

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5238 SB	<b>Title:</b> 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.								
<b>Total \$</b>	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
Public Employment Relations Commission	.3	0	0	99,120	.2	0	0	56,820	.2	0	0	56,820
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	1.0	1,727,470	1,727,470	1,727,470	1.0	1,737,230	1,737,230	1,737,230	1.0	1,737,230	1,737,230	1,737,230
Western Washington University	.0	20,445	20,445	20,445	.0	20,445	20,445	20,445	.0	20,445	20,445	20,445
Western Washington University	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
<b>Total \$</b>	<b>3.3</b>	<b>2,632,653</b>	<b>2,632,653</b>	<b>2,731,773</b>	<b>3.2</b>	<b>2,087,413</b>	<b>2,087,413</b>	<b>2,144,233</b>	<b>3.2</b>	<b>2,087,413</b>	<b>2,087,413</b>	<b>2,144,233</b>

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Public Employment Relations Commission	.0	0	0	.0	0	0	.0	0	0
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	.0	0	0	.0	0	0	.0	0	0
Western Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

### Estimated Capital Budget Breakout

Western Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.
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<b>Prepared by:</b> Ramona Nabors, OFM	<b>Phone:</b> (360) 742-8948	<b>Date Published:</b> Revised 2/20/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5238 SB	<b>Title:</b> Academic employee bargaining	<b>Agency:</b> 275-Public Employment Relations Commission
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.2	0.3	0.2	0.2
<b>Account</b>					
Higher Education Personnel Services Account-State 455-1	70,710	28,410	99,120	56,820	56,820
<b>Total \$</b>	70,710	28,410	99,120	56,820	56,820

### 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: Dario de la Rosa	Phone: 360-570-7328	Date: 02/15/2023
Agency Approval: Dario de la Rosa	Phone: 360-570-7328	Date: 02/15/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/15/2023

## 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.*

The Public Employees Collective Bargaining Act, chapter 41.56 RCW, grants collective bargaining rights to certain public employees in the state of Washington. Chapter 41.56 RCW also provides collective bargaining rights to certain employees who are enrolled in academic programs on any campus of the University of Washington (RCW 41.56.203) and employees who are enrolled in academic programs on any campus of Washington State University (RCW 41.56.205). No specific statutes exist granting collective bargaining rights to employees who are enrolled in academic programs at Central Washington University, Eastern Washington University, Western Washington University, or The Evergreen State College. The Public Employment Relations Commission is responsible for the administration of Chapter 41.56 RCW.

Senate Bill 5238 grants collective bargaining rights to employees who are enrolled in academic programs at Central Washington University, Eastern Washington University, Western Washington University, or The Evergreen State College under chapter 41.56 RCW. Section 2(2) of SB 5238 describes the academic employees who are covered by SB 5238, including 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; and graduate research assistant. Section 2(3) of SB 5238 provides that the employees described in section 2(2) constitute an appropriate bargaining unit of employees.

### 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.*

The employees who are enrolled in academic programs at Central Washington University, Eastern Washington University, Western Washington University, or The Evergreen State College that are granted collective bargaining rights under SB 5238 are a new group of employees who have not previously enjoyed collective bargaining rights. Starting July 1, 2023, PERC anticipates that all of its services will be utilized by this group of employees, including:

- representation cases to determine the appropriate bargaining units for WMS employees;
- mediation cases to assist the parties in resolving mandatory subjects of bargaining; and
- unfair labor practice cases to determine if a subject of bargaining is mandatory in nature.

A PERC Labor Relations Adjudicator Mediator 2 (Range 73) typically processes approximately 75 cases per year. PERC anticipates that it will need a .25 Labor Relations Adjudicator Mediator 2 and a .1 Legal Assistant 3 (range 44) to manage the additional representation workload generated by SB 5238 for FY24. This assumption is based upon PERC's experiences with similar situated employees at the University of Washington and Washington State University. PERC also anticipates that it will require an additional \$2500 per institution for administrative costs associated with the representation proceedings for the employees covered by SB 5238. PERC anticipates that it will need .1 Labor Relations Adjudicator Mediator 2 and a .1 Legal Assistant 3 to manage the additional workload for FY 25 and each subsequent year.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
455-1	Higher Education Personnel Services Account	State	70,710	28,410	99,120	56,820	56,820
<b>Total \$</b>			70,710	28,410	99,120	56,820	56,820

