

SENATE BILL REPORT

2SHB 2403

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, February 25, 2002
Ways & Means, February 28, 2002

Title: An act relating to labor relations at the public four-year institutions of higher education.

Brief Description: Providing for collective bargaining at four-year institutions of higher education.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Kenney, Conway, Veloria, Linville, Campbell, O'Brien, Fromhold, Lovick, Hunt, Hurst, Miloscia, Jackley, Kagi, Schual-Berke, Kessler, Gombosky, Berkey, Cody, Chase, Morris, Dickerson, Tokuda, Cooper, Darneille, Kirby, Upthegrove, Edwards, Romero, Santos, Lysen, Quall, McIntire, Wood, Haigh, McDermott, Simpson and Sullivan).

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 2/21/02, 2/25/02 [DP-WM, DNP].

Ways & Means: 2/27/02, 2/28/02 [DP, DNP].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

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

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

Minority Report: Do not pass.

Signed by Senators Deccio and West.

Staff: Jack Brummel (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Kline, Kohl-Welles, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Minority Report: Do not pass.

Signed by Senators Honeyford, Parlette and Rossi.

Staff: Karen Barrett (786-7711)

Background: Academic personnel at state four-year institutions of higher education are not covered by state collective bargaining laws. The six four-year institutions of higher education include the two research schools, the University of Washington and Washington State University; the three regional universities, Western Washington University, Central Washington University, Eastern Washington University; and The Evergreen State College. Most non-academic, or classified, employees are covered by the state civil service law.

Summary of Bill: Faculty members at state four-year institutions of higher education are granted the right to bargain over wages, hours, and working conditions.

Only one bargaining unit is allowable for faculty of each university. A collective bargaining agreement may contain provisions for union security but not a closed shop. Employees covered by a union security provision who assert a right of non-association based on religious beliefs pay fees to a charity as a condition of employment.

Collective bargaining rights do not extend to administrators who exercise managerial or supervisory authority over other faculty members. Nor do these rights extend to confidential employees, temporary employees, graduate student employees or employees covered by the state civil service law or the Public Employees' Collective Bargaining Act.

Parties may bargain over the criteria and standards to be used for the appointment, promotion, evaluation and tenure of faculty.

Limitations on bargaining include but are not limited to the merit, necessity, or organization of a university service, activity or program established by the Legislature or by resolution of the university's trustees, except as it would affect the employment of faculty members. Parties may not bargain over fees unrelated to employment such as tuition. Parties may not bargain over student admission requirements; the conditions for awarding certificates or degrees to students; nor the content, method, supervision and evaluation of university courses, curricula and research programs.

Compensation provisions of collective bargaining agreements may not exceed the amount or percentage authorized by the Legislature through appropriations, but additional compensation from other sources is allowed.

The Public Employment Relations Commission is granted the authority to prevent unfair labor practice, determine the appropriateness of a bargaining unit and settle representation questions. An agreement reached may include binding grievance arbitration provisions governing disputes over the interpretation or application of an agreement. In addition, either the employer or the bargaining representative may request mediation.

Unfair labor practices are enumerated. Strikes and lockouts are prohibited.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on October 1, 2002.

Testimony For (Labor, Commerce & Financial Institutions): The faculties want the bargaining rights of the bill with a clear legal structure. The community colleges and K-12 schools have collective bargaining and faculty at four-year institutions want it as a matter of fairness.

Testimony Against (Labor, Commerce & Financial Institutions): None.

Testified (Labor, Commerce & Financial Institutions): PRO: Dick Ludwig, UW Faculty; Wendy Rader-Konofalski, WFT.

Testimony For (Ways & Means): Not all faculty want to exercise this right but do stand in support on the principle that university faculty should have the right to choose to organize and bargain like our brethren at the state's two year colleges. Eastern Washington University does not plan to present the Legislature with a bill for the expenses it has absorbed. It has been Eastern's experience that workload and grievance issues are resolved more expediently having negotiated a contract with administrators than was the experience without this process. Among states who grant their employees the right to collectively bargain, only Missouri strictly exempts higher education. Comparing and contrasting Eastern and Central's experiences, it would be a mistake to make a direct association between rising tuition fees and the right of faculty to bargain. The bill does not change the present framework for compensation of faculty at state universities. Salaries supported by the General Fund remain subject to legislative appropriation. Local authority exists through the budget act to award additional compensation with non-appropriated money.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): Jan Sjavik, faculty member, University of Washington; George Durrie, Eastern Washington University; Walter Arlt, retired faculty emeritus, Central Washington University; Wendy Rader-Konofalski, Washington Federation of Teachers; James Gregory; UW faculty member and representative to the American Association of University Professors (AAUP).