

SENATE BILL REPORT

SHB 2963

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 28, 2008

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

Committee Activity: Labor, Commerce, Research & Development: 2/26/08, 2/28/08 [DPA-WM, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

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

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

Minority Report: Do not pass.

Signed by Senators Holmquist, Ranking Minority Member; King.

Staff: Mac Nicholson (786-7445)

Background: Employees enrolled in academic programs at Washington State University (WSU), 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 certain student employees, including teaching assistants and research assistants at the University of Washington.

Summary of Bill (Recommended Amendments): Collective bargaining rights are granted to student employees at WSU. The following employees, who are enrolled in an academic program at any WSU campus, constitute a bargaining unit: graduate teaching, staff, project, and veterinary assistants; tutors, readers, and graders in all academic units and tutoring

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centers; graduate research assistants not performing research primarily related to their dissertation; and all student employees whose duties and responsibilities are substantially equivalent to those listed.

The following are not within the scope of bargaining: the ability of WSU to terminate employment if the individual is not meeting academic requirements, the amount of tuition and fees, the academic calendar, and the number of students to be admitted to a particular class or class section.

Provisions of collective bargaining agreements relating to compensation must not exceed the amount or percentage established by the Legislature; however, WSU may provide additional compensation to student employees that exceeds what is provided by the Legislature. If any compensation provision is affected by subsequent modification by the Legislature, both parties must immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the affected provision.

If specific funding is not provided in the omnibus appropriations act, the legislation is null and void.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE, RESEARCH & DEVELOPMENT COMMITTEE (Recommended Amendments): The striking amendment adds language to the intent section, clarifies that the various assistants included in the bargaining unit are graduate assistants, and removes the emergency clause.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill passed.

Staff Summary of Public Testimony on Substitute Bill: PRO: This bill gives student employees at WSU the same collective bargaining rights enjoyed by UW student employees. The system has worked at UW and it will work at WSU. The bill as amended reflects negotiation and agreement between the parties and can be supported by WSU.

Persons Testifying: PRO: Representative Conway, prime sponsor; Elson Floyd, President, WSU; Ken Lang, Evette Jasper, United Auto Workers; Taj Mahon-Haft, ASECC; Rick Bender, Washington State Labor Council.