

HOUSE BILL REPORT

HB 1348

As Passed House:
March 8, 2013

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

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

Sponsors: Representatives Reykdal, Hope, Stanford, Pollet, Hunt, Ryu, Seaquist, Goodman, Haigh, Wylie, Fitzgibbon, Santos, Pettigrew, Lytton, Blake, Moscoso, Sells, Orwall, Liias, Roberts, Carlyle, Sullivan, Upthegrove, Dunshee, Maxwell, Green, Riccelli, Ormsby, Springer, Appleton, McCoy, Van De Wege, Bergquist, Tarleton, Fey and Hudgins.

Brief History:

Committee Activity:

Labor & Workforce Development: 2/7/13, 2/13/13 [DP];

Appropriations: 2/28/13 [DP].

Floor Activity:

Passed House: 3/8/13, 61-36.

Brief Summary of Bill

- Requires community and technical college boards of trustees to award to full- and part-time academic employees step increases based on collective bargaining agreements, and permits the step increases to exceed compensation provided by the Legislature.

HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: Do pass. Signed by 5 members: Representatives Sells, Chair; Reykdal, Vice Chair; Green, Moeller and Ormsby.

Minority Report: Do not pass. Signed by 4 members: Representatives Manweller, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holy and Short.

Staff: Alexa Silver (786-7190).

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.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 19 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Green, Haigh, Haler, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Pedersen, Pettigrew, Seaquist, Springer and Sullivan.

Minority Report: Do not pass. Signed by 12 members: Representatives Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dahlquist, Fagan, Harris, Parker, Pike, Ross, Schmick and Taylor.

Staff: David Pringle (786-7310).

Background:

Several collective bargaining laws apply to public institutions of higher education. These laws generally provide that the governing boards and the exclusive bargaining 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 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 Legislature finds that academic employee morale, willingness to invest in professional development, recruitment, and retention are improved by consistent and predictable salary increases. The Legislature further finds that community and technical colleges currently bargain step increases but may only award the increases if the Legislature allocates funding, which it has not done for the past two biennia. The Legislature therefore intends to authorize college boards to use the collective bargaining process to provide step increases to academic employees.

College boards must award full- and part-time academic employees step increases based on collective bargaining agreements. The step increases may exceed academic employee

compensation provided by the Legislature. Nothing prohibits the Legislature from allocating funding for step increases, which may be used in combination with turnover savings to award step increases.

"Step increase" means an incremental increase in an academic employee's salary based on a salary schedule. It may be based on time, specific requirements, or a combination of time and requirements. "Turnover savings" means the ongoing permanent difference between the compensation level of an academic employee who is no longer employed and the compensation level of the replacement employee.

The requirement that the State Board adopt rules defining the permissible elements of compensation is modified.

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 (Labor & Workforce Development):

(In support) This is simply a bill about fairness. Employees of community and technical colleges are the only group of public sector employees with no remedy to pay for the step increases they negotiate with management. Nothing in the bill mandates the state to pay a penny. The community and technical college system is one of the best in the nation because of its faculty. Community and technical college faculty want equal treatment with four-year colleges. This bill would allow community and technical colleges to invest in the professional development, recruitment, and retention of academic employees.

For many years, the Legislature funded step increases, but now it has stopped. The situation is dire, because there have been no raises. Salary compression has become a problem within colleges, and not receiving step increases also affects retirement benefits. Low morale is getting lower. This has caused faculty to leave the profession, especially in nursing programs. It is a national hiring market, and the faculty are some of the lowest paid in the country.

The current system does not create responsible bargaining because the employer does not have to pay for the contract it bargains. Bargaining strengthens the relationship between faculty and the administration and increases accountability and efficiency.

(With concerns) The State Board supports increments and asks for funding for increments every year. One concern with this bill is that it shifts responsibility for paying for increments to local colleges. Some operating expenses are already paid out of tuition, and local funds have already been cut. The other concern is that increments vary and will lead to pay disparities between districts and between part-time and full-time employees. In the K-12 context, levy funds have been diverted to add to wages of employees who are already paid on the state salary schedule. It would be a mistake to do this in the community and technical

college world. There is no lever to increase tuition, so it would result in reducing services. There is no evidence it is needed.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) There are no other groups of employees that bargain step increases, but then do not get them unless they are specifically funded. If the college presidents have to pay for the steps regardless of legislative funding decisions, they will be more careful about the costs that they incur. This bill is a top priority of community college faculty, the Washington Education Association, and the American Federation of Teachers. If colleges do not want to pay for these costs, then they should not agree to them in bargaining. The historical view in the fiscal note does not show the zeros that have been provided in recent years. The step schedules will have to be changed if the bill is passed.

(Opposed) The State Board for Community and Technical Colleges (State Board) is supportive of faculty, but concerned about requiring the colleges to pay for increments if they are not funded in legislative appropriations. The State Board is also concerned about regional disparities that could develop, as some colleges have much more access to resources to supplement compensation costs than do others.

Persons Testifying (Labor & Workforce Development): (In support) Representative Reykdal, prime sponsor; Sandra Schroeder, American Federation of Teachers Washington; Amy Kinsel, Shoreline Community College Federation of Teachers; Michael Boggess, Pierce College Federation of Teachers; Carla Naccarato Sinclair and Wendy Rader-Konofalski, Washington Education Association; Douglas Brown, Bellevue College Faculty Union; Bill Lyne, United Faculty of Washington State; and Ellie Menzies, Service Employees International Union Healthcare 1199NW.

(With concerns) John Boesenberg, State Board for Community and Technical Colleges; and Jami Lund, Freedom Foundation.

Persons Testifying (Appropriations): (In support) Representative Reykdal, prime sponsor; Wendy Rader-Konafalski, Washington Education Association; and Sandra Schroeder, American Federation of Teachers of Washington.

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

Persons Signed In To Testify But Not Testifying (Labor & Workforce Development): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.