

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2540

Chapter 34, Laws of 2002

57th Legislature
2002 Regular Session

COLLECTIVE BARGAINING--UNIVERSITY OF WASHINGTON EMPLOYEES

EFFECTIVE DATE: 3/14/02

Passed by the House February 18, 2002
Yeas 53 Nays 44

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 6, 2002
Yeas 25 Nays 22

BRAD OWEN
President of the Senate

Approved March 14, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2540** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

March 14, 2002 - 11:14 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2540

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Kenney, Wood, Chase, Cooper, Fromhold, Lysen, Campbell, Hunt, Veloria, Cody, Simpson, Haigh, Dickerson, Miloscia, Ogden, Quall, McIntire, Schual-Berke, Santos, McDermott and Kirby)

Read first time 02/06/2002. Referred to Committee on .

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

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

6 NEW SECTION. **Sec. 1.** (1) This act is intended to promote
7 cooperative labor relations between the University of Washington and
8 the employees who provide instructional, research, and related academic
9 services, and who are enrolled as students at the university by
10 extending collective bargaining rights under chapter 41.56 RCW and
11 using the orderly procedures administered by the public employment
12 relations commission. To achieve this end, the legislature intends
13 that under chapter 41.56 RCW the university will exclusively bargain in
14 good faith over all matters within the scope of bargaining under
15 section 2 of this act.

16 (2) The legislature recognizes the importance of the shared
17 governance practices developed at the University of Washington. The
18 legislature does not intend to restrict, limit, or prohibit the
19 exercise of the functions of the faculty in any shared governance

1 mechanisms or practices, including the faculty senate, faculty
2 councils, and faculty codes of the University of Washington; nor does
3 the legislature intend to restrict, limit, or prohibit the exercise of
4 the functions of the graduate and professional student senate, the
5 associated students of the University of Washington, or any other
6 student organization in matters outside the scope of bargaining covered
7 by chapter 41.56 RCW.

8 (3) The legislature intends that nothing in this act will restrict,
9 limit, or prohibit the University of Washington from consideration of
10 the merits, necessity, or organization of any program, activity, or
11 service established by the University of Washington, including, but not
12 limited to, any decision to establish, modify, or discontinue any such
13 program, activity, or service. The legislature further intends that
14 nothing in this act will restrict, limit, or prohibit the University of
15 Washington from having sole discretion over admission requirements for
16 students, criterion for the award of certificates and degrees to
17 students, academic criterion for selection of employees covered by this
18 chapter, initial appointment of students, and the content, conduct, and
19 supervision of courses, curricula, grading requirements, and research
20 programs.

21 (4) The legislature does not intend to limit the matters excluded
22 from collective bargaining to those items specified in this act.

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

25 (1) In addition to the entities listed in RCW 41.56.020, this
26 chapter applies to the University of Washington with respect to
27 employees who are enrolled in an academic program and are in a
28 classification in (a) through (i) of this subsection on any University
29 of Washington campus. The employees in (a) through (i) of this
30 subsection constitute an appropriate bargaining unit:

- 31 (a) Predoctoral instructor;
- 32 (b) Predoctoral lecturer;
- 33 (c) Predoctoral teaching assistant;
- 34 (d) Predoctoral teaching associates I and II;
- 35 (e) Tutors, readers, and graders in all academic units and tutoring
36 centers;
- 37 (f) Predoctoral staff assistant;
- 38 (g) Predoctoral staff associates I and II;

1 (h) Except as provided in this subsection (1)(h), predoctoral
2 researcher, predoctoral research assistant, and predoctoral research
3 associates I and II. The employees that constitute an appropriate
4 bargaining unit under this subsection (1) do not include predoctoral
5 researchers, predoctoral research assistants, and predoctoral research
6 associates I and II who are performing research primarily related to
7 their dissertation and who have incidental or no service expectations
8 placed upon them by the university; and

9 (i) All employees enrolled in an academic program whose duties and
10 responsibilities are substantially equivalent to those employees in (a)
11 through (h) of this subsection.

12 (2)(a) The scope of bargaining for employees at the University of
13 Washington under this section excludes:

14 (i) The ability to terminate the employment of any individual if
15 the individual is not meeting academic requirements as determined by
16 the University of Washington;

17 (ii) The amount of tuition or fees at the University of Washington.
18 However, tuition and fee remission and waiver is within the scope of
19 bargaining;

20 (iii) The academic calendar of the University of Washington; and

21 (iv) The number of students to be admitted to a particular class or
22 class section at the University of Washington.

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

31 (ii) The University of Washington may provide additional
32 compensation to student employees covered by this section that exceeds
33 that provided by the legislature.

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

Passed the House February 18, 2002.
Passed the Senate March 6, 2002.
Approved by the Governor March 14, 2002.
Filed in Office of Secretary of State March 14, 2002.