
SENATE BILL 6578

State of Washington

65th Legislature

2018 Regular Session

By Senators Ranker, Chase, Hasegawa, Darneille, Conway, Keiser, Saldaña, Hunt, Rolfes, Hobbs, Kuderer, and Lias

1 AN ACT Relating to policies for part-time faculty at institutions
2 of higher education; amending RCW 41.05.065, 28B.50.4894, and
3 28B.50.489; adding a new chapter to Title 28B RCW; creating a new
4 section; and recodifying RCW 28B.50.4892.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that part-time
7 faculty bring unique skills and expertise into workforce preparation
8 and academic classrooms. Employing part-time faculty allows state
9 institutions of higher education to offer more classes, when and
10 where students need them, and the ability to respond to emerging
11 student, community, and business needs. However, low salary levels,
12 variable working conditions, and over reliance on part-time faculty
13 have contributed to staffing concerns as state institutions of higher
14 education absorb greater numbers of students.

15 The retention of excellent college professors is an integral part
16 to the success of our state higher education system. Job security for
17 experienced faculty has long been a hallmark of high quality higher
18 education and results in a more stable workforce of professionals
19 dedicated to serving their students. Yet nearly half of the courses
20 offered by two-year colleges are taught by nontenure track, part-time
21 faculty who lack the job security and academic freedom safeguards

1 normally associated with tenure. Good business practice and faculty
2 morale is best served by the time-honored labor practice of rewarding
3 professors for their seniority, continuing education, and experience.
4 Additionally, performance evaluations ensure instructional quality
5 and provide feedback to faculty. An over reliance on student
6 evaluations provides limited feedback and no guidance on how part-
7 time faculty can improve.

8 Responding to these concerns, in 1996 and 2005 the legislature
9 adopted provisions in RCW 28B.50.4892 (as recodified by this act)
10 that required identification of best practices related to part-time
11 faculty employment at community and technical colleges. The
12 legislature reaffirms a commitment to addressing issues caused by
13 reliance on a low-paid, part-time teaching workforce at state
14 institutions of higher education.

15 NEW SECTION. **Sec. 2.** For the purposes of this chapter,
16 "institutions of higher education" has the same meaning as in RCW
17 28B.10.016.

18 NEW SECTION. **Sec. 3.** (1) Each institution of higher education
19 shall:

20 (a) Develop tracking systems that accurately capture part-time
21 faculty work patterns;

22 (b) Review part-time faculty work patterns to identify faculty
23 with a history of reappointments and consider providing early,
24 multiquarter, multise semester, or annual appointment contracts; and

25 (c) Develop a review process and period that assesses the
26 competence of part-time faculty and confers an enhanced status that
27 provides a greater level of job security including, but not limited
28 to, protections such as multiquarter or multise semester contracts,
29 priority hiring lists, right of first refusal, or designation as
30 associate faculty.

31 (2) For part-time faculty represented by an exclusive bargaining
32 representative, each institution of higher education shall develop
33 its review process, duration, and protections by means of collective
34 bargaining.

35 NEW SECTION. **Sec. 4.** (1) Institutions of higher education
36 shall:

1 (a) Evaluate part-time faculty using criteria, standards, and
2 procedures comparable to that used to evaluate full-time faculty; and

3 (b) Include part-time faculty who have successfully completed the
4 review process and exhibited teaching excellence through teaching
5 awards available to full-time faculty.

6 (2) For part-time faculty represented by an exclusive bargaining
7 representative, each institution of higher education shall develop
8 its performance evaluation and process by means of collective
9 bargaining.

10 NEW SECTION. **Sec. 5.** Institutions of higher education shall
11 develop a job-based screening process for part-time faculty that
12 applies the same or similar criteria used in hiring full-time
13 faculty.

14 NEW SECTION. **Sec. 6.** In odd numbered years, institutions of
15 higher education shall conduct a review of their actions related to
16 improving the working conditions of part-time faculty.

17 NEW SECTION. **Sec. 7.** RCW 28B.50.4892 is recodified as a section
18 in the new chapter created in section 12 of this act.

19 NEW SECTION. **Sec. 8.** For the purposes of determining
20 eligibility of state-mandated insurance, retirement benefits under
21 RCW 28B.10.400, and sick leave for part-time faculty, the following
22 definitions shall be used:

23 (1) "Full-time academic workload" means the number of in-class
24 teaching hours that a full-time instructor must teach to fulfill his
25 or her employment obligations in a given discipline in a given
26 institution of higher education. If full-time academic workload is
27 defined in a contract adopted through the collective bargaining
28 process, that definition shall prevail. If the full-time workload
29 bargained in a contract includes more than in-class teaching hours,
30 only that portion that is in-class teaching hours may be considered
31 academic workload.

