parents' Association is formed, bylaws are approved, and officers are elected.

**c. Commonwealth Employee.** A person who has been hired by an agency subject to *The Administrative Code of 1929 (71 P. S. §§ 51-732)*, General Assembly and legislative staff, state judiciary and judicial staff, and employees of independent agencies and whose employment has not yet ended. All employees in permanent and temporary positions must anticipate working more than 750 hours per year for their children to be eligible.

- **d. Eligible Child.** Any child between six weeks and five years of age meeting any one of the following criteria:

(1) A blood descendent of the first degree of a Commonwealth employee.

(2) A legally adopted child of a Commonwealth employee (including a child living with a Commonwealth employee during the probation period).

(3) A stepchild living with a Commonwealth employee.

(4) A child who is living with and being solely supported by a Commonwealth employee and who is related to the employee by blood or marriage.

(5) A child who is living with and being solely supported by a Commonwealth employee and whose legal guardian is also a Commonwealth employee.

(6) A child being supported by a Commonwealth employee under a court order as a result of a divorce decree.

(7) A grandchild or step-grandchild of a Commonwealth employee.

(8) A niece or nephew of a Commonwealth employee.

(9) A child of a staff person employed by the provider in the respective child care center.

**e. Lead Agency.** An agency chosen or designated in accordance with this directive, with the duties and responsibilities set forth herein.

**f. Landlord Expenses.** The Commonwealth will provide exclusive space, utilities, and maintenance for approved centers. With agency approval, modifications and repair/replacement of space, major equipment, and appliances needed to ensure safe and secure operation will be provided through appropriate agency and DGS (where applicable) budget appropriations.

**g. Parents' Association.** A legally recognized, incorporated, nonprofit organization formed through the appropriate agencies and Steering Committee that will govern the operations of the center by selecting and contracting with the child care provider, handling all aspects of the contract process, and evaluating the effectiveness of the provider.

**h. Probationary Period.** The six to twelve month period after a provider's employee (caregiver or staff) begins work for the provider at the center during which period the provider conducts an evaluation of the employee's work performance and at the end of which the provider assesses whether to consider the employee nonprobationary.

**i. Probationary Wages.** An amount paid to a provider's employee for work at the designated center, which for the probationary period, must be no less than 90 percent of the wage otherwise required to be paid pursuant to this directive.

**j. Request for Proposals (RFPs).** A document which provides potential contractors with sufficient information to prepare and submit proposals for consideration by the specific Parents' Association. It addresses requirements, work plan, cost and price analysis, equipment and personnel, and supplies. Approval must be received from the OA prior to mailing of RFPs to potential providers.

**k. Start-up Costs.** Costs for services, supplies, and equipment to establish a functional child care center and prepare it for operation.

**l. System of Probation, Evaluation, and Promotion.** A system which requires newly hired employees of the provider who will serve at the

center to serve a probationary period and to receive probationary wages during this period; provides for evaluation of the performance of probationary employees; and provides for the raise in wages of probationary employees commensurate with this evaluation.

**m. Wages.** A wage sufficient to attract and retain a high quality caregiving staff at the center which, except in the case of probationary wages paid to employees during the probationary period, shall be at least equal to the starting salary of the Commonwealth's Temporary Clerical Pool.

## **6. RESPONSIBILITIES.**

- **a. The Office of Administration, Bureau of Human Resource Management and Policy will:**

(1) Monitor and evaluate all child care centers established pursuant to this directive including review of the annual financial and performance audits and budgets for "landlord" expenses.

(2) Maintain the authority to examine the books and records of accounts, financial documents, and other records, to ensure compliance with same.

(3) Resolve Commonwealth personnel policy, implementation, and evaluation issues.

(4) Advise and consult with the lead agency head as to the designation of the agency liaison.

(5) Monitor the performance of agency liaison and recommend removal of an agency liaison not fully or properly performing the duties set forth in Section 6.d.

(6) Review agency reports and audits and address areas of noncompliance. Determine action to be taken if noncompliance exists or continues.

(7) Ensure through monitoring and review that a center meets the requirements of this directive. Ensure that an exclusive use space commitment is endorsed by the relevant agency's or

agencies' cabinet officer(s), and that floor plans and cost estimates for the center are reviewed by the Department of General Services.

(8) Advise and assist agencies in the preparation of proposals to establish model child care centers.

