

10-21-1970

## CWU Faculty Senate Minutes - 10/21/1970

Linda Busch

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MINUTES: Special Senate Meeting, 21 October 70  
Presiding Officer: Kenneth Harsha, Chairman  
Secretary: Linda Busch

#### ROLL CALL

Senators Present: All Senators or their alternates were present except John Allen, James Brooks, Doris Jakubek and Mike Reid.

Others Present: Faculty and Students numbering about 50.

This special Faculty Senate meeting was called to discuss the matter of collective bargaining. The reason for discussing the issue stemmed from a hearing of the Public Employees Collective Bargaining Committee held in Seattle on September 11, 1970, to which Mr. Harsha and representatives of other four-year state institutions were asked to attend and testify as to how their respective schools felt about the possibility of being included under the Collective Bargaining Act of 1967. Mr. Harsha felt that since this issue had not been discussed by faculty members at Central, he could not testify on their behalf. Therefore, the purpose of this meeting was to discuss the 1967 law and other possible alternative ways in which the faculty at Central could bargain collectively. The chairman called attention to his memo to the Faculty Senate of October 21, 1970, distributed at the beginning of the meeting. The memo listed some of the alternatives and called for the Faculty Senate to exercise its power of referendum and refer the matter of collective bargaining to the entire faculty.

At the meeting's outset, the chairman announced that President Brooks and Dr. Harrington would not be in attendance, since they felt this was a matter for faculty discussion.

Mr. Keller asked just what, for example, was this permissive legislation? What was the range of possible bargaining? Could we go to the extreme of joining with a group such as the Teamsters? Mr. Harsha said that this was a possibility under the 1967 law.

Mr. Carlson stated that it could go as far as the Teamsters, but that he felt it was not likely. He said that when some of his department read about the possibility of union affiliation under the 1967 law (reference to Mr. Harsha's memo of Oct. 16), it sounded as if all at once we would have a Dave Beck or someone like him and some union would change the structure of the institution. He said this was not true. Some separate faculty people could be the negotiation team. He felt that since the community colleges were under the Professional Negotiations Law, this might be something for our faculty to consider. (The Professional Negotiations Law was distributed at the beginning of the meeting.) He stated that there were some differences between the bargaining act (1967 law) and the Professional Negotiations Law, and that if there were some questions about this, he would explain the Professional Negotiations Law. He felt that the odds were that if we did not do something, it would happen to us anyway, possibly from the outside. He also stated that he was in favor of any of the first four alternatives in Mr. Harsha's memo of October 21.

Mr. Harsha commented that his memo of October 16 was merely an attempt to indicate the extreme case that could happen--that a union could come in

and negotiate for the faculty. The chairman also stated that before taking this issue to the faculty, the material distributed to the Senate, and more, would be made available to faculty members, so they would know the alternatives and be able to make an informed decision.

Mr. Lewis felt that the success or failure of being included under such an act (the 1967 law) would depend on the representative bargaining unit. He also stated that he felt there were two things we needed to know: Do we want the option that would be given to us under the Collective Bargaining Act? If we say that we want it, then it won't be too long before we have a second question--Do we want some kind of union or professional negotiation association, or what? He commented that we have to let Gary Grant (Chairman of the Public Employees Collective Bargaining Committee) know if we want the option as a faculty. If we want it, then possibly within a year or two we will have to decide the second question, what kind of representation do we want--union, AAUP, etc? Mr. Lewis said he asked his department if they would want some kind of permissive or enabling legislation. They all said they would want that option, but when he asked them to give their opinions on collective bargaining, they started splitting. They wanted the option but didn't know what kind of representation they wanted.

Wesley Crum stated that there were three steps in this: To decide whether or not we want to use a collective approach; what type of collective approach, Collective Bargaining Act, Professional Negotiations Law, etc.; and, after we decide those two steps, what kind of organization do we want?

Mr. Purcell felt that it was not possible to answer that until we answer the first question--Do we want any kind of negotiating act? He felt the faculty should have all of the alternatives presented in order to enable them to judge this.

During discussion, the question was asked, "Is there a deadline?" Mr. Harsha explained that when he left the collective bargaining meeting in Seattle, Gary Grant stated that he would hold another hearing on this issue after the four-year institutions had a chance to discuss it with their faculty members. Mr. Harsha later learned from talking with Mr. Grant that it had been decided that there would not be another such hearing. After discussing the issue, Mr. Grant did agree to wait until Central's faculty had had a chance to discuss collective bargaining.

Gene Kosy stated that he would like to endorse Al Lewis' statement on whether or not we would desire to have the option. He felt that he would want it, because if the faculty would decide later that it was favorable, we would have the option available to us. He was in favor of a referendum asking whether or not the faculty would like to have this permissive legislation.

Mr. Purcell commented that this wasn't all the issue, because there was more than one kind of permissive legislation. Mr. Grant wants to know if we want to come under this specific act. Some faculty members might not want to be included under this act, but do want some kind of legislation. We would like to look at the alternatives first.

Gene Kosy stated that as he understood the act, it only says that it is permissive for such and such to bargain collectively, if they so choose. Now we don't have that option.

Mr. Leavitt commented that he thought it might be very possible that we would want to be put under both the Collective Bargaining Act and the Professional Negotiations Law.

Mr. Carlson felt we should decide to have some kind of collective option open to us and not worry about the way this may be exercised later on. It appeared to him that the Collective Bargaining Act of 1967 referred to labor-management relationships and was prepared by a committee of the Legislature primarily concerned with labor relations. The amendment for this act (239) came from a different committee, a committee on higher education. Would there be a substantial difference in being under the Education Code or the Labor Code of the State of Washington? There could possibly be advantages and disadvantages to both. It seems as though it would have some application to membership in organizations, subjects to be covered by bargaining and negotiations, and also to the resolution of disagreements.

Mr. Carlson stated that, essentially, the Professional Negotiations Law of the state was first written for K-12, and the two pages distributed at the meeting represented an extension of that law to the community colleges. Mr. Carlson then explained the Professional Negotiations Law and the differences between it and the Collective Bargaining Act. Some of his statements are as follows:

In the community colleges (PNL), employee organizations include everyone except the President. A majority of any policies made by the board are negotiable, and once a negotiation agreement is negotiated, there are calendar dates and rules of procedure to follow. It is the most open-ended negotiation in the country, because it does not place limitations on the types of negotiable items. Maybe it has too many things. The separate employee organization is elected by secret ballot and is similar to a bargaining unit. Nobody loses his right to speak for himself. One difference between the two laws is the soliciting of an Advisory Committee in the event of an impasse or disagreement under the Professional Negotiations Law. Then, under the PNL, the power of the Advisory Committee in the negotiation process is normally to make advisory recommendations and usually only through the process of negotiation itself. Generally, the public school people and community college people are thinking more and more of taking this sentence out of the law and making this more than merely an advisory kind of recommendation to the board of the particular community college district.