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.2	0.3	0.2	0.2
A-Salaries and Wages	34,117	17,023	51,140	34,046	34,046
B-Employee Benefits	11,093	5,887	16,980	11,774	11,774
C-Professional Service Contracts					
E-Goods and Other Services	12,000	2,000	14,000	4,000	4,000
G-Travel	3,500	3,500	7,000	7,000	7,000
J-Capital Outlays	10,000		10,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	70,710	28,410	99,120	56,820	56,820

### 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
Labor Relations Adjudicator Mediator 2	114,360	0.3	0.1	0.2	0.1	0.1
Legal Assistant 3	55,872	0.1	0.1	0.1	0.1	0.1
<b>Total FTEs</b>		0.4	0.2	0.3	0.2	0.2

### 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

<b>Bill Number:</b> 5238 SB	<b>Title:</b> Academic employee bargaining	<b>Agency:</b> 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

<b>Bill Number:</b> 5238 SB	<b>Title:</b> Academic employee bargaining	<b>Agency:</b> 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
<b>Account</b>					
General Fund-State 001-1	719,869	164,869	884,738	329,738	329,738
<b>Total \$</b>	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
<b>Total \$</b>			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-					
<b>Total \$</b>	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
<b>Total FTEs</b>		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.*

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 5238 SB	<b>Title:</b> Academic employee bargaining	<b>Agency:</b> 376-The Evergreen State College
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
<b>Account</b>					
General Fund-State 001-1	858,855	868,615	1,727,470	1,737,230	1,737,230
<b>Total \$</b>	858,855	868,615	1,727,470	1,737,230	1,737,230

### 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: Daniel Ralph	Phone: 360-867-6500	Date: 01/27/2023
Agency Approval: Dane Apalategui	Phone: 360-867-6517	Date: 01/27/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/30/2023

## 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 would extend the collective bargaining rights available to students doing academic employee work at the University of Washington and Washington State University to students performing those same functions at the regional universities, including The Evergreen State College.

Section 1 (1) would extend collective bargaining rights to the students doing academic employee work at The Evergreen State College.

Section 1 (3) expresses that the legislature does not intend to restrict, limit, or prohibit the functions of the faculty in any shared governance mechanisms or practices, nor does it intend to restrict, prohibit, or limit the exercise of the functions of the associated students of Evergreen, or any other student organization in matters outside the scope of bargaining.

Section 1 (4) expresses that the legislature does not intend to restrict the college's authority to establish, modify or discontinue any such program, activity or service. It further does not intend to limit the college's discretion over admission requirements, criterion for the awarding of certificates and degrees, criterion for selection of employees covered by this act, and the content, conduct and supervision of research programs.

Section 2 (a) defines the student employees in question as those whose duties and responsibilities are substantially equivalent to those doing work in certain academic classifications.

Section 2 (b) clarifies that graduate research assistants who have no service expectations placed upon them are not included in this action.

Section 2 (4) (a) lists certain exclusions to the scope of bargaining.

Section 2 (4) (b) (i) specifies that provisions of the Collective Bargaining Agreements relating to compensation must not exceed the amount of percentage established by the legislature in the appropriations act. If the appropriations act is modified in a way that affects these provisions, both parties must immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed-upon replacement for the provision.

Section 2 (4) (b) (ii) specifies that the college may provide additional compensation to student employees covered under this section that exceeds that provided by the 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.*

### 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.*

We currently have approximately 346 student employees who would be in this represented group with a base salary expenditure projection for FY23 at \$1,327,210. We estimate this number will increase to 368 in FY24 and 384 in FY25. We are also projecting a salary increase based on the minimum wage requirement of 8.4% in FY24 and 6.5% in FY25. This impact study includes holiday pay for the represented employees as well as tuition waivers of 5% of which we included as benefits. We have calculated benefits at 8.3% for this represented group. We have included one-time software

setup costs of \$7,500 for new: employee class, pay class, benefits class, salary schedule, and reporting lines in FY24 and projected legal fees related to bargaining of \$6,000 per year. There are administrative on-going costs related to this impact study. We will need a Labor Relations Adjudicator/Mediator 2 at \$91,524 and benefits at 18.3% plus health and industrial insurance. Additional on-going costs include paid release time during the bargaining sessions for 15 union representatives with an 8.3% benefit rate. We have estimated that the Federal Work Study Program pays for approximately 15.63% of the total student wage expenditure. This amount is NOT included in this fiscal impact note.

