
HOUSE BILL 1863

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2015 Regular Session

By Representatives Reykdal, Muri, Bergquist, S. Hunt, Fey, Gregory, Haler, Sells, Pollet, Tarleton, Springer, Moscoso, Wylie, Stanford, Ryu, Appleton, Walkinshaw, Fitzgibbon, and Goodman

Read first time 01/30/15. Referred to Committee on Labor.

1 AN ACT Relating to modifying collective bargaining law related to
2 providing additional compensation for academic employees at community
3 and technical colleges; amending RCW 28B.52.035 and 28B.50.140; and
4 creating a 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
7 and technical colleges offer high quality, cost-effective
8 instructional programs to the citizens of the state. The legislature
9 finds that academic employee morale and willingness to invest in
10 professional development, as well as recruitment and retention, are
11 improved by consistent and predictable salary increases that
12 recognize two-year college academic employees who upgrade their
13 skills and professional experience.

14 Currently, community and technical colleges collectively bargain
15 step increases and the requirements for receiving step increases, but
16 may only award the step increases when the legislature allocates
17 funding for that purpose. In the past two biennia, the legislature
18 has not allocated funding for step increases for academic employees
19 at community and technical colleges. Community and technical college
20 academic employees are the only nonexempt education employees who do

1 not continue to receive step increases during times when cost-of-
2 living increases are not provided.

3 The legislature intends to authorize community college boards of
4 trustees to use the collective bargaining process to provide
5 qualifying academic employees with step increases in addition to any
6 compensation provided from state appropriations and employee turnover
7 savings.

8 **Sec. 2.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to
9 read as follows:

10 (1) At the conclusion of any negotiation processes as provided
11 for in RCW 28B.52.030, any matter upon which the parties have reached
12 agreement shall be reduced to writing and acted upon in a regular or
13 special meeting of the boards of trustees, and become part of the
14 official proceedings of said board meeting. Except as provided in
15 subsection (2) of this section, provisions of written contracts
16 relating to salary increases shall not exceed the amount or
17 percentage established by the legislature in the appropriations act
18 and allocated to the board of trustees by the state board for
19 community and technical colleges. The length of term of any such
20 agreement shall be for not more than three fiscal years. Any
21 provisions of these agreements pertaining to salary increases will
22 not be binding upon future actions of the legislature. If any
23 provision of a salary increase is changed by subsequent modification
24 of the appropriations act by the legislature, both parties shall
25 immediately enter into collective bargaining for the sole purpose of
26 arriving at a mutually agreed upon replacement for the modified
27 provision.

28 (2) A board of trustees shall award full-time and part-time
29 academic employees step increases based on local agreements
30 negotiated under this chapter. Step increases awarded by a board of
31 trustees may exceed any compensation provided to academic employees
32 by the legislature. Total amounts provided to academic employees
33 shall not exceed 1.2 percent of the full-time and part-time faculty
34 salary base for each college. Nothing in this section prohibits the
35 legislature from allocating funding for academic employee step
36 increases, which boards of trustees may use in combination with
37 turnover savings to award step increases.

38 (3) The definitions in this subsection apply throughout this
39 section unless the context clearly requires otherwise.

1 (a) "Step increase" means an incremental increase in an academic
2 employee's salary based on a salary schedule. Step increases may be
3 based on: (i) Time, such as completing another year of employment;
4 (ii) specific requirements, such as certification; or (iii) a
5 combination of time and requirements.

6 (b) "Turnover savings" is the ongoing permanent difference
7 between the compensation level of an academic employee who is no
8 longer employed and the compensation level of the academic employee
9 replacement. Turnover savings exclude temporary savings such as
10 vacant positions or academic employees on leave, reassignment, or
11 sabbatical.

12 **Sec. 3.** RCW 28B.50.140 and 2014 c 158 s 1 are each amended to
13 read as follows:

14 Each board of trustees:

15 (1) Shall operate all existing community and technical colleges
16 in its district;

17 (2) Shall create comprehensive programs of community and
18 technical college education and training and maintain an open-door
19 policy in accordance with the provisions of RCW 28B.50.090(3);

20 (3) Shall employ for a period to be fixed by the board a college
21 president for each community and technical college and, may appoint a
22 president for the district, and fix their duties and compensation,
23 which may include elements other than salary. Compensation under this
24 subsection shall not affect but may supplement retirement, health
25 care, and other benefits that are otherwise applicable to the
26 presidents as state employees. The board shall also employ for a
27 period to be fixed by the board members of the faculty and such other
28 administrative officers and other employees as may be necessary or
29 appropriate and fix their salaries and duties. Except as provided in
30 RCW 28B.52.035, compensation and salary increases under this
31 subsection shall not exceed the amount or percentage established for
32 those purposes in the state appropriations act by the legislature as
33 allocated to the board of trustees by the state board for community
34 and technical colleges. The state board for community and technical
35 colleges shall adopt rules defining the permissible elements of
36 compensation under this subsection that are consistent with RCW
37 28B.52.035;

38 (4) May establish, in accordance with RCW 28B.77.080, new
39 facilities as community needs and interests demand. However, the

1 authority of boards of trustees to purchase or lease major off-campus
2 facilities shall be subject to the approval of the student
3 achievement council pursuant to RCW 28B.77.080;