Beverly Heckart asked what the PNL would give us that we don't now have. She then asked if the PNL was included in the Education Code. Mr. Carlson stated that it was for K-12.

In considering the differences between the Collective Bargaining Act and the PNL, Mr. Harsha stated that with the Advisory Committee included in PNL, the arbitration was not binding on the board; whereas, under the Collective Bargaining Act of 1967, arbitration was binding. In other words, the Board would have to negotiate. He did point out, however, that the community colleges seemed to have done pretty well under PNL.

Beverly Heckart felt that, on the whole, we would need legal advice regarding the relationship of the 1967 act to the Faculty Code.

Mary Mathewson stated that, in any event, it should be remembered that any formalized collective bargaining arrangement should be by individual choice.

No person would be forced to join. But, she added, "Does that seem very likely?" Mr. Harsha commented that usually what happens is that you have people who are freeloaders who do not belong to the union but benefit from union negotiations.

Mr. Lawrence stated that we seem to be dealing with the amendments of the Collective Bargaining Act. He didn't know what we were committing ourselves to unless we see the whole bill (1961).

Mr. Duncan said he didn't see that the question at present even gets down to one or another act, but it was a question of asking the faculty whether they want to pursue an option for representation; then, if we think we should, hopefully, some legislator might write a bill. Then the faculty could decide whether they wanted to go under that particular bill.

Mr. Lewis commented that if we said OK, we would like the option, does this mean that we wouldn't have the option to be included under another law? Realizing that we would have to choose later on, Mr. Lewis wanted the maximum number of alternatives, as long as he didn't lose other alternatives by choosing one.

Ted Cooper stated that it would be difficult, if not impossible, to be included under two laws. He stated that at this point, he was in favor of one kind of collective and/or bargaining option. He felt the one more attractive to the faculty was likely to be the PNL.

Mr. Harsha felt that, perhaps, if we would indicate that we were interested in some kind of collective bargaining, he could go back to the committee and say we were interested but not necessarily in this particular act, and that we would like to have something written for us, perhaps a meshing of the Collective Bargaining Act of 1967 and the Professional Negotiations Law.

Mr. Ladd said there are three questions to be asked of the faculty:  
1. Do we want to have any collective bargaining option?; 2. Do we want to be included under the present collective bargaining law?; 3. Would we like to be included under collective bargaining, but have some other type of law passed?"

Ted Cooper commented that the two best examples of collective bargaining by higher education faculty currently in the U.S. do not involve the union; both involve professional associations, both are represented by AAUP.

Mr. Berry stated that he was not sure we should decide on a law not open to us at the present. He would like to see us do something to explore the opportunity open to us through Grant's committee.

Since the hour was growing late, Mr. Harsha asked if someone would perhaps introduce a motion that would refer the matter of collective bargaining to the entire faculty.

MOTION NO. 713: Mr. Lewis moved to have the issue of collective bargaining referred to the faculty through a referendum.

Mr. Purcell stated that he would like to see more information before we have a referendum.

Mr. Lawrence stated that a referendum meant that the faculty would have to take some kind of formal action; that perhaps a straw vote would be more appropriate.

An amendment was made to the motion to change the wording from referendum to straw vote of the faculty. There was no objection to the amendment.

A number of Senators stated that the informative material to be sent out to the faculty should first come back to the Faculty Senate at its next meeting for approval, prior to the straw vote. Mr. Harsha asked if this was another amendment to Mr. Lewis' motion. It was agreed that this was in the spirit of the motion and that no such amendment was needed.

Mr. Keller commented on the straw vote. He said it seemed to him that we're all more or less in favor of some kind of collective action. We know precisely what the law says and the implications of that law, but we don't know what else might be the case, except to say that something might be better suited for us. It looks as if we're loading the dice for permissive legislation.

Motion No. 713 was then voted on and carried by a voice vote, with G. Bruner, A. Legg and J. Purcell Abstaining.

Mr. Harsha stated that Beverly Heckart's memo (from the AAUP Executive Committee) of October 19, 1970, regarding the AAUP 1940 statement, would be discussed at the next Senate meeting.

#### ADJOURNMENT

The meeting was adjourned at 5:35 p.m.

(Please Note: Due to the unusual nature of this meeting, it was at times difficult for the recording secretary to hear all that was said; therefore, rather than risk misquoting a person, some comments were omitted from the minutes.)

ROLL CALL

Senator	Alternate
<input checked="" type="checkbox"/> Alexander, James	<input type="checkbox"/> Marco Bicchieri
<input type="checkbox"/> Allen, John - <i>won't be here</i>	<input type="checkbox"/> Robert Harris
<input checked="" type="checkbox"/> Anderson, David	<input type="checkbox"/> Frederick Lister
<input checked="" type="checkbox"/> Berry, Kenneth	<input checked="" type="checkbox"/> Alan Bergstrom
<input type="checkbox"/> Brooks, James	<input type="checkbox"/> Edward Harrington
<input checked="" type="checkbox"/> Carlson, Frank	<input type="checkbox"/> Sheldon Johnson
<input checked="" type="checkbox"/> Clark, Glen	<input type="checkbox"/> Robert Benton
<input checked="" type="checkbox"/> Collins, Frank	<input checked="" type="checkbox"/> App Legg
<input type="checkbox"/> Dillard, David	<input type="checkbox"/> James Sahlstrand
<input checked="" type="checkbox"/> Doi, Richard <del>X</del>	<input type="checkbox"/> Wesley Adams
<input checked="" type="checkbox"/> Duncane, Pearl	<input type="checkbox"/> Ted Bowen
<input checked="" type="checkbox"/> Duncan, L. C.	<input type="checkbox"/> Gerhard. Kallienke
<input checked="" type="checkbox"/> Easterling, Ilda	<input type="checkbox"/> Kent Richards
<input checked="" type="checkbox"/> Fletcher, Steve	<input type="checkbox"/> Joel Andress
<input checked="" type="checkbox"/> Glauert, Earl <del>X</del>	<input type="checkbox"/> Earl Synnes
<input checked="" type="checkbox"/> Hammond, Kenneth	<input type="checkbox"/> Charles Vlcek
<input checked="" type="checkbox"/> Harsha, Kenneth	<input type="checkbox"/> Jay Bachrach
<input checked="" type="checkbox"/> Jakubek, Doris <del>X</del> <sup>37262</sup>	<input checked="" type="checkbox"/> Bryon Gore
<input checked="" type="checkbox"/> Jones, Robert <del>X</del>	<input type="checkbox"/> Donald King
<input checked="" type="checkbox"/> Keller, Chester	<input type="checkbox"/> John DeMerchant
<input checked="" type="checkbox"/> Ladd, Arthur	<input type="checkbox"/> Katherine Egan
<input checked="" type="checkbox"/> Lawrence, Larry	<input checked="" type="checkbox"/> Frank Sessions
<input checked="" type="checkbox"/> Leavitt, Gordon	<input type="checkbox"/> Betty Hileman
<input checked="" type="checkbox"/> Lewis, Albert	<input type="checkbox"/> Robert Yee
<input checked="" type="checkbox"/> McGehee, Charles	<input type="checkbox"/> Don Wise
<input checked="" type="checkbox"/> Nylander, James	<input checked="" type="checkbox"/> Everett Irish
<input checked="" type="checkbox"/> Odell, Elwyn	<input type="checkbox"/> James Klahn
<input checked="" type="checkbox"/> Purcell, John	<input type="checkbox"/> Steven Farkas
<input checked="" type="checkbox"/> Putnam, Jean	<input checked="" type="checkbox"/> Gerald Brunner
<input checked="" type="checkbox"/> Gerald Reed <del>X</del>	<input type="checkbox"/> Max Zwanziger
<input checked="" type="checkbox"/> Reid, Mike <del>X</del>	<input checked="" type="checkbox"/> Gordon Galbraith
<input checked="" type="checkbox"/> Ringe, Don	
<input type="checkbox"/> Shadle, Owen	
<input checked="" type="checkbox"/> Sparks, Larry <del>X</del>	
<input type="checkbox"/> Williams, Harold	
<input checked="" type="checkbox"/> Wright, Cheryl	

