
HOUSE BILL 1738

State of Washington

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By Representatives Pelesky, Cairnes, Stevens, L. Thomas, Beeksma, Silver, Thompson, Foreman, Radcliff, Fuhrman, Huff, Hargrove, Elliot, Mulliken and Goldsmith

Read first time 02/07/95. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing employees notice of rights regarding
2 union security; adding a new section to chapter 28B.52 RCW; adding a
3 new section to chapter 41.06 RCW; adding a new section to chapter 41.56
4 RCW; adding a new section to chapter 41.59 RCW; adding a new section to
5 chapter 47.64 RCW; adding a new section to chapter 53.18 RCW; and
6 adding a new section to chapter 54.04 RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.52 RCW
9 to read as follows:

10 (1) Every employer shall upon hiring an employee for bargaining
11 unit work provide the following notice in writing to the employee:

12 "NOTICE TO BARGAINING UNIT EMPLOYEES

13 Bargaining unit employees cannot be required to join a
14 union or maintain membership in a union to retain their jobs.
15 Under certain circumstances, the law permits a union and an
16 employer to enter into a union security agreement requiring
17 employees to pay uniform periodic dues and initiation fees.
18 However, employees who are not union members can object to the
19 use of their payments for certain purposes and can only be

1 required to pay their share of union costs relating to
2 collective bargaining, contract administration, and grievance
3 adjustment.

4 If you believe that you have been required to pay dues
5 or fees used in part to support activities not related to
6 collective bargaining, contract administration, or grievance
7 adjustment, you may be entitled to a refund and to an
8 appropriate reduction in future payments.

9 For further information concerning your rights, you may
10 contact the Public Employment Relations Commission, 711 Capitol
11 Way, Suite 300, Olympia, Washington 98504-0919."

12 (2) The employer shall provide the notice required in subsection
13 (1) of this section to each bargaining unit employee upon ratification
14 of any collective bargaining agreement covering the employees that
15 includes union security provisions.

16 (3) Each notice given to an employee under subsections (1) and (2)
17 of this section shall be signed by the employee in acknowledgement of
18 receipt of the notice. The employer shall keep a copy of the signed
19 notice or notices on file during the employee's employment. If the
20 commission determines, upon petition by an employee, that notice was
21 not given as required by this section, the commission shall order the
22 employee organization that is party to the union security provisions to
23 reimburse all dues and fees paid by that employee from the date that
24 notice was required to the date of the commission's order.

25 (4) The employer shall post and keep posted a copy of the notice
26 required by this section in a place or places reasonably accessible to
27 all employees.

28 (5) An employer action required under this section does not
29 constitute and is not evidence of an unfair labor practice under this
30 chapter.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.06 RCW
32 to read as follows:

33 (1) Every agency shall upon hiring an employee for bargaining unit
34 work provide the following notice in writing to the employee:

35 "NOTICE TO BARGAINING UNIT EMPLOYEES

36 Bargaining unit employees cannot be required to join a
37 union or maintain membership in a union to retain their jobs.

1 Under certain circumstances, the law permits bargaining unit
2 employees to vote on whether all bargaining unit employees will
3 be required to pay uniform periodic dues. However, employees
4 who are not union members can object to the use of their
5 payments for certain purposes and can only be required to pay
6 their share of union costs relating to collective bargaining,
7 contract administration, and grievance adjustment.

8 If you believe that you have been required to pay dues
9 used in part to support activities not related to collective
10 bargaining, contract administration, or grievance adjustment,
11 you may be entitled to a refund and to an appropriate reduction
12 in future payments.

13 For further information concerning your rights, you may
14 contact the Washington Personnel Resources Board, 521 Capitol
15 Way South, Olympia, Washington 98504-7500."

16 (2) The agency shall provide the notice required in subsection (1)
17 of this section to each bargaining unit employee following an election
18 in which a majority of the employees have voted to require the
19 condition of employment authorized in RCW 41.06.150(12).

