

SENATE BILL REPORT

ESHB 2540

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, February 25, 2002
Ways & Means, February 28, 2002

Title: An act relating to collective bargaining for University of Washington employees who are enrolled in academic programs.

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

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

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 2/25/02 [DP-WM, DNP].
Ways & Means: 2/27/02, 2/28/02 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

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

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

Minority Report: Do not pass.

Signed by Senators Benton, Deccio and West.

Staff: Jack Brummel (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Kline, Kohl-Welles, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Minority Report: Do not pass.

Signed by Senators Hewitt, Honeyford, Parlette and Rossi.

Staff: Karen Barrett (786-7711)

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. Nor are student employees recognized under the Public Employees' Collective Bargaining Act (PECBA).

Summary of Bill: Legislative intent related to cooperative labor relations, the importance of shared governance, and the university's authority in administration and admissions is stated. Students enrolled at the University of Washington who provide instructional and research services may collectively bargain under PECBA.

Not negotiable are decisions a university might make to terminate the employment relationship when a student does not meet academic requirements of the institution. Nor may parties bargain over the amount of tuition and fees charged by the University of Washington. However, parties may bargain over tuition waiver or remissions to student employees.

Compensation provisions of bargained agreements may not exceed the amount or percentage authorized by the Legislature through appropriations, but additional compensation from other sources is allowed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For (Labor, Commerce & Financial Institutions): This brings structure to a bargaining process. It brings PERC in to assist. The bill is agreed to by the University of Washington and the TAs and RAs. The UW believes all employees should have the right to collectively bargain. The bill provides the rules necessary for the right to collectively bargain for TAs and RAs and protects the UW's management rights.

Testimony Against (Labor, Commerce & Financial Institutions): None.

Testified (Labor, Commerce & Financial Institutions): PRO: Representative Conway, prime sponsor; Dick Thompson, UW; Mary Ann Massenburg, GSEAC/UAW.

Testimony For (Ways & Means): This bill lends structure and stability to negotiations underway between teaching assistants and administrators at the University of Washington. Much is gained by drawing upon the state's mediation resources to avoid a repeat of the strike which occurred last spring. Given the budget situation facing the state, the university believes this bill is especially important for an orderly response to pending changes in academic programs and the assignment of duties at a time of declining resources. The university agreed in December of 2000 to absorb the cost to implement enabling legislation. However, it is required, as a state agency, to file a fiscal impact statement. Contrary to expenses so summarized, the UW did hire a labor relations specialist rather than contract out for this support. Teaching assistants at peer institutions in California, Michigan and New York presently bargain with their graduate teaching assistants; this is not unprecedented among public universities. And a majority of academic employees have signed cards saying they would like to be represented in collective bargaining. Teaching a significant proportion of undergraduate classes at the UW, graduate students are state employees for five to ten

years, on average, but lack a right to negotiate collectively the terms and conditions of their service to Washington State.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): PRO: Representative Steve Conway, prime sponsor; Senator Jeanne Kohl-Welles; Kristen Intemann, GSEAC/UAW; Mary Ann Massenburg, UAW; Dick Thompson, University of Washington.