
SENATE BILL 5231

State of Washington 64th Legislature 2015 Regular Session

By Senators Sheldon, Dansel, Becker, Hobbs, and Chase

Read first time 01/16/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to modifying collective bargaining law to
2 authorize the right of state workers employed in the community and
3 technical college system as nontenured part-time academic employees
4 to form a collective bargaining unit for the protection of their
5 common interests; amending RCW 28B.52.010, 28B.52.020, 28B.52.025,
6 28B.52.045, and 28B.52.070; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes the principle
9 that a collective bargaining unit is and ought to be composed of
10 workers who share a community of interests and common working
11 conditions relative to job security, compensation, workload,
12 opportunities for advancement, and that workers should not be part of
13 a collective bargaining unit with other workers who do not share
14 these common working conditions. The legislature also recognizes that
15 in a two-tier workforce structure, where the upper tier may exercise,
16 real or perceived, managerial or supervisory functions over the lower
17 tier, such a dynamic may negatively influence both the individuals
18 and the bargaining process and may induce a desire among individuals
19 of the lower tier to align with the interests of the upper tier even
20 when the alignment is counter to the interests of the lower tier.
21 This dysfunction is exacerbated when, instead of a community of

1 interests between the upper and lower tier, an actual conflict of
2 interests exists.

3 **Sec. 2.** RCW 28B.52.010 and 1991 c 238 s 145 are each amended to
4 read as follows:

5 It is the purpose of this chapter to strengthen methods of
6 administering employer-employee relations through the establishment
7 of orderly methods of communication between academic employees and
8 the college districts by which they are employed. The legislature
9 intends that collective bargaining units may be composed of either
10 full-time tenured academic employees or part-time nontenured academic
11 employees to strengthen the direct communication of these distinct
12 employee types with the employer.

13 It is the purpose of this chapter to promote cooperative efforts
14 by prescribing certain rights and obligations of the employees and
15 employers and by establishing orderly procedures governing the
16 relationship between the employees and their employers which
17 procedures are designed to meet the special requirements and needs of
18 public employment in higher education. It is the intent of this
19 chapter to promote activity that includes the elements of open
20 communication and access to information in a timely manner, with
21 reasonable discussion and interpretation of that information. It is
22 the further intent that such activity shall be characterized by
23 mutual respect, integrity, reasonableness, and a desire on the part
24 of the parties to address and resolve the points of concern.

25 **Sec. 3.** RCW 28B.52.020 and 1991 c 238 s 146 are each amended to
26 read as follows:

27 As used in this chapter:

28 (1) "Employee organization" means any organization which includes
29 as members the academic employees of a college district and which has
30 as one of its purposes the representation of the employees in their
31 employment relations with the college district.

32 (2) "Academic employee" means any teacher, counselor, librarian,
33 or department head((~~—~~)) who is employed by any college district((~~—~~
34 ~~whether full or part time~~)), with the exception of the chief
35 administrative officer of, and any administrator in, each college
36 district. Full-time tenured academic employees may join full-time
37 tenured collective bargaining units. Part-time nontenured academic
38 employees may join part-time faculty collective bargaining units.

1 (3) "Administrator" means any person employed either full or part
2 time by the college district and who performs administrative
3 functions as at least fifty percent or more of his or her
4 assignments, and has responsibilities to hire, dismiss, or discipline
5 other employees. Administrators shall not be members of the
6 bargaining unit unless a majority of such administrators and a
7 majority of the bargaining unit elect by secret ballot for such
8 inclusion pursuant to rules as adopted in accordance with RCW
9 28B.52.080.

10 (4) "Commission" means the public employment relations
11 commission.

12 (5) "Unfair labor practice" means any unfair labor practice
13 listed in RCW 28B.52.073.

14 (6) "Union security provision" means a provision in a collective
15 bargaining agreement under which some or all employees in the
16 bargaining unit may be required, as a condition of continued
17 employment on or after the thirtieth day following the beginning of
18 such employment or the effective date of the provision, whichever is
19 later, to become a member of the exclusive bargaining representative
20 or pay an agency fee equal to the periodic dues and initiation fees
21 uniformly required as a condition of acquiring or retaining
22 membership in the exclusive bargaining representative.

