

SENATE BILL REPORT

SB 5986

As Passed Senate, March 9, 2009

Title: An act relating to permitting certain higher education employees to engage in collective bargaining.

Brief Description: Permitting certain higher education employees to engage in collective bargaining.

Sponsors: Senators Kauffman, Kohl-Welles, Hargrove and Shin.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 2/23/09, 2/24/09 [DP-WM, DNP].

Ways & Means: 2/27/09, 3/02/09 [DP, DNP, w/oRec].

Passed Senate: 3/09/09, 27-17.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

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

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

Minority Report: Do not pass.

Signed by Senators Holmquist, Ranking Minority Member; Honeyford and King.

Staff: Kathleen Buchli (786-7488)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Fairley, Hobbs, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Parlette, Pridemore, Regala and Rockefeller.

Minority Report: Do not pass.

Signed by Senators Honeyford and Schoesler.

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 a part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Carrell and Hewitt.

Staff: Tim Yowell (786-7435)

Background: Certain exempt employees of institutions of higher education have the ability to collectively bargain under the Public Employees Collective Bargaining Act (PECBA). In 2008 certain University of Washington (UW) extension lecturers sought recognition as a bargaining unit stating that the lecturers were exempt employees and could organize under the terms of the statute granting collective bargaining rights to certain exempt employees of higher education. The Public Employment Relations Commission (PERC) held that it did not have jurisdiction and that extension lecturers were not covered for purposes of collective bargaining. In its order of dismissal, PERC stated that there was no evidence that the extension lecturers were exempt employees and PERC could not apply collective bargaining rights absent a clear grant of such rights under Chapter 41.56 RCW.

Summary of Bill: The PECBA is made applicable to full-time and part-time UW extension lecturers in English language programs holding annual and quarterly contracts.

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 & Consumer Protection):
PRO: Under current bargaining laws, extension lecturers are not considered faculty, exempt employees, or classified employees and not afforded collective bargaining rights. These are people who want to organize along with their colleagues and they cannot because they do not have the appropriate enabling legislation. The fiscal note is shocking because the group wishing to organize consists of 60 to 70 employees. Extension lecturers are valued employees and are highly trained. Most have worked for the UW for ten or more years. This will be remedying a long-standing injustice. We are eager to see the bill move forward so that we may start to collectively bargaining.

CON: This bill is premature. The people wishing to bargain are not faculty, but they have not worn out all their appeals. Without a final decision, this bill is premature.

Persons Testifying (Labor, Commerce & Consumer Protection): PRO: Sandra Schroeder, Rosanna Carosella, Natalie Pret, American Federation of Teachers, Washington.

CON: Randy Hodgins, UW.

Staff Summary of Public Testimony (Ways & Means): PRO: This legislation should not be held up because of a pending lawsuit. The lawsuit is only asking for back pay. It is not contending that these particular instructors are faculty.

OTHER: The UW has decided that its previous fiscal notes were incorrect, and wants to "pull" them.

Persons Testifying (Ways & Means): PRO: Sandra Shroeder, American Federation of Teachers Washington.

OTHER: Lou Pisano, UW.