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HOUSE BILL 1503

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State of Washington

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By Representatives Sells, Kenney, Haigh, Reykdal, Ormsby, Van De Wege, Rolfes, Lias, Cody, Carlyle, Hasegawa, Pettigrew, Hunt, Green, Roberts, Moeller, Frockt, and Stanford

Read first time 01/24/11. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to modifying collective bargaining law to authorize  
2 providing additional compensation to academic employees at community  
3 and technical colleges; and amending RCW 28B.52.035 and 28B.50.140.

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

5 **Sec. 1.** RCW 28B.52.035 and 1991 c 238 s 148 are each amended to  
6 read as follows:

7 At the conclusion of any negotiation processes as provided for in  
8 RCW 28B.52.030, any matter upon which the parties have reached  
9 agreement shall be reduced to writing and acted upon in a regular or  
10 special meeting of the boards of trustees, and become part of the  
11 official proceedings of said board meeting. Except as provided in this  
12 section, provisions of written contracts relating to salary increases  
13 shall not exceed the amount or percentage established by the  
14 legislature in the appropriations act and allocated to the board of  
15 trustees by the state board for community and technical colleges. The  
16 length of term of any such agreement shall be for not more than three  
17 fiscal years. (~~Any provisions of these agreements pertaining to~~  
18 ~~salary increases will not be binding upon future actions of the~~  
19 ~~legislature.~~) If any provision of a salary increase is changed by

1 subsequent modification of the appropriations act by the legislature,  
2 both parties shall immediately enter into collective bargaining for the  
3 sole purpose of arriving at a mutually agreed upon replacement for the  
4 modified provision. A board of trustees may provide additional  
5 compensation to academic employees that exceeds that provided by the  
6 legislature.

7 **Sec. 2.** RCW 28B.50.140 and 2010 c 51 s 4 are each amended to read  
8 as follows:

9 Each board of trustees:

10 (1) Shall operate all existing community and technical colleges in  
11 its district;

12 (2) Shall create comprehensive programs of community and technical  
13 college education and training and maintain an open-door policy in  
14 accordance with the provisions of RCW 28B.50.090(3);

15 (3) Shall employ for a period to be fixed by the board a college  
16 president for each community and technical college and, may appoint a  
17 president for the district, and fix their duties and compensation,  
18 which may include elements other than salary. Compensation under this  
19 subsection shall not affect but may supplement retirement, health care,  
20 and other benefits that are otherwise applicable to the presidents as  
21 state employees. The board shall also employ for a period to be fixed  
22 by the board members of the faculty and such other administrative  
23 officers and other employees as may be necessary or appropriate and fix  
24 their salaries and duties. Except as provided for academic employees  
25 in RCW 28B.52.035, compensation and salary increases under this  
26 subsection shall not exceed the amount or percentage established for  
27 those purposes in the state appropriations act by the legislature as  
28 allocated to the board of trustees by the state board for community and  
29 technical colleges. The state board for community and technical  
30 colleges shall adopt rules defining the permissible elements of  
31 compensation for college presidents under this subsection;

32 (4) May establish, under the approval and direction of the college  
33 board, new facilities as community needs and interests demand.  
34 However, the authority of boards of trustees to purchase or lease major  
35 off-campus facilities shall be subject to the approval of the higher  
36 education coordinating board pursuant to RCW 28B.76.230;

1 (5) May establish or lease, operate, equip and maintain  
2 dormitories, food service facilities, bookstores and other self-  
3 supporting facilities connected with the operation of the community and  
4 technical college;

5 (6) May, with the approval of the college board, borrow money and  
6 issue and sell revenue bonds or other evidences of indebtedness for the  
7 construction, reconstruction, erection, equipping with permanent  
8 fixtures, demolition and major alteration of buildings or other capital  
9 assets, and the acquisition of sites, rights-of-way, easements,  
10 improvements or appurtenances, for dormitories, food service  
11 facilities, and other self-supporting facilities connected with the  
12 operation of the community and technical college in accordance with the  
13 provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

14 (7) May establish fees and charges for the facilities authorized  
15 hereunder, including reasonable rules and regulations for the  
16 government thereof, not inconsistent with the rules of the college  
17 board; each board of trustees operating a community and technical  
18 college may enter into agreements, subject to rules of the college  
19 board, with owners of facilities to be used for housing regarding the  
20 management, operation, and government of such facilities, and any board  
21 entering into such an agreement may:

22 (a) Make rules for the government, management and operation of such  
23 housing facilities deemed necessary or advisable; and

24 (b) Employ necessary employees to govern, manage and operate the  
25 same;

26 (8) May receive such gifts, grants, conveyances, devises and  
27 bequests of real or personal property from private sources, as may be  
28 made from time to time, in trust or otherwise, whenever the terms and  
29 conditions thereof will aid in carrying out the community and technical  
30 college programs as specified by law and the rules of the state college  
31 board; sell, lease or exchange, invest or expend the same or the  
32 proceeds, rents, profits and income thereof according to the terms and  
33 conditions thereof; and adopt rules to govern the receipt and  
34 expenditure of the proceeds, rents, profits and income thereof;

35 (9) May establish and maintain night schools whenever in the  
36 discretion of the board of trustees it is deemed advisable, and  
37 authorize classrooms and other facilities to be used for summer or

