

HOUSE BILL REPORT

HB 2743

As Reported by House Committee On: Commerce & Labor

Title: An act relating to collective bargaining for certain employees of institutions of higher education and related boards.

Brief Description: Addressing collective bargaining for certain employees of institutions of higher education and related boards.

Sponsors: Representatives Conway, Appleton, Green, Hasegawa, Sullivan, Rolfes, Nelson, Simpson, Chase and Hudgins.

Brief History:

Committee Activity:

Commerce & Labor: 1/26/10, 2/2/10 [DPS].

Brief Summary of Substitute Bill

- Makes the Public Employees' Collective Bargaining Act applicable to certain managers and directors of institutions of higher education who are exempted from civil service under the Personnel System Reform Act.

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).

Background:

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.

Employees of institutions of higher education may be covered for purposes of collective bargaining under the Personnel System Reform Act (PSRA), the Public Employees' Collective Bargaining Act (PECBA), or laws applicable to faculty and academic personnel.

The PSRA applies to employees of institutions of higher education who are covered for purposes of civil service. Employees who are exempt from civil service, and therefore, from collective bargaining under the PSRA include:

- deans, directors, and chairs; and
- managerial or professional employees who have substantial responsibility for directing or controlling program operations and who are accountable for the allocation of resources and program results, the formulation of institutional policy, or carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations.

The PECBA applies to employees of institutions of higher education who are exempt from civil service under the PSRA, with certain exceptions. Exempt employees who are not covered for purposes of collective bargaining under the PECBA include:

- deans, directors, and chairs;
- managers who formulate, develop, or establish institutional policy, or direct the work of an administrative unit;
- managers who manage, administer, and control a program, including its physical, financial, or personnel resources;
- managers who have substantial responsibility for human resources administration, legislative relations, public information, internal audits and investigations, or the preparation and administration of budgets; and
- managers who are functionally above the first level of supervision and exercise authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

Summary of Substitute Bill:

The Public Employees' Collective Bargaining Act (PECBA) is made applicable to additional exempt employees of institutions of higher education, including supervisors. Exempt employees who are covered for purposes of collective bargaining under the PECBA include directors and managers, but not:

- managers who develop and establish policy for, and control the financial and personnel resources of, major administrative or academic divisions; or
- managers who head the department of human resources, labor relations, administrative services, legislative relations, public relations or public information, budget and finance, or facilities operations, or who supervise other exempt staff.

Substitute Bill Compared to Original Bill:

Two subsections listing managers who are not covered for purposes of collective bargaining under the Public Employees' Collective Bargaining Act are added.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. A fiscal note on the substitute bill was requested on February 2, 2010.

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 law first passed in 2007. When employees of the community and technical colleges began to organize, one community college reached an agreement with a union. Another, however, challenged everything. The language was a litigation machine. That could happen at every single community college. This bill will save the state and the unions in litigation costs.

The organizing process has lasted for two years. The administration challenged whether 39 of 45 employees should be in the union. The 39 employees who were challenged had hearings. There were multiple opinions from hearing officers and now the matter is before the Public Employment Relations Commission (PERC). The parties have not yet learned which positions are possible to organize.

(With concerns) The stakeholders worked with the PERC when the bill was introduced in 2007. There were extensive discussions of the exemption criteria, which were copied from the Washington Management Service and the faculty statutes. The stakeholders worked to provide the same bargaining rights for higher education staff as state agency staff.

The concern with the current language is that persons involved in high level policy and management decisions would be part of a bargaining unit. The stakeholders will meet to see if issues can be resolved.

(Opposed) None.

Persons Testifying: (In support) Sandra Schroeder and Carla Shafer, American Federation of Teachers.

(With concerns) Lou Pisano, University of Washington; and John Boesenberg, State Board for Community and Technical Colleges.

Persons Signed In To Testify But Not Testifying: None.