(9) Serve as the coordinator between agencies and providers where the center will serve employees of more than one agency and designate a lead agency for purposes of development and management of the center.

(10) Resolve disputes between the provider and the Parents' Association and, if a resolution is not possible, issue a written decision on the matter under dispute.

**b. The Office of the Budget, Central Services Comptroller's Office** will conduct financial reviews of the Parents' Association in accordance with the Annual Audit Plan. Periodic performance audits of the child care centers' operations, including the Parents' Associations and providers, will be conducted as part of the Annual Audit Plan. Written reports will be provided to the OA.

### **c. Agencies will:**

(1) Designate exclusive use space, utilities, and maintenance for approved centers and, upon request from and after consultation with the agency liaison and OA, approve modifications, alterations, or other changes needed to ensure the safe and efficient operation of the center.

(2) Develop a budget for the "landlord" expenses of their respective child care centers and incorporate it into their agency budget.

(3) Coordinate, develop, and process necessary budget and appropriation information, presentations, understandings, agreements, and requests to ensure that all agencies which may be involved comply with applicable budget and appropriation requirements as well as with this directive.

(4) Designate an agency liaison after consultation provided for in Section 6.a.(4). If the agency supports more than one center, ensure a

- liaison is designated for each local center and one
- overall agency child care liaison is designated to
- coordinate child care center activities for the agency.

(5) Ensure that agency liaisons properly and conscientiously perform their responsibilities and review and act upon recommendations for agency liaison removal provided for in Section 6.a.(5).

(6) Ensure that agency liaisons associated with a multiple agency center work cooperatively to accomplish the tasks set forth in this directive.

(7) Ensure that expenditures for start up and operation, as applicable, related to the center comply with appropriate budgetary and appropriation requirements.

(8) Monitor and review the operation of the center to ensure compliance with this directive; coordinate with the Parents' Association to resolve identified problems; report continued noncompliance to the OA; and recommend actions to the OA if noncompliance exists or continues.

(9) Approve RFPs and accompanying letter and selection of provider.

**d. Agency liaison will:**

- (1) Keep the agency head, executive and management staff of the agency, and appropriate union representatives apprised on the center's operations.
- (2) Where the agency supports more than one center, provide overall guidance and coordination to local field sites and function as the main point of contact for agency supported centers.
- (3) Work closely with the Parents' Association to ensure proper operation of the center and compliance with provisions of this directive.
- (4) Coordinate with agency management and the Parents' Association regarding the establishment of a child care center budget to meet designated "landlord" expenses. Coordinate with the OA and DGS as needed.

(5) Serve as a member of the Provider Screening Committee to assist in the selection and contract process for a provider, including reviewing RFPs, and approving the selection of the provider, in consultation with the agency, and assisting in the annual evaluation of the provider.

(6) Coordinate and communicate, on a continuing basis, with other agency liaison and with agency liaison who have concurrent responsibility, where the center serves more than one agency.

(7) Review bylaws and changes to the bylaws of the Parents' Association; review financial records, minutes, and all other documents related to the child care center. In addition, the agency liaison should coordinate with appropriate agency management staff and provide necessary input for agency budgeted landlord expenses.

(8) Regularly attend Parents' Association meetings to keep current on issues/problems and to offer advice and assistance for their resolution. Advise the OA of significant problems. Review monthly Parents' Association financial statements.

(9) Inspect the child care center and observe operation of child care center.

(10) Approve modifications, as needed, to the premises, after consultation with the lead agency head or designee, and coordinate with appropriate agencies, DGS, and other Commonwealth officials.

(11) Monitor and review the actions of the Parents' Association and any contracted provider to ensure compliance with this directive and *Management Directive 205.14* which addresses activities connected with official Pennsylvania business on Commonwealth property. If the liaison has questions regarding acceptable fundraising activities, the liaison should contact the OA, Human Resource Policy, Evaluation, and Programs Division.

(12) Cooperate and provide requested information for annual financial and performance audits.

**e. Parents' Association** will ensure the following functions are performed, through either the following established committees, or through other means.

**(1) Agency Steering Committee.** This committee will include the agency liaison and is responsible for:

**(a)** Following the requirements of *Act No. 1982-46* and registering with the Department of State, Corporation Bureau, as a nonprofit agency before beginning operations and notifying the Corporation Bureau of any changes in its officers and adhering to any prescribed regulations and reporting requirements.

