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HOUSE BILL 1237

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State of Washington

65th Legislature

2017 Regular Session

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

Read first time 01/13/17. Referred to Committee on Labor & Workplace Standards.

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

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

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

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

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

6 **Sec. 2.** RCW 28B.50.140 and 2016 1st sp.s. c 33 s 3 are each  
7 amended to read as follows:

8 Each board of trustees:

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

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

14 (3) Shall employ for a period to be fixed by the board a college  
15 president for each community and technical college and, may appoint a  
16 president for the district, and fix their duties and compensation,  
17 which may include elements other than salary. Compensation under this  
18 subsection shall not affect but may supplement retirement, health  
19 care, and other benefits that are otherwise applicable to the  
20 presidents as state employees. The board shall also employ for a  
21 period to be fixed by the board members of the faculty and such other  
22 administrative officers and other employees as may be necessary or  
23 appropriate and fix their salaries and duties. Except as provided for  
24 academic employees in RCW 28B.52.035 and except for increments  
25 provided with local resources during the 2015-2017 fiscal biennium,  
26 compensation and salary increases under this subsection shall not  
27 exceed the amount or percentage established for those purposes in the  
28 state appropriations act by the legislature as allocated to the board  
29 of trustees by the state board for community and technical colleges.  
30 The state board for community and technical colleges shall adopt  
31 rules defining the permissible elements of compensation under this  
32 subsection;

33 (4) May establish, in accordance with RCW 28B.77.080, new  
34 facilities as community needs and interests demand. However, the  
35 authority of boards of trustees to purchase or lease major off-campus  
36 facilities shall be subject to the approval of the student  
37 achievement council pursuant to RCW 28B.77.080;

38 (5) May establish or lease, operate, equip and maintain  
39 dormitories, food service facilities, bookstores and other self-

1 supporting facilities connected with the operation of the community  
2 and technical college;

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

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

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

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

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

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

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

7 (12) May grant to every student, upon graduation or completion of  
8 a course of study, a suitable diploma, degree, or certificate under  
9 the rules of the state board for community and technical colleges  
10 that are appropriate to their mission. The purposes of these  
11 diplomas, certificates, and degrees are to lead individuals directly  
12 to employment in a specific occupation or prepare individuals for a  
13 bachelor's degree or beyond. Technical colleges may only offer  
14 transfer degrees that prepare students for bachelor's degrees in  
15 professional fields, subject to rules adopted by the college board.  
16 In adopting rules, the college board, where possible, shall create  
17 consistency between community and technical colleges and may address  
18 issues related to tuition and fee rates; tuition waivers; enrollment  
19 counting, including the use of credits instead of clock hours; degree  
20 granting authority; or any other rules necessary to offer the  
21 associate degrees that prepare students for transfer to bachelor's  
22 degrees in professional areas. Only colleges under RCW 28B.50.810 or  
23 28B.50.825 may award baccalaureate degrees. The board, upon  
24 recommendation of the faculty, may also confer honorary associate of  
25 arts degrees, or if it is authorized to award baccalaureate degrees  
26 may confer honorary bachelor of applied science degrees, upon persons  
27 other than graduates of the community college, in recognition of  
28 their learning or devotion to education, literature, art, or science.  
29 No degree may be conferred in consideration of the payment of money  
30 or the donation of any kind of property;

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

1 trustees may suspend or expel from community and technical colleges  
2 students who refuse to obey any of the duly adopted rules;

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

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

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

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

35 (18) Shall be authorized to pay dues to any association of  
36 trustees that may be formed by the various boards of trustees; such  
37 association may expend any or all of such funds to submit biennially,  
38 or more often if necessary, to the governor and to the legislature,  
39 the recommendations of the association regarding changes which would  
40 affect the efficiency of such association;

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

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

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

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