

HOUSE BILL REPORT

E2SHB 1560

As Passed Legislature

Title: An act relating to collective bargaining for employees of institutions of higher education.

Brief Description: Regarding collective bargaining at institutions of higher education.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Conway, Wood and Simpson).

Brief History:

Committee Activity:

Commerce & Labor: 2/4/09, 2/18/09 [DPS];

Ways & Means: 3/2/09 [DP2S(w/o sub CL)].

Floor Activity:

Passed House: 2/10/10, 64-33.

Passed Senate: 3/3/10, 33-15.

Passed Legislature.

Brief Summary of Engrossed Second Substitute Bill

- Permits multi-employer bargaining involving certain universities and colleges.
- Provides for legislative action on initial agreements between institutions of higher education and certain new bargaining units.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Staff: Jill Reinmuth (786-7134).

HOUSE COMMITTEE ON WAYS & MEANS

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.

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by 16 members: Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody, Conway, Darneille, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest and Seaquist.

Minority Report: Do not pass. Signed by 6 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler, Hinkle, Ross and Schmick.

Staff: David Pringle (786-7310).

Background:

The Personnel System Reform Act of 2002 (Act) provides for collective bargaining with representatives of civil service employees in general government and institutions of higher education.

For purposes of negotiations, state agencies are represented by the Governor. Institutions of higher education may be represented by either their governing boards or by the Governor. The Act provides for multi-employer bargaining involving state agencies and coalition bargaining involving state agencies and institutions of higher education represented by the Governor. Representatives of more than one bargaining unit must negotiate one master collective bargaining agreement covering all of the represented employees. Representatives of fewer than 500 employees must bargain in one coalition. The coalition must bargain for a master collective bargaining agreement covering all represented employees.

The Governor must submit requests for funds necessary to implement collective bargaining agreements to the Legislature. The requests must not be submitted to the Legislature unless two conditions are met. First, the requests must be submitted to the Director of the Office of Financial Management (Director) by October 1 prior to the legislative session at which the requests are to be considered. Second, the requests must be certified by the Director as being financially feasible for the state.

Summary of Engrossed Second Substitute Bill:

Changes are made to permit multi-employer bargaining involving certain universities and colleges, and to provide for legislative action on initial agreements between institutions of higher education and certain new bargaining units.

The procedures for universities and colleges that elect to have their negotiations conducted by the Governor are modified. If the parties mutually agree, the Governor and a bargaining representative must negotiate one master collective bargaining agreement for all of the bargaining units that the representative represents at multiple universities or colleges.

The requirement that requests for funds be submitted by October 1 is modified for institutions of higher education and certain new bargaining units. If a bargaining representative is certified during or after a legislative session and the compensation and

fringe benefit provisions of the bargaining unit's initial agreement with an institution of higher education are submitted before final legislative action on the budget, the Legislature may act upon the provisions.

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 (Commerce & Labor):

(In support) This bill makes three improvements that address unanticipated issues.

First, it gives late-certified bargaining units a means of submitting request for funding to the Legislature. Organizing is an ongoing process. The Personnel System Reform Act (PSRA) does not allow us to anticipate or submit contracts as units are organized.

Second, it gives these bargaining units parity with other units. No one else has a drop-dead date. The bill is respectful of the budget process. It allows the last offer to be submitted to the Legislature, and then be followed by supplemental requests.

Third, it addresses multi-employer bargaining. Bargaining units cannot decide whether or not to come together and engage in multi-employer bargaining. Only the institutions of higher education can decide whether there is multi-employer bargaining.

(With concerns) The drop-dead date should not be changed. Negotiations have been successful. Eliminating the October 1 deadline may cause delays in bargaining. The process for new bargaining units is appropriate.

The current process for multi-employer bargaining works well. In 2007-08 Western Washington University (WWU) opted to have the Governor bargain on its behalf. It was more cost-effective. WWU only employs two labor negotiators. WWU still has the ability to remain unique from other colleges. Eliminating multi-employer bargaining would split the colleges.

(Opposed) None.

Staff Summary of Public Testimony (Ways & Means):

(In support) We have worked hard with the chair of the Commerce and Labor Committee, and this is about groups that are organized during the term of a collective bargaining agreement. This is a way to bring them in. The amendment may deal with the multi-employer bargaining issues that have been raised.

(With concerns) What we want to do is maintain the two-year colleges coalition bargaining, even if the four-year schools end up with individual negotiations. The elimination of

separate bargaining for the colleges would also reduce the Office of Financial Management costs identified in the fiscal note.

(Opposed) Our concerns are about the unfunded costs of bargaining and keeping equity for our unrepresented employees. Having the Governor represent the colleges together is highly cost-effective, and we would like to keep this in place. The community colleges might need to have separate negotiations for each of their schools under the bill passed out by Commerce and Labor.

Persons Testifying (Commerce & Labor): (In support) Leslie Liddle, Public School Employees of Washington and Service Employees International Union Local 1948.

(With concerns) Cheryl Wolfe-Lee, Western Washington University; and Lou Pisano, University of Washington.

Persons Testifying (Ways & Means): (In support) Representative Conway, prime sponsor; and Leslie Liddle, Public School Employees SEIU 1948.

(With concerns) Victor Moore, Office of Financial Management.

(Opposed) John Bosenberg, State Board for Community and Technical Colleges.

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

Persons Signed In To Testify But Not Testifying (Ways & Means): None.