*Not represented: John Allen, Lawrence, L., Brooks, Mike Reid, Doris Jakubek*

VISITORS

PLEASE SIGN THIS SHEET

Faculty Senate Meeting  
October 21, 1970

Jan a. Ulrich

WALT TOMASHOFF

Robert Carlton

Nale Cornstock

FRANK Q SESSIONS

Lyndon F. Duke

Beverly Heckart

Anthony Pleasance

Eugene Roy

Hann Howard

George Grossman

Jared Verner

Ron Bales

Bruce Alan Robinson

Barney Erickson

T. Lane

W. W. Fray

Dick Harbeck

R. D. Gines

A. S. Walib

J. L. Jones

Frankie

Alan R. Berpton

Don Dretschke

J. Wesley Crum

Ronald J. Murphy

Stephen Bayless

Dail Conley

Bryan F. Gore

Bill Floyd

Maurice Pettit

Neil Gillam

Applegg (alt. for Dillard)

James B. Catlett (Cross, Campus Center)

~~\_\_\_\_\_~~

Conrad Potter



Initiative Measure No. 207

Be It Enacted by the People of the State of Washington:

Section 1. The general purpose of this act is to establish for the state a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions, and retention therein, in the state service, shall be made on the basis of policies hereinafter specified.

Section 2. Unless the context clearly indicates otherwise, the words used in this act have the meaning given in this section.

(1) "Institutions of higher learning" are the University of Washington, Washington State University, Central Washington College of Education, Eastern Washington College of Education, and Western Washington College of Education;

(2) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

(3) "Board" means the State Personnel Board established under the provisions of section 11, the Personnel Committee established under section 5 and the Personnel Board established under section 6, except that this definition does not apply to the words "board" or "boards" when used in section 7;

(4) "Classified service" means all positions in the state service subject to the provisions of this act;

(5) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

(7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor.

Section 3. A Department of Personnel, governed by a State Personnel Board and administered by a Director of Personnel, is hereby established as a separate agency within the state government.

Section 4. The provisions of this act apply to:

- (1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;
- (2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of section 7 of this act.
- (3) Institutions of higher learning, subject to the exemptions hereinafter made.

Section 5. At each institution of higher learning the governing body shall within thirty (30) days after the effective date of this act designate three (3) of its members as a permanent Personnel Committee, compensated and reimbursed as provided in section 11 of this act, to enforce and perform for all its non-academic personnel, except those in positions specifically exempted by the governing body on analogy to the exemptions of section 7 of this act, the policies and duties given to the State Personnel Board by sections 1, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, and 27 of this act, and shall designate a qualified full-time non-academic employee to perform for such personnel at the institution the duties under section 13 of the Director of Personnel. The comptroller or corresponding officer shall likewise perform for the institution the functions of the Budget Director under section 27 of this act.

Section 6. Within thirty (30) days after the effective date of this act the State Highway Commission shall appoint, subject to confirmation by the Senate, a Highway Department Personnel Board of three (3) members for the same terms, having the same qualifications, subject to the same restrictions, and to be given the same compensation and reimbursements, as are provided for members of the State Personnel Board in section 11 of this act. The board so appointed shall organize as provided in section 11 hereof and enforce and perform for all Highway Department personnel in the classes of positions covered by this act the policies and duties given to the State Personnel Board by sections 1, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, and 27 of this act; and all personnel, supplies, equipment and records heretofore employed in the administration of the departmental merit system under RCW 43.27.060 shall be transferred to this board. A Highway Department Personnel Director shall be appointed and removable by the Highway Commission on the same basis as the Director of Personnel is appointed and removable under section 13 hereof, the departmental board herein created performing the functions of the State Board under that section with respect to such appointments and removals, and the Highway Commission shall have the same option to name as the first Highway Department Personnel Director the person serving in a comparable capacity under RCW 43.27.060 immediately prior to the effective date of this act.

Section 7. The provisions of this act do not apply to:

- (1) The members of the Legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the Legislative Council, Legislative Budget Committee, Statute Law Committee, and of any interim committee of the Legislature.
- (2) The judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of state government;
- (3) Academic personnel of the institutions of higher learning and other such positions as are exempted under provisions of section 5 of this act;
- (4) The officers of the Washington State Patrol;
- (5) Elective officers of the state;
- (6) The chief executive officer of each agency;
- (7) In the Departments of Employment Security, Health, Fisheries, Institutions and Public Assistance, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the Governor, the director, his confidential secretary, and his statutory assistant directors;
- (8) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the Governor or other authority, serve ex officio, or are otherwise chosen;

- (a) All members of such boards, commissions or committees;
- (b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer; (i) the secretary of the board, commission or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;
- (c) If the members of the board, commission, or committee serve on a full-time basis: (i) the chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;
- (d) If all members of the board, commission, or committee serve ex officio: (i) the chief executive officer; and (ii) the confidential secretary of such chief executive officer;
- (9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
- (10) Assistant Attorneys General;
- (11) Commissioned and enlisted personnel in the military service of the state;
- (12) Inmate, student, part-time or temporary employees, and part-time professional consultants, as defined by the State Personnel Board or the Board having jurisdiction;
- (13) The public printer or to any employees of or positions in the state printing plant.

Section 8. Notwithstanding the provisions of this act, the Department of Personnel may make its services available on request, on a reimbursable basis, to:

- (1) Either the legislative or the judicial branch of the state government;
- (2) Any county, city, town, or other municipal subdivision of the state;
- (3) The institutions of higher learning;
- (4) The Department of Highways.

Section 9. The Department of Highways and the Washington State Patrol in conjunction with the State Personnel Board shall make a study prior to January 1, 1963, to determine if it is feasible to integrate completely the personnel systems of the Department of Highways and officers of the State Patrol with the State Department of Personnel, such study to be presented in writing with recommendations to the State Legislature on the day of its convening the thirty-eighth (38) regular Session.

