
HOUSE BILL 1631

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By Representatives Reykdal, Hope, Sells, Haigh, Seaquist, Rolfes, Santos, Appleton, and Kenney

Read first time 01/27/11. Referred to Committee on Higher Education.

1 AN ACT Relating to salary increments for academic employees at
2 community and technical colleges; amending RCW 28B.50.140 and
3 28B.52.035; adding new sections to chapter 28B.50 RCW; and creating a
4 new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the community and
7 technical colleges offer high quality, cost-effective instructional
8 programs to the citizens of the state. The legislature finds that
9 academic employee morale and willingness to invest in professional
10 development, and academic employee recruitment and retention, are
11 improved by consistent and predictable salary increases that recognize
12 two-year college academic employees who upgrade their skills and
13 professional experience. It is the intent of the legislature that
14 state appropriations be adjusted to an amount that, together with
15 academic employee turnover savings, provides for consistent and
16 predictable funding of academic employee salary increments for
17 qualifying academic employees.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.50 RCW
2 to read as follows:

3 The definitions in this section apply throughout this section and
4 section 3 of this act unless the context clearly requires otherwise.

5 (1) "Associated benefits" means those compensation benefits that
6 are based on a percent of an employee's salary, such as retirement and
7 old age survivors insurance.

8 (2) "Academic employee" has the same meaning as in RCW 28B.52.020,
9 which means any teacher, counselor, librarian, or department head, who
10 is employed by any college district, whether full or part time, with
11 the exception of the chief administrative officer or, and any
12 administrator in, each college district.

13 (3) "General salary increase" means the salary adjustment granted
14 by the legislature for cost-of-living increases as provided in RCW
15 28B.50.465.

16 (4) "Increments" means an increase in the base salary of an
17 academic employee. Increments may be based on time, such as completing
18 another year of employment, completing specific requirements, such as
19 certification, or a combination of time and requirements.

20 (5) "Turnover savings" is the ongoing permanent difference between
21 the compensation level of an academic employee who is no longer
22 employed and the compensation level of the academic employee
23 replacement. Full-time faculty turnover savings may only be captured
24 when a full-time faculty member is replaced by a full-time faculty
25 member. Similarly, part-time faculty turnover savings may only be
26 captured when a part-time faculty member is replaced by a part-time
27 faculty member. Turnover savings exclude temporary savings such as
28 vacant positions or academic employees on leave, reassignment, or
29 sabbatical.

30 (6) "Salary base" is the prior year's total state-funded
31 expenditures for all academic employees' ending salary levels.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.50 RCW
33 to read as follows:

34 (1) Each biennium, the college board shall submit in its biennial
35 budget request an amount of funds, which together with academic
36 employee turnover savings, is sufficient to cover the projected state-

1 funded costs of increments for the community and technical college
2 system.

3 (2) The basis for the biennial budget request shall be eight-tenths
4 of one percent of the academic employees' salary base plus the value of
5 associated benefits.

6 (3) The college board shall determine the method of allocating to
7 the community and technical colleges the appropriations granted for
8 academic employee increments, provided that the amount of the
9 appropriation generated from the proportionate share of the part-time
10 faculty salary base shall only be accessible for part-time faculty. In
11 addition, all part-time faculty turnover savings, as defined in section
12 2(5) of this act, shall only be accessible for part-time faculty.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.50 RCW
14 to read as follows:

15 (1) Boards of trustees shall award academic employee salary
16 increments based on local agreements developed under chapter 28B.52
17 RCW. In years when the legislature does not provide funding for
18 faculty salary increments, a board of trustees may use additional funds
19 that exceed those provided by the legislature.

20 (2) Funds allocated by the college board to local boards of
21 trustees for part-time faculty under the provisions of section 3 of
22 this act may be used for general salary increases for part-time
23 faculty.

24 (3) Boards of trustees may combine appropriations allocated by the
25 college board for academic employee salary increments with general
26 salary increase funding to increase academic employee increments. To
27 the extent that general salary increase funding is used to pay academic
28 employee increments, the general salary increase shall be reduced by
29 the same amount.

