

SENATE BILL REPORT

ESB 5510

As Passed Senate, March 15, 2005

Title: An act relating to defining supervisor for public employment purposes.

Brief Description: Allowing supervisory classes into the same bargaining unit at institutions of higher education.

Sponsors: Senators Spanel and Kohl-Welles.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/14/05, 3/1/05 [DP-WM, w/oRec].

Ways & Means: 3/4/05 [w/oRec].

Passed Senate: 3/15/05, 47-0.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

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

Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice.

Minority Report: That it be referred without recommendation.

Signed by Senators Parlette, Ranking Minority Member; and Honeyford.

Staff: Alison Mendiola (786-7483)

Background: In 2002, the Personnel System Reform Act (PSRA), SHB 1268, was signed into law. Under the PSRA, supervisors and non-supervisors can not be combined into the same bargaining unit. Student workers are not included under the definition of "supervisor". At Western Washington University, this fact created a problem since a number of individuals in a particular bargaining unit supervised student workers. The employees who supervise student workers are technically non-supervisors, and as a result, a bargaining unit was divided by the Public Employment Relations Commission.

Some argue that these supervisors and non-supervisors perform essentially the same tasks, but are in separate bargaining units.

Summary of Bill: Supervisors may be combined into one bargaining unit whether they supervise students or classified employees, as long as the supervisor holds a supervisory classification. No employee is allowed to supervise another employee in the same bargaining unit.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Under PRSA, a supervisor supervises classified employees. Students are not classified employees, so the people who oversee their work are not considered supervisors. Often student workers are doing the same work as a classified employee. Adding "student workers" to the supervisor definition will take care of this problem and allow student worker supervisors to be classified as supervisors. Perhaps "and/or" language could be added to the definition section so as to not interfere with other bargaining unit agreements.

Testimony Against: Using students as workers is unique in higher education. They are casual employees and appointments vary broadly. People who direct the student's work may not be a supervisor. The student's employment is not viewed as an employment relationship, there is no long term employment expectation. Under the Fair Labor Standard, a supervisor must supervise the equivalent of two full-time equivalents (FTE). If a change was made to reflect that, that change would be supported.

Who Testified: PRO: Eric Nordlof, Public School Employees of Washington; Rich Neyer, Western Washington University; Marty Hitchcock, Western Washington University; and Bev Hermanson, WFSE.

CON: Terry Teale, Council of Presidents; Ken Holstein, Council of Presidents, IPOC; and Randy Hodgins, University of Washington.