**2751 AMS BRAU S5473.1 - NOT FOR FLOOR USE**

**HB 2751** - S AMD TO LBRC COMM AMD (S-5321.1/18) **797**

By Senator Braun

**OUT OF ORDER 02/28/2018**

Beginning on page 2, at the beginning of line 12 of the amendment, strike all material through "employee." on page 8, line 19 and insert the following:

"(d) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (c)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (d) does not apply to the exclusive bargaining representative.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

**Sec.**  RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((~~any public~~)) an employee within the bargaining unit and after the certification or recognition of ((~~such~~)) the bargaining unit's exclusive bargaining representative, the ((~~public~~)) employer shall deduct from the ((~~pay of such public~~)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (a) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (b) does not apply to the exclusive bargaining representative.

**Sec.**  RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) ((~~The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.~~)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative.

**Sec.**  RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) ((~~Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)~~)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((~~If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)~~)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (c)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (d) does not apply to the exclusive bargaining representative.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

**Sec.**  RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ((~~Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.~~)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

**Sec.**  RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ((~~any symphony musician~~)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((~~pay of the symphony musician~~)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((~~dues~~)) same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (a) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (b) does not apply to the exclusive bargaining representative.

**Sec.**  RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ((~~If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.~~))

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative."

EFFECT: Holds an employer harmless for any damages arising from the deduction of dues or fees from an employee's pay without written authorization subject to a union security clause if such a deduction is found to violate any rights guaranteed under state or federal law. Provides that an exclusive bargaining representative is not held harmless.