

# SENATE BILL REPORT

## SB 5384

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As Reported By Senate Committee On:  
Labor, Commerce & Financial Institutions, February 22, 2001  
Ways & Means, March 8, 2001

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

**Brief Description:** Regulating labor relations in four-year institutions of higher education.

**Sponsors:** Senators Prentice, Winsley, Fairley, Kohl-Welles and Brown.

**Brief History:**

**Committee Activity:** Labor, Commerce & Financial Institutions: 2/8/01, 2/22/01 [DPS, DNP].

Ways & Means: 3/1/01, 3/8/01 [DP2S, DNP].

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### SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

**Majority Report:** That Substitute Senate Bill No. 5384 be substituted therefor, and the substitute bill do pass.

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

**Minority Report:** Do not pass.

Signed by Senators Benton, Hochstatter, Honeyford and West.

**Staff:** Jack Brummel (786-7428)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5384 be substituted therefor, and the second substitute bill do pass.

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

**Minority Report:** Do not pass.

Signed by Senators Honeyford and Rossi.

**Staff:** Karen Barrett (786-7711)

**Background:** Academic personnel at state four-year institutions of higher education are not covered by state collective bargaining laws. The six four-year institutions of higher education include the two research schools, the University of Washington and Washington State University; the three regional universities, 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 civil service law.

**Summary of Second Substitute Bill:** Full or part-time faculty members at state regional universities and The Evergreen State College 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, confidential employees, supervisors, or employees covered by the state civil service law or the Public Employees' Collective Bargaining Act. Agreements reached over salary and health insurance are subject to the same restrictions that now apply under current law to bargaining by classified employees under PECBA.

A collective bargaining agreement may contain provisions for union security. An employee may be required to pay fees to an employee organization or charity as a condition of employment. Closed shop- provisions for union security are prohibited.

The higher education institution and bargaining representative must seek, in good faith, legislative action for any provision requiring legislative implementation or appropriation.

Unfair labor practices are enumerated.

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 rule-making authority necessary to implement the chapter.

**Second Substitute Bill Compared to Substitute Bill:** Limits are placed on collective bargaining agreements with respect to compensation actions. Salary increases negotiated for faculty in the bargaining unit are subject to legislative appropriation and modification as provided in current state law. Parties may not bargain over state paid health insurance. Agreements may include salary increases supported by local efficiency savings, even when the resulting improvements put faculty compensation beyond an amount or percentage authorized in the state's operating budget. However, these locally financed salary improvements must not be included in the base subsequently provided by the university to the Governor and Legislature for use when the state considers future salary adjustments for university employees.

**Substitute Bill Compared to Original Bill:** The substitute changes the definition of shared governance, specifies that tuition is not subject to collective bargaining, and removes references to boards of regents.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on October 1, 2001.

**Testimony For (Labor, Commerce & Financial Institutions):** This would give faculty fair treatment similar to other educational employees. It specifically allows for a continuation of shared governance. This is just the right to choose. Collective bargaining at Eastern works well from management's perspective.

**Testimony Against (Labor, Commerce & Financial Institutions):** The definition of shared governance is too narrow; it understates the role of the faculty senates. Tuition should not be a bargainable item. The bill opens too much up for negotiation and does not address academic freedom and tenure rights.

**Testified (Labor, Commerce & Financial Institutions):** PRO: Susan Levy, WA Federation of Teachers; Gary King, WA Educational Assn.; Susan Donahoe, United Faculty at Central; Ted Otto, United Faculty at Eastern; Judith Siminoe, Eastern WA University; Wendy Repovich, Faculty Senate at Eastern; CON: Bob Edie, Western WA University; Linda Beath, CWU.

**Testimony (Ways & Means):** Fairness requires action. Some state college faculty can presently bargain over terms of employment and others cannot. This bill enables but does not require collective bargaining. Authority granted should extend to all university level faculty rather than isolated institutions. Administrative costs for universities may be overstated given Eastern's experience. Eastern found that collective bargaining relieved its Faculty Senate from having to deal with workplace grievances, focusing instead on university academic concerns and developments. There are costly impacts from letting employee grievances fester. This is not entirely about wages. Other matters include post tenure review, accreditation concerns and workload. Not all regional university faculty support the bill and some who wish to bargain do not enjoy the cooperation Eastern has from its university administration. Eastern did start the process by hiring legal experts but eventually found that expense not to be necessary, finding talents within the university on both sides of the bargaining table. Outstanding definition concerns exist as the bill is presently drafted. There could be more clarity regarding the rights of administration, its faculty and what matters are best reserved for the faculty senate of state institutions.

**Testified (Ways & Means):** Ruth Windhover, WEA-Higher Education (pro); Wendy Rader-Konojalski, WFT (pro); Jeff Johnson, WSLC (pro); Jeff Corkett, EWU faculty (pro); Victor Mary, CWU faculty (pro); Bob Eide, Western WA U (con); George Durrie, Eastern WA University (concerns).