

HOUSE BILL REPORT

HB 1560

As Reported by House Committee On:

Commerce & Labor
Ways & Means

Title: An act relating to collective bargaining for employees of institutions of higher education.

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

Sponsors: Representatives Conway, Wood and Simpson.

Brief History:

Committee Activity:

Commerce & Labor: 2/4/09, 2/18/09 [DPS];
Ways & Means: 3/2/09 [DP2S(w/o sub CL)].

Brief Summary of Second Substitute Bill

- Permits employees of four-year institutions of higher education to engage in multi-employer bargaining.
- Requires representatives of bargaining units at four-year higher education institutions that represent more than one unit, where the institution elects to have the Governor conduct negotiations, to negotiate one master agreement for all units at the institution.
- Provides a process for the Legislature to act on initial higher education bargaining agreements involving certain new bargaining units.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill 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)

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.

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

The Governor must submit requests for funds necessary to implement collective bargaining agreements to the Legislature. The requests 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 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 Substitute Bill:

Changes are made to the provisions for multi-employer bargaining and coalition bargaining involving institutions of higher education, and the process for acting on initial agreements with certain new 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.

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 new units of general government employees and higher education employees.

Substitute Bill Compared to Original Bill:

The process for parties who do not reach agreement by October 1 and who engage in mediation or fact-finding to submit requests for funds necessary to implement collective bargaining agreements is deleted.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on 2/19/09.

Effective Date of Substitute Bill: 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 makes three improvements that address unanticipated issues.

First, it gives late-certified bargaining units a means of submitting request for funding to the Legislature. Organizing is an ongoing process. The Personnel System Reform Act (PSRA) does not allow us to anticipate or submit contracts as units are organized.

Second, it gives these bargaining units parity with other units. No one else has a drop-dead date. The bill is respectful of the budget process. It allows the last offer to be submitted to the Legislature, and then be followed by supplemental requests.

Third, it addresses multi-employer bargaining. Bargaining units cannot decide whether or not to come together and engage in multi-employer bargaining. Only the institutions of higher education can decide whether there is multi-employer bargaining.

(With concerns) The drop-dead date should not be changed. Negotiations have been successful. Eliminating the October 1 deadline may cause delays in bargaining. The process for new bargaining units is appropriate.

The current process for multi-employer bargaining works well. In 2007-08 Western Washington University (WWU) opted to have the Governor bargain on its behalf. It was more cost-effective. WWU only employs two labor negotiators. WWU still has the ability to remain unique from other colleges. Eliminating multi-employer bargaining would split the colleges.

(Opposed) None.

Persons Testifying: (In support) Leslie Liddle, Public School Employees of Washington and Service Employees International Union Local 1948.

(With concerns) Cheryl Wolfe-Lee, Western Washington University; and Lou Pisano, University of Washington.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by 16 members: Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody, Conway, Darneille, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Seaquist and Sullivan.

Minority Report: Do not pass. Signed by 6 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler, Hinkle, Ross and Schmick.

Staff: David Pringle (786-7310)

Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On Commerce & Labor:

The provisions permitting multi-employer bargaining are limited in the Ways and Means substitute to four-year institutions of higher education, as compared to also permitting them at the community and technical colleges. A requirement is added that a single master bargaining agreement be negotiated at four-year institutions between the employer and a representative of multiple bargaining units where the institution has elected to have negotiations conducted by the Governor. The rules permitting newly-certified bargaining units to be considered by the Legislature are limited to higher education bargaining units, rather than also permitting general government bargaining units to be considered.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) We have worked hard with the chair of the Commerce and Labor Committee, and this is about groups that are organized during the term of a collective bargaining agreement. This is a way to bring them in. The amendment may deal with the multi-employer bargaining issues that have been raised.

(With concerns) What we want to do is maintain the two-year colleges coalition bargaining, even if the four-year schools end up with individual negotiations. The elimination of separate bargaining for the colleges would also reduce the Office of Financial Management costs identified in the fiscal note.

(Opposed) Our concerns are about the unfunded costs of bargaining and keeping equity for our unrepresented employees. Having the Governor represent the colleges together is highly cost-effective, and we would like to keep this in place. The community colleges might need

to have separate negotiations for each of their schools under the bill passed out by Commerce and Labor.

Persons Testifying: (In support) Representative Conway, prime sponsor; and Leslie Liddle, Public School Employees SEIU 1948.

(With concerns) Victor Moore, Office of Financial Management.

(Opposed) John Bosenberg, State Board for Community and Technical Colleges.

Persons Signed In To Testify But Not Testifying: None.