30 **Sec. 5.** RCW 28B.50.140 and 2010 c 51 s 4 are each amended to read
31 as follows:

32 Each board of trustees:

33 (1) Shall operate all existing community and technical colleges in
34 its district;

35 (2) Shall create comprehensive programs of community and technical

1 college education and training and maintain an open-door policy in
2 accordance with the provisions of RCW 28B.50.090(3);

3 (3) Shall employ for a period to be fixed by the board a college
4 president for each community and technical college and, may appoint a
5 president for the district, and fix their duties and compensation,
6 which may include elements other than salary. Compensation under this
7 subsection shall not affect but may supplement retirement, health care,
8 and other benefits that are otherwise applicable to the presidents as
9 state employees. The board shall also employ for a period to be fixed
10 by the board members of the faculty and such other administrative
11 officers and other employees as may be necessary or appropriate and fix
12 their salaries and duties. Except as provided in section 4 of this
13 act, compensation and salary increases under this subsection shall not
14 exceed the amount or percentage established for those purposes in the
15 state appropriations act by the legislature as allocated to the board
16 of trustees by the state board for community and technical colleges.
17 The state board for community and technical colleges shall adopt rules
18 defining the permissible elements of compensation under this
19 subsection;

20 (4) May establish, under the approval and direction of the college
21 board, new facilities as community needs and interests demand.
22 However, the authority of boards of trustees to purchase or lease major
23 off-campus facilities shall be subject to the approval of the higher
24 education coordinating board pursuant to RCW 28B.76.230;

25 (5) May establish or lease, operate, equip and maintain
26 dormitories, food service facilities, bookstores and other self-
27 supporting facilities connected with the operation of the community and
28 technical college;

29 (6) May, with the approval of the college board, borrow money and
30 issue and sell revenue bonds or other evidences of indebtedness for the
31 construction, reconstruction, erection, equipping with permanent
32 fixtures, demolition and major alteration of buildings or other capital
33 assets, and the acquisition of sites, rights-of-way, easements,
34 improvements or appurtenances, for dormitories, food service
35 facilities, and other self-supporting facilities connected with the
36 operation of the community and technical college in accordance with the
37 provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

1 (7) May establish fees and charges for the facilities authorized
2 hereunder, including reasonable rules (~~and regulations~~) for the
3 government thereof, not inconsistent with the rules of the college
4 board; each board of trustees operating a community and technical
5 college may enter into agreements, subject to rules of the college
6 board, with owners of facilities to be used for housing regarding the
7 management, operation, and government of such facilities, and any board
8 entering into such an agreement may:

9 (a) Make rules for the government, management and operation of such
10 housing facilities deemed necessary or advisable; and

11 (b) Employ necessary employees to govern, manage and operate the
12 same;

13 (8) May receive such gifts, grants, conveyances, devises and
14 bequests of real or personal property from private sources, as may be
15 made from time to time, in trust or otherwise, whenever the terms and
16 conditions thereof will aid in carrying out the community and technical
17 college programs as specified by law and the rules of the state college
18 board; sell, lease or exchange, invest or expend the same or the
19 proceeds, rents, profits and income thereof according to the terms and
20 conditions thereof; and adopt rules to govern the receipt and
21 expenditure of the proceeds, rents, profits and income thereof;

22 (9) May establish and maintain night schools whenever in the
23 discretion of the board of trustees it is deemed advisable, and
24 authorize classrooms and other facilities to be used for summer or
25 night schools, or for public meetings and for any other uses consistent
26 with the use of such classrooms or facilities for community and
27 technical college purposes;

28 (10) May make rules for pedestrian and vehicular traffic on
29 property owned, operated, or maintained by the district;

30 (11) Shall prescribe, with the assistance of the faculty, the
31 course of study in the various departments of the community and
32 technical college or colleges under its control, and publish such
33 catalogues and bulletins as may become necessary;

34 (12) May grant to every student, upon graduation or completion of
35 a course of study, a suitable diploma, degree, or certificate under the
36 rules of the state board for community and technical colleges that are
37 appropriate to their mission. The purposes of these diplomas,
38 certificates, and degrees are to lead individuals directly to

1 employment in a specific occupation or prepare individuals for a
2 bachelor's degree or beyond. Technical colleges may only offer
3 transfer degrees that prepare students for bachelor's degrees in
4 professional fields, subject to rules adopted by the college board. In
5 adopting rules, the college board, where possible, shall create
6 consistency between community and technical colleges and may address
7 issues related to tuition and fee rates; tuition waivers; enrollment
8 counting, including the use of credits instead of clock hours; degree
9 granting authority; or any other rules necessary to offer the associate
10 degrees that prepare students for transfer to bachelor's degrees in
11 professional areas. Only ((pilot)) colleges under RCW 28B.50.810 may
12 award baccalaureate degrees. The board, upon recommendation of the
13 faculty, may also confer honorary associate of arts degrees upon
14 persons other than graduates of the community college, in recognition
15 of their learning or devotion to education, literature, art, or
16 science. No degree may be conferred in consideration of the payment of
17 money or the donation of any kind of property;