**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	858,855	868,615	1,727,470	1,737,230	1,737,230
<b>Total \$</b>			858,855	868,615	1,727,470	1,737,230	1,737,230

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	585,327	593,782	1,179,109	1,187,564	1,187,564
B-Employee Benefits	258,028	266,833	524,861	533,666	533,666
C-Professional Service Contracts	13,500	6,000	19,500	12,000	12,000
E-Goods and Other Services	2,000	2,000	4,000	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-					
<b>Total \$</b>	858,855	868,615	1,727,470	1,737,230	1,737,230

**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
Labor Relations Adjudicator/Mediator 2	91,524	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		1.0	1.0	1.0	1.0	1.0

**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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5238 SB	<b>Title:</b> Academic employee bargaining	<b>Agency:</b> 380-Western Washington University
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	20,445	0	20,445	20,445	20,445
<b>Total \$</b>	20,445	0	20,445	20,445	20,445

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

### Estimated Capital Budget Impact:

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

*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: Gena Mikkelsen	Phone: 3606507412	Date: 01/24/2023
Agency Approval: Kimberley Ayre	Phone: 3606503377	Date: 01/24/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/30/2023

## 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.*

Sec. 1. (1) The legislature therefore intends to grant bargaining rights to student employees at Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College to the same extent such rights are granted to student employees at the University of Washington and Washington State University.

Sec. 1 (2) - To achieve this end, the legislature intends that under chapter 41.56 RCW the university will exclusively bargain in good faith over all matters within the scope of bargaining under section 2 of this act.

Sec. 1(5)- The legislature does not intend to limit the matters excluded from collective bargaining to those items specified in section 2 of this act.

Sec. 2 (2)(a) - For the purposes of this section, "employees" includes all employees enrolled in an academic program whose duties and responsibilities are substantially equivalent to those employees in the following classifications:

- (i) Graduate teaching assistant;
- (ii) Teaching assistant;
- (iii) Graduate staff assistant;
- (iv) Tutor, reader, and grader in all academic units and tutoring centers;
- (v) Lab assistant;
- (vi) Faculty assistant;
- (vii) Research assistant; and
- (viii) Graduate research assistant, except for those in (b) of this subsection.

Sec. 2(2)2(b)- For the purposes of this section, "employees" does not include graduate research assistants who are performing research primarily related to their dissertation and who have incidental or no service expectations placed upon them by the university.

Sec. 2(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) WWU may provide additional compensation to student employees covered by this section that exceeds that provided by legislature.

Under Sec. 1 (1, 2, 5) and Section 2 (2)(a) - WWU is unable to determine the fiscal impact for this bill, because there would be a range of 1,000 to 1,400 students throughout the year who would qualify under this bill to be represented in a bargaining unit. The variable costs for forming a union and implications that result from bargaining are indeterminate for this bill, but expected to have a substantial fiscal impact to the university. The fiscal impacts are therefore indeterminate.

### 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.*

In the assumption that tuitions and fee waivers are included within the scope of bargaining under HB 5238, WWU 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.

Overall, the impact of this bill is indeterminate.

Section 1 (1-4) and Section 2 (1-3): Expands the application of RCW 41.56.020 would potential impact a range of 1,000 to 1,400 students throughout the year who would qualify under this bill to be represented by a bargaining unit at WWU.

Cost are projected to be greater than \$50,000, but indeterminate due to the variability of the following:

- o Potential outcomes of bargaining
- o Salaries/wage increases above annual minimum wage increases
- o Benefits
- o TA Stipends (increases above planned/funded levels)
- o Working conditions
- o Guaranteed hours, student positions, etc.
- o Interruptions to instruction/increase in NTT or other employee costs in cases of work stoppages/strikes
- o Direct employee hours associated with bargaining efforts

Assuming that tuition revenues would fund or partially fund salaries and benefits increases beyond current projections for a new bargaining unit under this legislation, there would be a substantial fiscal impact to the university.

Determinate Costs:

- Cost of bargaining – Legal Fees are listed above as they are the only cost we can estimate at this time.

Overall, the impact of this bill is indeterminate. It is unknown if the WWU student worker population would form a student bargaining union.

Our table includes the legal fees anticipated for bargaining estimated from prior year costs during arbitration.

**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	20,445	0	20,445	20,445	20,445
<b>Total \$</b>			20,445	0	20,445	20,445	20,445

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					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	20,445		20,445	20,445	20,445
E-Goods and Other Services					
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-					
<b>Total \$</b>	20,445	0	20,445	20,445	20,445

In addition to the estimates above, there are additional indeterminate costs 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**

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

**IV. B - Expenditures by Object Or Purpose**

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

**IV. C - Capital Budget Breakout**

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

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

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

NONE

Bargaining could result in office spaces and working conditions that could have capital costs.

**Part V: New Rule Making Required**

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