

# FINAL BILL REPORT

## SSB 5238

---

---

C 115 L 23  
Synopsis as Enacted

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

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Randall, Conway, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Shewmake, Stanford, Valdez and Wilson, C.).

**Senate Committee on Labor & Commerce**  
**Senate Committee on Ways & Means**  
**House Committee on Labor & Workplace Standards**  
**House Committee on Appropriations**

**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:** 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.

---

*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.*

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.

**Votes on Final Passage:**

Senate 34 15

House 72 24

**Effective:** April 20, 2023