Section 10. Any classified employee having civil service status in a position may take a temporary appointment in an exempt position, with the right to return to his regular position, or to a like position at the conclusion of such temporary appointment.

Section 11. (1) There is hereby created a State Personnel Board composed of three (3) members appointed by the Governor, subject to confirmation by the Senate: Provided, That no member appointed when the Legislature was not in session shall continue to be a member of the Board after the thirtieth (30) day of the next Legislative session unless his appointment shall have been approved by the Senate. The first such Board shall be appointed within thirty (30) days after the effective date of this act for terms of two, four, and six years. Each odd numbered year thereafter the Governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one (1) year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the Board shall be paid fifty (50) dollars for each day in which he has actually attended a meeting of the Board officially held. The members of the Board may receive any number of daily payments for official meetings of the Board, actually attended: Provided, That after July 1, 1962, no one Board member shall receive more than one thousand five hundred dollars (\$1,500) in any fiscal year for this purpose: Provided, further, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the Board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the Board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two (2) members of the Board shall constitute a quorum to transact business. A written public record shall be kept by the Board of all actions of the Board. The Director of Personnel shall serve as secretary.

Section 12. (1) In the necessary conduct of its work, the Board shall meet monthly unless there is no pending business requiring Board action and may hold hearings, such hearings to be called by (a) the chairman of the Board, or (b) a majority of the members of the Board. An official notice of the calling of the hearing shall be filed with the secretary, and all members shall be notified of the hearing within a reasonable period of time prior to its convening;

(2) No release of material, or statement of findings shall be made except with the approval of a majority of the Board;

(3) In the conduct of hearings or investigations, a member of the Board, or the Director of Personnel, may administer oaths.

Section 13. The office of Director of Personnel is hereby established.

(1) Within ninety (90) days after the effective date of this act a Director of Personnel shall be appointed. The merit system director then serving under RCW 50.12.030, whose position is terminated by this act, may serve as Director of Personnel hereunder until a permanent Director of Personnel is appointed as herein provided, and may be appointed as Director of Personnel by the Governor alone; or the Governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with Board rules for competitive examinations, for which examinations said merit system director shall be eligible.

(2) The Director of Personnel shall be appointed by the Governor from a list of three (3) names submitted to him by the Board with its recommendations, the names on such list shall be those of the three (3) standing highest upon competitive examination conducted by a committee of three (3) persons which shall be appointed by the Board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management shall be eligible to take such examination.

(3) The Director of Personnel shall be removable for cause by the Governor with the approval of a majority of the Board or by a majority of the Board.

(4) The Director of Personnel shall direct and supervise all the Department of Personnel's administrative and technical activities in accordance with the provisions of this act and the rules and regulations approved and promulgated thereunder. He shall prepare for consideration by the Board proposed rules and regulations required by this act. His salary shall be fixed by the Board.

Section 14. It shall be the duty of the Board to make rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the Board has given twenty (20) days notice to, and considered proposals

from, employee representatives and agencies affected. Complete and current compilations of all rules and regulations of the Board in printed, mimeographed or multigraphed form shall be available to the public in the office of the Director of Personnel free of charge.

Section 15. The Board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this act and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two (2) more names than there are vacancies to be filled, such names representing applicants rated highest on the eligibility lists; examinations for all positions in the competitive and non-competitive service; appointments; probationary periods of six (6) months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent re-employment, both according to seniority; agreements between agencies and employee organizations providing for grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an agency; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and re-allocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington State private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the State Budget Director in accordance with provisions of chapter 328, Laws of 1959; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and providing for veteran's preference as required by existing statutes.

Section 16. In adopting or revising classification and salary schedules as set forth in section 15, the Board shall give full consideration to prevailing rates in other public employment and in private employment in this state and for this purpose shall have made periodic wage surveys with one such survey to be conducted each year prior to the convening of each regular session of the state legislature, the results of such wage survey to be forwarded with a recommended state salary schedule to the Governor and State Budget Director for their use in preparing budgets to be submitted to the succeeding legislature.

Section 17. (1) The Board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen (15) calendar days as a single penalty or more than thirty (30) calendar days in any one calendar year as an accumulation of several penalties. The Board shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. The authority shall file a copy of the notice with the Director of Personnel.

(2) Any employee who is reduced, dismissed, suspended or demoted, after completing his probationary period of service as provided by the rules and regulations of the Board, shall have the right to appeal to the Board not later than thirty (30) days after the effective date of such action. The employee shall be furnished with specified charges in writing when the action is taken. Such appeal shall be in writing and shall be heard by the

Board within thirty (30) days after its receipt. The Board shall furnish the agency concerned with a copy of the appeal in advance of the hearing.

Section 18. Hearings on such appeals shall be open to the public, except for cases in which the Board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the Board. Members of the Board may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the Board. The Board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court. The Board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits, but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal; and shall be made by the employing agency if the employee prevails.

Section 19. Within thirty (30) days after the conclusion of the hearing the Board shall make and fully record in its permanent records findings of fact, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided, at the same time sending a copy of the findings, conclusions and order by registered mail to the employing agency and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

Section 20. (1) Within thirty (30) days after the recording of the order and the mailing thereof, the employee may appeal to the Superior Court of Thurston County, or in the case of an employee of an institution of Higher Learning to the Superior Court of the County in which such institution is located, on one or more of the grounds that the order was:

- (a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;
- (b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;
- (c) Materially affected by unlawful procedure;
- (d) Based on violation of any constitutional provision; or
- (e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the Director of Personnel or a member of his staff or a member of the Board and on the employing agency, all within the time stated.

(3) Within thirty (30) days after service of such notice, or within such further time as the court may allow, the Board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may

be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

Section 21. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the Board not shown by the transcript, the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the Board, remand the matter for further proceedings before the Board, or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the Supreme Court from the order of the Superior Court as in other civil cases.

Section 22. (1) An employee who is terminated from state service may request the Board to place his name on an appropriate re-employment list and the Board shall grant this request where the circumstances are found to warrant re-employment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits.

Section 23. The State Personnel Board established and existing under the provisions of RCW 50.12.030, section 42, chapter 35, Laws of 1945, and section 10, chapter 215, Laws of 1947, is abolished, and the terms of office of its members are terminated at such time as the Board created by Section 11 of this act has been appointed by the Governor. The employees, and the supplies, equipment, records, and funds in the possession or under the control of said board shall be transferred forthwith by it to the Department of Personnel.

Section 24. (1) Employees, except the merit system director, currently serving under the jurisdiction of a state merit system established by law shall automatically retain their permanent or probationary status acquired under such system;

(2) All persons who were in the employ of the state government outside the statutory personnel systems immediately prior to the effective date of this act, in positions not exempted from the classified system coverage by this act, shall automatically receive such permanent or probationary status with respect to such positions, and any prior positions, as they would have acquired with respect thereto had they been serving satisfactorily therein under the merit system rule, in effect on April 1, 1958, administered by the State Personnel Board under RCW 50.12.030;

(3) The Board shall give due consideration to any prior state service of an applicant in its establishment of rules and regulations for the making of appointments under this act.

