
ENGROSSED HOUSE BILL 1237

State of Washington

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2017 Regular Session

By Representatives Sells, Haler, Pollet, Appleton, Bergquist, Cody, Farrell, Riccelli, Lovick, Johnson, Ormsby, Springer, Gregerson, Ryu, Wylie, Sawyer, Santos, Senn, Goodman, Fey, and Stanford

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1 AN ACT Relating to modifying collective bargaining law to
2 authorize providing additional compensation to academic employees at
3 community and technical colleges; and amending RCW 28B.52.035 and
4 28B.50.140.

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

6 **Sec. 1.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to
7 read as follows:

8 (1) At the conclusion of any negotiation processes as provided
9 for in RCW 28B.52.030, any matter upon which the parties have reached
10 agreement shall be reduced to writing and acted upon in a regular or
11 special meeting of the boards of trustees, and become part of the
12 official proceedings of said board meeting. Except as provided in
13 this section, provisions of written contracts relating to salary
14 increases shall not exceed the amount or percentage established by
15 the legislature in the appropriations act and allocated to the board
16 of trustees by the state board for community and technical colleges.

17 (2) The written agreement acted upon by a board of trustees must
18 be submitted to the director of the office of financial management by
19 October 1 prior to the fiscal year in which the provisions of the
20 agreement go into effect. The length of term of any such agreement
21 shall be for not more than three fiscal years. (~~Any provisions of~~

1 ~~these agreements pertaining to salary increases will not be binding~~
2 ~~upon future actions of the legislature.))~~ If any provision of a
3 salary increase is changed by subsequent modification of the
4 appropriations act by the legislature, both parties shall immediately
5 enter into collective bargaining for the sole purpose of arriving at
6 a mutually agreed upon replacement for the modified provision. A
7 board of trustees may provide additional compensation to academic
8 employees that exceeds that provided by the legislature.

9 **Sec. 2.** RCW 28B.50.140 and 2016 1st sp.s. c 33 s 3 are each
10 amended to read as follows:

11 Each board of trustees:

12 (1) Shall operate all existing community and technical colleges
13 in its district;

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

17 (3) Shall employ for a period to be fixed by the board a college
18 president for each community and technical college and, may appoint a
19 president for the district, and fix their duties and compensation,
20 which may include elements other than salary. Compensation under this
21 subsection shall not affect but may supplement retirement, health
22 care, and other benefits that are otherwise applicable to the
23 presidents as state employees. The board shall also employ for a
24 period to be fixed by the board members of the faculty and such other
25 administrative officers and other employees as may be necessary or
26 appropriate and fix their salaries and duties. Except as provided for
27 academic employees in RCW 28B.52.035 and except for increments
28 provided with local resources during the 2015-2017 fiscal biennium,
29 compensation and salary increases under this subsection shall not
30 exceed the amount or percentage established for those purposes in the
31 state appropriations act by the legislature as allocated to the board
32 of trustees by the state board for community and technical colleges.
33 The state board for community and technical colleges shall adopt
34 rules defining the permissible elements of compensation under this
35 subsection;

36 (4) May establish, in accordance with RCW 28B.77.080, new
37 facilities as community needs and interests demand. However, the
38 authority of boards of trustees to purchase or lease major off-campus

1 facilities shall be subject to the approval of the student
2 achievement council pursuant to RCW 28B.77.080;

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

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

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

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

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

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

39 (9) May establish and maintain night schools whenever in the
40 discretion of the board of trustees it is deemed advisable, and

1 authorize classrooms and other facilities to be used for summer or
2 night schools, or for public meetings and for any other uses
3 consistent with the use of such classrooms or facilities for
4 community and technical college purposes;

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

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

11 (12) May grant to every student, upon graduation or completion of
12 a course of study, a suitable diploma, degree, or certificate under
13 the rules of the state board for community and technical colleges
14 that are appropriate to their mission. The purposes of these
15 diplomas, certificates, and degrees are to lead individuals directly
16 to employment in a specific occupation or prepare individuals for a
17 bachelor's degree or beyond. Technical colleges may only offer
18 transfer degrees that prepare students for bachelor's degrees in
19 professional fields, subject to rules adopted by the college board.
20 In adopting rules, the college board, where possible, shall create
21 consistency between community and technical colleges and may address
22 issues related to tuition and fee rates; tuition waivers; enrollment
23 counting, including the use of credits instead of clock hours; degree
24 granting authority; or any other rules necessary to offer the
25 associate degrees that prepare students for transfer to bachelor's
26 degrees in professional areas. Only colleges under RCW 28B.50.810 or
27 28B.50.825 may award baccalaureate degrees. The board, upon
28 recommendation of the faculty, may also confer honorary associate of
29 arts degrees, or if it is authorized to award baccalaureate degrees
30 may confer honorary bachelor of applied science degrees, upon persons
31 other than graduates of the community college, in recognition of
32 their learning or devotion to education, literature, art, or science.
33 No degree may be conferred in consideration of the payment of money
34 or the donation of any kind of property;

35 (13) Shall enforce the rules prescribed by the state board for
36 community and technical colleges for the government of community and
37 technical colleges, students and teachers, and adopt such rules and
38 perform all other acts not inconsistent with law or rules of the
39 state board for community and technical colleges as the board of
40 trustees may in its discretion deem necessary or appropriate to the

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

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

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

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

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

39 (18) Shall be authorized to pay dues to any association of
40 trustees that may be formed by the various boards of trustees; such

1 association may expend any or all of such funds to submit biennially,
2 or more often if necessary, to the governor and to the legislature,
3 the recommendations of the association regarding changes which would
4 affect the efficiency of such association;

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

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

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

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