

HOUSE BILL REPORT

HB 1468

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to labor relations in institutions of higher education.

Brief Description: Establishing collective bargaining procedures for public four-year institutions of higher education.

Sponsors: Representatives King, Heavey, Dellwo, Brumsickle, Quall, Carlson, Jacobsen, Miller, Long, Locke, Bray, Leonard, Basich, Conway, Wood, Van Luven and Springer.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 17, 1993, DPS.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer; and Veloria.

Minority Report: Do not pass. Signed by 3 members: Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Staff: Marc Greenough (786-5793) or Chris Cordes (786-7117).

Background: Academic personnel at state four-year institutions of higher education are statutorily exempt from the State Higher Education Personnel Law. Furthermore, they are not covered by any collective bargaining statutes. The six four-year institutions of higher education are the University of Washington, Washington State University, Western Washington University, Central Washington University, Eastern Washington University, and The Evergreen State College. Most non-academic, or classified, employees are covered by the State Higher Education Personnel Law, which is similar to the State Civil Service Law.

Summary of Substitute Bill: Academic personnel and other nonclassified staff at state four-year institutions of

higher education are granted the right to bargain over wages, hours, and working conditions. These collective bargaining rights are not extended to: chief executive or administrative officers, employees who exercise independent judgment on behalf of an employer in the formulation of labor relations policy, casual employees, supervisors, persons whose employment at an institution of higher education is directly related to their status as a student in a degree-granting program, or employees covered by the State Higher Education Personnel Law or the Public Employees' Collective Bargaining Act. "Casual employee" does not include persons who, during the preceding 12 months, worked for the same institution of higher education for more than one-sixth of a full-time equivalent work year and who continue to be available for work. All tenured employees must be included in the same bargaining unit at each institution.

A collective bargaining agreement may contain provisions for union security. An employee may be required to pay fees to an employee organization as a condition of employment, but may not be required to join the organization. Fees may be deducted from an employee's salary and transferred to an exclusive bargaining representative either on the employee's authorization or to enforce a provision for union security. "Closed shop" provisions for union security are prohibited.

A collective bargaining agreement may provide for an increase in wages, salaries, or benefits during the term of the agreement if the employer receives additional money for such an increase from an appropriation or other source. Otherwise, a bargaining agreement may not contain salary increases that exceed the amount appropriated by the Legislature. If a salary increase is modified by the Legislature, the parties must renegotiate a replacement provision. Service and activity fees are not subject to bargaining. The employer and bargaining representative must seek, in good faith, legislative action for any provision requiring legislative implementation or appropriation.

The Public Employment Relations Commission (PERC) is granted authority to prevent unfair labor practices, to determine the appropriateness of a bargaining unit, and to settle representation questions. Binding arbitration provisions governing disputes over the interpretation or application of an agreement are required. In addition, either the employer or the bargaining representative may request mediation.

PERC is granted the rulemaking authority necessary to implement the chapter. Lawful agreements between an employer and an employee organization covering wages, hours, or terms and conditions of employment, and existing on the

effective date of the act remain binding and may be renewed or continued.

Central Washington University is exempted from the act for one year until October 1, 1994.

Substitute Bill Compared to Original Bill: The substitute bill makes the following major changes to the original bill: (1) The definition of employee is changed to exempt persons whose employment at an institution of higher education is directly related to their status as a student in a degree-granting program; (2) the definition of casual employee is changed to exclude persons from the definition who, during the preceding 12 months, worked for the same institution of higher education for more than one-sixth of a full-time equivalent work year and who continue to be available for work; (3) the agency fee that may be required of bargaining unit employees is changed to an amount established by the exclusive bargaining representative that is not greater than the members' dues; (4) the provision in the original bill authorizing four primary bargaining units is removed; (5) the provision in the original bill requiring full-time and part-time academic employees to vote to be included in the same unit is removed; (6) a provision is added prohibiting as an unfair labor practice discrimination by an employee organization against an employee because the employee filed charges or gave testimony in a collective bargaining proceeding; (7) provisions are added that a bargaining agreement may not contain salary increases that exceed the amount appropriated by the Legislature. If a salary increase is modified by the Legislature, the parties must renegotiate a replacement provision; (8) Central Washington University is exempted from the act for one year; and (9) other technical changes are made to correct references, clarify language, and remove conflicts with other statutes and unnecessary references to predecessor bargaining statutes.

Fiscal Note: Requested February 5, 1993.

Effective Date of Substitute Bill: The bill takes effect October 1, 1993.

Testimony For: Faculty at Western Washington University unanimously support the right to vote for collective bargaining. Seventy percent of the faculty at Central and Eastern favor the right to vote. Existing by-laws are not binding. Faculty do not participate meaningfully in governance. There is no reason to deny faculty the right to collective bargaining enjoyed by community college faculty and teachers. Citizens' rights should not be denied because of cost. A similar bill passed the House in 1986 (ESHB 32). This act is enabling legislation, providing, for but not

compelling, collective bargaining. Employees are free to reject the collective bargaining process. Eastern Washington University administration supports the right to collective bargaining.

Testimony Against: Collective bargaining would be expensive and divisive. A legal/adversarial system would be imposed on a university with shared governance. Faculty already are a part of management with respect to search committees, promotion, tenure, discipline, and curriculum. Campus decision-making at the University of Washington would move from the 16 schools to the PERC. At present, merit rather than seniority determines salaries and benefits, with research faculty compensated for market disparities. The definition of employee would include librarians, counselors, oceanographers, lab researchers, and medical residents. Tenure decisions could be made by third parties. Salaries have increased significantly without collective bargaining. At one private university, faculty with management authority are not eligible to bargain, resulting in the decertification of over half the faculty.

Witnesses: (in favor) Bob Fisher, Washington Education Association; Wendy Rader-Konofalski and Dave Daugharty, Washington Federation of Teachers; Craig Carlson, American Association of University Professors; Earl J. Bell and Robert Sasanoff, University of Washington; George Durrie, Eastern Washington University; and Ken Gannon, Central Washington University.

(opposed) Terry Teale, Council of Presidents; Bob Edie and Steve Olswang, University of Washington; Larry Ganders, Washington State University; Al Froderberg, Western Washington University; Jennifer Jaech, The Evergreen State College; and Courtney Jones, Central Washington University.