

Multiple Agency Fiscal Note Summary

Bill Number: 5238 SB	Title: Academic employee bargaining
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Central Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Eastern Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Central Washington University	2.0	884,738	884,738	884,738	2.0	329,738	329,738	329,738	2.0	329,738	329,738	329,738
Central Washington University	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
The Evergreen State College	Fiscal note not available											
Western Washington University	Fiscal note not available											
Total \$	2.0	884,738	884,738	884,738	2.0	329,738	329,738	329,738	2.0	329,738	329,738	329,738

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	Fiscal note not available								
Western Washington University	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Ramona Nabors, OFM	Phone: (360) 742-8948	Date Published: Preliminary
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Individual State Agency Fiscal Note

Bill Number: 5238 SB	Title: Academic employee bargaining	Agency: 370-Eastern Washington University
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jarrett Sacks	Phone: 360-786-7448	Date: 01/10/2023
Agency Preparation: Keith Tyler	Phone: 509 359-2480	Date: 01/13/2023
Agency Approval: Alexandra Rosebrook	Phone: (509) 359-7364	Date: 01/13/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/23/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

SB 5238 – Adds new sections to 41.56 RCW allowing collective bargaining for student employees providing instructional, research, and related academic services. This proposed bill grants collective bargaining rights of student employees of EWU, CWU, WWU, and Evergreen State College with those currently granted at WSU and UW.

EWU anticipates that this bill would create significant additional costs that are indeterminable at this time.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

SB 5238 adds new sections to 41.56 RCW allowing collective bargaining for student employees providing instructional, research, and related academic services. Student employees in academic roles comprise approximately 1200 positions at EWU which would become eligible for collective bargaining rights as a result of this bill, having previously been disallowed. Whether this group of employees will elect to organize and be recognized into bargaining units is unknown.

If student employees in academic roles elect to organize and form a bargaining unit, EWU anticipates significant costs arising from the following factors either increasing or being newly provided:

- Cost of bargaining (AAG/legal services)
- Additional legal counsel
- Representation petitions and PERC proceedings
- Grievance and arbitration proceedings
- Direct labor resources allocated to contract negotiation and agreements, reporting
- Increases in wages and related benefits above current expected levels
- Increases in TA stipends above current expected levels
- Changes in negotiated working conditions
- Guaranteed hours
- Increases in other employee costs due to potential work stoppages

As the nature of these costs are highly variable with many unknown factors affecting the outcome, EWU recognizes that this bill would likely result in substantial expenditure but is unable to determine the fiscal impact of such an election.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 5238 SB	Title: Academic employee bargaining	Agency: 375-Central Washington University
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
Account					
General Fund-State 001-1	719,869	164,869	884,738	329,738	329,738
Total \$	719,869	164,869	884,738	329,738	329,738

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jarrett Sacks	Phone: 360-786-7448	Date: 01/10/2023
Agency Preparation: Erin Sargent	Phone: 509-963-2395	Date: 01/13/2023
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 01/13/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/23/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 (1)(2) provides collective bargaining rights to student employees who provide instructional, research, and related academic services at CWU, to the same extent such rights are granted at UW and WSU. Collective bargaining rights are to be extended under 41.56RCW and using only the orderly procedures administered by the public employment relations commission. CWU will be required to exclusively bargain in good faith over all matters that fall within the scope of section 2. (3)(4) The legislature does not intend to restrict, limit, or prohibit the exercise of the functions of shared governance, or any student organization in matters outside the scope of bargaining covered by chapter 41.56, nor does it intend to restrict, limit, or prohibit CWU from decisions related to programming, activities, or services.

Section 2 (1-3) expands the application of RCW 41.56.020 to employees who are enrolled in an academic program on any CWU campus with job duties that are substantially equivalent to those classified as:

- Graduate teaching assistant
- Teaching assistant
- Graduate staff assistant
- Tutor, reader, and grader in all academic units and tutoring centers
- Lab assistant
- Faculty assistant
- Research assistant
- Graduate research assistant except for those who are performing research primarily related to their dissertation and have little to no service expectations.