32 (2) "In-class teaching hours" means contact classroom and lab
33 hours in which full or part-time faculty are performing contractually
34 assigned teaching duties. The in-class teaching hours shall not
35 include any duties performed in support of, or in addition to, those
36 contractually assigned in-class teaching hours.

1 (3) "Part-time academic workload" means any percentage of a full-
2 time academic workload for which the part-time faculty is not paid on
3 the full-time academic salary schedule.

4 NEW SECTION. **Sec. 9.** For the purposes of determining
5 eligibility for receipt of state-mandated benefits for part-time
6 faculty, each institution of higher education shall report to the
7 appropriate agencies, the names of eligible part-time faculty who
8 qualify for benefits based on calculating the hours worked by part-
9 time faculty as a percentage of the part-time academic workload to
10 the full-time academic workload in a given discipline in a given
11 institution. Part-time faculty are identified as faculty for the
12 purposes of health benefits under RCW 41.05.065.

13 NEW SECTION. **Sec. 10.** (1) Part-time faculty of institutions of
14 higher education shall receive sick leave to be used for the same
15 illnesses, injuries, bereavement, and emergencies as full-time
16 faculty at an institution of higher education in proportion to the
17 individual's teaching commitment at the institution of higher
18 education.

19 (2) RCW 41.04.665 applies to leave sharing for part-time faculty
20 who accrue sick leave under subsection (1) of this section.

21 (3) RCW 28B.50.553 applies to remuneration for unused sick leave
22 for part-time faculty who accrue sick leave under subsection (1) of
23 this section.

24 **Sec. 11.** RCW 41.05.065 and 2015 c 116 s 3 are each amended to
25 read as follows:

26 (1) The board shall study all matters connected with the
27 provision of health care coverage, life insurance, liability
28 insurance, accidental death and dismemberment insurance, and
29 disability income insurance or any of, or a combination of, the
30 enumerated types of insurance for employees and their dependents on
31 the best basis possible with relation both to the welfare of the
32 employees and to the state. However, liability insurance shall not be
33 made available to dependents.

34 (2) The board shall develop employee benefit plans that include
35 comprehensive health care benefits for employees. In developing these
36 plans, the board shall consider the following elements:

1 (a) Methods of maximizing cost containment while ensuring access
2 to quality health care;

3 (b) Development of provider arrangements that encourage cost
4 containment and ensure access to quality care, including but not
5 limited to prepaid delivery systems and prospective payment methods;

6 (c) Wellness incentives that focus on proven strategies, such as
7 smoking cessation, injury and accident prevention, reduction of
8 alcohol misuse, appropriate weight reduction, exercise, automobile
9 and motorcycle safety, blood cholesterol reduction, and nutrition
10 education;

11 (d) Utilization review procedures including, but not limited to a
12 cost-efficient method for prior authorization of services, hospital
13 inpatient length of stay review, requirements for use of outpatient
14 surgeries and second opinions for surgeries, review of invoices or
15 claims submitted by service providers, and performance audit of
16 providers;

17 (e) Effective coordination of benefits; and

18 (f) Minimum standards for insuring entities.

19 (3) To maintain the comprehensive nature of employee health care
20 benefits, benefits provided to employees shall be substantially
21 equivalent to the state employees' health benefit((s)) plan in effect
22 on January 1, 1993. Nothing in this subsection shall prohibit changes
23 or increases in employee point-of-service payments or employee
24 premium payments for benefits or the administration of a high
25 deductible health plan in conjunction with a health savings account.
26 The board may establish employee eligibility criteria which are not
27 substantially equivalent to employee eligibility criteria in effect
28 on January 1, 1993.

