

SENATE BILL REPORT

SHB 2361

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, March 26, 2007
Ways & Means, April 2, 2007

Title: An act relating to collective bargaining for certain employees of institutions of higher education and related boards.

Brief Description: Regarding collective bargaining for certain employees of institutions of higher education and related boards.

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representative Conway).

Brief History: Passed House: 3/10/07, 75-22.

Committee Activity: Labor, Commerce, Research & Development: 3/26/07 [DP-WM, DNP].

Ways & Means: 4/02/07 [DP, DNP, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

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

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice.

Minority Report: Do not pass.

Signed by Senators Clements, Ranking Minority Member and Holmquist.

Staff: Sherry McNamara (786-7402)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala and Rockefeller.

Minority Report: Do not pass.

Signed by Senator Honeyford.

Minority Report: That it be referred without recommendation.

Signed by Senators Carrell and Schoesler.

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

Staff: Tim Yowell (786-7435)

Background: Employees of institutions of higher education may be covered for purposes of collective bargaining under the Personnel System Reform Act (PSRA). The PSRA applies to employees of institutions of higher education who are covered for purposes of civil service.

Employees who are exempt from civil service and, therefore, from state employee collective bargaining are:

- members of the governing board, presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants;
- deans, directors, and chairs;
- executive heads of major divisions and their principal assistants; and
- certain other managerial or professional employees.

Other employees who are exempt from collective bargaining are:

- confidential employees;
- Washington Management Service members; and
- internal auditors.

Classifications which may be made exempt from civil service by an institution's governing board and, therefore, from collective bargaining are those involving:

- research activities;
- counseling of students;
- extension or continuing education activities; and
- graphic arts or publication activities.

The Public Employees' Collective Bargaining Act applies to the University of Washington with respect to printing craft employees in the University of Washington's Department of Printing and certain teaching assistants and research assistants, and to certain classified employees of technical colleges.

Other collective bargaining laws apply to public four-year institutions with respect to faculty members, and community colleges with respect to academic personnel.

Summary of Substitute Bill: The Public Employees Collective Bargaining Act is made applicable to employees of institutions of higher education who are exempt from civil service under the PSRA, with the following exceptions:

- executive employees and their principal assistants;
- certain managers;
- confidential employees; and
- certain employees involved in personnel or labor relations matters or tort actions.

The parties are prohibited from agreeing to a proposal that would prevent the implementation of approved affirmative action plans or would be inconsistent with the comparable worth agreement.

The parties are prohibited from bargaining over management rights. These rights include, but are not limited to, the following:

- the institution's functions and programs;
- the use of technology;

- the organization's structure;
- the institution's budget;
- the size of the institution's workforce;
- the right to direct and supervise employees;
- the right to take necessary actions during emergencies;
- retirement plans and retirement benefits; and
- health care benefits and other employee insurance benefits, except as provided under the PSRA.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Labor, Commerce, Research & Development):

PRO: A coalition of unions worked on this legislation to provide the right to choose whether to be unionized to approximately 10,000 employees and faculty members. There are exempt staff currently who would like to be represented and have the same rights as others.

OTHER: The stakeholders have worked out the language in this bill and we are neutral.

Persons Testifying (Labor, Commerce, Research & Development): PRO: Lucinda Young, Washington Education Association; Neal Culver, University of Washington, exempt staff.

OTHER: Terry Teale, Council of Presidents; John Boesenberg, State Board of Community and Technical Colleges.

Staff Summary of Public Testimony (Ways & Means): PRO: This bill will give approximately 8,000 professional staff the same collective bargaining rights that are currently available to faculty and civil service employees.

Persons Testifying (Ways & Means): PRO: Tricia Schroeder, Service Employees International Union Local 925.