

SENATE BILL REPORT

SB 5895

As of January 31, 2024

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

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

Sponsors: Senators Nobles, Stanford, Conway, Dhingra, Frame, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen, Randall, Saldaña, Trudeau and Valdez.

Brief History:

Committee Activity: Labor & Commerce: 1/18/24, 1/23/24 [DP-WM, DNP, w/oRec].
Ways & Means: 2/02/24.

Brief Summary of Bill

- Grants the right to collectively bargain to student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College who are not currently covered by existing collective bargaining laws.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; Hansen and Stanford.

Minority Report: Do not pass.

Signed by Senators Braun, MacEwen and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senator King, Ranking Member.

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)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Amanda Cecil (786-7460)

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 the 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 the PSRA.

Employees of cities, counties, and other political subdivisions of the state, as well as certain employees of institutions of higher education, 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.

Last year, the Legislature passed SSB 5238, which granted teaching assistants, research assistants, tutors, readers, graders, and other student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College the right to collective bargaining under PECBA.

Summary of Bill: Employees who are enrolled in an academic or certificate program 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.

The following employees are excluded from the bill:

- higher education and student employees previously granted the right to collective bargaining under PECBA;
- printing craft employees at the University of Washington;
- classified employees of technical colleges;
- faculty at public four-year institutions and community and technical colleges; and
- state employees that bargain under the Personnel System Reform Act.

An employee is considered enrolled during campus academic breaks, including any winter, spring, or summer break, if the employee is employed over the course of the campus academic break and is enrolled in an academic or certificate program in the quarter or semester immediately preceding, or subsequent to, the campus academic break.

The only appropriate bargaining unit is a unit of all the employees covered under the bill. A

bargaining unit is not appropriate if it includes more than one institution of higher education.

The scope of bargaining does not include:

- the ability to terminate the employment of any individual if the individual is not meeting academic requirements;
- the amount of tuition or fees, except tuition and fee remission and waiver is within the scope of bargaining;
- the academic calendar; and
- the 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. If any compensation provision is affected by modifications of the budget by the Legislature, both parties must immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed-upon replacement for the affected provision.

The regional universities and The Evergreen State College may provide additional compensation to student employees that exceeds that 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 (Labor & Commerce): PRO: Student employees are critical to the function of universities. People who have bargaining abilities are already seeing improved benefits. The bill increases protections for student workers. Campaigns for representation are already underway and the bill will help avoid a lengthy unit determination proceeding. The burden has grown for student workers. The bill would include some professional staff who choose to enroll in academic programs and there should be an amendment to clarify that. This bill is similar in scope to the bill from last year. There is no difference between operational work and the work that is already approved by Legislature. Student employees need basic workplace protections, such as advanced scheduling, job descriptions, and training. Many student employees work to help pay for school and it leaves little room for studying and other activities. Non-academic employees do not have a clear framework for bargaining. Student employees are organizing around the country.

OTHER: There is a concern over what bargaining unit these workers belong to. In general, bargained work cannot be performed by other employees. This bill creates a bargaining unit

who may be performing work that is the same as classified employees, so there is an issue with determining who owns what work.

Persons Testifying (Labor & Commerce): PRO: Senator Twina Nobles, Prime Sponsor; Emily Myers, UAW; Olene Togiailua, Working Wildcats - UAW; Kaylee Thomas, WAWU-UAW; Alice Rosewater; Nora Selander, Western Washington University; Juniper Campbell, Geoduck Student Union of The Evergreen State College; Stella Seth, Legislative Liaison, Associated Students, Western Washington University.

OTHER: Mike Sellars, Public Employment Relations Commission.

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.