29 (4) Except if bargained for under chapter 41.80 RCW, the board
30 shall design benefits and determine the terms and conditions of
31 employee and retired employee participation and coverage, including
32 establishment of eligibility criteria subject to the requirements of
33 this chapter. Employer groups obtaining benefits through contractual
34 agreement with the authority for employees defined in RCW
35 41.05.011(6)(a) (i) through ~~((d))~~ (iv) may contractually agree with
36 the authority to benefits eligibility criteria which differs from
37 that determined by the board. The eligibility criteria established by
38 the board shall be no more restrictive than the following:

39 (a) Except as provided in (b) through (e) of this subsection, an
40 employee is eligible for benefits from the date of employment if the

1 employing agency anticipates he or she will work an average of at
2 least eighty hours per month and for at least eight hours in each
3 month for more than six consecutive months. An employee determined
4 ineligible for benefits at the beginning of his or her employment
5 shall become eligible in the following circumstances:

6 (i) An employee who works an average of at least eighty hours per
7 month and for at least eight hours in each month and whose
8 anticipated duration of employment is revised from less than or equal
9 to six consecutive months to more than six consecutive months becomes
10 eligible when the revision is made.

11 (ii) An employee who works an average of at least eighty hours
12 per month over a period of six consecutive months and for at least
13 eight hours in each of those six consecutive months becomes eligible
14 at the first of the month following the six-month averaging period.

15 (b) A seasonal employee is eligible for benefits from the date of
16 employment if the employing agency anticipates that he or she will
17 work an average of at least eighty hours per month and for at least
18 eight hours in each month of the season. A seasonal employee
19 determined ineligible at the beginning of his or her employment who
20 works an average of at least eighty hours per month over a period of
21 six consecutive months and at least eight hours in each of those six
22 consecutive months becomes eligible at the first of the month
23 following the six-month averaging period. A benefits-eligible
24 seasonal employee who works a season of less than nine months shall
25 not be eligible for the employer contribution during the off season,
26 but may continue enrollment in benefits during the off season by
27 self-paying for the benefits. A benefits-eligible seasonal employee
28 who works a season of nine months or more is eligible for the
29 employer contribution through the off season following each season
30 worked.

31 (c) Faculty are eligible as follows:

32 (i) Faculty who the employing agency anticipates will work half-
33 time or more for the entire instructional year or equivalent nine-
34 month period are eligible for benefits from the date of employment.
35 Eligibility shall continue until the beginning of the first full
36 month of the next instructional year, unless the employment
37 relationship is terminated, in which case eligibility shall cease the
38 first month following the notice of termination or the effective date
39 of the termination, whichever is later.

1 (ii) Faculty who the employing agency anticipates will not work
2 for the entire instructional year or equivalent nine-month period are
3 eligible for benefits at the beginning of the second consecutive
4 quarter or semester of employment in which he or she is anticipated
5 to work, or has actually worked, half-time or more. Such an employee
6 shall continue to receive uninterrupted employer contributions for
7 benefits if the employee works at least half-time in a quarter or
8 semester. Faculty who the employing agency anticipates will not work
9 for the entire instructional year or equivalent nine-month period,
10 but who actually work half-time or more throughout the entire
11 instructional year, are eligible for summer or off-quarter or off-
12 semester coverage. Faculty who have met the criteria of this
13 subsection (4)(c)(ii), who work at least two quarters or two
14 semesters of the academic year with an average academic year workload
15 of half-time or more for three quarters or two semesters of the
16 academic year, and who have worked an average of half-time or more in
17 each of the two preceding academic years shall continue to receive
18 uninterrupted employer contributions for benefits if he or she works
19 at least half-time in a quarter or semester or works two quarters or
20 two semesters of the academic year with an average academic workload
21 each academic year of half-time or more for three quarters or two
22 semesters. Eligibility under this section ceases immediately if this
23 criteria is not met.

24 (iii) Faculty may establish or maintain eligibility for benefits
25 by working for more than one institution of higher education. When
26 faculty work for more than one institution of higher education, those
27 institutions shall prorate the employer contribution costs, or if
28 eligibility is reached through one institution, that institution will
29 pay the full employer contribution. Faculty working for more than one
30 institution must alert his or her employers to his or her potential
31 eligibility in order to establish eligibility.

32 (iv) The employing agency must provide written notice to faculty
33 who are potentially eligible for benefits under this subsection
34 (4)(c) of their potential eligibility.

35 (v) To be eligible for maintenance of benefits through averaging
36 under (c)(ii) of this subsection, faculty must provide written
37 notification to his or her employing agency or agencies of his or her
38 potential eligibility.

39 (vi) For the purposes of this subsection (4)(c):

1 (A) "Academic year" means summer, fall, winter, and spring
2 quarters or summer, fall, and spring semesters;

3 (B) "Half-time" means one-half of the full-time academic workload
4 as determined by each institution according to section 9 of this act;
5 except that for community and technical college faculty, half-time
6 academic workload is calculated according to RCW 28B.50.489.