Section 25. (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited. No person shall solicit on state property any contribution to be used for partisan, political purposes.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates, but shall not hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit a classified employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for non-partisan offices.

(3) Nothing in this section shall prohibit appointment, nomination or election to part-time public office in a political subdivision of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment.

(4) For persons employed in State Agencies the operation of which is financed in total or in part by Federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States Civil Service Commission.

Section 26. If any part of this act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The Board shall make such rules and regulations as may be necessary to meet federal requirements which are a condition precedent to the receipt of federal funds by the state.

Section 27. A disbursing officer shall not pay any employee holding a position covered by this act unless the employment is in accordance with this act or the rules, regulations and orders issued hereunder. The Board and the State Budget Director shall jointly establish procedures for the certification of payrolls.

Section 28. There is hereby created a fund to be held in the custody of the State Treasurer, outside the state treasury, designated as the "Department of Personnel Service Fund", to be used by the Board as a revolving fund for the payment of salaries, wages and operations required for the administration of the provisions of this act. An amount equal to one percent (1%) of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this act, except the institutions of higher learning and the department of highways, shall be charged to the operations appropriations of each agency and credited to the Department of Personnel Service Fund as such allotments are approved pursuant to chapter 328, Laws of 1959. The Director of Personnel shall fix the terms and charges for services rendered by the Department of Personnel pursuant to section 8 of this act, which amounts shall be credited to the Department of Personnel Service Fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis; payment for services so rendered under section 8 shall be made on a quarterly basis to the State Treasurer as custodian of the Department of Personnel Service Fund. Monies from the Department of Personnel Service Fund shall be disbursed by the State Treasurer by warrants or checks on vouchers duly authorized by the Board.

Section 29. Nothing in this act shall be interpreted as changing the provisions of or affecting the conditions of employment for personnel covered by chapter 47.64 RCW.

Section 30. Section 2, chapter 113, Laws of 1947 and RCW 43.66.030 are each amended to read as follows:

The Board may employ such employees as in its judgment are required from time to time.

Section 31. Section 1, chapter 68, Laws of 1929 and RCW 43.17.090 are each amended to read as follows:

The administrative board shall:

(1) From time to time, systematize and unify the administrative duties of the departments of the state government and make such necessary assignments



of duties to the departments as it may deem advisable to correlate and coordinate the work thereof;

(2) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(3) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in its judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(4) Exempt subordinate employees from giving bond when in its judgment their powers and duties are such as not to require a bond.

Section 32. Section 4, chapter 114, Laws of 1947; section 19, chapter 176, Laws of 1935; section 47, chapter 7, Laws of 1921 (heretofore combined and codified as RCW 43.41.020) are each amended to read as follows:

(RCW 43.41.020) The director of budget shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget law, the pre-auditing of state departments, the approval of purchases of materials and supplies by state departments, and the approval of public printing bills;

(2) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the Governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning;

(3) Compute cost findings of the several farming and industrial operations at the state institutions, and making confidential reports to the Governor of profit and loss.

Section 33. The following sections of the Revised Code of Washington and the following sections of the session laws are each hereby repealed:

(1) Section 5, chapter 234, Laws of 1951 and RCW 43.19.290;

(2) Section 6, chapter 234, Laws of 1951 and RCW 43.19.300;

(3) Section 7, chapter 234, Laws of 1951 and RCW 43.19.310.

(4) Section 8, chapter 234, Laws of 1951 and RCW 43.19.320;

(5) Section 9, chapter 234, Laws of 1951 and RCW 43.19.330;

(6) Section 10, chapter 234, Laws of 1951 and RCW 43.19.340;

(7) Section 11, chapter 234, Laws of 1951 and RCW 43.19.350;

(8) Section 12, chapter 234, Laws of 1951 and RCW 43.19.360;

(9) Section 3, chapter 220, Laws of 1949, as last amended by section 44, chapter 383, Laws of 1955, and RCW 43.27.060;

(10) Section 42, chapter 35, Laws of 1945, as amended by section 10, chapter 215, Laws of 1947 and RCW 50.12.030;

(11) Section 3, chapter 216, Laws of 1939, as amended by section 1, chapter 128, Laws of 1941 and RCW 74.04.030.

Section 34. This act shall be referred to as the State Civil Service Law.

Section 35. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

MEMORANDUM

TO: Faculty Senate

FROM: Kenneth K. Harsha  
Chairman, Faculty Senate

DATE: October 21, 1970

RE: Issue of Collective Bargaining

The issue facing the Faculty Senate today is what route, if any, does the faculty at Central desire to take in order to strengthen its ability to bargain and negotiate -- individually and collectively. In this regard, some possible alternatives should first be examined.

1. Press for legislation that would lift the exempt status of those people in higher education now excluded from the Collective Bargaining Act of 1967.
2. Attempt to have the Professional Negotiations Law extended to four-year state colleges and universities in Washington. This law is now applicable from K through the community college.
3. Attempt to have new legislation written that would in some way allow a meshing of the Collective Bargaining Act of 1967 and the Professional Negotiations Law.
4. Strengthen the existing bargaining and negotiation mechanisms now available; including, especially, a stronger concerted effort on the part of Central's faculty in the quest for improved conditions.
5. A collection of effort on the part of Washington state colleges and universities. In other words, collective negotiations in those areas that are of joint concern to faculty members in all of the four-year state institutions of higher education in Washington.

These represent several alternatives; undoubtedly, there are others that would apply to people in higher education. In any event, it should be remembered that any formalized collective bargaining arrangement entered into by the faculty at Central would be by individual choice. No person would be forced to join a negotiation unit of any type and could continue to bargain on his own behalf as an individual.

Members of the Faculty Senate earlier received copies of House Bill 483 (Public Employees Collective Bargaining Act) and House Bill 239 (which established a system of personnel administration for state institutions of

higher education). The Professional Negotiations Law will be distributed at this meeting.

What the Executive Committee would like to accomplish today would be to request that the Faculty Senate exercise its Power of Referendum and refer the issue of collective bargaining to the entire faculty. The referendum would be conducted as soon as possible, with each faculty member receiving a package of materials that would precisely and concisely explain the issue and give the available alternatives. The bills that have been distributed to the Faculty Senate would be made available in each department on campus for faculty reference. After completing the referendum, we would seem to have a good idea as to where the faculty at Central stands on collective bargaining.

This, of course, does not preclude discussion and action by the Faculty Senate today. The Senate, however, should be careful to indicate that it is speaking for the Senate and not necessarily for the faculty at-large, unless it is clearly evident that opinions around campus have been sufficiently solicited.

28A.72.015 Negotiation of purpose. It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between certificated employees and the school districts by which they are employed.

28A.72.020 Definitions. As used in this chapter:

"Employee organization" means any organization which includes as members certificated employees of a school district and which has as one of its purposes the representation of the employees in their employment relations with the school district.

