

SENATE BILL REPORT

SB 5514

As of February 13, 2007

Title: An act relating to employment opportunities at institutions of higher education.

Brief Description: Providing for faculty opportunities at institutions of higher education.

Sponsors: Senators Kohl-Welles, Shin, Keiser, Delvin, Murray, Weinstein, Kline, Kauffman, Kilmer, Fairley, McAuliffe and Regala.

Brief History:

Committee Activity: Higher Education: 2/12/07.

SENATE COMMITTEE ON HIGHER EDUCATION

Staff: Aldo Melchiori (786-7439)

Background: In 2004-05 average faculty salaries at Washington's public four-year institutions were generally below the average salaries of their established peer groups. Only the University of Washington had faculty salaries that ranked above those of their peer institutions. These averages reflected full-time faculty whose major assignment was instruction or instruction combined with research and/or public service. At community and technical colleges, over the last five biennia, average part-time faculty salaries grew 43 percent, reaching approximately 58 percent of full-time faculty salaries.

In the fall of 2003, part-time faculty comprised 66 percent of the faculty at public two-year institutions and 13 percent of the faculty at public four-year institutions. These are institutional averages; they do not indicate percentages on the department level.

In the Washington Learns report (November 2006), it is suggested that a more proper state comparison is to "Global Challenge States" (Massachusetts, Washington, California, Colorado, Maryland, New Jersey, Connecticut, and Virginia). These states are identified as the top eight performers in the New Economy Index. The index compares states on 21 indicators that measure their potential to compete in the new economy. Washington ranks second on this index, only trailing Massachusetts.

Summary of Bill: In 2008, each institution of higher education must determine the number of full-time equivalent (FTE) faculty positions held by part-time, non-tenured, tenure-track, and tenured faculty in each academic department of their institutions. Each institution formulates a plan on how to meet the goal of having at least 75 percent of the FTE faculty positions held by full-time tenured or tenure-track faculty in each department with at least 8 FTE faculty positions. The plan must address how the institution intends to meet this goal by

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creating new full-time tenure track positions, rather than by eliminating positions for current employees. If departments do not meet the 75 percent goal, the share of full-time tenured and tenure-track must be increased to meet the goal by 2013. The governing boards must request funds for the projected costs.

Subject to appropriation, beginning in September 2008, each institution of higher education must increase faculty salaries sufficiently to raise salaries to those of comparative Global Challenge States and to close the gap between adjunct faculty and full-time faculty in each department. The gaps must be closed by September 2013.

Each institution of higher education establishes a process, subject to collective bargaining, under which adjunct faculty, after successful completion of a probationary period, receive timely notice of and priority consideration for assignments in coming academic terms. The priority consideration must include either rights of first refusal for eligible classes or a continuing contract with due process rights. Each institution of higher education must create a process for ensuring that qualified internal applicants receive priority consideration for attaining tenure-track positions. The processes must be consistent with institutional and state affirmative action and other personnel policies and must ensure that nontenure-track faculty: (1) accumulate seniority; (2) are notified of job openings before the job is posted outside of the institution of higher education; and (3) have priority consideration for appointments.

Each institution of higher education establishes a faculty restoration and equity account. To the extent funds are appropriated, moneys in the account must be used: (1) to advance one-fifth of the way toward meeting the five year goal of increasing the number of undergraduate courses taught by tenure and tenure-track faculty members to 75 percent in each department; and (2) to advance one-fifth of the way toward meeting the five year goal of ensuring that full-time faculty receive wages in the top 25 percent of global challenge states and that adjunct faculty receive fully comparable pay to full-time tenure and tenure-track faculty.

Appropriation: None.

Fiscal Note: Requested on February 6, 2007.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: We need a seniority system for part-time faculty. Having a greater proportion of full-time faculty facilitates student achievement. Full-time faculty are better able to serve student needs. Faculty salaries directly affect faculty recruitment and retention. The Legislature has a history of not fully funding faculty salaries. This is a step in the right direction to provide opportunities for part-time faculty. There is some evidence that part-time faculty contribute disproportionately to grade inflation because they want to avoid student complaints.

CON: This will damage community colleges' flexibility and responsiveness to employer's needs. Staffing should be determined by local needs. There is a potentially negative consequence to departments attempting to expand quickly to meet local needs. The faculty ratio in the bill is arbitrary. The bill intrudes into local collective bargaining issues. This is well intended, but poorly drafted legislation. Some provisions may conflict with federal and

state anti-discrimination requirements. The real solution is to treat part-time faculty equitable, not to create more full-time faculty. The bill contains no clear standards.

OTHER: This system leaves the door open for exploitation of part-time faculty. This is too blunt an instrument and does not address the concerns of four-year institutions.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Sandra Schroeder, Phil Jack, American Federation of Teachers (AFT) Washington; Cliff Traisman, AFT Washington and United Faculty of Washington State; Ruth Windhoner, Washington Education Association (WEA); William Lyne, United Faculty of Washington State; Dan Jacoby, Harry Bridges Center for Labor Studies; Beth Norman, Pierce College; David Eberhardt, Seattle Community College Federation of Teachers 1789; Louis Watanabe, WEA/Bellevue Community College Association of Higher Education; John Avery, United Faculty of Green River Community College; Hank Galmish, Green River Community College; Annamary Fitzgerald, South Puget Sound Community College.

CON: John Boesenberg, State Board of Community and Technical Colleges; Andrew Bodman, Council of Presidents; Dana Rush, American Association of University Professors (AAUP); Doug Collins, Keith Hoeler, WAPTFA and AAUP.

OTHER: Sara Singleton, Council of Faculty Representatives, Western Washington University; J.W. Harrington, Council of Faculty Representatives, University of Washington.