

HOUSE BILL REPORT

EHB 1237

As Passed Legislature

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

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

Sponsors: Representatives Sells, Haler, Pollet, Appleton, Bergquist, Cody, Farrell, Riccelli, Lovick, Johnson, Ormsby, Springer, Gregerson, Ryu, Wylie, Sawyer, Santos, Senn, Goodman, Fey and Stanford.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/24/17, 2/2/17 [DP];

Appropriations: 2/13/17, 2/22/17 [DP].

Floor Activity:

Passed House: 3/3/17, 65-32.

Passed House: 2/7/18, 57-41.

Senate Amended.

Passed Senate: 2/27/18, 27-21.

House Concurred.

Passed House: 3/5/18, 57-41.

Passed Legislature.

Brief Summary of Engrossed Bill

- Allows boards of trustees of community and technical colleges to provide additional compensation to academic employees that exceeds the amount or percentage established by the Legislature.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 5 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; Doglio and Frame.

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.

Minority Report: Do not pass. Signed by 2 members: Representatives McCabe, Assistant Ranking Minority Member; Pike.

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 22 members: Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Cody, Fitzgibbon, Haler, Hansen, Hudgins, Jinkins, Kagi, Lytton, Manweller, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 11 members: Representatives Chandler, Ranking Minority Member; Buys, Caldier, Condotta, Harris, Nealey, Schmick, Taylor, Vick, Volz and Wilcox.

Staff: David Pringle (786-7310).

Background:

Several collective bargaining laws apply to public institutions of higher education.

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. However, the statute allows the employer to provide additional compensation to faculty and certain student employees that exceeds that provided by the Legislature.

Classified employees of technical colleges bargain under the Public Employees' Collective Bargaining Act (PECBA).

On the other hand, academic employees, which are teachers, counselors, librarians, and department heads at community and technical colleges (CTCs), bargain under their own collective bargain act. Under that act, provisions of a contract related to salary increases 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 in the academic employee's bargaining act that allows for additional compensation.

Generally, for bargaining agreements of classified employees of institutions of higher education, the Governor must submit a request for funds to the Legislature to implement the compensation provisions of the agreements. The Governor may not submit requests for funds unless the requests have first been submitted to the Director of the Office of Financial Management (OFM) by October 1 prior to the legislative session in which the request for funds to implement the agreement is to be considered and the Director of the OFM has

certified that the request is feasible financially for the state. Bargaining agreements of academic employees of institutions of higher education are not subject to this requirement.

Summary of Engrossed Bill:

An exception is created in the CTC academic employee bargaining laws to allow a board of trustees to provide additional compensation to CTC academic employees that exceeds what is provided by the Legislature. A reference to classified employees of technical colleges under the PECBA is also added to that provision. The language specifying that provisions related to salary increases in a contract are not binding on the Legislature's future actions is stricken.

The written bargaining agreement acted upon by the board of trustees of a community or technical college must be submitted to the Director of the OFM by October 1 prior to the fiscal year in which the provisions of the agreement go into effect.

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 & Workplace Standards):

(In support) Currently, CTC faculty are restricted to salary increases that the Legislature gives. This bill will provide full bargaining rights to all employees and will be an improvement in the employer/employee relationship. Other academic employees can bargain their salaries and the CTC employees deserve the same rights. The CTCs suffer from chronic underfunding, yet CTC administrative salaries keep increasing by using local funds. The CTC faculty need to be a priority. It would improve morale and give control back to the institutions. Student success depends on good faculty.

(Opposed) This bill would allow unions to cannibalize local funds, which is the same situation the K-12 system is in. The CTCs do not have discretionary levies. There should be an end to locally negotiated pay raises. If this bill passes, buildings would go unmaintained and programs will likely be cut.

(Other) More money from the Legislature is needed for salaries. This is a state responsibility. Local funds go down when enrollments decrease and when tuition decreases. Local funds differ across the CTC system and depend on enrollment, the size of the school, community resources, and other factors. It is uneven across institutions and from year-to-year. Local funds are supposed to address emerging needs in the community that state funds cannot address, such as instructional equipment.

Staff Summary of Public Testimony (Appropriations):

(In support) Our colleges need the opportunity to maximize their ability to recruit and retain faculty. Salary increments are only available to faculty if they are specifically funded by the

state. Any impacts from this bill would depend on future bargaining and would be dealt with at the local level. This bill has no state fiscal impacts. Last biennium, the local funds were allowed to be used for faculty increments. The experience of the last two years shows that this will not break the bank. Colleges and faculty will be able to have genuine conversations at the bargaining table.

(Opposed) None.

(Other) The colleges strongly support their faculty, but there are things in the bill to be concerned about. The fiscal note provides an example of how costly these negotiations can be, and local funds are very limited at the colleges. Typically, the local funds are used to offset other costs and emergencies. Often these local funds are temporary or one-time, and if used for ongoing costs like salaries, may create an unstable budget scenario. The bill will only aggravate the gap between full-time and part-time faculty pay.

Persons Testifying (Labor & Workplace Standards): (In support) Carla Naccarato-Sinclair, Washington Education Association and Spokane Community College; Bill Lyne, United Faculty of Washington State; Ted Baldwin, Olympic College; and Larry Brown, Aerospace Machinists Union District Lodge 751.

(Opposed) Jami Lund, Freedom Foundation.

(Other) Marty Brown, State Board for Community and Technical Colleges; and David Byer, Everett Community College.

Persons Testifying (Appropriations): (In support) Wendy Rader-Konofalski, Washington Education Association; and Bernal Baca, American Federation of Teachers-Washington.

(Other) Ed McCallister, State Board for Community and Technical Colleges.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): None.

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