23 (7) "Exclusive bargaining representative" means any employee
24 organization which has:

25 (a) Been certified or recognized under this chapter as the
26 representative of the employees in an appropriate collective
27 bargaining unit; or

28 (b) Before July 26, 1987, been certified or recognized under a
29 predecessor statute as the representative of the employees in a
30 bargaining unit which continues to be appropriate under this chapter.

31 (8) "Collective bargaining" and "bargaining" mean the performance
32 of the mutual obligation of the representatives of the employer and
33 the exclusive bargaining representative to meet at reasonable times
34 to bargain in good faith in an effort to reach agreement with respect
35 to wages, hours, and other terms and conditions of employment, such
36 as procedures related to nonretention, dismissal, denial of tenure,
37 and reduction in force. Prior law, practice, or interpretation shall
38 be neither restrictive, expansive, nor determinative with respect to
39 the scope of bargaining. A written contract incorporating any
40 agreements reached shall be executed if requested by either party.

1 The obligation to bargain does not compel either party to agree to a
2 proposal or to make a concession.

3 In the event of a dispute between an employer and an exclusive
4 bargaining representative over the matters that are terms and
5 conditions of employment, the commission shall decide which items are
6 mandatory subjects for bargaining.

7 **Sec. 4.** RCW 28B.52.025 and 1987 c 314 s 5 are each amended to
8 read as follows:

9 Both full-time tenured academic employees and part-time
10 nontenured academic employees have the right to self-organization, to
11 form, join, or assist employee organizations, to bargain collectively
12 through representatives of their own choosing, and also have the
13 right to refrain from any or all of these activities except to the
14 extent that full-time tenured academic employees may be required to
15 make payments to an exclusive full-time tenured academic bargaining
16 representative while part-time nontenured academic employees may be
17 required to make payments to an exclusive part-time nontenured
18 bargaining representative, or charitable organization under a union
19 security provision authorized in this chapter.

20 **Sec. 5.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to
21 read as follows:

22 (1) Upon filing with the employer the voluntary written
23 authorization of a bargaining unit employee under this chapter, the
24 full-time tenured academic employee organization or the part-time
25 nontenured academic employee organization which is the exclusive
26 bargaining representative of the bargaining unit of the respective
27 full-time tenured or part-time nontenured academic employee
28 organization shall have the right to have deducted from the salary of
29 the bargaining unit employee the periodic dues and initiation fees
30 uniformly required as a condition of acquiring or retaining
31 membership in the exclusive bargaining representative. Such employee
32 authorization shall not be irrevocable for a period of more than one
33 year. Such dues and fees shall be deducted from the pay of all
34 employees who have given authorization for such deduction, and shall
35 be transmitted by the employer to the employee organization or to the
36 depository designated by the employee organization.

37 (2) A collective bargaining agreement may include union security
38 provisions, but not a closed shop. If an agency shop or other union

1 security provision is agreed to, the employer shall enforce any such
2 provision by deductions from the salary of bargaining unit employees
3 affected thereby and shall transmit such funds to the employee
4 organization or to the depository designated by the employee
5 organization.

6 (3) An employee who is covered by a union security provision and
7 who asserts a right of nonassociation based on bona fide religious
8 tenets or teachings of a church or religious body of which such
9 employee is a member shall pay to a nonreligious charity or other
10 charitable organization an amount of money equivalent to the periodic
11 dues and initiation fees uniformly required as a condition of
12 acquiring or retaining membership in the exclusive bargaining
13 representative. The charity shall be agreed upon by the employee and
14 the employee organization to which such employee would otherwise pay
15 the dues and fees. The employee shall furnish written proof that such
16 payments have been made. If the employee and the employee
17 organization do not reach agreement on such matter, the commission
18 shall designate the charitable organization.

19 **Sec. 6.** RCW 28B.52.070 and 1991 c 238 s 151 are each amended to
20 read as follows:

21 (1) Boards of trustees of college districts or any administrative
22 officer thereof shall not discriminate against academic employees or
23 applicants for such positions because of their membership or
24 nonmembership in employee organizations or their exercise of other
25 rights under this chapter.

26 (2) Discrimination against part-time academic employees on the
27 basis of their part-time or nontenured employment status is a
28 violation of this chapter.

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