

HOUSE BILL REPORT

SSB 5238

As Passed House:

April 6, 2023

Title: An act relating to collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.

Brief Description: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Randall, Conway, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Shewmake, Stanford, Valdez and Wilson, C.).

Brief History:

Committee Activity:

Labor & Workplace Standards: 3/21/23, 3/24/23 [DP];

Appropriations: 4/1/23, 4/3/23 [DP].

Floor Activity:

Passed House: 4/6/23, 72-24.

Brief Summary of Substitute Bill

- Grants teaching assistants, research assistants, tutors, readers, graders, and other student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College the right to collective bargaining.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske, Connors, Doglio, Ormsby and Ortiz-Self.

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

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 22 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Chopp, Davis, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 6 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Dye, Sandlin and Schmick.

Minority Report: Without recommendation. Signed by 1 member: Representative Connors.

Staff: David Pringle (786-7310).

Background:

Student employees enrolled in academic programs at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are exempt from the state civil service law. As a result, they do not have the right to collective bargaining under the Public Employees' Collective Bargaining Act (PECBA).

Legislation enacted in 2002 granted teaching assistants, research assistants, tutors, readers, graders, and similar student employees of the University of Washington (UW) the right to collective bargaining under PECBA. Legislation in 2008 added similar student employees at Washington State University (WSU) to PECBA.

Summary of Bill:

Intent.

The Legislature acknowledges that certain student employees at the UW and WSU have the right to collectively bargain, while similar student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College (the institutions) do not. The Legislature intends to extend collective bargaining rights to certain student employees at the institutions to the same extent such rights are granted to student employees at the UW and WSU.

The Legislature recognizes the importance of the shared governance practices developed by the institutions and does not intend to restrict, limit, or prohibit:

- the exercise of the functions of the faculty; and
- the exercise of the functions of the graduate and professional student association, the

associated students of the institutions, or any other student organization in matters outside of the scope of bargaining.

The institutions are not restricted from considering the merits, necessity, or organization of any program, activity, or service established by the institution, including any decision to establish, modify, or discontinue any program, activity, or service. In addition, the institutions are not restricted from having sole discretion over admission requirements, degree-granting criteria, academic criterion for selecting employees, initial appointment of students, and the content, conduct, and supervision of courses, curricula, grading requirements, and research programs.

The Legislature does not intend to limit the matters excluded from collective bargaining to those items specified.

Bargaining Units.

Covered employees are those who are enrolled in an academic program of one of the institutions and whose duties and responsibilities are substantially equivalent to:

- graduate teaching assistants;
- teaching assistants;
- graduate staff assistants;
- tutors, readers, and graders in all academic units and tutoring centers;
- lab assistants;
- faculty assistants;
- research assistants; and
- graduate research assistants (except not assistants who are performing research primarily related to their dissertations and have no incidental or service expectations).

Those employees constitute an appropriate bargaining unit at each individual institution.

Scope of Bargaining.

The following subjects are excluded from the scope of bargaining:

- the ability to terminate an employee who is not meeting academic requirements;
- the amount of tuition and fees (except tuition and fee remission and waivers may be bargained);
- the academic calendar; and
- the number of students to be admitted to a class or section.

Compensation.

The compensation provisions in a collective bargaining agreement must not exceed the amount or percentage established by the Legislature; however, the employer may provide additional compensation that exceeds the amount provided by the Legislature. If any compensation provision is affected by subsequent modification of an appropriations act, the parties must bargain for a replacement provision.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony (Labor & Workplace Standards):

(In support) The bill creates parity in the law to ensure teaching assistants have collective bargaining. The UW and WSU have been bargaining for years and it has worked well. The bill does not create a mandate. It provides a statutory framework and defines appropriate bargaining units. Scheduling and hours vary widely and can be unpredictable for these employees.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill provides parity at the regional universities to what students already have at the University of Washington and Washington State University. The bill defines appropriate bargaining units, provides a framework for negotiations, and streamlines the startup of negotiations. Western Washington University would incur greater costs if the work now performed by undergraduate teaching assistants required full-time employees instead. The University would provide less service to students as a result.

(Opposed) None.

Persons Testifying (Labor & Workplace Standards): Emily Myers, United International Union, United Automobile, Aerospace and Agricultural Implement Workers of America 4121; and William Watts.

Persons Testifying (Appropriations): Emily Myers, Union of Academic Student Employees and Postdocs at the University of Washington Local 4121; and Lily Rayor.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.