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

8 (6) May, with the approval of the college board, borrow money and
9 issue and sell revenue bonds or other evidences of indebtedness for
10 the construction, reconstruction, erection, equipping with permanent
11 fixtures, demolition and major alteration of buildings or other
12 capital assets, and the acquisition of sites, rights-of-way,
13 easements, improvements or appurtenances, for dormitories, food
14 service facilities, and other self-supporting facilities connected
15 with the operation of the community and technical college in
16 accordance with the provisions of RCW 28B.10.300 through 28B.10.330
17 where applicable;

18 (7) May establish fees and charges for the facilities authorized
19 hereunder, including reasonable rules and regulations for the
20 government thereof, not inconsistent with the rules of the college
21 board; each board of trustees operating a community and technical
22 college may enter into agreements, subject to rules of the college
23 board, with owners of facilities to be used for housing regarding the
24 management, operation, and government of such facilities, and any
25 board entering into such an agreement may:

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

28 (b) Employ necessary employees to govern, manage and operate the
29 same;

30 (8) May receive such gifts, grants, conveyances, devises and
31 bequests of real or personal property from private sources, as may be
32 made from time to time, in trust or otherwise, whenever the terms and
33 conditions thereof will aid in carrying out the community and
34 technical college programs as specified by law and the rules of the
35 state college board; sell, lease or exchange, invest or expend the
36 same or the proceeds, rents, profits and income thereof according to
37 the terms and conditions thereof; and adopt rules to govern the
38 receipt and expenditure of the proceeds, rents, profits and income
39 thereof;

1 (9) May establish and maintain night schools whenever in the
2 discretion of the board of trustees it is deemed advisable, and
3 authorize classrooms and other facilities to be used for summer or
4 night schools, or for public meetings and for any other uses
5 consistent with the use of such classrooms or facilities for
6 community and technical college purposes;

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

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

13 (12) May grant to every student, upon graduation or completion of
14 a course of study, a suitable diploma, degree, or certificate under
15 the rules of the state board for community and technical colleges
16 that are appropriate to their mission. The purposes of these
17 diplomas, certificates, and degrees are to lead individuals directly
18 to employment in a specific occupation or prepare individuals for a
19 bachelor's degree or beyond. Technical colleges may only offer
20 transfer degrees that prepare students for bachelor's degrees in
21 professional fields, subject to rules adopted by the college board.
22 In adopting rules, the college board, where possible, shall create
23 consistency between community and technical colleges and may address
24 issues related to tuition and fee rates; tuition waivers; enrollment
25 counting, including the use of credits instead of clock hours; degree
26 granting authority; or any other rules necessary to offer the
27 associate degrees that prepare students for transfer to bachelor's
28 degrees in professional areas. Only colleges under RCW 28B.50.810 may
29 award baccalaureate degrees. The board, upon recommendation of the
30 faculty, may also confer honorary associate of arts degrees, or if it
31 is authorized to award baccalaureate degrees may confer honorary
32 bachelor of applied science degrees, upon persons other than
33 graduates of the community college, in recognition of their learning
34 or devotion to education, literature, art, or science. No degree may
35 be conferred in consideration of the payment of money or the donation
36 of any kind of property;

37 (13) Shall enforce the rules prescribed by the state board for
38 community and technical colleges for the government of community and
39 technical colleges, students and teachers, and adopt such rules and
40 perform all other acts not inconsistent with law or rules of the

1 state board for community and technical colleges as the board of
2 trustees may in its discretion deem necessary or appropriate to the
3 administration of college districts: PROVIDED, That such rules shall
4 include, but not be limited to, rules relating to housing,
5 scholarships, conduct at the various community and technical college
6 facilities, and discipline: PROVIDED, FURTHER, That the board of
7 trustees may suspend or expel from community and technical colleges
8 students who refuse to obey any of the duly adopted rules;

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

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

15 (16) Notwithstanding any other provision of law, may offer
16 educational services on a contractual basis other than the tuition
17 and fee basis set forth in chapter 28B.15 RCW for a special fee to
18 private or governmental entities, consistent with rules adopted by
19 the state board for community and technical colleges: PROVIDED, That
20 the whole of such special fee shall go to the college district and be
21 not less than the full instructional costs of such services including
22 any salary increases authorized by the legislature for community and
23 technical college employees during the term of the agreement:
24 PROVIDED FURTHER, That enrollments generated hereunder shall not be
25 counted toward the official enrollment level of the college district
26 for state funding purposes;

27 (17) Notwithstanding any other provision of law, may offer
28 educational services on a contractual basis, charging tuition and
29 fees as set forth in chapter 28B.15 RCW, counting such enrollments
30 for state funding purposes, and may additionally charge a special
31 supplemental fee when necessary to cover the full instructional costs
32 of such services: PROVIDED, That such contracts shall be subject to
33 review by the state board for community and technical colleges and to
34 such rules as the state board may adopt for that purpose in order to
35 assure that the sum of the supplemental fee and the normal state
36 funding shall not exceed the projected total cost of offering the
37 educational service: PROVIDED FURTHER, That enrollments generated by
38 courses offered on the basis of contracts requiring payment of a
39 share of the normal costs of the course will be discounted to the
40 percentage provided by the college;

1 (18) Shall be authorized to pay dues to any association of
2 trustees that may be formed by the various boards of trustees; such
3 association may expend any or all of such funds to submit biennially,
4 or more often if necessary, to the governor and to the legislature,
5 the recommendations of the association regarding changes which would
6 affect the efficiency of such association;

7 (19) May participate in higher education centers and consortia
8 that involve any four-year public or independent college or
9 university in accordance with RCW 28B.77.080;

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

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

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