

# HOUSE BILL REPORT

## SHB 2963

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### As Amended by the Senate

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

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

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Conway, Campbell, Chase, Hasegawa, Sullivan, Simpson, Seaquist, Appleton, Sells, Wood, Green, Blake, Ericks, Kenney, Williams, McIntire, Pettigrew, Kirby, Moeller, Fromhold, Hunt, VanDeWege, Ormsby and Hudgins).

**Brief History:**

**Committee Activity:**

Commerce & Labor: 1/25/08, 2/4/08 [DP];

Appropriations: 2/11/08 [DPS].

**Floor Activity:**

Passed House: 2/15/08, 62-32.

Senate Amended.

Passed Senate: 3/4/08, 34-15.

<p><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Makes the public employees' collective bargaining law applicable to teaching assistants and research assistants at Washington State University.</li></ul>
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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

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

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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.*

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hunt, Kagi, Kenney, Kessler, Linville, McIntire, Morrell, Pettigrew, Schual-Berke, Seaquist and Sullivan.

**Minority Report:** Do not pass. Signed by 11 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Hinkle, Kretz, Priest, Ross, Schmick and Walsh.

**Staff:** David Pringle (786-7310).

### **Background:**

Employees enrolled in academic programs at Washington State University, 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. Legislation enacted in 2002 granted that right to teaching assistants and research assistants at the University of Washington.

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

The public employees' collective bargaining law applies to Washington State University (University) 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 association, 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:

- teaching assistants and research assistants;
- staff assistants, project assistants, and veterinary assistants;
- tutors, readers, and graders; and
- employees with substantially equivalent duties enrolled in an academic program.

Students who are research assistants 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.

## **EFFECT OF SENATE AMENDMENT(S):**

The intent section is modified. The Legislature acknowledges the ability of certain student employees at the University of Washington (UW) to collectively bargain and recognizes that student employees performing equivalent services at Washington State University (WSU) do not enjoy such rights. The Legislature recognizes that, while titles may differ, student employees at WSU should enjoy the same rights as their counterparts at UW. The Legislature intends to grant bargaining rights to student employees at WSU to the same extent such rights are granted to student employees at UW.

The bargaining unit is modified. The bargaining unit consists of tutors, readers, and graders, as well as graduate teaching assistants, graduate staff assistants, graduate project assistants,

graduate veterinary assistants, and certain graduate research assistants (instead of teaching assistants, staff assistants, projects assistants, veterinary assistants, and certain research assistants).

The emergency clause is stricken.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:** (Commerce & Labor)

(In support) Academic employees at Washington State University should have the same rights as academic employees at the University of Washington. A strong majority wants to engage in collective bargaining. One-half of instructional hours, lab hours, and other classes are taught by academic employees. This workforce is critical to the university.

The language of this bill is the same as the bill giving collective bargaining rights to academic employees at the University of Washington. This language has been successful. The Public Employment Relations Commission has already ruled what it means. It protects Washington State University's management rights.

There is collective bargaining for academic employees at more than 60 universities across the country. Washington State University is one of only a few major public research institutions in the west that lacks these rights.

(Opposed) None.

**Staff Summary of Public Testimony:** (Appropriations)

(In support) This tracks the 2002 bill that was passed for the University of Washington (UW) very closely, except for the classes of employees that differ between the schools. The Washington State University (WSU) students should have the same rights as the UW. There have been no issues over the scope of bargaining and grades. The system has worked at the UW.

(With concerns) The UW bill has been subject to extensive interpretation and the language is able to be used for the WSU with little additional administrative cost. The employees typically covered do include a small number of undergraduates that do these jobs.

(Opposed) We have no objection to bargaining with our graduate students. Several issues have not been dealt with, however. We don't believe that students should be able to bargain over academic issues. Undergraduates are also an issue to us, because their employment is often short term and unstable, so please exclude them from bargaining.

**Persons Testifying:** (Commerce & Labor) Mary Jo Klinker and Sky Wilson, Academic Student Employee Coordinating Committee/United Auto Workers; and Ken Lang, United Auto Workers.

**Persons Testifying:** (In support) Ken Lang, United Auto Workers.

(With concerns) Ken Latsch, Public Employment Relations Commission.

(Opposed) Larry Ganders, Washington State University.

**Persons Signed In To Testify But Not Testifying:** (Commerce & Labor) None.

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