

# HOUSE BILL REPORT

## SHB 2361

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### As Passed Legislature

**Title:** An act relating to collective bargaining for certain employees of institutions of higher education and related boards.

**Brief Description:** Regarding collective bargaining for certain employees of institutions of higher education and related boards.

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representative Conway).

**Brief History:**

**Committee Activity:**

Commerce & Labor: 2/26/07 [DPS].

**Floor Activity:**

Passed House: 3/10/07, 75-22.

Passed Senate: 4/6/07, 38-10.

Passed Legislature.

### Brief Summary of Substitute Bill

- Makes the Public Employees' Collective Bargaining Act applicable to certain employees of institutions of higher education who are exempted from civil service under the Personnel System Reform Act.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Condotta, Ranking Minority Member and Chandler, Assistant Ranking Minority Member.

**Staff:** Jill Reinmuth (786-7134).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Employees of institutions of higher education may be covered for purposes of collective bargaining under the Personnel System Reform Act (PSRA), the Public Employees' Collective Bargaining Act, or laws applicable to faculty and academic personnel.

The PSRA applies to employees of institutions of higher education who are covered for purposes of civil service. Employees who are exempt from civil service, and therefore, from collective bargaining, are: members of the governing board, presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; executive heads of major divisions and their principal assistants; and certain other managerial or professional employees. Other employees who are exempt from collective bargaining are: confidential employees; Washington Management Service members; and internal auditors. Classifications which may be made exempt from civil service by an institution's governing board, and therefore, from collective bargaining, are those involving: research activities; counseling of students; extension or continuing education activities; and graphic arts or publications activities.

The Public Employees' Collective Bargaining Act applies to the University of Washington with respect to printing craft employees in the University of Washington's Department of Printing and certain teaching assistants and research assistants, and to certain classified employees of technical colleges.

Other collective bargaining laws apply to public four-year institutions with respect to faculty members, and community colleges with respect to academic personnel.

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### **Summary of Substitute Bill:**

The Public Employees Collective Bargaining Act is made applicable to employees of institutions of higher education who are exempt from civil service under the PSRA, with the following exceptions:

- executive employees and their principal assistants;
- certain managers;
- confidential employees; and
- certain employees involved in personnel or labor relations matters or tort actions.

The parties are prohibited from agreeing to a proposal that would prevent the implementation of approved affirmative action plans or would be inconsistent with the comparable worth agreement.

The parties are prohibited from bargaining over management rights. These rights include, but are not limited to, the following:

- the institution's functions and programs;
- the use of technology;
- the organization's structure;
- the institution's budget;

- the size of the institution's workforce;
  - the right to direct and supervise employees;
  - the right to take necessary actions during emergencies;
  - retirement plans and retirement benefits; and
  - health care benefits and other employee insurance benefits, except as provided under the PSRA.
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**Appropriation:** None.

**Fiscal Note:** Requested on February 26, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support of HB 1399) The Coalition of Higher Education Unions consists of the American Federation of Teachers, the Washington Public Employees Association, the Washington Federation of State Employees, the Washington Education Association, the Public School Employees of Washington, and the Service Employees International Union Local 925. We all support House Bill 1399.

This bill will give collective bargaining rights to an overlooked group, the professional exempt staff. They are the last group in higher education that does not have bargaining rights. Their tasks often overlap with tasks performed by classified staff. They are squished in the middle of faculty and classified staff. Professional exempt staff do not have the right to bargain, but faculty and classified staff do. This bill would give this group the right to choose. There are about 4,000 workers in the four-year institutions and 1,500 to 1,900 in the community and technical colleges that are in this group. There is a small group that should be exempt, but there are thousands that should not. The Public Employment Relations Commission standards will allow for good decisions about unit determination, based on the duties performed by these workers.

(With concerns about HB 1399) We support the right of these workers to organize and to have this choice, but have a number of concerns. For example, some of these workers could be placed in existing bargaining units without a vote or any voice. Student employees and some mid- to high-level managers would be covered for purposes of collective bargaining. It could be divisive, especially with respect to the way management teams are structured. It could also blur lines of accountability and responsibility. There might also be some conflicts of interest.

(Opposed) None.

**Persons Testifying:** (In support of HB 1399) Sandra Schroeder, American Federation of Teachers and Coalition of Higher Education Unions; Leslie Liddle, Washington Public Employees Association and Coalition of Higher Education Unions; and Sarah Lazlett and Suzanne Ricordan, Coalition of Higher Education Unions.

(With concerns about HB 1399) John Boesenberg, State Board for Community and Technical Colleges; Terry Teale, Council of Presidents; and Larry Ganders, Washington State University.

(Opposed) None.

**Persons Signed In To Testify But Not Testifying:** None.