**(b)** Writing and approving bylaws and conducting elections for the selection of association officers.

**(c)** Ensuring that the Parents' Association is incorporated with appropriate bylaws and the treasurer, person handling the grocery store coupons, and others involved with the receipt and

- dispersement of association funds are bonded.

**(d)** Developing written job descriptions and procedures for association officers.

**(2) The Provider Screening Committee.** This committee will include the agency liaison and is responsible for:

**(a)** Contracting to provide safe, high quality, child care at the designated agency location and ensuring the contract provides for compliance with the provisions of this directive.

**(b)** Ensuring that RFPs for the providing of child care at a center are distributed to a wide variety of established providers thus ensuring diversity.

**(c)** Developing a fact sheet to be used to evaluate proposals once they are received. (Proposals should be opened only when all committee members are present.)

**(d)** Scheduling pre-proposal conferences within 10 days after RFPs are distributed to potential providers.

**(e)** Scheduling oral presentations and summaries from providers and, if appropriate, schedule on-site visits to observe potential providers in a child care setting.

**(f)** Ensuring that formally executed agreements comply with this directive and will be completed between the:

**1** Lead agency and Parents' Association; and the

**2** Parents' Association and provider.

**(g)** Performing an annual evaluation of the providers' performance and making a recommendation to renew the contract or to rebid the project. The provider and Parents' Association will enter into a one year agreement, renewable for four years, which must be rebid at five years.

**(3) Application, Enrollment, and Marketing Committee.** Responsible for determining the eligibility of each child through verification of Commonwealth employment status of each applicant, consistent with Sections 5.c. and 5.d. and marketing the center among the Commonwealth agencies.

**(4) Handbook Committee.** Responsible for compiling, updating, publishing, and distributing the association's handbook with bylaws, officers, and financial statements at least annually. The handbook is subject to review by the OA or other representatives designated by same.

**(5) Fundraising Committee.** Responsible for developing fundraising projects in compliance with *Management Directive 205.14*.

**(6) Supplemental Purchase and Equipment Committee.** Responsible for selecting and purchasing equipment to supplement that owned/supplied by the provider, as well as conducting an annual inventory of Parents' Association and Commonwealth equipment in the center. In instances when a child care center closes, distribute equipment owned by the Parents' Association and money remaining in its accounts to the remaining Parents' Associations on a pro rata basis by number of enrollees in the remaining centers or on the basis of need as determined by the OA. •

**(7) Grievance Committee.** Responsible for acting as a liaison between the Parents' Association and the child care provider to assist in

resolving problems which originate with the provider and/or the children who are enrolled at the center and/or the sponsor(s) of the child as defined in Section 5.c. Hold meetings when necessary with the child care provider and interested parties to resolve grievances and other concerns. If after the grievance committee procedures have been followed it is found that a sponsor or a child hinders the effective operation of a center, the committee has the right to terminate the enrollment of that sponsor/child(ren). If a child's enrollment is terminated by the Parents' Association, the sponsor may appeal this decision to the OA.

**(8) Caregiver Recognition Committee.**

Responsible for developing and organizing activities which recognize provider staff, foster positive relationships between Commonwealth employees whose eligible children are enrolled at the center and the center's staff, and promote an environment of cooperation.

**(9) Parent Education Committee.**

Responsible for implementing programs to ensure that adequate parent education and interaction is established.

**(10) Evaluation Committee.** This committee will include the agency liaison and is responsible for ensuring that all practices of the contracted provider are in accordance with the objectives of the center and for supplying information for the center's periodic financial review and performance audit. Review monthly financial statements with the Parents' Association Treasurer and resolve any discrepancies and/or inappropriate/excessive expenditures.

- (11) Budget Committee.** This committee will include the agency liaison and is responsible
- for establishing an annual budget for the Parents' Association. In addition, the agency liaison should coordinate with appropriate agency management staff and provide necessary input for agency budgeted landlord expenses. Except for identified landlord expenses, Commonwealth Child Care Centers are to be self-supporting and managed by the Parents' Association.

**(12) Certification Committee.** Responsible for developing a plan for the center, securing and implementing same for the certification of the center from the National Association for the Education of Young Children (NAEYC).

