

HOUSE BILL REPORT

SHB 1291

As Passed House:

March 2, 2023

Title: An act relating to collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.

Brief Description: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Fosse, Donaghy, Berry, Street, Ortiz-Self, Ramel, Riccelli, Bergquist, Bateman, Taylor, Macri, Reeves, Doglio, Gregerson, Santos, Reed, Goodman, Kloba and Pollet).

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/25/23, 2/3/23 [DP];

Appropriations: 2/13/23, 2/24/23 [DPS].

Floor Activity:

Passed House: 3/2/23, 69-27.

Brief Summary of Substitute Bill

- Grants teaching assistants, research assistants, tutors, readers, graders, and other student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College the right to collective bargaining.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske, Connors, Doglio, Ormsby and Ortiz-Self.

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

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Chopp, Davis, Fitzgibbon, Lekanoff, Pollet, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 9 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler, Couture, Dye, Sandlin, Schmick and Steele.

Minority Report: Without recommendation. Signed by 3 members: Representatives Connors, Harris and Rude.

Staff: David Pringle (786-7310).

Background:

Student employees enrolled in academic programs at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are exempt from the state civil service law. As a result, they do not have the right to collective bargaining under the Public Employees' Collective Bargaining Act (PECBA).

Legislation enacted in 2002 granted teaching assistants, research assistants, tutors, readers, graders, and similar student employees of the University of Washington (UW) the right to collective bargaining under PECBA. Legislation in 2008 added similar student employees at Washington State University (WSU) to PECBA.

Summary of Substitute Bill:

Intent.

The Legislature acknowledges that certain student employees at the UW and WSU have the right to collectively bargain, while similar student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College (the institutions) do not. The Legislature intends to extend collective bargaining rights to certain student employees at the institutions to the same extent such rights are granted to student employees at the UW and WSU.

The Legislature recognizes the importance of the shared governance practices developed by the institutions and does not intend to restrict, limit, or prohibit:

- the exercise of the functions of the faculty; and

- the exercise of the functions of the graduate and professional student association, the associated students of the institutions, or any other student organization in matters outside of the scope of bargaining.

The institutions are not restricted from considering the merits, necessity, or organization of any program, activity, or service established by the institution, including any decision to establish, modify, or discontinue any program, activity, or service. In addition, the institutions are not restricted from having sole discretion over admission requirements, degree-granting criteria, academic criterion for selecting employees, initial appointment of students, and the content, conduct, and supervision of courses, curricula, grading requirements, and research programs.

The Legislature does not intend to limit the matters excluded from collective bargaining to those items specified.

Bargaining Units.

Covered employees are those who are enrolled in an academic program of one of the institutions and whose duties and responsibilities are substantially equivalent to:

- graduate teaching assistants;
- teaching assistants;
- graduate staff assistants;
- tutors, readers, and graders in all academic units and tutoring centers;
- lab assistants;
- faculty assistants;
- research assistants; and
- graduate research assistants, excluding assistants who are performing research primarily related to their dissertations and have no incidental or service expectations.

Those employees constitute an appropriate bargaining unit at each individual institution.

Scope of Bargaining.

The following subjects are excluded from the scope of bargaining:

- the ability to terminate an employee who is not meeting academic requirements;
- the amount of tuition and fees, except tuition and fee remission and waivers, which may be bargained;
- the academic calendar; and
- the number of students to be admitted to a class or section.

Compensation.

The compensation provisions in a collective bargaining agreement must not exceed the amount or percentage established by the Legislature; however, the employer may provide additional compensation that exceeds the amount provided by the Legislature. If any compensation provision is affected by subsequent modification of an appropriations act, the parties must bargain for a replacement provision.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony (Labor & Workplace Standards):

(In support) Academic employees play a critical role in helping the institutions operate smoothly. The academic employees at the University of Washington have had collective bargaining rights for 10 years and student employees at Washington State University have also had these rights for years. This bill simply provides parity for the regional universities. Collective bargaining will allow teaching assistants and other academic assistants to negotiate for more training in the special skills needed to teach and to negotiate for living wages.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Collective bargaining has worked well for 20 years. This bill does not dictate outcomes. Some of the projected outcomes in the fiscal note are simply hypotheticals, and we would be happy to work with the regional universities to reduce the administrative costs. As a graduate student teaching assistant, multiple jobs need to be held at the same time and I donate plasma to support my education. Graduate students lack job descriptions and even basic workplace protections. As a student labor representative that helped file a representation petition with the Public Employment Relations Commission recently, this is a critical step. Graduate students cannot fulfill the role of front-line workers without these workplace protections.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): Representative Mary Fosse, prime sponsor; Emily Myers, International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America Local 4121; Karna Ringham; Fern Roush; Rae Dodson; and Naira Gonzales, Associated Students of Western Washington University.

Persons Testifying (Appropriations): Emily Myers, The Union of Academic Student Employees and Postdocs at the University of Washington 4121; Lexy Aydelotte; and Chris Reid.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards):
None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.