7 (d) A legislator is eligible for benefits on the date his or her
8 term begins. All other elected and full-time appointed officials of
9 the legislative and executive branches of state government are
10 eligible for benefits on the date his or her term begins or they take
11 the oath of office, whichever occurs first.

12 (e) A justice of the supreme court and judges of the court of
13 appeals and the superior courts become eligible for benefits on the
14 date he or she takes the oath of office.

15 (f) Except as provided in (c)(i) and (ii) of this subsection,
16 eligibility ceases for any employee the first of the month following
17 termination of the employment relationship.

18 (g) In determining eligibility under this section, the employing
19 agency may disregard training hours, standby hours, or temporary
20 changes in work hours as determined by the authority under this
21 section.

22 (h) Insurance coverage for all eligible employees begins on the
23 first day of the month following the date when eligibility for
24 benefits is established. If the date eligibility is established is
25 the first working day of a month, insurance coverage begins on that
26 date.

27 (i) Eligibility for an employee whose work circumstances are
28 described by more than one of the eligibility categories in (a)
29 through (e) of this subsection shall be determined solely by the
30 criteria of the category that most closely describes the employee's
31 work circumstances.

32 (j) Except for an employee eligible for benefits under (b) or
33 (c)(ii) of this subsection, an employee who has established
34 eligibility for benefits under this section shall remain eligible for
35 benefits each month in which he or she is in pay status for eight or
36 more hours, if (i) he or she remains in a benefits-eligible position
37 and (ii) leave from the benefits-eligible position is approved by the
38 employing agency. A benefits-eligible seasonal employee is eligible
39 for the employer contribution in any month of his or her season in
40 which he or she is in pay status eight or more hours during that

1 month. Eligibility ends if these conditions are not met, the
2 employment relationship is terminated, or the employee voluntarily
3 transfers to a noneligible position.

4 (k) For the purposes of this subsection, the board shall define
5 "benefits-eligible position."

6 (5) The board may authorize premium contributions for an employee
7 and the employee's dependents in a manner that encourages the use of
8 cost-efficient managed health care systems.

9 (6)(a) For any open enrollment period following August 24, 2011,
10 the board shall offer a health savings account option for employees
11 that conforms to section 223, Part VII of subchapter B of chapter 1
12 of the internal revenue code of 1986. The board shall comply with all
13 applicable federal standards related to the establishment of health
14 savings accounts.

15 (b) By November 30, 2015, and each year thereafter, the authority
16 shall submit a report to the relevant legislative policy and fiscal
17 committees that includes the following:

18 (i) Public employees' benefits board health plan cost and service
19 utilization trends for the previous three years, in total and for
20 each health plan offered to employees;

21 (ii) For each health plan offered to employees, the number and
22 percentage of employees and dependents enrolled in the plan, and the
23 age and gender demographics of enrollees in each plan;

24 (iii) Any impact of enrollment in alternatives to the most
25 comprehensive plan, including the high deductible health plan with a
26 health savings account, upon the cost of health benefits for those
27 employees who have chosen to remain enrolled in the most
28 comprehensive plan.

29 (7) Notwithstanding any other provision of this chapter, for any
30 open enrollment period following August 24, 2011, the board shall
31 offer a high deductible health plan in conjunction with a health
32 savings account developed under subsection (6) of this section.

33 (8) Employees shall choose participation in one of the health
34 care benefit plans developed by the board and may be permitted to
35 waive coverage under terms and conditions established by the board.

36 (9) The board shall review plans proposed by insuring entities
37 that desire to offer property insurance and/or accident and casualty
38 insurance to state employees through payroll deduction. The board may
39 approve any such plan for payroll deduction by insuring entities
40 holding a valid certificate of authority in the state of Washington

1 and which the board determines to be in the best interests of
2 employees and the state. The board shall adopt rules setting forth
3 criteria by which it shall evaluate the plans.

4 (10) Before January 1, 1998, the public employees' benefits board
5 shall make available one or more fully insured long-term care
6 insurance plans that comply with the requirements of chapter 48.84
7 RCW. Such programs shall be made available to eligible employees,
8 retired employees, and retired school employees as well as eligible
9 dependents which, for the purpose of this section, includes the
10 parents of the employee or retiree and the parents of the spouse of
11 the employee or retiree. Employees of local governments, political
12 subdivisions, and tribal governments not otherwise enrolled in the
13 public employees' benefits board sponsored medical programs may
14 enroll under terms and conditions established by the administrator,
15 if it does not jeopardize the financial viability of the public
16 employees' benefits board's long-term care offering.