1 night schools, or for public meetings and for any other uses consistent  
2 with the use of such classrooms or facilities for community and  
3 technical college purposes;

4 (10) May make rules for pedestrian and vehicular traffic on  
5 property owned, operated, or maintained by the district;

6 (11) Shall prescribe, with the assistance of the faculty, the  
7 course of study in the various departments of the community and  
8 technical college or colleges under its control, and publish such  
9 catalogues and bulletins as may become necessary;

10 (12) May grant to every student, upon graduation or completion of  
11 a course of study, a suitable diploma, degree, or certificate under the  
12 rules of the state board for community and technical colleges that are  
13 appropriate to their mission. The purposes of these diplomas,  
14 certificates, and degrees are to lead individuals directly to  
15 employment in a specific occupation or prepare individuals for a  
16 bachelor's degree or beyond. Technical colleges may only offer  
17 transfer degrees that prepare students for bachelor's degrees in  
18 professional fields, subject to rules adopted by the college board. In  
19 adopting rules, the college board, where possible, shall create  
20 consistency between community and technical colleges and may address  
21 issues related to tuition and fee rates; tuition waivers; enrollment  
22 counting, including the use of credits instead of clock hours; degree  
23 granting authority; or any other rules necessary to offer the associate  
24 degrees that prepare students for transfer to bachelor's degrees in  
25 professional areas. Only ((pilot)) colleges under RCW 28B.50.810 may  
26 award baccalaureate degrees. The board, upon recommendation of the  
27 faculty, may also confer honorary associate of arts degrees upon  
28 persons other than graduates of the community college, in recognition  
29 of their learning or devotion to education, literature, art, or  
30 science. No degree may be conferred in consideration of the payment of  
31 money or the donation of any kind of property;

32 (13) Shall enforce the rules prescribed by the state board for  
33 community and technical colleges for the government of community and  
34 technical colleges, students and teachers, and adopt such rules and  
35 perform all other acts not inconsistent with law or rules of the state  
36 board for community and technical colleges as the board of trustees may  
37 in its discretion deem necessary or appropriate to the administration  
38 of college districts: PROVIDED, That such rules shall include, but not

1 be limited to, rules relating to housing, scholarships, conduct at the  
2 various community and technical college facilities, and discipline:  
3 PROVIDED, FURTHER, That the board of trustees may suspend or expel from  
4 community and technical colleges students who refuse to obey any of the  
5 duly adopted rules;

6 (14) May, by written order filed in its office, delegate to the  
7 president or district president any of the powers and duties vested in  
8 or imposed upon it by this chapter. Such delegated powers and duties  
9 may be exercised in the name of the district board;

10 (15) May perform such other activities consistent with this chapter  
11 and not in conflict with the directives of the college board;

12 (16) Notwithstanding any other provision of law, may offer  
13 educational services on a contractual basis other than the tuition and  
14 fee basis set forth in chapter 28B.15 RCW for a special fee to private  
15 or governmental entities, consistent with rules adopted by the state  
16 board for community and technical colleges: PROVIDED, That the whole  
17 of such special fee shall go to the college district and be not less  
18 than the full instructional costs of such services including any salary  
19 increases authorized by the legislature for community and technical  
20 college employees during the term of the agreement: PROVIDED FURTHER,  
21 That enrollments generated hereunder shall not be counted toward the  
22 official enrollment level of the college district for state funding  
23 purposes;

24 (17) Notwithstanding any other provision of law, may offer  
25 educational services on a contractual basis, charging tuition and fees  
26 as set forth in chapter 28B.15 RCW, counting such enrollments for state  
27 funding purposes, and may additionally charge a special supplemental  
28 fee when necessary to cover the full instructional costs of such  
29 services: PROVIDED, That such contracts shall be subject to review by  
30 the state board for community and technical colleges and to such rules  
31 as the state board may adopt for that purpose in order to assure that  
32 the sum of the supplemental fee and the normal state funding shall not  
33 exceed the projected total cost of offering the educational service:  
34 PROVIDED FURTHER, That enrollments generated by courses offered on the  
35 basis of contracts requiring payment of a share of the normal costs of  
36 the course will be discounted to the percentage provided by the  
37 college;

1 (18) Shall be authorized to pay dues to any association of trustees  
2 that may be formed by the various boards of trustees; such association  
3 may expend any or all of such funds to submit biennially, or more often  
4 if necessary, to the governor and to the legislature, the  
5 recommendations of the association regarding changes which would affect  
6 the efficiency of such association;

7 (19) May participate in higher education centers and consortia that  
8 involve any four-year public or independent college or university:  
9 PROVIDED, That new degree programs or off-campus programs offered by a  
10 four-year public or independent college or university in collaboration  
11 with a community or technical college are subject to approval by the  
12 higher education coordinating board under RCW 28B.76.230;

13 (20) Shall perform any other duties and responsibilities imposed by  
14 law or rule of the state board; and

15 (21) May confer honorary associate of arts degrees upon persons who  
16 request an honorary degree if they were students at the college in 1942  
17 and did not graduate because they were ordered into an internment camp.  
18 The honorary degree may also be requested by a representative of  
19 deceased persons who meet these requirements. For the purposes of this  
20 subsection, "internment camp" means a relocation center to which  
21 persons were ordered evacuated by Presidential Executive Order 9066,  
22 signed on February 19, 1942.

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