

# SENATE BILL REPORT

## ESSB 6486

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As Passed Senate, February 13, 2012

**Title:** An act relating to collective bargaining for postdoctoral researchers at certain state universities.

**Brief Description:** Granting collective bargaining for postdoctoral and clinical employees at certain state universities.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Conway, Chase, Keiser, Harper, Prentice, Nelson, Pridemore, Kline, Murray and Frockt).

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 1/31/12, 2/02/12 [DP-WM, DNP].

Ways & Means: 2/06/12, 2/07/12 [DPS, DNP, w/oRec].

Passed Senate: 2/13/12, 26-23.

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

**Minority Report:** Do not pass.

Signed by Senators Holmquist Newbry, Ranking Minority Member; King, Assistant Ranking Minority Member; Hewitt.

**Staff:** Ingrid Mungia (786-7423)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6486 be substituted therefor, and the substitute bill do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown, Conway, Fraser, Harper, Kastama, Keiser, Kohl-Welles, Pridemore, Regala and Tom.

**Minority Report:** Do not pass.

Signed by Senators Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Holmquist Newbry, Honeyford and Schoesler.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** That it be referred without recommendation.

Signed by Senators Baumgartner, Hewitt and Padden.

**Staff:** Erik Sund (786-7454)

**Background:** Certain employees of institutions of higher education are covered for purposes of collective bargaining under the Public Employees' Collective Bargaining Act (PECBA), the Personnel System Reform Act (PSRA), or laws applicable to faculty members and academic personnel.

PECBA applies to the following employees of institutions of higher education:

- certain employees of institutions of higher education who are exempt from civil service;
- certain teaching assistants and research assistants at the University of Washington (UW) and Washington State University (WSU);
- printing craft employees in UW's Department of Printing; and
- certain classified employees of technical colleges.

PSRA applies to employees of institutions of higher education covered under the state civil service law.

Other collective bargaining laws apply to public four-year institutions with respect to faculty members, and to community colleges with respect to academic personnel.

**Summary of Engrossed Substitute Bill:** Postdoctoral and clinical employees at UW and WSU who are excluded from collective bargaining as faculty may participate in collective bargaining under the provisions of the PECBA.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Labor, Commerce & Consumer Protection):** PRO: This bill fixes an inequity. While graduate teaching and research assistants and faculty have statutory collective bargaining right, but post docs do not. This statutory gap creates a situation where individuals lose a right to collective bargain upon earning their PhD. They want the right to choose to form a union as post docs. Post docs are highly skilled researchers and a critical part of the work force bringing in \$2 billion to the state through research and grants. Washington collective bargaining statutes only mentions post docs when they are excluded from collective bargaining. Post docs should be able to bargain together over common issues. Post docs do innovative research that brings nearly \$2 million dollars to UW each year. We work on AIDS research and cancer research. Having a collective bargaining agreement gave me a sense of security and protection and a level of respect

among other colleagues at the university. This allows me and my colleagues to focus on research work that allows the university to be a world renowned institution. Collective Bargaining is a fair system and we should be able to choose to bargain as a group.

OTHER: UW is neutral on the right to organize for our employees. There is some discrepancies on the job classifications in the bill. The research associate and research associate trainee are faculty positions and subject to employment provisions of faculty code currently which means they have the right to bargain under RCW 41.76. That distinction needs to be made in the bill. WSU has no position on the bill. There is only one job classification this bill effects at WSU. The bill refers to any workers on any WSU campus and we would like to suggest more simple language to reflect the university operates extension centers and research stations where there may be effected workers.

**Persons Testifying (Labor, Commerce & Consumer Protection):** PRO: David Parsons, UAW Local 4121; Ariaah Kidder, UW.

OTHER: Margaret Shepherd, UW; Chris Mulik, WSU.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** PRO: This bill ensures that a critical element of the higher education workforce has the ability to organize and participate in collective bargaining. Postdoctoral employees are a unique group that are hired by universities to carry out research projects that bring in \$2 billion in grants and contracts to the state of Washington. Postdoctoral positions are funded almost entirely from external grants; those grants typically provide funds for administrative overhead that could cover the cost of collective bargaining. A labor contract would provide these employees protection against arbitrary dismissal, sexual harassment, and short-term fluctuations in benefit costs. These employees occupy non-tenured research positions working under the direct supervision of faculty members and they should not be forced to organize in a bargaining unit that includes their supervisors.

OTHER: We understand that the purpose of this bill is to allow postdoctoral employees to organize and participate in collective bargaining and have no problem with that. We believe that under current law senior fellows are already eligible to bargain collectively under RCW 41.56 and research associates are eligible as faculty to organize under RCW 41.76. This bill needs some technical corrections to better reflect the postdoctoral positions that actually exist at WSU's facilities. Mixing faculty and nonfaculty employees in the same bargaining unit would be a substantial legal change and would present significant complications for collective bargaining.

**Persons Testifying (Ways & Means):** PRO: Ariaah Kidder, UW; David Parsons, United Auto Workers 4121.

OTHER: Chris Mulick, WSU; Margaret Shepherd, UW.