18 (13) Shall enforce the rules prescribed by the state board for
19 community and technical colleges for the government of community and
20 technical colleges, students and teachers, and adopt such rules and
21 perform all other acts not inconsistent with law or rules of the state
22 board for community and technical colleges as the board of trustees may
23 in its discretion deem necessary or appropriate to the administration
24 of college districts: PROVIDED, That such rules shall include, but not
25 be limited to, rules relating to housing, scholarships, conduct at the
26 various community and technical college facilities, and discipline:
27 PROVIDED, FURTHER, That the board of trustees may suspend or expel from
28 community and technical colleges students who refuse to obey any of the
29 duly adopted rules;

30 (14) May, by written order filed in its office, delegate to the
31 president or district president any of the powers and duties vested in
32 or imposed upon it by this chapter. Such delegated powers and duties
33 may be exercised in the name of the district board;

34 (15) May perform such other activities consistent with this chapter
35 and not in conflict with the directives of the college board;

36 (16) Notwithstanding any other provision of law, may offer
37 educational services on a contractual basis other than the tuition and
38 fee basis set forth in chapter 28B.15 RCW for a special fee to private

1 or governmental entities, consistent with rules adopted by the state
2 board for community and technical colleges: PROVIDED, That the whole
3 of such special fee shall go to the college district and be not less
4 than the full instructional costs of such services including any salary
5 increases authorized by the legislature for community and technical
6 college employees during the term of the agreement: PROVIDED FURTHER,
7 That enrollments generated hereunder shall not be counted toward the
8 official enrollment level of the college district for state funding
9 purposes;

10 (17) Notwithstanding any other provision of law, may offer
11 educational services on a contractual basis, charging tuition and fees
12 as set forth in chapter 28B.15 RCW, counting such enrollments for state
13 funding purposes, and may additionally charge a special supplemental
14 fee when necessary to cover the full instructional costs of such
15 services: PROVIDED, That such contracts shall be subject to review by
16 the state board for community and technical colleges and to such rules
17 as the state board may adopt for that purpose in order to assure that
18 the sum of the supplemental fee and the normal state funding shall not
19 exceed the projected total cost of offering the educational service:
20 PROVIDED FURTHER, That enrollments generated by courses offered on the
21 basis of contracts requiring payment of a share of the normal costs of
22 the course will be discounted to the percentage provided by the
23 college;

24 (18) Shall be authorized to pay dues to any association of trustees
25 that may be formed by the various boards of trustees; such association
26 may expend any or all of such funds to submit biennially, or more often
27 if necessary, to the governor and to the legislature, the
28 recommendations of the association regarding changes which would affect
29 the efficiency of such association;

30 (19) May participate in higher education centers and consortia that
31 involve any four-year public or independent college or university:
32 PROVIDED, That new degree programs or off-campus programs offered by a
33 four-year public or independent college or university in collaboration
34 with a community or technical college are subject to approval by the
35 higher education coordinating board under RCW 28B.76.230;

36 (20) Shall perform any other duties and responsibilities imposed by
37 law or rule of the state board; and

1 (21) May confer honorary associate of arts degrees upon persons who
2 request an honorary degree if they were students at the college in 1942
3 and did not graduate because they were ordered into an internment camp.
4 The honorary degree may also be requested by a representative of
5 deceased persons who meet these requirements. For the purposes of this
6 subsection, "internment camp" means a relocation center to which
7 persons were ordered evacuated by Presidential Executive Order 9066,
8 signed on February 19, 1942.

9 **Sec. 6.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to
10 read as follows:

11 At the conclusion of any negotiation processes as provided for in
12 RCW 28B.52.030, any matter upon which the parties have reached
13 agreement shall be reduced to writing and acted upon in a regular or
14 special meeting of the boards of trustees, and become part of the
15 official proceedings of said board meeting. Except as provided in
16 section 4 of this act, provisions of written contracts relating to
17 salary increases shall not exceed the amount or percentage established
18 by the legislature in the appropriations act and allocated to the board
19 of trustees by the state board for community and technical colleges.
20 The length of term of any such agreement shall be for not more than
21 three fiscal years. Any provisions of these agreements pertaining to
22 salary increases will not be binding upon future actions of the
23 legislature. If any provision of a salary increase is changed by
24 subsequent modification of the appropriations act by the legislature,
25 both parties shall immediately enter into collective bargaining for the
26 sole purpose of arriving at a mutually agreed upon replacement for the
27 modified provision.

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