"Certificated employee" means any employee holding a regular teaching certificate of the state and who is employed by any school district with the exception of the chief administrative officer of each local district.

28A.72.030 Negotiation by representatives of employee organization-- Authorized--Subject matter. Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the certificated employees within its school district, shall have the right, after using established administrative channels, to meet, confer, and negotiate with the board of directors of the school district or a committee thereof to communicate the considered professional judgment of the certificated staff prior to the final adoption by the board of proposed school policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties.

28A.72.040 --- Separate employee organization of employees of community college. If in any school district there is a separate employee organization of certificated employees of a community college, which organization shall, by secret ballot, have won a majority in an election to represent the certificated employees of the community college, the representatives of the separate aggregation shall have the right, after using established administrative channels, to meet, confer, and negotiate with the board of directors of the school district or a committee thereof to communicate the considered professional judgment of the certificated staff prior to the final adoption by the board of proposed school policies related to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules, and noninstructional duties.

28A.72.050 Certificated employee may appear in own behalf. Nothing in this chapter shall prohibit any certificated employee from appearing in his own behalf on matters relating to his employment relations with the school district.

28A.72.060 Advisory Committee--Composition--Report--Recommendations, effect. In the event that any matter being jointly considered by the employee organization and the board of directors of the school district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of their intended action to the other party, may request the assistance and advice of a committee composed of educators and school

board or appointed by the state superintendent of public instruction. This committee shall make a written report with recommendations to both parties within twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of directors of the employee organization.

28A.72.070 Discrimination prohibited. Boards of directors of school districts or any administrative officer thereof shall not discriminate against certificated employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter.

28A.72.080 District directors to adopt rules and regulations. Boards of directors of school districts shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter.

28A.72.090 Prior agreements. Nothing in this chapter shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any school districts and any representative of its employees.

M E M O R A N D U M

TO: Faculty Senate

FROM: Kenneth Marsha  
Chairman, Faculty Senate

DATE: October 15, 1970

RE: Issue of Collective Bargaining to be discussed at Special Faculty Senate Meeting, October 21, 1970, 4:00 p.m., Hertz-Room 123.

The issue before us is whether or not we as faculty in an institution of higher learning desire to have our exemption from the Collective Bargaining Act of 1967 lifted. Engrossed House Bill No. 483 (known as the "Public Employees Collective Bargaining Act") was apparently written by Representatives Humiston, McGavick, and Zimmerman. It was introduced to the legislature on January 27, 1967, and referred to the Committee on Labor and Employment Security. The Bill passed the Senate on April 17, 1967, and the House on April 19, 1967, becoming effective on July 1, 1967. Bill No. 483 was an amendment to the State Civil Service Law of 1961, amending certain sections of that law.

Substitute House Bill No. 239, submitted to the House on February 22, 1969, additionally amended sections of the 1961 law, and was written specifically to create a system of personnel administration for institutions of higher learning. Certain employees of these institutions were again exempted from this act (see Page 2 of the 1969 law). Bill No. 239 passed the House on March 14, 1969, and the Senate on March 26, 1969.

Engrossed House Bill No. 483 and Substitute House Bill No. 239 follow: (The Law of 1961 is a million pages long; therefore, we made no attempt to copy that bill for Faculty Senate consumption).

More to follow.

Would you please discuss this material with members of your department and invite them to attend Wednesday's Senate meeting and participate in the discussion if they so desire.

State of Washington  
Next Regular Session

by Representatives Hurstson, McGavick,  
and Edmister  
(By executive Request)

Read first time January 27, 1967, and referred to Committee on Labor and  
Employment Security.

AN ACT Relating to labor relations; providing a uniform statutory basis for  
implementing the right of public employees to organize and to be  
represented for the purpose of collective bargaining by organizations  
of their own choice; amending section 15, chapter 1, Laws of 1961  
and RCW 41.06.150; and providing an effective date.

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

NEW SECTION. Sec. 12. Nothing contained in this act shall permit  
or grant any public employee the right to strike or refuse to perform his  
official duties.

Sec. 13. Section 15, chapter 1, Laws of 1961 and RCW 41.06.150 are  
each amended to read as follows:

The board shall adopt and promulgate rules and regulations, consistent  
with the purposes and provisions of this chapter and with the best standards  
of personnel administration, regarding the basis for, and procedures to be  
followed for, the dismissal, suspension, or demotion of an employee, and  
appeals therefrom; certification of names for vacancies, including departmental  
promotion, with the number of names equal to two more names than there are  
vacancies to be filled, such names representing applicants rated highest on  
eligibility lists; examinations for all positions in the competitive and non-  
competitive service; appointments; probationary periods of six months and  
rejections therein; transfers; sick leaves and vacations; hours of work; layoffs  
when necessary and subsequent reemployment, both according to seniority;  
determination of appropriate bargaining units within any agency; PROVIDED, That  
in making such determination the board shall consider the duties, skills, and  
working conditions of the employees, the history of collective bargaining by the

agencies and their bargaining representatives, the extent of representation among the employees, and the details of the employment, certification and decertification of exclusive bargaining representatives, agreements between agencies and certified exclusive bargaining representatives regarding grievance procedures and collective negotiations of all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion, written agreements and written provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington State private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified services; and providing for veteran's preference as required by existing statutes.

NEW SECTION. Sec. 14. Sections 1 through 14 of this act shall be known as the "Public Employees' Collective Bargaining Act" and shall take effect on July 1, 1967.



State of Washington  
41st Regular Session

By Committee on Higher Education

Read First Time February 22, 1969, and passed to second reading.

AN ACT relating to state institutions of higher education; establishing a system of personnel administration for state institutions of higher education; amending section 2, chapter 1, Laws of 1961, as amended by section 48, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.020; amending section 4, chapter 1, Laws of 1961 and RCW 41.06.040; amending section 7, chapter 1, Laws of 1961, as last amended by section 47, chapter 8, Laws of 1967 ex. sess., and RCW 41.06.070; amending section 20, chapter 1, Laws of 1961, and RCW 41.06.200; repealing section 5, chapter 1, Laws of 1961, and RCW 41.06.050; adding new sections to Title 28 as a new chapter thereof unless or until the proposed education code of 1969 (1969...) shall become effective, at which time it shall be added thereto as a new chapter thereof; and providing an effective date.

BEFORE ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The interests of state institutions of higher education and the employees of those institutions will be furthered by the enactment of a system of personnel administration designed specifically to meet particular needs in connection with employer-employee relations in the state institutions of higher education. The general purpose of this act is to establish a system of personnel administration for the institutions of higher education in the state which is based on merit principles and scientific methods, and which governs the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plans, removal, discipline, and welfare of employees covered under this act.

NEW SECTION. Sec. 2. Unless the context clearly indicates otherwise, the words used in this act have the meaning given in this section.

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, The Evergreen State College, and the various state community colleges.

