

SENATE BILL REPORT

SB 6440

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, January 31, 2002
Ways & Means, February 12, 2002

Title: An act relating to labor relations at the public four-year institutions of higher education.

Brief Description: Providing for collective bargaining at four-year institutions of higher education.

Sponsors: Senators Prentice, Fairley, Kohl-Welles, Winsley, Keiser, McAuliffe, Poulsen, Franklin, Brown, Spanel and Carlson.

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 1/28/02, 1/31/02 [DPS-WM, DNP].

Ways & Means: 2/6/02, 2/12/02 [DPS (LCF), DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: That Substitute Senate Bill No. 6440 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Minority Report: Do not pass.

Signed by Senators Benton, Deccio, Hochstatter and Honeyford.

Staff: Jack Brummel (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6440 as recommended by Committee on Labor, Commerce & Financial Institutions be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senators Hewitt, Honeyford, Parlette, Rossi and Zarelli.

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 Substitute Bill: Faculty members at state four-year institutions of higher education are granted the right to bargain over wages, hours, and working conditions.

Only one bargaining unit is allowable for faculty of each university. A collective bargaining agreement may contain provisions for union security but not a closed shop. Employees covered by a union security provision that assert a right of non-association based on religious beliefs pay fees to a charity as a condition of employment.

Collective bargaining rights do not extend to administrators who exercise managerial or supervisory authority over other faculty members. Nor do these rights extend to confidential employees, temporary employees, graduate student employees or employees covered by the state civil service law or the Public Employees' Collective Bargaining Act.

Parties may bargain over the criteria and standards to be used for the appointment, promotion, evaluation and tenure of faculty.

Limitations on bargaining include but are not limited to the merit, necessity, or organization of a university service, activity or program established by the Legislature or by resolution of the university's trustees, except as it would affect the employment of faculty members. Parties may not bargain over fees unrelated to employment such as tuition. Parties may not bargain over student admission requirements; the conditions for awarding certificates or degrees to students; nor the content, method, supervision and evaluation of university courses, curricula and research programs.

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

The Public Employment Relations Commission is granted the authority to prevent unfair labor practice, determine the appropriateness of a bargaining unit and settle representation questions. An agreement reached may include binding grievance arbitration provisions governing disputes over the interpretation or application of an agreement. In addition, either the employer or the bargaining representative may request mediation.

Unfair labor practices are enumerated. Strikes and lockouts are prohibited.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on October 1, 2002.

Testimony For: This is modeled on the community college collective bargaining statute. It does not allow strikes or multiple bargaining units. While administrations may collectively bargain with faculty, and they do so at Eastern, they are not required to and this bill would have them bargain when a majority of faculty desire it. Faculty gave up something considerable when interested parties agreed to one bargaining unit per institution but it is important to keep costs reasonable from the state's perspective. Proponents are willing to work within the framework of state appropriated funds. The bill provides an opening for a discussion about compensation from local funds but that would require both sides to agree to discuss the topic. The clause making it permissive to negotiate terms of promotion and tenure is important to retain as without it, Eastern's standing faculty contract would be invalid. Some question the validity of the costs illustrated by universities considering that some universities presently bargain with classified staff employees and given the experience Eastern has had when it voluntarily negotiated a contract with its faculty.

Testimony Against: None.

Testified: PRO: Wendy Rader-Konofalski, WFT and WEA; Richard Ludwig, University of Washington, Council of Faculty Representatives; Jeff Corkill, Eastern faculty representative; George Durrie, Eastern WA University.