
SENATE BILL 5434

State of Washington

62nd Legislature

2011 Regular Session

By Senators Conway, Kohl-Welles, Nelson, Keiser, and Chase

Read first time 01/25/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to modifying collective bargaining law to authorize
2 providing additional compensation to academic employees at community
3 and technical colleges; and amending RCW 28B.52.035 and 28B.50.140.

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

5 **Sec. 1.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to
6 read as follows:

7 At the conclusion of any negotiation processes as provided for in
8 RCW 28B.52.030, any matter upon which the parties have reached
9 agreement shall be reduced to writing and acted upon in a regular or
10 special meeting of the boards of trustees, and become part of the
11 official proceedings of said board meeting. Except as provided in this
12 section, provisions of written contracts relating to salary increases
13 shall not exceed the amount or percentage established by the
14 legislature in the appropriations act and allocated to the board of
15 trustees by the state board for community and technical colleges. The
16 length of term of any such agreement shall be for not more than three
17 fiscal years. ((Any provisions of these agreements pertaining to
18 salary increases will not be binding upon future actions of the
19 legislature.)) If any provision of a salary increase is changed by

1 subsequent modification of the appropriations act by the legislature,
2 both parties shall immediately enter into collective bargaining for the
3 sole purpose of arriving at a mutually agreed upon replacement for the
4 modified provision. A board of trustees may provide additional
5 compensation to academic employees that exceeds that provided by the
6 legislature.

7 **Sec. 2.** RCW 28B.50.140 and 2010 c 51 s 4 are each amended to read
8 as follows:

9 Each board of trustees:

10 (1) Shall operate all existing community and technical colleges in
11 its district;

12 (2) Shall create comprehensive programs of community and technical
13 college education and training and maintain an open-door policy in
14 accordance with the provisions of RCW 28B.50.090(3);

15 (3) Shall employ for a period to be fixed by the board a college
16 president for each community and technical college and, may appoint a
17 president for the district, and fix their duties and compensation,
18 which may include elements other than salary. Compensation under this
19 subsection shall not affect but may supplement retirement, health care,
20 and other benefits that are otherwise applicable to the presidents as
21 state employees. The board shall also employ for a period to be fixed
22 by the board members of the faculty and such other administrative
23 officers and other employees as may be necessary or appropriate and fix
24 their salaries and duties. Except as provided for academic employees
25 in RCW 28B.52.035, compensation and salary increases under this
26 subsection shall not exceed the amount or percentage established for
27 those purposes in the state appropriations act by the legislature as
28 allocated to the board of trustees by the state board for community and
29 technical colleges. The state board for community and technical
30 colleges shall adopt rules defining the permissible elements of
31 compensation for college presidents under this subsection;

32 (4) May establish, under the approval and direction of the college
33 board, new facilities as community needs and interests demand.
34 However, the authority of boards of trustees to purchase or lease major
35 off-campus facilities shall be subject to the approval of the higher
36 education coordinating board pursuant to RCW 28B.76.230;

1 (5) May establish or lease, operate, equip and maintain
2 dormitories, food service facilities, bookstores and other self-
3 supporting facilities connected with the operation of the community and
4 technical college;

5 (6) May, with the approval of the college board, borrow money and
6 issue and sell revenue bonds or other evidences of indebtedness for the
7 construction, reconstruction, erection, equipping with permanent
8 fixtures, demolition and major alteration of buildings or other capital
9 assets, and the acquisition of sites, rights-of-way, easements,
10 improvements or appurtenances, for dormitories, food service
11 facilities, and other self-supporting facilities connected with the
12 operation of the community and technical college in accordance with the
13 provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

14 (7) May establish fees and charges for the facilities authorized
15 hereunder, including reasonable rules and regulations for the
16 government thereof, not inconsistent with the rules of the college
17 board; each board of trustees operating a community and technical
18 college may enter into agreements, subject to rules of the college
19 board, with owners of facilities to be used for housing regarding the
20 management, operation, and government of such facilities, and any board
21 entering into such an agreement may:

22 (a) Make rules for the government, management and operation of such
23 housing facilities deemed necessary or advisable; and

24 (b) Employ necessary employees to govern, manage and operate the
25 same;

26 (8) May receive such gifts, grants, conveyances, devises and
27 bequests of real or personal property from private sources, as may be
28 made from time to time, in trust or otherwise, whenever the terms and
29 conditions thereof will aid in carrying out the community and technical
30 college programs as specified by law and the rules of the state college
31 board; sell, lease or exchange, invest or expend the same or the
32 proceeds, rents, profits and income thereof according to the terms and
33 conditions thereof; and adopt rules to govern the receipt and
34 expenditure of the proceeds, rents, profits and income thereof;

35 (9) May establish and maintain night schools whenever in the
36 discretion of the board of trustees it is deemed advisable, and
37 authorize classrooms and other facilities to be used for summer or

1 night schools, or for public meetings and for any other uses consistent
2 with the use of such classrooms or facilities for community and
3 technical college purposes;