**(13) All Committees.** Responsible for maintaining accurate records, minutes, and appropriate documents of all financial meetings held. These documents are subject to review by the OA or any individual designated by same. Copies of Parents' Association minutes of monthly meetings are to be forwarded to the OA, Bureau of Human Resource Management and Policy. •

**f. Provider will:**

**(1)** Ensure indemnification of Commonwealth and Parents' Association.

**(2)** Provide all staffing, equipment, and necessary insurance for the center's operation.

**(3)** Administer the center, including management of enrollment, consistent with this directive, which commitment will be incorporated into the contract with the Parents' Association.

**(4)** Collect fees and assume legal and financial responsibility as provided in their contract with the Parents' Association.

**(5)** Ensure that programs at site will include the following:

**(a)** Security and well-being of eligible children enrolled at the center.

**(b)** Activities involving participation of parents or sponsoring employees of children enrolled in the center.

**(c)** Sound nutrition.

**(d)** Wide selection of recommended literature and books.

**(e)** Communicable disease awareness.

**(f)** Positive reinforcement in discipline.

(6) Ensure adequate arrangements for eligible children enrolled at the center who become ill at the center.

(7) Develop program handbooks and distribute to Commonwealth employees whose eligible children are enrolled at the center.

(8) Provide regular progress reports to the Commonwealth employee whose eligible child is enrolled at the center.

(9) Work toward NAEYC accreditation in conjunction with the plan developed by the Parents' Association.

(10) In exchange for space, utilities, and maintenance, ensure that the amounts paid to the center's caregivers and staff are wages and probationary wages which will be sufficient to attract and retain the highest quality personnel at the center and that a system of probation, evaluation, and promotion is applied to the center's caregivers and staff.

- (11) Ensure that provider practices are in compliance with applicable laws, rules, and ordinances, i.e., the Department of Public Welfare regulatory requirements, the Department of Labor and Industry fire and safety requirements, the Child Protective Services Law regarding background checks, and the provisions of this directive.

**g. Department of General Services will:**

(1) Coordinate with lead agencies in the development of DGS and agency budgets to meet the landlord expenses associated with the child care centers.

- (2) Perform or coordinate the purchase, repair, modification, or maintenance of appropriate landlord space and equipment associated with the child care centers in buildings under DGS jurisdiction.

## **7. PROCEDURES.**

a. The lead agency will ensure that all budget and appropriation requirements necessary to effect the opening and continued operation of the center

are met; that contracts related to the center require that the provisions of this directive be met and will continue to monitor compliance with same while the center is in operation. Reports of non-compliance will be presented to the OA.

b. Agency requests for the opening of new centers must receive Office of Administration and Office of the Budget approval before proceeding with the establishment of a center.

c. The agency liaison will work with the Parents' Association, agency management, DGS, and the OA to ensure that responsibilities outlined in this directive are met. Where multiple agencies sponsor a child care center, agency liaisons will coordinate efforts to effectively and efficiently oversee and assist the Parents' Association and provide appropriate information to respective agency management.

d. The agency liaison, the Parents' Association, and provider will coordinate with the Departments of Labor and Industry and Public Welfare to ensure licensing regulations are met.

e. The Parents' Association will ensure that its responsibilities are met and that appropriate oversight and evaluation of the provider is conducted.

f. Financial reviews of the Parents' Associations, as required by the Department of State, and periodic performance audits of the centers are to be conducted by the OA and Central Services Comptroller's Office based on the Annual Audit Plan risk analysis to ensure the centers' desired effectiveness and compliance with this directive. Noncompliance which continues may result in withdrawal of the centers.

**This directive supersedes Management Directive 205.21 dated September 6, 1997. Please recycle the previous version.**

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# ***MANAGEMENT DIRECTIVE***

205.21  
Revision No. 1  
Number

## ***COMMONWEALTH OF PENNSYLVANIA GOVERNOR'S OFFICE***

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Subject:

Commonwealth Child Care Program

By Direction Of:

  
Robert S. Barnett, Secretary of Administration

Date:

August 6, 2003

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This revision contains a change in policy relating to the consistent application of child care fees collected for all eligible children. Paragraph g. is being added to Section 4. Policy, page 1, to the current directive dated September 12, 2001.

#### **4. POLICY.**

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**g.** Established child care fees are to be applied consistently for all eligible children of Commonwealth employees and child care provider employees. Exceptions to this policy will be considered only when all parents within an established Child Care Center are polled with a written ballot and 90 percent or more are in agreement to a proposed discounted rate for children of caregiver staff.

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