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**SUBSTITUTE SENATE BILL 5238**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

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

READ FIRST TIME 02/24/23.

1 AN ACT Relating to collective bargaining for employees who are  
2 enrolled in academic programs at public institutions of higher  
3 education; adding a new section to chapter 41.56 RCW; creating a new  
4 section; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges the right  
7 of student employees who provide instructional, research, and related  
8 academic services at the University of Washington and Washington  
9 State University to collectively bargain while student employees  
10 performing equivalent services at Central Washington University,  
11 Eastern Washington University, Western Washington University, and The  
12 Evergreen State College do not. The legislature further recognizes  
13 that while the titles of the student employees may differ between the  
14 six institutions of higher education, student employees at Central  
15 Washington University, Eastern Washington University, Western  
16 Washington University, and The Evergreen State College should enjoy  
17 the same collective bargaining rights as their counterparts at the  
18 University of Washington and Washington State University. The  
19 legislature therefore intends to grant bargaining rights to student  
20 employees at Central Washington University, Eastern Washington  
21 University, Western Washington University, and The Evergreen State

1 College to the same extent such rights are granted to student  
2 employees at the University of Washington and Washington State  
3 University.

4 (2) The legislature intends to promote cooperative labor  
5 relations between Central Washington University, Eastern Washington  
6 University, Western Washington University, and The Evergreen State  
7 College and the employees who provide instructional, research, and  
8 related academic services, and who are enrolled as students at the  
9 university by extending collective bargaining rights under chapter  
10 41.56 RCW and using the orderly procedures administered by the public  
11 employment relations commission. To achieve this end, the legislature  
12 intends that under chapter 41.56 RCW the university will exclusively  
13 bargain in good faith over all matters within the scope of bargaining  
14 under section 2 of this act.

15 (3) The legislature recognizes the importance of the shared  
16 governance practices developed at Central Washington University,  
17 Eastern Washington University, Western Washington University, and The  
18 Evergreen State College. The legislature does not intend to restrict,  
19 limit, or prohibit the exercise of the functions of the faculty in  
20 any shared governance mechanisms or practices, including the faculty  
21 senate, faculty councils, and faculty codes of Central Washington  
22 University, Eastern Washington University, Western Washington  
23 University, and The Evergreen State College; nor does the legislature  
24 intend to restrict, limit, or prohibit the exercise of the functions  
25 of the graduate and professional student association, the associated  
26 students of Central Washington University, Eastern Washington  
27 University, Western Washington University, and The Evergreen State  
28 College, or any other student organization in matters outside the  
29 scope of bargaining covered by chapter 41.56 RCW.

30 (4) The legislature intends that nothing in this act will  
31 restrict, limit, or prohibit Central Washington University, Eastern  
32 Washington University, Western Washington University, and The  
33 Evergreen State College from consideration of the merits, necessity,  
34 or organization of any program, activity, or service established by  
35 Central Washington University, Eastern Washington University, Western  
36 Washington University, and The Evergreen State College including, but  
37 not limited to, any decision to establish, modify, or discontinue any  
38 such program, activity, or service. The legislature further intends  
39 that nothing in this act will restrict, limit, or prohibit Central  
40 Washington University, Eastern Washington University, Western

1 Washington University, and The Evergreen State College from having  
2 sole discretion over admission requirements for students, criterion  
3 for the award of certificates and degrees to students, academic  
4 criterion for selection of employees covered by this act, initial  
5 appointment of students, and the content, conduct, and supervision of  
6 courses, curricula, grading requirements, and research programs.

7 (5) The legislature does not intend to limit the matters excluded  
8 from collective bargaining to those items specified in section 2 of  
9 this act.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.56  
11 RCW to read as follows:

12 (1) In addition to the entities listed in RCW 41.56.020, this  
13 chapter applies to employees who are enrolled in an academic program  
14 and are in a classification covered in subsection (2) of this section  
15 on any campus of Central Washington University, Eastern Washington  
16 University, Western Washington University, and The Evergreen State  
17 College.

18 (2) (a) For the purposes of this section, "employees" includes all  
19 employees enrolled in an academic program whose duties and  
20 responsibilities are substantially equivalent to those employees in  
21 the following classifications:

- 22 (i) Graduate teaching assistant;
- 23 (ii) Teaching assistant;
- 24 (iii) Graduate staff assistant;
- 25 (iv) Tutor, reader, and grader in all academic units and tutoring  
26 centers;
- 27 (v) Lab assistant;
- 28 (vi) Faculty assistant;
- 29 (vii) Research assistant; and
- 30 (viii) Graduate research assistant, except for those in (b) of  
31 this subsection.

32 (b) For the purposes of this section, "employees" does not  
33 include graduate research assistants who are performing research  
34 primarily related to their dissertation and who have incidental or no  
35 service expectations placed upon them by the university.

36 (3) The employees in subsection (2) of this section constitute an  
37 appropriate bargaining unit at each individual institution of higher  
38 education.

1 (4) (a) The scope of bargaining for employees at Central  
2 Washington University, Eastern Washington University, Western  
3 Washington University, and The Evergreen State College under this  
4 section excludes:

5 (i) The ability to terminate the employment of any individual if  
6 the individual is not meeting academic requirements as determined by  
7 Central Washington University, Eastern Washington University, Western  
8 Washington University, and The Evergreen State College;

9 (ii) The amount of tuition or fees at Central Washington  
10 University, Eastern Washington University, Western Washington  
11 University, and The Evergreen State College. However, tuition and fee  
12 remission and waiver is within the scope of bargaining;

13 (iii) The academic calendar of Central Washington University,  
14 Eastern Washington University, Western Washington University, and The  
15 Evergreen State College; and

16 (iv) The number of students to be admitted to a particular class  
17 or class section at Central Washington University, Eastern Washington  
18 University, Western Washington University, and The Evergreen State  
19 College.

20 (b) (i) Except as provided in (b) (ii) of this subsection,  
21 provisions of collective bargaining agreements relating to  
22 compensation must not exceed the amount or percentage established by  
23 the legislature in the appropriations act. If any compensation  
24 provision is affected by subsequent modification of the  
25 appropriations act by the legislature, both parties must immediately  
26 enter into collective bargaining for the sole purpose of arriving at  
27 a mutually agreed-upon replacement for the affected provision.

28 (ii) Central Washington University, Eastern Washington  
29 University, Western Washington University, and The Evergreen State  
30 College may provide additional compensation to student employees  
31 covered by this section that exceeds that provided by the  
32 legislature.

33 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of  
35 the state government and its existing public institutions, and takes  
36 effect immediately.

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