4 (10) May make rules for pedestrian and vehicular traffic on
5 property owned, operated, or maintained by the district;

6 (11) Shall prescribe, with the assistance of the faculty, the
7 course of study in the various departments of the community and
8 technical college or colleges under its control, and publish such
9 catalogues and bulletins as may become necessary;

10 (12) May grant to every student, upon graduation or completion of
11 a course of study, a suitable diploma, degree, or certificate under the
12 rules of the state board for community and technical colleges that are
13 appropriate to their mission. The purposes of these diplomas,
14 certificates, and degrees are to lead individuals directly to
15 employment in a specific occupation or prepare individuals for a
16 bachelor's degree or beyond. Technical colleges may only offer
17 transfer degrees that prepare students for bachelor's degrees in
18 professional fields, subject to rules adopted by the college board. In
19 adopting rules, the college board, where possible, shall create
20 consistency between community and technical colleges and may address
21 issues related to tuition and fee rates; tuition waivers; enrollment
22 counting, including the use of credits instead of clock hours; degree
23 granting authority; or any other rules necessary to offer the associate
24 degrees that prepare students for transfer to bachelor's degrees in
25 professional areas. Only ((pilot)) colleges under RCW 28B.50.810 may
26 award baccalaureate degrees. The board, upon recommendation of the
27 faculty, may also confer honorary associate of arts degrees upon
28 persons other than graduates of the community college, in recognition
29 of their learning or devotion to education, literature, art, or
30 science. No degree may be conferred in consideration of the payment of
31 money or the donation of any kind of property;

32 (13) Shall enforce the rules prescribed by the state board for
33 community and technical colleges for the government of community and
34 technical colleges, students and teachers, and adopt such rules and
35 perform all other acts not inconsistent with law or rules of the state
36 board for community and technical colleges as the board of trustees may
37 in its discretion deem necessary or appropriate to the administration
38 of college districts: PROVIDED, That such rules shall include, but not

1 be limited to, rules relating to housing, scholarships, conduct at the
2 various community and technical college facilities, and discipline:
3 PROVIDED, FURTHER, That the board of trustees may suspend or expel from
4 community and technical colleges students who refuse to obey any of the
5 duly adopted rules;

6 (14) May, by written order filed in its office, delegate to the
7 president or district president any of the powers and duties vested in
8 or imposed upon it by this chapter. Such delegated powers and duties
9 may be exercised in the name of the district board;

10 (15) May perform such other activities consistent with this chapter
11 and not in conflict with the directives of the college board;

12 (16) Notwithstanding any other provision of law, may offer
13 educational services on a contractual basis other than the tuition and
14 fee basis set forth in chapter 28B.15 RCW for a special fee to private
15 or governmental entities, consistent with rules adopted by the state
16 board for community and technical colleges: PROVIDED, That the whole
17 of such special fee shall go to the college district and be not less
18 than the full instructional costs of such services including any salary
19 increases authorized by the legislature for community and technical
20 college employees during the term of the agreement: PROVIDED FURTHER,
21 That enrollments generated hereunder shall not be counted toward the
22 official enrollment level of the college district for state funding
23 purposes;

24 (17) Notwithstanding any other provision of law, may offer
25 educational services on a contractual basis, charging tuition and fees
26 as set forth in chapter 28B.15 RCW, counting such enrollments for state
27 funding purposes, and may additionally charge a special supplemental
28 fee when necessary to cover the full instructional costs of such
29 services: PROVIDED, That such contracts shall be subject to review by
30 the state board for community and technical colleges and to such rules
31 as the state board may adopt for that purpose in order to assure that
32 the sum of the supplemental fee and the normal state funding shall not
33 exceed the projected total cost of offering the educational service:
34 PROVIDED FURTHER, That enrollments generated by courses offered on the
35 basis of contracts requiring payment of a share of the normal costs of
36 the course will be discounted to the percentage provided by the
37 college;

1 (18) Shall be authorized to pay dues to any association of trustees
2 that may be formed by the various boards of trustees; such association
3 may expend any or all of such funds to submit biennially, or more often
4 if necessary, to the governor and to the legislature, the
5 recommendations of the association regarding changes which would affect
6 the efficiency of such association;

7 (19) May participate in higher education centers and consortia that
8 involve any four-year public or independent college or university:
9 PROVIDED, That new degree programs or off-campus programs offered by a
10 four-year public or independent college or university in collaboration
11 with a community or technical college are subject to approval by the
12 higher education coordinating board under RCW 28B.76.230;

13 (20) Shall perform any other duties and responsibilities imposed by
14 law or rule of the state board; and

15 (21) May confer honorary associate of arts degrees upon persons who
16 request an honorary degree if they were students at the college in 1942
17 and did not graduate because they were ordered into an internment camp.
18 The honorary degree may also be requested by a representative of
19 deceased persons who meet these requirements. For the purposes of this
20 subsection, "internment camp" means a relocation center to which
21 persons were ordered evacuated by Presidential Executive Order 9066,
22 signed on February 19, 1942.

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