
SENATE BILL 5259

State of Washington

61st Legislature

2009 Regular Session

By Senators Kohl-Welles, Delvin, Keiser, Pridemore, Kauffman, McDermott, Kline, Shin, Fairley, McAuliffe, and Roach

Read first time 01/19/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to modifying collective bargaining law to authorize
2 providing additional compensation to academic employees at community
3 and technical colleges; and amending RCW 28B.52.035 and 28B.50.140.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to
6 read as follows:

7 At the conclusion of any negotiation processes as provided for in
8 RCW 28B.52.030, any matter upon which the parties have reached
9 agreement shall be reduced to writing and acted upon in a regular or
10 special meeting of the boards of trustees, and become part of the
11 official proceedings of said board meeting. Except as provided in this
12 section, provisions of written contracts relating to salary increases
13 shall not exceed the amount or percentage established by the
14 legislature in the appropriations act and allocated to the board of
15 trustees by the state board for community and technical colleges. The
16 length of term of any such agreement shall be for not more than three
17 fiscal years. (~~Any provisions of these agreements pertaining to~~
18 ~~salary increases will not be binding upon future actions of the~~
19 ~~legislature.~~) If any provision of a salary increase is changed by

1 subsequent modification of the appropriations act by the legislature,
2 both parties shall immediately enter into collective bargaining for the
3 sole purpose of arriving at a mutually agreed upon replacement for the
4 modified provision. A board of trustees may provide additional
5 compensation to academic employees that exceeds that provided by the
6 legislature.

7 **Sec. 2.** RCW 28B.50.140 and 2005 c 258 s 9 are each amended to read
8 as follows:

9 Each board of trustees:

10 (1) Shall operate all existing community and technical colleges in
11 its district;

12 (2) Shall create comprehensive programs of community and technical
13 college education and training and maintain an open-door policy in
14 accordance with the provisions of RCW 28B.50.090(3). However,
15 technical colleges, and college districts containing only technical
16 colleges, shall maintain programs solely for occupational education,
17 basic skills, and literacy purposes. For as long as a need exists,
18 technical colleges may continue those programs, activities, and
19 services they offered during the twelve-month period preceding
20 September 1, 1991;

21 (3) Shall employ for a period to be fixed by the board a college
22 president for each community and technical college and, may appoint a
23 president for the district, and fix their duties and compensation,
24 which may include elements other than salary. Compensation under this
25 subsection shall not affect but may supplement retirement, health care,
26 and other benefits that are otherwise applicable to the presidents as
27 state employees. The board shall also employ for a period to be fixed
28 by the board members of the faculty and such other administrative
29 officers and other employees as may be necessary or appropriate and fix
30 their salaries and duties. Except as provided for academic employees
31 in RCW 28B.52.035, compensation and salary increases under this
32 subsection shall not exceed the amount or percentage established for
33 those purposes in the state appropriations act by the legislature as
34 allocated to the board of trustees by the state board for community and
35 technical colleges. The state board for community and technical
36 colleges shall adopt rules defining the permissible elements of
37 compensation for college presidents under this subsection;

1 (4) May establish, under the approval and direction of the college
2 board, new facilities as community needs and interests demand.
3 However, the authority of boards of trustees to purchase or lease major
4 off-campus facilities shall be subject to the approval of the higher
5 education coordinating board pursuant to RCW 28B.76.230;

6 (5) May establish or lease, operate, equip and maintain
7 dormitories, food service facilities, bookstores and other self-
8 supporting facilities connected with the operation of the community and
9 technical college;

10 (6) May, with the approval of the college board, borrow money and
11 issue and sell revenue bonds or other evidences of indebtedness for the
12 construction, reconstruction, erection, equipping with permanent
13 fixtures, demolition and major alteration of buildings or other capital
14 assets, and the acquisition of sites, rights-of-way, easements,
15 improvements or appurtenances, for dormitories, food service
16 facilities, and other self-supporting facilities connected with the
17 operation of the community and technical college in accordance with the
18 provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

19 (7) May establish fees and charges for the facilities authorized
20 hereunder, including reasonable rules and regulations for the
21 government thereof, not inconsistent with the rules of the college
22 board; each board of trustees operating a community and technical
23 college may enter into agreements, subject to rules of the college
24 board, with owners of facilities to be used for housing regarding the
25 management, operation, and government of such facilities, and any board
26 entering into such an agreement may:

27 (a) Make rules for the government, management and operation of such
28 housing facilities deemed necessary or advisable; and

29 (b) Employ necessary employees to govern, manage and operate the
30 same;

