

SENATE BILL REPORT

SB 5993

As Reported by Senate Committee On:
Labor & Commerce, January 24, 2018
Ways & Means, February 6, 2018

Title: An act relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.

Brief Description: Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.

Sponsors: Senators Keiser, Saldaña, Kuderer, Conway, Chase, Van De Wege, Hunt, Hasegawa, Pedersen, Frockt, Palumbo, Liias, Darneille, Wellman, Nelson, Hobbs, McCoy, Miloscia, Takko, Rolfes, Mullet, Billig and Dhingra.

Brief History:

Committee Activity: Labor & Commerce: 1/15/18, 1/24/18 [DP-WM, DNP].
Ways & Means: 2/01/18, 2/06/18 [DPS, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Authorizes boards of trustees of community and technical colleges to provide additional compensation to academic employees that exceeds the amount or percentage established by the Legislature.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway, Kuderer and Saldaña.

Minority Report: Do not pass.
Signed by Senators Braun, King and Wilson.

Staff: Jarrett Sacks (786-7448)

SENATE COMMITTEE ON WAYS & MEANS

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.

Majority Report: That Substitute Senate Bill No. 5993 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair; Billig, Conway, Darneille, Hasegawa, Hunt, Keiser, Mullet, Palumbo, Pedersen, Ranker and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member; Bailey, Becker, Brown, Fain and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senators Rivers, Wagoner and Warnick.

Staff: Amanda Cecil (786-7460)

Background: Community and Technical Colleges. Academic employees at community and technical colleges have collective bargaining rights with respect to wages, hours, and other terms and conditions of employment. Bargaining occurs between the board of trustees for the particular community college district and the appropriate exclusive employee organization.

Bargaining units at community and technical colleges are composed of academic employees, which include any teacher, counselor, librarian, or department head who is employed by the college district on a full-time or part-time basis. Administrators may be part of the bargaining unit if a majority of the administrators and a majority of the bargaining unit elect to include them.

Provisions in collective bargaining agreements relating to salary increases cannot exceed the amount or percentage established by the Legislature in the appropriations act and allocated to the State Board of Community and Technical Colleges. If any provision of a salary increase is subsequently modified by the Legislature in an appropriations act, the parties must enter into collective bargaining to modify the provisions.

Four-Year Institutions of Higher Education. For faculty of four-year institutions of higher education, a collective bargaining agreement may not include compensation that exceeds the amount or percentage established by the Legislature in the appropriations act. However, the employer may provide additional compensation to the faculty that exceeds that provided by the Legislature.

Summary of Bill (First Substitute): A board of trustees may provide additional compensation to academic employees of a community and technical college that exceeds the amount provided by the Legislature. Language providing that contract provisions related to salary increases are not binding on future actions of the Legislature is stricken. An exception to the prohibition against compensation or salary increases exceeding the amount allocated by the Legislature is added for academic and classified employees of community and technical colleges.

An intent is declared to fund salary and benefit cost increases with 66 percent from the state General Fund.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute): States an intent to fund salary and benefit increases with 66 percent from the state General Fund.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill (Labor & Commerce): PRO: The inability to bargain local funds hurts faculty retention and the ability to compete for high quality faculty. The current system creates a large gap between full-time and part-time faculty. The budget proviso to allow the use of local funds worked. Thirteen colleges took advantage of the proviso. Allowing the use of local funds requires both sides to understand the school's budget and builds trust between the administration and the faculty. Adjunct faculty cannot afford the cost of living where their colleges are located and faculty salaries have been stagnant for awhile.

CON: The budget is a zero-sum game. Allowing the use of local funds will pit students versus the faculty because colleges will use money normally spent on programs and students on faculty salaries. The Legislature needs to fund salary increments and the colleges should not have to rely on local funds to pick up the slack.

OTHER: The bill should put some guardrails around the use of local funds, such as using turnover dollars, new enrollments, or tuition increases to fund salaries. Faculty should be paid more, but it should come from appropriation, not local funds. Pent up demand for salary increases will be divisive and could potentially lead to work stoppages. An example of colleges needing local funds and reserves is when the Legislature did not pass a capital budget and the colleges used local funds to cover the gap.

Persons Testifying (Labor & Commerce): PRO: Senator Karen Keiser, Prime Sponsor; Susan Palmer, Walla Walla Community College; Joe Field, citizen; Carla Naccarato-Sinclair, Spokane Colleges, WEA; Michael Boggess, AFT Washington; Simone Terrell, AFT Renton; Bill Lyne, UFWS.

CON: Michele Johnson, Chancellor, Pierce College District; Bob Morbacher, President, Centralia College.

OTHER: John Boesenberg, State Board for Community & Technical Colleges; Bill Ryberg, Interim President, Tacoma Community College; Jim Minkler, President, Grays Harbor College; Jeff Wagnitz, President, Highline Community College; Bob Knight, President, Clark College.

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard* PRO: Community colleges do not pay faculty based on credentialing, and nursing programs have been cancelled because there is a shortage of teachers. This will improve the relationship between the faculty and the administration and it will also improve student outcomes. This is a simple bill that provides access to local funding. Faculty at community and technical colleges will have the same rights as faculty at four-year institutions. A budget proviso allowed for this in the 2015-17 biennium, and it worked well.

OTHER: Faculty work hard and deserve to get paid. This shifts responsibility with providing funding. This may create disparities in schools with access to additional resources, particularly rural and technical colleges. This is not the solution and will hurt student success if it does not come with additional state funds.

Persons Testifying (Ways & Means): PRO: Senator Karen Keiser, Prime Sponsor; Kim Mead, President of Washington Education Association; Karen Strickland, President American Federation of Teachers Washington; Carla Naccarato-Sinclair, Community Colleges of Spokane; Bill Lyne, President of United Faculty of Washington State, Washington Education Association, American Federation of Teachers; Allison Wareham, Instructor, Olympic College Nursing; Grant Linacre, Emerald Heights; Scott Sigmon, LeadingAge Washington.

OTHER: John Boesenberg, State Board for Community & Technical Colleges; Dr. Kevin McCarthy, Renton Technical College; Steve Leahaey, Seattle Community Colleges.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.