

SENATE BILL REPORT

SB 5844

As Reported by Senate Committee On:
Commerce & Labor, February 7, 2014

Title: An act relating to modifying collective bargaining law to authorize the right of state workers employed in the community and technical college system as nontenured part-time academic employees to form a collective bargaining unit for the protection of their common interests.

Brief Description: Modifying collective bargaining law to authorize the right of state workers employed in the community and technical college system as nontenured part-time academic employees to form a collective bargaining unit for the protection of their common interests.

Sponsors: Senators Sheldon and Roach.

Brief History:

Committee Activity: Commerce & Labor: 2/07/14 [DP, DNP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Hewitt and King.

Minority Report: Do not pass.

Signed by Senators Conway, Ranking Member; Hasegawa.

Staff: Mac Nicholson (786-7445)

Background: Academic employees at community and technical colleges have collective bargaining rights with respect to wages, hours, and other terms and conditions of employment, including procedures related to non-retention, dismissal, denial of tenure, and reductions in force. Bargaining occurs between the board of trustees for the particular community college district and the appropriate exclusive employee organization.

Bargaining units at community and technical colleges are composed of academic employees, which include any teacher, counselor, librarian, or department head who is employed by the college district on a full-time or part-time basis. Administrators can be part of the bargaining unit if a majority of the administrators and a majority of the bargaining unit elect to include them.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Community and technical college collective bargaining agreements can last up to three fiscal years, and academic employees have non-association rights. The Public Employment Relations Commission conducts mediation activities, elections, adjudications of unfair labor practices, and otherwise administers employer-employee relations.

Summary of Bill: The legislative intent as expressed in the bill is that collective bargaining units may be composed of either full-time tenured academic employees or part-time non-tenured academic employees to strengthen the direct communication of the distinct employee types with the employer.

Full-time academic tenured academic employees may join full-time tenured collective bargaining units. Part-time tenured academic employees may join part-time faculty collective bargaining units. Both full-time and part-time academic employees have the right to self-organize and collectively bargain through representatives of their own choosing.

Discrimination against part-time academic employees on the basis of their part-time or non-tenured employment status is a violation of chapter 28B.52 RCW.

Appropriation: None.

Fiscal Note: Requested on February 6, 2014.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Part-time faculty are a unique group state of workers. They do not have the right to choose their own union separate from the full-time faculty who often have supervisory powers over the part-time faculty. This would be illegal in the private sector. Part-time faculty do not have the right to choose their union free from supervisors and free from conflicts of interest. Part-time faculty suffer retaliation when speaking about the issue. The union is dysfunctional and there is no community of interest between adjuncts and full-time faculty. Adjuncts are just asking for a little more equal treatment.

CON: Adjuncts do participate in their unions and serve on local union boards. Part-time faculty serve on bargaining teams as well. Job security has been negotiated at the local level for adjuncts. There is no reason for part-time faculty to leave the union because they are the union. Splitting the union is unnecessary and potentially harmful to all faculty. It would pit one part of the faculty against the other.

Persons Testifying: PRO: Keith Hoeller, WA Part-Time Faculty Assn.; Lucy Luddington, Jack Longmate, Dana Rush, Richard Elfers, citizens.

CON: Esther "Dove" John, American Federation of Teachers of WA, Local 1789.