

SENATE BILL REPORT

SHB 1291

As Reported by Senate Committee On:
Labor & Commerce, March 27, 2023

Title: An act relating to collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.

Brief Description: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Fosse, Donaghy, Berry, Street, Ortiz-Self, Ramel, Riccelli, Bergquist, Bateman, Taylor, Macri, Reeves, Doglio, Gregerson, Santos, Reed, Goodman, Kloba and Pollet).

Brief History: Passed House: 3/2/23, 69-27.

Committee Activity: Labor & Commerce: 3/27/23 [DP, DNP, w/oRec].

Brief Summary of Bill

- Grants certain student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College the right to collectively bargain.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Robinson and Stanford.

Minority Report: Do not pass.

Signed by Senator Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senators Braun and MacEwen.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jarrett Sacks (786-7448)

Background: The Personnel System Reform Act (PSRA) provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and institutions of higher education. Employees covered under PSRA include all state civil service employees, unless an exemption applies. In general, student employees are excluded from state civil service laws and, as a result, are excluded from bargaining under PSRA.

Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employee's Collective Bargaining Act (PECBA). In 2002, the Legislature granted certain student employees at the University of Washington the right to collectively bargain under PECBA. Similarly, in 2008, the Legislature granted certain student employees at Washington State University the right to collectively bargain.

Summary of Bill: Employees enrolled in academic programs on any campus of Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are granted the right to collectively bargain under PECBA. Employees include all employees enrolled in an academic program whose duties and responsibilities are substantially equivalent to the employees in the following classifications:

- graduate teaching assistant;
- teaching assistant;
- graduate staff assistant;
- tutor, reader, and grader in all academic units and tutoring centers;
- lab assistant;
- faculty assistant;
- research assistant; and
- graduate research assistant.

Graduate research assistants who are performing research primarily related to their dissertation and who have incidental or no service expectations placed upon them by the university are not employees for the purposes of collective bargaining.

The scope of bargaining does not include the:

- ability to terminate the employment of an individual who is not meeting academic requirements;
- amount of tuition or fees, however, tuition and fee remission is within the scope of bargaining;
- academic calendar; and
- number of students to be admitted to a particular class or class section.

Provisions of a collective bargaining agreement relating to compensation must not exceed

the amount or percentage established by the Legislature in the budget. If any compensation provision is affected by subsequent modification of the budget, the parties must immediately enter into collective bargaining for the sole purpose of arriving at a replacement for the affected provision. The universities and The Evergreen State College may provide additional compensation to student employees covered by the bill that exceeds the amount provided by the Legislature.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: No public hearing was held.

Persons Testifying: N/A

Persons Signed In To Testify But Not Testifying: N/A