

HOUSE BILL REPORT

HB 1340

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.

Brief Description: Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.

Sponsors: Representatives Conway, Sells, Kenney, Sullivan, Hunt, Haigh, Appleton, Hasegawa, Pettigrew, Quall, Rolfes, Seaquist, Chase, Simpson, Campbell, Nelson, Hudgins, Ormsby, McCoy, Van De Wege, Moeller and Santos.

Brief History:

Committee Activity:

Commerce & Labor: 1/27/09, 2/18/09 [DP].

Brief Summary of Bill

- Authorizes the boards of community and technical colleges to provide additional compensation to academic employees.

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 and Crouse.

Staff: Jill Reinmuth (786-7134)

Background:

Several collective bargaining laws apply to public institutions of higher education. These laws generally provide that the governing boards and the exclusive bargaining

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.

representatives have a mutual obligation to bargain in good faith over wages, hours, and terms and conditions of employment.

For faculty at four-year institutions and certain student employees at the University of Washington and Washington State University, a collective bargaining agreement may not include compensation that exceeds the amount or percentage established by the Legislature in the appropriations act. The employer, however, may provide additional compensation to faculty and certain student employees that exceeds that provided by the Legislature.

For academic employees at community and technical colleges, a contract may not include salary increases that exceed the amount or percentage established by the Legislature in the appropriations act and allocated by the State Board for Community and Technical Colleges (State Board). Any provisions pertaining to salary increases in a contract are not binding upon future actions of the Legislature. There is no provision for additional compensation.

Other laws require the boards of community and technical colleges ("college boards") to fix the college president's compensation, which may include elements other than salary. The college boards are also required to fix the salaries of faculty members and other administrative officers and employees. The State Board must adopt rules defining the permissible elements of compensation.

Summary of Bill:

The boards of community and technical colleges may provide additional compensation to academic employees that exceeds that provided by the Legislature.

The language specifying that provisions pertaining to salary increases in a contract are not binding upon the Legislature's future actions is stricken.

The requirement that the State Board for Community and Technical Colleges adopt rules defining the permissible elements of compensation is modified. The rules must define the permissible elements of compensation "for college presidents."

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill has been introduced because of the challenges of compensating faculty members at community colleges. There needs to be a discussion to address the underlying

issue of how to ensure reasonable and fair compensation for these employees. There needs to be a better way to determine compensation. The status quo has degraded pay.

This bill addresses underfunding of faculty salaries at community and technical colleges without burdening the state with the costs. It gives us a tool to provide competitive salaries, and to address issues about full and part-time salary equity.

This bill extends the right to bargain salaries to faculty members at community and technical colleges. These are the same rights that faculty at four-year institutions and other groups have. This bill helps both full-time faculty and adjunct faculty.

Current law places a unique limit on bargaining. As a result, community and technical college faculty are falling far behind their peers in other states. Poor pay has consequences for the quality of instructors who are hired and the quality of instruction that is delivered.

If the parties are motivated to find money, they will find it. They found the money for the initial reduction requested by the State Board for Community and Technical Colleges. They found the money for administrative growth. College budgets should make classroom instruction a top priority.

The community and technical college system provides 60 percent of the training, but receives only 40 percent of the funding. This practice results in underfunding of faculty salaries and employment of part-time faculty without job security or benefits.

This bill would give the colleges flexibility. Right now, their hands are tied. They cannot provide any additional compensation. There should be a high level of trust in the faculty and in collective bargaining. There has been very little labor strife among community and technical college faculty. There have been about 300 contracts over the years.

This bill is part of the solution to the underfunding crisis. It addresses a problem that is unique to the community and technical colleges. There is nothing inherently different about community and technical college faculty that justifies limiting what they can bargain.

This bill will make the two-year institutions stronger. It will require everyone to focus on the institution's mission. The faculty members will have to pay attention to the administration's problems, understand the budget constraints, and do what is best for the institution.

The four-year institutions have bargained successfully under a similar law. While bargaining has been difficult at times, compensation has not been the sticking point.

(Neutral with concerns) This bill allows for increased expenditures without providing increased funding. The Legislature already has authority to increase compensation. More collective bargaining is not the answer. It would be a disservice to the taxpayers.

(Opposed) The community and technical colleges support getting more and higher levels of compensation for all of our faculty and our other employees. The colleges have worked to identify the pay needs of our faculty, especially as compared to comparable states. The colleges have proposed an overall package of improvements as a result of that work.

This bill is not the right way to achieve the system's compensation goals. It is not consistent with quality labor relations or the interests of the students. The colleges have limited revenues, a large part of which are prescribed by the Legislature. The colleges have no independent access to taxes, and do not desire such access. Full scope bargaining should involve management partners that control revenue. The colleges do not control revenue.

There are significant differences between community and technical colleges and four-year universities and the K-12 system. The differences include I-732 cost-of-living adjustments, statutorily-prescribed tenure, and a salary scale. The universities do not have indexed COLAs or prescribed tenure rights. They do have authority to set higher tuition rates. The K-12 system has a statewide salary structure, local taxes, and per pupil funding.

If the law changes to authorize bargaining over all money, the colleges should be given a clean slate. Management rights, seniority, tenure, class sizes, grievance procedures, and working conditions should all be on the table. This would be similar to what was provided when classified employees began bargaining. There was also a three-year transition process.

Although faculty members deserve to be paid fairly, this is not the best way to do this. The colleges are already concerned about affordability, and do not want to put increased costs on the backs of students.

The community and technical colleges need reserves to carry them through emergencies like this year, and to take advantage of unique opportunities. The colleges are still figuring out how to cut dollars out of our budget this year.

This bill does not do anything for part-time faculty. Part-time faculty members do not have a choice to have separate bargaining units. They have no security, no benefits, and are now getting laid off in large numbers. To shift bargaining back to the local level is a kick in the teeth to part-timers. The abuse and exploitation of part-timers needs to stop.

Persons Testifying: (In support) Representative Conway, prime sponsor; Mary Lindquist, Washington Education Association; Nathaniel Hong, Olympic College Association for Higher Education and Washington Education Association; Sarah Adams, Olympic College; Douglas Sayan; Sandra Schroeder, American Federation of Teachers; Jeff Johnson, Washington State Labor Council; Larry Brown, International Association of Machinists District 751; and Bill Lyne, Western Washington University.

(Neutral with concerns) Scott Dilley, Evergreen Freedom Foundation.

(Opposed) Charlie Earl and John Boesenberg, State Board for Community and Technical Colleges; Lee Lambert, Shoreline Community College; Linda Kaminski, Yakima Valley Community College; Keith Hoeller, American Association of University Professors; Wayne Martin, Columbia Basin College; Mauri Moore, Edmonds Community College; and Lyle Lovingfoss, Lower Columbia College Board of Trustees.

Persons Signed In To Testify But Not Testifying: None.