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**SUBSTITUTE SENATE BILL 6486**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Kohl-Welles, Conway, Chase, Keiser, Harper, Prentice, Nelson, Pridemore, Kline, Murray, and Frockt)

READ FIRST TIME 02/07/12.

1       AN ACT Relating to collective bargaining for postdoctoral  
2 researchers at certain state universities; amending RCW 41.76.005; and  
3 adding a new section to chapter 41.56 RCW.

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

5       **Sec. 1.** RCW 41.76.005 and 2002 c 356 s 3 are each amended to read  
6 as follows:

7       The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9       (1) "Faculty governance system" means the internal organization  
10 that serves as the faculty advisory body and is charged with the  
11 responsibility for recommending policies, regulations, and rules for  
12 the college or university.

13       (2) "Grievance arbitration" means a method to resolve disputes  
14 arising out of interpretations or application of the terms of an  
15 agreement under which the parties to a controversy must accept the  
16 decision of an impartial person or persons.

17       (3) "Collective bargaining" and "bargaining" mean the performance  
18 of the mutual obligation of the representatives of the employer and the  
19 exclusive bargaining representative to meet at reasonable times to

1 bargain in good faith in an effort to reach agreement with respect to  
2 wages, hours, and other terms and conditions of employment. A written  
3 contract incorporating any agreements reached must be executed if  
4 requested by either party. The obligation to bargain does not compel  
5 either party to agree to a proposal or to make a concession.

6 In the event of a dispute between an employer and an exclusive  
7 bargaining representative over the matters that are terms and  
8 conditions of employment, the commission shall decide which items are  
9 mandatory subjects for bargaining, subject to RCW 41.76.010.

10 (4) "Commission" means the public employment relations commission  
11 established pursuant to RCW 41.58.010.

12 (5) "Faculty" means employees who, at a public four-year  
13 institution of higher education, are designated with faculty status or  
14 who perform faculty duties as defined through policies established by  
15 the faculty governance system, excluding casual or temporary employees,  
16 administrators, confidential employees, graduate student employees,  
17 (~~postdoctoral and clinical employees,~~) and employees subject to  
18 chapter 41.06 or 41.56 RCW. "Faculty" includes employees classified as  
19 postdoctoral research associates, research associates, or research  
20 associate trainees.

21 (6) "Employee organization" means any organization that includes as  
22 its members faculty of the employer and that has as one of its purposes  
23 representation of faculty under this chapter. A faculty governance  
24 system is not an employee organization as defined in this subsection.

25 (7) "Employer" means the board of regents or the board of trustees  
26 of a public four-year institution of higher education.

27 (8) "Exclusive bargaining representative" means any employee  
28 organization that has been determined by the commission to represent  
29 all of the faculty members of the bargaining unit as required in RCW  
30 41.76.015.

31 (9) "Administrator" means deans, associate and assistant deans,  
32 vice-provosts, vice-presidents, the provost, chancellors, vice-  
33 chancellors, the president, and faculty members who exercise managerial  
34 or supervisory authority over other faculty members.

35 (10) "Confidential employee" means (a) a person who participates  
36 directly on behalf of an employer in the formulation of labor relations  
37 policy, the preparation for or conduct of collective bargaining, or the  
38 administration of a collective bargaining agreement, if the role of the

1 person is not merely routine or clerical in nature but calls for the  
2 consistent exercise of independent judgment; and (b) a person who  
3 assists and acts in a confidential capacity to a person in (a) of this  
4 subsection.

5 (11) "Bargaining unit" includes all faculty members of all campuses  
6 of each of the colleges and universities. Only one bargaining unit is  
7 allowable for faculty of each employer, and that unit must contain all  
8 faculty members from all schools, colleges, and campuses of the  
9 employer.

10 (12) "Public four-year institutions of higher education" means the  
11 University of Washington, Washington State University, Eastern  
12 Washington University, Western Washington University, Central  
13 Washington University, and The Evergreen State College.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.56 RCW  
15 to read as follows:

16 (1) In addition to the entities listed in RCW 41.56.020, this  
17 chapter applies to the University of Washington with respect to  
18 postdoctoral researchers in a classification in subsection (2) of this  
19 section on any University of Washington campus.

20 (2) The employees in this subsection constitute an appropriate  
21 bargaining unit at the University of Washington:

- 22 (a) Senior fellows; and  
23 (b) Senior fellow trainees.

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