

DRAFT

COUNCIL OF STATE COLLEGE AND UNIVERSITY PRESIDENTS
STATEMENT ON SENATE BILL 3042

Senate Bill 3042 proposes to authorize collective bargaining for faculty at the four-year institutions of higher education in the State of Washington. At present, the community college faculty are permitted to bargain under RCW 28B.52, the community college meet and confer statute. SB 3042 would repeal that statute and substitute one statute covering all of higher education in the state.

The Presidents, on behalf of the Boards of Regents and the Boards of Trustees of the state universities, the regional universities, and The Evergreen State College, are unanimous in their opposition to this proposed legislation. For the reasons discussed below, we ask that the four-year institutions be deleted from the coverage of SB 3042.

The effect of enacting this legislation would be to redefine the role of faculty in the four-year institutions. It would relegate the faculty to the status of educational employees, rather than maintain their status as colleagues in a shared governance structure. There can be no doubt that faculty at all the four-year institutions presently exercise authority which would define them as "managers" of the institution within the definition of that term set forth in the Yeshiva decision of the Supreme Court. Thus, if our institutions were private and subject to the rules of the National Labor Relations Act, not one of the college or

university faculty would be eligible to bargain as employees. Yet this legislation proposes to delegate them as such.

Collective bargaining will inextricably alter the existing shared governance structures extant at our institutions, and which are an integral part of what makes our institutions great. Instead of advancing and rewarding our faculty for their participation, this legislation threatens to take that participation away from faculty and to substitute in its place an adversarial relationship which can only be detrimental to the offering of the finest education to the people of this state.

Also important, but virtually ignored by the proposers of SB 3042, is the cost of collective bargaining. The educational and morale costs are tremendous, potentially splitting faculty down union/non-union lines, and clearly adversely impacting the collegial educational atmosphere prevalent on our campuses. In monetary terms, not only is there extreme costs to the state in implementing the legislation by the Public Employees Relation Commission, but the cost of collective bargaining is tremendous to the campus. It diverts money and staff and faculty energy from the principal functions of the college and universities — teaching, research, and service — to unproductive management of negotiated contracts. We request that if the legislation is to be approved, that the legislature establish a fund of \$2 million from which the four-year institutions can draw to support its administration of the Act in this next biennium. Obviously, we would rather see this money go directly into faculty salaries. If the institutions have to foot this bill from their normal appropriations, it further reduces the already diminished support of its educational programs.

We reiterate our commitment to the traditional form of collegial governance historically operating at our fine institutions, and respectfully request that the four-year colleges and universities be removed from coverage of SB 3042. However, should the legislature believe that such legislation should be enacted for some reason, then we ask that SB 3042 be drafted in conformance the stated purpose of the Act, that its procedures truly be "designed to meet the special requirements and needs of public employment in higher education." To this end, we submit for your consideration and acceptance some proposed amendments to SB 3042.