(2) "Board" means the higher education personnel board established under the provisions of section 6 of this act;

(3) "Related boards" means the state board for community college education and the higher education personnel board; and such other boards, councils and commissions related to higher education as may be established.

(4) "Classified service" means all positions at the institutions of higher education subject to the provisions of this act,

(5) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

and "noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

NEW SECTION. Sec. 3. The provisions of this act shall apply to all personnel of the institutions of higher education and related boards except those exempted under the provisions of section 4 of this act.

NEW SECTION. Sec. 4. The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this act:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education.

(2) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this act, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

NEW SECTION. Sec. 5. Any employee having a classified service status in a position may take a temporary appointment in an exempt position, with the right to return to his regular position, or to a like position, at the conclusion of such temporary appointment.

NEW SECTION. Sec. 6. (1) There is hereby created a state higher education personnel board composed of three members appointed by the governor, subject to confirmation by the senate: PROVIDED, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after the effective date of this act for terms of two, four and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official

meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the personnel director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community college education. When necessary, the personnel director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community college education, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

NEW SECTION. Sec. 7. (1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be called by the chairman of the board, or a majority of the members of the board. An official notice of the calling of a hearing shall be filed with the personnel director, and all members of the board shall be notified.

(2) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(3) In the conduct of hearings or investigations, a member of the board, or the director of personnel, or the hearing officer appointed to conduct the hearing, may administer oaths.

NEW SECTION. Sec. 8. Each institution of higher education and each related board shall designate an officer who shall perform duties as personnel officer. The personnel officer at each institution or related board shall direct, supervise, and manage administrative and technical personnel activities for the classified service at the institution or related board consistent with policies established by the institution or related board and in accordance with the provisions of this act and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one or more other institutions to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects. The services of the state department of personnel may also be utilized by the institutions or related boards pursuant to RCW 41.06.080.

The state board for community college education shall have general supervision and control over activities undertaken by the various state community colleges pursuant to this section.

NEW SECTION. Sec. 9. It shall be the duty of the personnel board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty days' notice to, and considered proposals from, employee representatives and institutions or related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

NEW SECTION. Sec. 10. (1) The higher education personnel board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and adoption and revision of salary schedules and compensation plans which reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the locality in which the institution or related boards are located, such adoption, revision, and implementation shall be subject to approval as to availability of funds by the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges; and providing for veteran's preference as provided by existing statutes.

(2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees;
- (b) Dismissal, suspension, or demotion of an employee;
- (c) Examinations for all positions in the competitive and noncompetitive service;
- (d) Probationary periods of six months and rejections therein;
- (e) Sick leaves and vacations;
- (f) Hours of work;
- (g) Layoffs when necessary and subsequent reemployment;
- (h) Allocation and reallocation of positions within the classification plans;
- (i) Training programs;
- (j) Maintenance of personnel records.

NEW SECTION. Sec. 11. The salary schedules and compensation plans, adopted and revised as provided in section 10, shall reflect not less than prevailing rates in private industries and other governmental units for positions of a similar nature in the locality in which the institution or related board is located. For this purpose periodic wage surveys shall be undertaken by the board with the assistance of the various personnel officers of the institutions of higher education, with one such survey to be conducted each year prior to the convening of each regular session of the state legislature. The results of such wage survey shall be forwarded with recommended salary adjustments by the institutions of higher education and related boards, through the state board for community college education acting for the various state community colleges, to the governor and state budget director for their use in preparing budgets to be submitted to the succeeding legislature.

NEW SECTION. Sec. 12. (1) The board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an institution of higher education or related board to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board shall require that the institution of higher education or related board give written notice to the employee not later than one day after the suspension takes effect, stating the reason for and the duration thereof. The institution or related board shall file a copy of the notice with the personnel director.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his probationary period of service as provided by the rules and regulations of the board, shall have the right to appeal to the board not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when the action is taken. Such appeal shall be in writing and shall be heard by the board or its hearing officer duly appointed by the board within thirty days after notice of appeal is filed. The board shall furnish the institution or related board concerned with a copy of the appeal in advance of the hearing.

(3) Any employee who feels that any classification should or should not be exempt, or any employee in a nonexempt classification who feels that he should be exempt because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in subsection (2) above: PROVIDED, That, when an appeal is initiated under this subsection the decision of the higher education personnel board shall be final.

NEW SECTION. Sec. 13. Hearings on such appeals shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his institution or related board shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the board. Members of the board may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court. The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal, and shall be made by the employing institution or related board if the employee prevails.

NEW SECTION. Sec. 14. Within thirty days after the conclusion of the hearing the board shall make and fully record in its permanent records findings of fact, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided, at the same time sending a copy of the findings, conclusions and order by registered mail to the employing institution and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

NEW SECTION. Sec. 15. (1) Within thirty days after the recording of the order and the mailing thereof, either party may appeal to the superior court of the county in which the employing institution or related board is located on one or more of the grounds that the order was:

- (a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;
- (b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;
- (c) Materially affected by unlawful procedure;
- (d) Based on violation of any constitutional provision; or
- (e) Arbitrary or capricious.

(2) Such grounds will be stated in a written notice of appeal filed with the court, with copies thereof served at the office of the personnel director or a member of the board, and the adverse party, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing institution or related board and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require

or permit subsequent corrections or deletions to the transcript.

NEW SECTION. Sec. 14. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given in person. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. Appeal shall be available to the supreme court from the order of the superior court as in other civil cases.

NEW SECTION. Sec. 17. (1) An employee who is terminated from service may request the institution or related board to place his name on an appropriate reemployment list and the institution shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement, and OASDI credits.

NEW SECTION. Sec. 18. If any part of this act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to an institution of higher education or related board, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the institutions or related boards directly affected, and such findings or determination shall not affect the operation of the remainder of this act in its application to the institutions or related board concerned. The board shall make such rules and regulations as may be necessary to meet federal requirements which are a condition precedent to the receipt of federal funds by the institutions of higher education, related boards, or the state.

NEW SECTION. Sec. 19. A disbursing officer shall not pay any employee holding a position covered by this act unless the employment is in accordance with this act or the rules, regulations, and orders issued hereunder. The board and the institutions of higher education including the state board for community college education which shall act for the various state community colleges shall jointly establish procedures for the certification of payrolls.

NEW SECTION. Sec. 20. There is hereby created a fund within the state treasury, designated as the "higher education personnel board service fund," to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this act, the budget for which shall be subject to review and approval and appropriation by the legislature. An amount not to exceed one-half of one percent of the salaries and wages for all positions in the classified service shall be contributed from the operations appropriations of each institution and the state board for community college education and credited to the higher education personnel board service fund as such allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, such amount shall be charged against the allotments pursuant to a rate to be fixed by the state budget director from time to time, which will provide the board with funds to meet its anticipated expenditures during the allotment period.

... money from the higher education personnel board services fund shall be disbursed by the state treasurer by warrants or vouchers duly authorized by the board.

Sec. 21. Section 2, chapter 1, laws of 1961, as amended by section 48, chapter 8, laws of 1967 ex. sess., and RCW 41.06.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meanings given in this section.