These employees constitute an appropriate bargaining unit at CWU.

(4)(a) provides exclusions to the scope of the bill including (i) employment termination related to academic requirements, (ii) tuition and fees (however tuition and fee remission and waiver is within the scope of bargaining), (iii) the academic calendar, and (iv) the number of students to be admitted to a particular class of section.

(b)(i) Except as provided in (b)(ii) of this subsection, provisions of collective bargaining agreements relating to compensation must not exceed the amount or percentage established by the legislature in the appropriations act. If any compensation provision is affected by subsequent modification of the appropriations act by the legislature, both parties must immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed-upon replacement for the affected provision. (ii) CWU may provide additional compensation to student employees covered by this section that exceeds that provided by legislature.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Given that tuition and fee waivers are included within the scope of bargaining under HB 5238, CWU expects to see a net reduction in revenue due to the expected increase in waivers, and therefore negative cash receipts, though the amount of this impact is indeterminate.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

SB 5238 provides student employees in certain jobs the right to collectively bargain at CWU, similar to what is in place at UW and WSU. CWU currently has approximately 204 students, both graduate and undergraduate, that would be included in the scope of this bill, and it is unclear if the group would choose to unionize. The bill would pose no fiscal impact so long as

the group did not organize. In the event they did decide to organize, CWU would need to develop infrastructure similar to faculty relations and engage legal counsel to begin the preliminary work, which can be up to a month to determine ground rules, basic contract language, etc.

Based on previous invoices, CWU estimates it could cost as much as \$551,000 to bargain the initial contract and given the first couple of contracts typically require more time and effort, we expect to see significantly higher costs for the student bargaining efforts. Additionally, to bargain a contract with grad assistants will mean potentially bargaining every other year and/or starting over every time the contract is up for negotiations because there will be a new cohort of students both bargaining and being represented. We have included costs in the table to show the first year, but note that these costs will arise each time the contract is renegotiated.

In order to support the ongoing collective bargaining efforts CWU would need to add an HR Consultant for an annual cost of \$94,246 (salary of \$70,862+33% benefits) and an HR Assistant for an annual cost of \$70,623 (salary of \$53,100 plus 33% benefits). Office and computer equipment for these new employees is estimated to cost \$2,000 per employee, or \$4,00 total.

In addition to the anticipated costs above, CWU expects significant costs related to the outcome of the bargaining agreement. We expect to see an increased cost in salaries and healthcare benefits, as well other possible negotiated items including paid time off and childcare. These costs are indeterminate.

Finally, additional time would need to be spent training supervisors, updating resources including the website and orientation materials, as well as system upgrades. While much of those additional costs are likely to be absorbed into current resources, there is a possibility that current resources can become over utilized, resulting in the need to add additional FTE.

Overall, the impact of this bill is indeterminate. It is unknown if the student population that is within the scope of this bill would organize. In the event they did, the table provides what we believe the minimum costs for bargaining and maintaining the internal infrastructure required to manage this effort. The actual costs associated with the outcome are unknown and any impact would be in addition to those costs identified.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	719,869	164,869	884,738	329,738	329,738
Total \$			719,869	164,869	884,738	329,738	329,738

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
A-Salaries and Wages	123,962	123,962	247,924	247,924	247,924
B-Employee Benefits	40,907	40,907	81,814	81,814	81,814
C-Professional Service Contracts	551,000		551,000		
E-Goods and Other Services	4,000		4,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	719,869	164,869	884,738	329,738	329,738

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
HR Assistant	53,100	1.0	1.0	1.0	1.0	1.0
HR Consultant	70,862	1.0	1.0	1.0	1.0	1.0
Total FTEs		2.0	2.0	2.0	2.0	2.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.