

SENATE BILL REPORT

SB 5238

As Reported by Senate Committee On:
Labor & Commerce, January 31, 2023
Ways & Means, February 24, 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: Senators Saldaña, Randall, Conway, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Shewmake, Stanford, Valdez and Wilson, C..

Brief History:

Committee Activity: Labor & Commerce: 1/23/23, 1/31/23 [DP-WM, DNP, w/oRec].
Ways & Means: 2/21/23, 2/24/23 [DPS, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Grants certain student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College the right to collectively bargain.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; Robinson and Stanford.

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Braun and MacEwen.

Minority Report: That it be referred without recommendation.

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.

Signed by Senator Schoesler.

Staff: Jarrett Sacks (786-7448)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5238 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Nguyen, Pedersen, Saldaña, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Boehnke, Braun, Muzzall and Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senators Schoesler, Ranking Member, Capital; Torres.

Staff: Amanda Cecil (786-7460)

Background: The Personnel System Reform Act (PSRA) provides for collective bargaining of wages, hours, and other terms and conditions of employment with classified employees of state agencies and institutions of higher education. Employees covered under the PSRA include all state civil service employees, unless an exemption applies. In general, student employees are excluded from state civil service laws and, as a result, are excluded from bargaining under the PSRA.

Employees of cities, counties, and other political subdivisions of the state bargain their wages and working conditions under the Public Employee's Collective Bargaining Act (PECBA). In 2002, the Legislature granted certain student employees at the University of Washington the right to collectively bargain under PECBA. Similarly, in 2008, the Legislature granted certain student employees at Washington State University the right to collectively bargain.

Summary of Bill (First Substitute): Employees enrolled in academic programs on any campus of Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are granted the right to collectively bargain under PECBA.

Employees include all employees enrolled in an academic program whose duties and responsibilities are substantially equivalent to the employees in the following classifications:

- graduate teaching assistant;
- teaching assistant;
- graduate staff assistant;
- tutor, reader, and grader in all academic units and tutoring centers;
- lab assistant;
- faculty assistant;
- research assistant; and
- graduate research assistant.

Graduate research assistants who are performing research primarily related to their dissertation and who have incidental or no service expectations placed upon them by the university are not employees for the purposes of collective bargaining.

The scope of bargaining does not include the:

- ability to terminate the employment of an individual who is not meeting academic requirements;
- amount of tuition or fees, however, tuition and fee remission is within the scope of bargaining;
- academic calendar; and
- number of students to be admitted to a particular class or class section.

Provisions of a collective bargaining agreement relating to compensation must not exceed the amount or percentage established by the Legislature in the budget. If any compensation provision is affected by subsequent modification of the budget, the parties must immediately enter into collective bargaining for the sole purpose of arriving at a replacement for the affected provision. The universities and The Evergreen State College may provide additional compensation to student employees covered by the bill that exceeds the amount provided by the Legislature.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):

- Adds an emergency clause and makes the provisions of the bill effective immediately upon enactment.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony (Labor & Commerce): PRO: The bill gives those

at regional universities the same rights as the student employees at the University of Washington (UW) and Washington State University (WSU). The current statute for UW and WSU works well and this bill is modeled off of that. The bill will help avoid lengthy determination proceedings. Bargaining would allow equal access to services on campus and would address the lack of training for student employees. The need for student employees to have multiple off campus jobs to cover the cost of living would be addressed. Student employees needing multiple jobs leads to an inability to focus on studies.

Persons Testifying (Labor & Commerce): PRO: Senator Rebecca Saldaña, Prime Sponsor; Emily Myers, UAW 4121; Fern Roush; Karna Ringham, WAWU; Rae Dodson.

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: There is a deep held belief in democracy and the rights to let graduate students exercise it. This bill would grant the same collective bargaining rights academic workers at Washington State and Washington University have to regional universities. This bill doesn't mandate any outcomes, rather, it provides framework for collective bargaining. It is requested that a clause be added that would make this bill go into effect immediately.

Persons Testifying (Ways & Means): PRO: Senator Rebecca Saldaña, Prime Sponsor; Emily Myers, UAW 4121; Lexy Aydelotte.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.