
SUBSTITUTE HOUSE BILL 2963

State of Washington

60th Legislature

2008 Regular Session

By House 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)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to collective bargaining for Washington State
2 University employees who are enrolled in academic programs; adding a
3 new section to chapter 41.56 RCW; creating new sections; and declaring
4 an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) This act is intended to promote
7 cooperative labor relations between Washington State University and the
8 employees who provide instructional, research, and related academic
9 services, and who are enrolled as students at the university by
10 extending collective bargaining rights under chapter 41.56 RCW and
11 using the orderly procedures administered by the public employment
12 relations commission. To achieve this end, the legislature intends
13 that under chapter 41.56 RCW the university will exclusively bargain in
14 good faith over all matters within the scope of bargaining under
15 section 2 of this act.

16 (2) The legislature recognizes the importance of the shared
17 governance practices developed at Washington State University. The
18 legislature does not intend to restrict, limit, or prohibit the
19 exercise of the functions of the faculty in any shared governance

1 mechanisms or practices, including the faculty senate, faculty
2 councils, and faculty codes of Washington State University; nor does
3 the legislature intend to restrict, limit, or prohibit the exercise of
4 the functions of the graduate and professional student association, the
5 associated students of Washington State University, or any other
6 student organization in matters outside the scope of bargaining covered
7 by chapter 41.56 RCW.

8 (3) The legislature intends that nothing in this act will restrict,
9 limit, or prohibit Washington State University from consideration of
10 the merits, necessity, or organization of any program, activity, or
11 service established by Washington State University, including, but not
12 limited to, any decision to establish, modify, or discontinue any such
13 program, activity, or service. The legislature further intends that
14 nothing in this act will restrict, limit, or prohibit Washington State
15 University from having sole discretion over admission requirements for
16 students, criterion for the award of certificates and degrees to
17 students, academic criterion for selection of employees covered by this
18 act, initial appointment of students, and the content, conduct, and
19 supervision of courses, curricula, grading requirements, and research
20 programs.

21 (4) The legislature does not intend to limit the matters excluded
22 from collective bargaining to those items specified in section 2 of
23 this act.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.56 RCW
25 to read as follows:

26 (1) In addition to the entities listed in RCW 41.56.020, this
27 chapter applies to Washington State University with respect to
28 employees who are enrolled in an academic program and are in a
29 classification in (a) through (g) of this subsection on any Washington
30 State University campus. The employees in (a) through (g) of this
31 subsection constitute an appropriate bargaining unit:

- 32 (a) Teaching assistant;
- 33 (b) Staff assistant;
- 34 (c) Project assistant;
- 35 (d) Veterinary assistant;
- 36 (e) Tutor, reader, and graders in all academic units and tutoring
37 centers;

1 (f) Except as provided in this subsection (1)(f), research
2 assistant. The employees that constitute an appropriate bargaining
3 unit under this subsection (1) do not include research assistants who
4 are performing research primarily related to their dissertation and who
5 have incidental or no service expectations placed upon them by the
6 university; and

7 (g) All employees enrolled in an academic program whose duties and
8 responsibilities are substantially equivalent to those employees in (a)
9 through (f) of this subsection.

10 (2)(a) The scope of bargaining for employees at Washington State
11 University under this section excludes:

12 (i) The ability to terminate the employment of any individual if
13 the individual is not meeting academic requirements as determined by
14 Washington State University;

15 (ii) The amount of tuition or fees at Washington State University.
16 However, tuition and fee remission and waiver is within the scope of
17 bargaining;

18 (iii) The academic calendar of Washington State University; and

19 (iv) The number of students to be admitted to a particular class or
20 class section at Washington State University.

21 (b)(i) Except as provided in (b)(ii) of this subsection, provisions
22 of collective bargaining agreements relating to compensation must not
23 exceed the amount or percentage established by the legislature in the
24 appropriations act. If any compensation provision is affected by
25 subsequent modification of the appropriations act by the legislature,
26 both parties must immediately enter into collective bargaining for the
27 sole purpose of arriving at a mutually agreed upon replacement for the
28 affected provision.

29 (ii) Washington State University may provide additional
30 compensation to student employees covered by this section that exceeds
31 that provided by the legislature.

32 NEW SECTION. **Sec. 3.** If specific funding for the purposes of this
33 act, referencing this act by bill or chapter number, is not provided by
34 June 30, 2008, in the omnibus appropriations act, this act is null and
35 void.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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