
SENATE BILL 5350

State of Washington

63rd Legislature

2013 Regular Session

By Senators Kohl-Welles, Hasegawa, Conway, Nelson, Keiser, Harper, Rolfes, Darneille, Kline, Chase, Billig, Delvin, Frockt, and Shin

Read first time 01/28/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to modifying collective bargaining law related to
2 providing additional compensation for academic employees at community
3 and technical colleges; amending RCW 28B.52.035 and 28B.50.140; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the community and
7 technical colleges offer high quality, cost-effective instructional
8 programs to the citizens of the state. The legislature finds that
9 academic employee morale and willingness to invest in professional
10 development, as well as recruitment and retention, are improved by
11 consistent and predictable salary increases that recognize two-year
12 college academic employees who upgrade their skills and professional
13 experience.

14 Currently, community and technical colleges collectively bargain
15 step increases and the requirements for receiving step increases, but
16 may only award the step increases when the legislature allocates
17 funding for that purpose. In the past two biennia, the legislature has
18 not allocated funding for step increases for academic employees at
19 community and technical colleges. Community and technical college

1 academic employees are the only nonexempt education employees who do
2 not continue to receive step increases during times when cost-of-living
3 increases are not provided.

4 The legislature intends to authorize community college boards of
5 trustees to use the collective bargaining process to provide qualifying
6 academic employees with step increases in addition to any compensation
7 provided from state appropriations and employee turnover savings.

8 **Sec. 2.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to
9 read as follows:

10 (1) At the conclusion of any negotiation processes as provided for
11 in RCW 28B.52.030, any matter upon which the parties have reached
12 agreement shall be reduced to writing and acted upon in a regular or
13 special meeting of the boards of trustees, and become part of the
14 official proceedings of said board meeting. Except as provided in
15 subsection (2) of this section, provisions of written contracts
16 relating to salary increases shall not exceed the amount or percentage
17 established by the legislature in the appropriations act and allocated
18 to the board of trustees by the state board for community and technical
19 colleges. The length of term of any such agreement shall be for not
20 more than three fiscal years. Any provisions of these agreements
21 pertaining to salary increases will not be binding upon future actions
22 of the legislature. If any provision of a salary increase is changed
23 by subsequent modification of the appropriations act by the
24 legislature, both parties shall immediately enter into collective
25 bargaining for the sole purpose of arriving at a mutually agreed upon
26 replacement for the modified provision.

27 (2) A board of trustees shall award full-time and part-time
28 academic employees step increases based on local agreements negotiated
29 under this chapter. Step increases awarded by a board of trustees may
30 exceed any compensation provided to academic employees by the
31 legislature. Nothing in this section prohibits the legislature from
32 allocating funding for academic employee step increases, which boards
33 of trustees may use in combination with turnover savings to award step
34 increases.

35 (3) The definitions in this subsection apply throughout this
36 section unless the context clearly requires otherwise.

1 (a) "Step increase" means an incremental increase in an academic
2 employee's salary based on a salary schedule. Step increases may be
3 based on: (i) Time, such as completing another year of employment;
4 (ii) specific requirements, such as certification; or (iii) a
5 combination of time and requirements.

6 (b) "Turnover savings" is the ongoing permanent difference between
7 the compensation level of an academic employee who is no longer
8 employed and the compensation level of the academic employee
9 replacement. Turnover savings exclude temporary savings such as vacant
10 positions or academic employees on leave, reassignment, or sabbatical.

11 **Sec. 3.** RCW 28B.50.140 and 2012 c 229 s 537 are each amended to
12 read as follows:

13 Each board of trustees:

14 (1) Shall operate all existing community and technical colleges in
15 its district;

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

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

36 (4) May establish, in accordance with RCW 28B.77.080, new
37 facilities as community needs and interests demand. However, the

1 authority of boards of trustees to purchase or lease major off-campus
2 facilities shall be subject to the approval of the student achievement
3 council pursuant to RCW 28B.77.080;

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

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

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

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

27 (b) Employ necessary employees to govern, manage and operate the
28 same;

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

1 (9) May establish and maintain night schools whenever in the
2 discretion of the board of trustees it is deemed advisable, and
3 authorize classrooms and other facilities to be used for summer or
4 night schools, or for public meetings and for any other uses consistent
5 with the use of such classrooms or facilities for community and
6 technical college purposes;

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

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

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

35 (13) Shall enforce the rules prescribed by the state board for
36 community and technical colleges for the government of community and
37 technical colleges, students and teachers, and adopt such rules and
38 perform all other acts not inconsistent with law or rules of the state

1 board for community and technical colleges as the board of trustees may
2 in its discretion deem necessary or appropriate to the administration
3 of college districts: PROVIDED, That such rules shall include, but not
4 be limited to, rules relating to housing, scholarships, conduct at the
5 various community and technical college facilities, and discipline:
6 PROVIDED, FURTHER, That the board of trustees may suspend or expel from
7 community and technical colleges students who refuse to obey any of the
8 duly adopted rules;

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

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

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

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

1 basis of contracts requiring payment of a share of the normal costs of
2 the course will be discounted to the percentage provided by the
3 college;

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

10 (19) May participate in higher education centers and consortia that
11 involve any four-year public or independent college or university in
12 accordance with RCW 28B.77.080;

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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