17 (a) Participation of eligible employees or retired employees and
18 retired school employees in any long-term care insurance plan made
19 available by the public employees' benefits board is voluntary and
20 shall not be subject to binding arbitration under chapter 41.56 RCW.
21 Participation is subject to reasonable underwriting guidelines and
22 eligibility rules established by the public employees' benefits board
23 and the health care authority.

24 (b) The employee, retired employee, and retired school employee
25 are solely responsible for the payment of the premium rates developed
26 by the health care authority. The health care authority is authorized
27 to charge a reasonable administrative fee in addition to the premium
28 charged by the long-term care insurer, which shall include the health
29 care authority's cost of administration, marketing, and consumer
30 education materials prepared by the health care authority and the
31 office of the insurance commissioner.

32 (c) To the extent administratively possible, the state shall
33 establish an automatic payroll or pension deduction system for the
34 payment of the long-term care insurance premiums.

35 (d) The public employees' benefits board and the health care
36 authority shall establish a technical advisory committee to provide
37 advice in the development of the benefit design and establishment of
38 underwriting guidelines and eligibility rules. The committee shall
39 also advise the board and authority on effective and cost-effective
40 ways to market and distribute the long-term care product. The

1 technical advisory committee shall be comprised, at a minimum, of
2 representatives of the office of the insurance commissioner,
3 providers of long-term care services, licensed insurance agents with
4 expertise in long-term care insurance, employees, retired employees,
5 retired school employees, and other interested parties determined to
6 be appropriate by the board.

7 (e) The health care authority shall offer employees, retired
8 employees, and retired school employees the option of purchasing
9 long-term care insurance through licensed agents or brokers appointed
10 by the long-term care insurer. The authority, in consultation with
11 the public employees' benefits board, shall establish marketing
12 procedures and may consider all premium components as a part of the
13 contract negotiations with the long-term care insurer.

14 (f) In developing the long-term care insurance benefit designs,
15 the public employees' benefits board shall include an alternative
16 plan of care benefit, including adult day services, as approved by
17 the office of the insurance commissioner.

18 (g) The health care authority, with the cooperation of the office
19 of the insurance commissioner, shall develop a consumer education
20 program for the eligible employees, retired employees, and retired
21 school employees designed to provide education on the potential need
22 for long-term care, methods of financing long-term care, and the
23 availability of long-term care insurance products including the
24 products offered by the board.

25 (11) The board may establish penalties to be imposed by the
26 authority when the eligibility determinations of an employing agency
27 fail to comply with the criteria under this chapter.

28 NEW SECTION. **Sec. 12.** Sections 2 through 6 and 8 through 10 of
29 this act constitute a new chapter in Title 28B RCW.

30 **Sec. 13.** RCW 28B.50.4894 and 2006 c 308 s 3 are each amended to
31 read as follows:

32 Health care benefits for part-time academic employees are
33 governed by RCW ((41.05.053)) 41.05.065 and section 9 of this act.

34 **Sec. 14.** RCW 28B.50.489 and 2000 c 128 s 2 are each amended to
35 read as follows:

36 For the purposes of determining eligibility of state-mandated
37 insurance, retirement benefits under RCW 28B.10.400, and sick leave

1 for part-time academic employees in community and technical colleges,
2 the following definitions shall be used:

3 (1) "Full-time academic workload" means the number of in-class
4 teaching hours that a full-time instructor must teach to fulfill his
5 or her employment obligations in a given discipline in a given
6 college. If full-time academic workload is defined in a contract
7 adopted through the collective bargaining process, that definition
8 shall prevail. If the full-time workload bargained in a contract
9 includes more than in-class teaching hours, only that portion that is
10 in-class teaching hours may be considered academic workload.

11 (2) "In-class teaching hours" means contact classroom and lab
12 hours in which full or part-time academic employees are performing
13 contractually assigned teaching duties. The in-class teaching hours
14 shall not include any duties performed in support of, or in addition
15 to, those contractually assigned in-class teaching hours.

16 (3) "Academic employee" in a community or technical college means
17 any (~~teacher,~~) counselor, librarian, or department head who is
18 employed by a college district, whether full or part-time, with the
19 exception of the chief administrative officer of, and any
20 administrator in, each college district.

21 (4) "Part-time academic workload" means any percentage of a full-
22 time academic workload for which the part-time academic employee is
23 not paid on the full-time academic salary schedule.

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