

# Higher Ed and the Legislature

Why are we  
“different”  
???

# Governance

## RCW 41.56 vs 41.80

- K12 under RCW 41.56 Bargains with direct employer... the School District
  - Wages
  - Health Care

# Higher Ed (Except for Eastern Washington University) bargains under RCW 41.80

- Higher Ed bargains with the University but State Office of Financial Management bargains with WFSE then decides what is affordable, the Governor must agree, and the Legislature has to pass any wage increases and health benefit changes.
- At Western Washington University, if what they are required to bargain is not specifically stated in the RCW, 99% of the time they refuse to come to the table.

# Bargaining

## The Effect of RCW 41.80

### The University is not required to bargain over definitions of Just Cause.

- **Fair notice.** An employer may not penalize an employee for violating a rule or standard whose nature and penalties have not been made known.
- **Prior enforcement.** An employee may not be punished for violating a rule or standard that the employer has failed to enforce for a prolonged period.
- **Due process.** An employer must conduct an interview or a hearing before issuing discipline, must take action promptly, and must list charges precisely. Once assessed, discipline may not be increased.
- **Substantial proof.** Charges must be proven by substantial and credible evidence.
- **Equal treatment.** Unless a valid basis justifies a higher penalty, an employer may not assess a considerably stronger punishment against one employee than it assessed against another known to have committed the same or a substantially similar offense.
- **Progressive discipline.** When responding to misconduct that is short of egregious, the employer must issue at least one level of discipline that allows the employee an opportunity to improve.
- **Mitigating and extenuating circumstances.** Discipline must be proportional to the gravity of the offense, taking into account any mitigating, extenuating, or aggravating circumstances.

# Bargaining - Skimming

- The University can remove members and their specific work/duties from the bargaining unit and “promote” them into at-will exempt positions.

# Bargaining - Work Environment

- The University can affect workers' jobs and tools without consideration of productive outcomes or emotional wellbeing or previous commitment (lack of fairness and respect).

# Culture

- No strike clauses in RCW 41.80 and contract
- Most Members are full time year round employees.
- Many members work closely with management, consider them their friends, and their managers actually want to have their best interests in mind.
- Fiefdoms – independent departments, decentralized.
- Most members are in tune with Union Business Model and cannot comprehend collective direct action.

# End Game

- Western and Central Universities classified employees are more in line as a labor union with WFSE and other State Workers than with PSE and need to further develop collaborative relationships at the Legislative level.
- As Higher Ed union leaders, we need to relentlessly emphasize the power the membership wields when applying collective action in the face of laws that are overwhelmingly sided toward Administration agendas.
- Higher Ed has some of the greatest opportunities for growth for PSE. Opportunities that have not even begun to be tapped.
- Most Higher Ed employees' dues are paid at the cap.