

# HOUSE BILL REPORT

## HB 1535

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**As Reported by House Committee On:**  
Labor & Workforce Development

**Title:** An act relating to the reduction in force of tenured or probationary community college faculty members.

**Brief Description:** Concerning the reduction in force of tenured or probationary community college faculty members.

**Sponsors:** Representatives Fey, Moscoso, Green, Sullivan, Ormsby, Hunt, Seaquist, Upthegrove, Appleton, Haigh, Springer, McCoy, Ryu, Stonier, Liias, Jinkins, Fitzgibbon, Orwall, Dunshee, Stanford, Cody, Moeller, Sells, Reykdal, Bergquist and Pollet.

**Brief History:**

**Committee Activity:**

Labor & Workforce Development: 2/12/13, 2/14/13 [DP].

**Brief Summary of Bill**

- Repeals the statute establishing procedures for the reduction in force of community and technical college tenured and probationary faculty when the State Board of Community and Technical Colleges has declared a financial emergency.

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### HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass. Signed by 5 members: Representatives Sells, Chair; Reykdal, Vice Chair; Green, Moeller and Ormsby.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Manweller, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Holy and Short.

**Staff:** Trudes Tango (786-7384).

**Background:**

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*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.*

There are 30 community and technical college districts, each having a Board of Trustees (Trustees) that operates the community and technical colleges in its district. The Trustees are responsible for awarding or denying tenure to the full-time teachers, counselors, librarians, and other comparable professionals at the colleges, after taking into consideration recommendations of the colleges' tenure review committees. Generally, tenured faculty and faculty under contract during their probationary appointments may not be dismissed except for sufficient cause.

The State Board of Community and Technical Colleges (State Board) has general supervision and control over the state system of community and technical colleges. The State Board may declare a financial emergency if the Governor has made a reduction in allotments of appropriations or the Legislature has reduced appropriated funds from one biennium to the next or within a biennium.

If the State Board declares a financial emergency, the Trustees in a district may determine that a reduction in force of tenured or probationary faculty is necessary due to the financial emergency.

Written notice must be given to the affected faculty member, which shall state that the separation is not due to job performance. A faculty member who is being terminated may request a formal hearing before a hearing officer appointed by the Trustees. The only issue to be determined is whether under the applicable polices, rules, or collective bargaining agreement, that particular faculty member is the proper member to be terminated. Procedures exist that govern hearings when there are multiple faculty members being terminated under the financial emergency.

This provision modifies any collective bargaining agreement in effect and any conflicting board policies or rules, except that policies, rules, or provisions in a collective bargaining agreement related to lay-off units, seniority, and re-employment rights are not affected.

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**Summary of Bill:**

The statute establishing procedures for the reduction in force of tenured and probationary faculty members of community and technical colleges based on a financial emergency is repealed.

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**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:**

(In support) The current statute is applied inconsistently and unfairly. It applies just to community and technical colleges and not other higher educational institutions. The statute was used once in 2009 at Bates Technical College and it had substantial consequences for employee relations and for students. Ten full-time faculty were let go and six programs were closed. A program was cut in mid-stream. This statute is contrary to every other public sector union agreement. The statute was passed 30 years ago when the situation was very different than it is today. Today the number of full-time faculty is probably around 50 percent but at the time the statute was passed the percentage was probably higher. There is no longer a valid reason for this statute. Colleges tend to be over-enrolled when there is a recession and that is the wrong time to be laying off staff. This process created a huge amount of drama and personal angst across the state when the State Board declared an emergency. The statute makes the agreements teachers have with their colleges ineffective and makes tenure meaningless.

(Opposed) Unlike tenure for other employees, tenure for community colleges is provided in state law and that is why this process is created by statute. Without an expedited process, deeper cuts would be needed the longer the process is delayed. The State Board takes this seriously. This process requires everyone to think creatively and allows local colleges to look at their own budgets to make a determination of whether lay offs are necessary. This is a tool of last resort for Trustees and presidents to help them make strategic decisions. Sometimes quick decisions must be made to serve the students. If decisions are delayed, greater reductions might be necessary. Most colleges did not use this process.

**Persons Testifying:** (In support) Representative Fey, prime sponsor; Sandra Schroeder, American Federation of Teachers Washington; Karen Patjens; Christina Smith Klahn; and Robert Ackein, American Federation of Teachers Washington Local 4184.

(Opposed) John Boesenberg, State Board for Community and Technical Colleges; and Debra Lisser, Trustees Association of Community and Technical Colleges.

**Persons Signed In To Testify But Not Testifying:** None.