

FINAL BILL REPORT

ESHB 2540

C 34 L 02

Synopsis as Enacted

Brief Description: Authorizing collective bargaining for University of Washington employees who are enrolled in academic programs.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Kenney, Wood, Chase, Cooper, Fromhold, Lysen, Campbell, Hunt, Voloria, Cody, Simpson, Haigh, Dickerson, Miloscia, Ogden, Quall, McIntire, Schual-Berke, Santos, McDermott and Kirby).

House Committee on Commerce & Labor

House Committee on Appropriations

Senate Committee on Labor, Commerce & Financial Institutions

Senate Committee on Ways & Means

Background:

Employees enrolled in academic programs at the University of Washington, like other students, are exempt from the state civil service law. As a result, they do not have a right to engage in collective bargaining under the state civil service collective bargaining law. They also are not granted a right to engage in collective bargaining under the public employees' collective bargaining law. Consequently, while the University of Washington may have an implied power, it likely does not have an obligation to negotiate with teaching assistants, research assistants, or their representatives over terms of employment.

Summary:

The public employees' collective bargaining law applies to the University of Washington with respect to certain employees enrolled in academic programs.

Intent

The stated intent is to promote cooperative labor relations between the University and the employees who provide instructional, research, and related academic services while enrolled as students. The Legislature does not intend to restrict or prohibit, with respect to matters outside the scope of bargaining:

- the exercise of shared governance functions of the faculty; and
- the exercise of the functions of the graduate and professional student senate, the associated students organization, or other similar organizations.

The University is not restricted from:

- considering the merits, necessity, or organization of any program or activity, including whether to establish, modify, or discontinue a program or activity; and
- having sole discretion over student admission requirements, criteria for awarding degrees, academic requirements for selection of student employees, initial appointment, and the content and supervision of courses, curricula, grading requirements, and research programs.

Bargaining Unit

For covered student employees, the members of an appropriate bargaining unit are:

- predoctoral instructors, lecturers, teaching assistants, and teaching associates;
- predoctoral researchers, research assistants, and research associates;
- predoctoral staff assistants and staff associates;
- tutors, readers, and graders; and
- employees with substantially equivalent duties enrolled in an academic program.

Students who are predoctoral researchers or research assistants or associates are excluded if they perform research primarily related to their dissertation and have incidental or no service expectations placed on them by the University.

Scope of Bargaining

The scope of bargaining excludes the following subjects:

- the ability to terminate an employee who is not meeting the University's academic requirements;
- the amount of tuition or fees, except that tuition/fee remission or waiver is within the scope of bargaining;
- the University's academic calendar; and
- the number of students to be admitted to a class or section.

Compensation

The compensation provisions in a collective bargaining agreement may not exceed the amount or percentage established by the Legislature. However, the employer may provide additional compensation that exceeds that provided by the Legislature. If a compensation provision is affected by subsequent modification of an appropriations act, the parties must bargain for a replacement provision.

Votes on Final Passage:

House 53 44
Senate 25 22

Effective: March 14, 2002