31 (8) May receive such gifts, grants, conveyances, devises and
32 bequests of real or personal property from private sources, as may be
33 made from time to time, in trust or otherwise, whenever the terms and
34 conditions thereof will aid in carrying out the community and technical
35 college programs as specified by law and the rules of the state college
36 board; sell, lease or exchange, invest or expend the same or the
37 proceeds, rents, profits and income thereof according to the terms and

1 conditions thereof; and adopt rules to govern the receipt and
2 expenditure of the proceeds, rents, profits and income thereof;

3 (9) May establish and maintain night schools whenever in the
4 discretion of the board of trustees it is deemed advisable, and
5 authorize classrooms and other facilities to be used for summer or
6 night schools, or for public meetings and for any other uses consistent
7 with the use of such classrooms or facilities for community and
8 technical college purposes;

9 (10) May make rules for pedestrian and vehicular traffic on
10 property owned, operated, or maintained by the district;

11 (11) Shall prescribe, with the assistance of the faculty, the
12 course of study in the various departments of the community and
13 technical college or colleges under its control, and publish such
14 catalogues and bulletins as may become necessary;

15 (12) May grant to every student, upon graduation or completion of
16 a course of study, a suitable diploma, degree, or certificate.
17 Technical colleges shall offer only technical degrees under the rules
18 of the state board for community and technical colleges that are
19 appropriate to their workforce education and training mission. The
20 primary purpose of these degrees is to lead the individual directly to
21 employment in a specific occupation. Technical colleges may not offer
22 transfer degrees. Only pilot colleges under RCW 28B.50.810 may award
23 baccalaureate degrees. The board, upon recommendation of the faculty,
24 may also confer honorary associate of arts degrees upon persons other
25 than graduates of the community college, in recognition of their
26 learning or devotion to education, literature, art, or science. No
27 degree may be conferred in consideration of the payment of money or the
28 donation of any kind of property;

29 (13) Shall enforce the rules prescribed by the state board for
30 community and technical colleges for the government of community and
31 technical colleges, students and teachers, and adopt such rules and
32 perform all other acts not inconsistent with law or rules of the state
33 board for community and technical colleges as the board of trustees may
34 in its discretion deem necessary or appropriate to the administration
35 of college districts: PROVIDED, That such rules shall include, but not
36 be limited to, rules relating to housing, scholarships, conduct at the
37 various community and technical college facilities, and discipline:

1 PROVIDED, FURTHER, That the board of trustees may suspend or expel from
2 community and technical colleges students who refuse to obey any of the
3 duly adopted rules;

4 (14) May, by written order filed in its office, delegate to the
5 president or district president any of the powers and duties vested in
6 or imposed upon it by this chapter. Such delegated powers and duties
7 may be exercised in the name of the district board;

8 (15) May perform such other activities consistent with this chapter
9 and not in conflict with the directives of the college board;

10 (16) Notwithstanding any other provision of law, may offer
11 educational services on a contractual basis other than the tuition and
12 fee basis set forth in chapter 28B.15 RCW for a special fee to private
13 or governmental entities, consistent with rules adopted by the state
14 board for community and technical colleges: PROVIDED, That the whole
15 of such special fee shall go to the college district and be not less
16 than the full instructional costs of such services including any salary
17 increases authorized by the legislature for community and technical
18 college employees during the term of the agreement: PROVIDED FURTHER,
19 That enrollments generated hereunder shall not be counted toward the
20 official enrollment level of the college district for state funding
21 purposes;

22 (17) Notwithstanding any other provision of law, may offer
23 educational services on a contractual basis, charging tuition and fees
24 as set forth in chapter 28B.15 RCW, counting such enrollments for state
25 funding purposes, and may additionally charge a special supplemental
26 fee when necessary to cover the full instructional costs of such
27 services: PROVIDED, That such contracts shall be subject to review by
28 the state board for community and technical colleges and to such rules
29 as the state board may adopt for that purpose in order to assure that
30 the sum of the supplemental fee and the normal state funding shall not
31 exceed the projected total cost of offering the educational service:
32 PROVIDED FURTHER, That enrollments generated by courses offered on the
33 basis of contracts requiring payment of a share of the normal costs of
34 the course will be discounted to the percentage provided by the
35 college;

36 (18) Shall be authorized to pay dues to any association of trustees
37 that may be formed by the various boards of trustees; such association
38 may expend any or all of such funds to submit biennially, or more often

1 if necessary, to the governor and to the legislature, the
2 recommendations of the association regarding changes which would affect
3 the efficiency of such association;

4 (19) May participate in higher education centers and consortia that
5 involve any four-year public or independent college or university:
6 PROVIDED, That new degree programs or off-campus programs offered by a
7 four-year public or independent college or university in collaboration
8 with a community or technical college are subject to approval by the
9 higher education coordinating board under RCW 28B.76.230; and

10 (20) Shall perform any other duties and responsibilities imposed by
11 law or rule of the state board.

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