(1) "Agency" means an office, department, board, commission or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, ((the personnel committee established under RCW 41.06.050)), and the personnel board established under RCW 41.06.060, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070;

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter;

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(5) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

(6) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor.

Sec. 22. Section 4, chapter 1, laws of 1961, and RCW 41.06.040 are each amended to read as follows:

The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070;

Sec. 23. Section 7, chapter 1, laws of 1961, as last amended by section 47, chapter 8, laws of 1967 ex. sess., and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee and any interim committee of the legislature;



(8) The judges of the supreme court, of the superior courts or of the courts of appeals or to any employee of, or position in the judicial branch of state government;

(9) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(10) The officers of the Washington state patrol;

(11) Elective officers of the state;

(12) The chief executive officer of each agency;

(13) In the departments of employment security, health, fisheries, institutions and public assistance, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(14) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen;

(15) All members of such boards, commissions or committees;

(16) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) the secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(17) If the members of the board, commission, or committee serve on a full time basis: (i) the chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(18) If all members of the board, commission, or committee serve ex officio: (i) the chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(19) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(20) Assistant attorneys general;

(21) Commissioned and enlisted personnel in the military service of the state;

(22) Trainee, student, part-time or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(23) The public printer or to any employees of or positions in the state printing plant;

(24) Officers and employees of the Washington state fruit commission;

(25) Officers and employees of the Washington state apple advertising commission;

1.7 Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

1.8 Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.01 RCW);

1.9 Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW).

NEW SECTION. Sec. 24, Section 5, chapter 1, Laws of 1961, and RCW 41.06.050 are each hereby repealed.

Sec. 25, Section 20, chapter 1, Laws of 1961, and RCW 41.06.200 are each amended to read as follows:

(1) Within thirty days after the recording of the order and the mailing thereof, the employee may appeal to the superior court of Thurston county, on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the director of personnel or a member of his staff or a member of the board and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

NEW SECTION. Sec. 26. The board may appoint one or more hearings examiners to preside over, conduct and make recommended decisions, including findings of fact and conclusions of law in all cases of employee appeals to the board. The hearings examiner shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decisions shall be forthwith served upon the parties and transmitted to the board together with a transcript of the evidence. Within thirty days of service of the recommended decision, any party adversely affected may file exceptions, and thereafter all parties may present written and oral argument to the board, which shall consider the whole record or such portions thereof as may be cited by the parties.

NEW SECTION. Sec. 27. This act shall be referred to as the state hearing examination procedure law.

NEW SECTION. Sec. 28. If any provision of this act or the application or thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

NEW SECTION. Sec. 29. Employees covered by this act who are currently serving under the jurisdiction of a classified service system established pursuant to chapter 1, Laws of 1961 (chapter 41.06 RCW), shall automatically retain their permanent or probationary status acquired under such system.

Rules, classification plans, compensation plans and bargaining units adopted or established pursuant to chapter 1, laws of 1961 (chapter 41.06 RCW), shall remain in effect until superseded by action of the board pursuant to this act.

NEW SECTION. Sec. 30. This act shall become effective on July 1, 1969.

NEW SECTION. Sec. 31. Nothing contained in this 1969 act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION. Sec. 32. The code reviser is hereby directed to add the provisions of sections 1 through 20, and sections 26 through 31 as a new chapter to Title 28 RCW unless or until such time as the education code of 1969 (HB...) shall become effective at which time it shall be added as a new chapter thereto.

Passed the House March 27, 1969.

Passed the Senate March 26, 1969.

To: Faculty Senate  
From: Kenneth Hendon  
Chairman, Faculty Senate

Date: October 10, 1970

Re: Issue of Collective Bargaining to be discussed at Special Faculty Senate Meeting, October 21, 1970, 4:00 p.m., Herick-Room 123.

As you know by this time, certain employees in institutions of higher education were exempted from the Collective Bargaining Act of 1967, which broadened the collective bargaining powers of public employees. Consideration is being given by the Public Employees Collective Bargaining Committee of the State Legislature to introduce legislation that would lift the "exempt" status of those public employees not covered by the Act of 1967, or the 1969 amended version. The proposed legislation would be permissive, and no college or university faculty member or group would be required to enter into formalized collective bargaining arrangements.

Under the permissive status of the legislation, the faculty at Central, for example, could organize through an acceptable union organization and have its grievances negotiated through that union with the Board of Trustees. In order for the faculty at CWSC to obtain union affiliation, however, 30 per cent of the faculty would have to sign cards calling for an election to determine if union representation would or would not be desired by the faculty. If the required 30 per cent sign-up was obtained, then an election would be held. If 51 per cent of those faculty members voting voted "yes" in favor of union representation, then the union affiliation would be completed. Usually, a group, such as the faculty at Central, would be represented by the union. However, there could possibly be other unions representing certain people desiring not to affiliate with the majority union. Of course, if faculty members desired not to join the union, this would be their prerogative.

If a voluntary collective bargaining arrangement was formed at Central, then the

Faculty would become the employee and the Board of Trustees the management. The usual arrangement would be to have two negotiating teams - a bargaining team and a management team. The bargaining team would consist of faculty representatives and a representative of the union. The management team would be comprised of members of the college's administration; such as, the Vice President for Academic Affairs, the Vice President for Business Affairs, selected Deans, etc., and would negotiate on behalf of the Board of Trustees.

To offer an example of how this appears in practice, the Preamble of the Basic Agreement negotiated between the Board of Trustees of CWSC and the Washington Federation of State Employees, AFL-CIO, (The Washington Federation of State Employees is the union that acts on behalf of civil service employees employed on Central's campus.) is shown below:

#### PREAMBLE

Pursuant to provisions of RCW 28.75.100, Higher Education Personnel Law, and Higher Education Personnel Board's Rule, Chapter \_\_\_\_\_ through \_\_\_\_\_ this constitutes an Agreement between the Board of Trustees \_\_\_\_\_ Washington State College, hereinafter called the Management, and Local \_\_\_\_\_ of the Washington Federation of State Employees, Council No. 28 of the American Federation of State, County, and Municipal Employees, AFL-CIO, hereinafter called the Union.

The parties agree that it has been and will continue to be in their mutual interest and purpose to promote systematic and effective employee-management cooperation; to promote fair and reasonable working conditions; to promote effective methods for prompt adjustment of differences, misunderstandings and disputes; and to provide for meaningful collective bargaining negotiations on matters over which the Board of Trustees of \_\_\_\_\_ Washington State College, may lawfully exercise discretion. . . .

Certainly, there are advantages and disadvantages to formalized collective bargaining arrangements. One advantage, of course, is the collective ability for people to express their grievances and negotiate for certain job improvements. A disadvantage could be, at least for an institution of higher education, the division of faculty and administration into that of an employer-employee relationship.

There are other benefits and drawbacks; these will undoubtedly be expressed  
and in the Faculty Senate meeting on October 21.