
Commerce & Labor Committee

HB 1560

Brief Description: Regarding collective bargaining at institutions of higher education.

Sponsors: Representatives Conway, Wood and Simpson.

Brief Summary of Bill

- Permits employees of institutions of higher education to engage multi-employer bargaining, but does not require either multi-employer or coalition bargaining.
- Provides a process for institutions of higher education to submit requests for funds necessary to implement collective bargaining agreements if the parties do not reach agreement by October 1 and engage in mediation or fact-finding.
- Provides a process for the Legislature to act on initial collective bargaining agreements involving bargaining units for which representatives were certified during or after the legislative session.

Hearing Date: 2/4/09

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Background:

The Personnel System Reform Act of 2002 (Act) provides for collective bargaining with representatives of civil service employees in general government and institutions of higher education. For purposes of negotiations, state agencies are represented by the Governor. Institutions of higher education may be represented by either their governing boards or by the Governor.

The Act provides for multi-employer bargaining and coalition bargaining involving state agencies and institutions of higher education represented by the Governor. Representatives of more than one bargaining unit must negotiate one master collective bargaining agreement covering all of the represented employees. Representatives of fewer than 500 employees must

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bargain in one coalition. The coalition must bargain for a master collective bargaining agreement covering all represented employees.

The Act requires the Governor to submit requests for funds necessary to implement collective bargaining agreements to the Legislature. The requests for funds must not be submitted to the Legislature unless two conditions are met. First, the requests must be submitted to the Director of the Office of Financial Management (Director) by October 1 prior to the legislative session at which the requests are to be considered. Second, the requests must be certified by the Director as being financially feasible for the state.

The Act specifies that the Legislature must accept or reject the requests for funds necessary to implement the agreements as a whole. If a significant revenue shortfall occurs, as declared by either the Governor or the Legislature, modifications to the agreements must be negotiated. The terms of an expired collective bargaining agreement remain in effect until a new agreement is negotiated, not to exceed one year. After one year, the employer may unilaterally implement according to law.

Summary of Bill:

Changes are made to the provisions for multi-employer bargaining and coalition bargaining involving institutions of higher education, the process for submitting requests for funds in certain circumstances involving such institutions, and the process for acting on initial agreements with certain bargaining units.

The provisions for multi-employer bargaining and coalition bargaining do not apply to negotiations involving institutions of higher education, regardless of whether such institutions are represented by their governing boards or by the Governor. Higher education employees may engage in multi-employer bargaining upon mutual agreement of the parties.

If the parties to a collective bargaining agreement have not reached agreement by October 1 and have engaged the Public Employment Relations Commission's mediation or fact-finding services, the Governor must submit a request for funds equivalent to the last pre-October 1 offer. If the eventual settlement exceeds the request for funds, the Governor must submit a supplementary request for the balance to the Legislature in conjunction with the Governor's supplementary budget request for the following legislative session. This provision applies only to requests for funds for institutions of higher education.

The Legislature may act upon a unit's initial collective bargaining agreement if: (1) the unit's representative was certified during or after the legislative session; and (2) the agreement is submitted to the Office of Financial Management and the legislative budget committees prior to the Legislature's final action on the budget or the supplemental budget. This provision applies to legislative action on initial agreements with general government employees and higher education employees.

Rules Authority: The bill does not address the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Requested on 1/27/09.

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