20 (3) Each notice given to an employee under subsections (1) and (2)
21 of this section shall be signed by the employee in acknowledgement of
22 receipt of the notice. The agency shall keep a copy of the signed
23 notice or notices on file during the employee's employment. If the
24 board determines, upon petition by an employee, that notice was not
25 given as required by this section, the board shall order the employee
26 organization that is party to the union security provisions to
27 reimburse all dues paid by that employee from the date that notice was
28 required to the date of the board's order.

29 (4) The agency shall post and keep posted a copy of the notice
30 required by this section in a place or places reasonably accessible to
31 all employees.

32 (5) An agency action required under this section does not
33 constitute and is not evidence of an unfair labor practice under this
34 chapter.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.56 RCW
36 to read as follows:

1 (1) Every public employer shall upon hiring an employee for
2 bargaining unit work provide the following notice in writing to the
3 employee:

4 "NOTICE TO BARGAINING UNIT EMPLOYEES

5 Bargaining unit employees cannot be required to join a
6 union or maintain membership in a union to retain their jobs.
7 Under certain circumstances, the law permits a union and an
8 employer to enter into a union security agreement requiring
9 employees to pay uniform periodic dues and initiation fees.
10 However, employees who are not union members can object to the
11 use of their payments for certain purposes and can only be
12 required to pay their share of union costs relating to
13 collective bargaining, contract administration, and grievance
14 adjustment.

15 If you believe that you have been required to pay dues
16 or fees used in part to support activities not related to
17 collective bargaining, contract administration, or grievance
18 adjustment, you may be entitled to a refund and to an
19 appropriate reduction in future payments.

20 For further information concerning your rights, you may
21 contact the Public Employment Relations Commission, 711 Capitol
22 Way, Suite 300, Olympia, Washington 98504-0919."

23 (2) The public employer shall provide the notice required in
24 subsection (1) of this section to each bargaining unit employee upon
25 ratification of any collective bargaining agreement covering the
26 employees that includes union security provisions.

27 (3) Each notice given to an employee under subsections (1) and (2)
28 of this section shall be signed by the employee in acknowledgement of
29 receipt of the notice. The public employer shall keep a copy of the
30 signed notice or notices on file during the employee's employment. If
31 the commission determines, upon petition by an employee, that notice
32 was not given as required by this section, the commission shall order
33 the bargaining representative that is party to the union security
34 provisions to reimburse all dues and fees paid by that employee from
35 the date that notice was required to the date of the commission's
36 order.

1 (4) The public employer shall post and keep posted a copy of the
2 notice required by this section in a place or places reasonably
3 accessible to all employees.

4 (5) A public employer action required under this section does not
5 constitute and is not evidence of an unfair labor practice under this
6 chapter.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.59 RCW
8 to read as follows:

9 (1) Every employer shall upon hiring an employee for bargaining
10 unit work provide the following notice in writing to the employee:

11 "NOTICE TO BARGAINING UNIT EMPLOYEES

12 Bargaining unit employees cannot be required to join a
13 union or maintain membership in a union to retain their jobs.
14 Under certain circumstances, the law permits a union and an
15 employer to enter into a union security agreement requiring
16 employees to pay uniform periodic dues and initiation fees.
17 However, employees who are not union members can object to the
18 use of their payments for certain purposes and can only be
19 required to pay their share of union costs relating to
20 collective bargaining, contract administration, and grievance
21 adjustment.

22 If you believe that you have been required to pay dues
23 or fees used in part to support activities not related to
24 collective bargaining, contract administration, or grievance
25 adjustment, you may be entitled to a refund and to an
26 appropriate reduction in future payments.

27 For further information concerning your rights, you may
28 contact the Public Employment Relations Commission, 711 Capitol
29 Way, Suite 300, Olympia, Washington 98504-0919."

30 (2) The employer shall provide the notice required in subsection
31 (1) of this section to each bargaining unit employee upon ratification
32 of any collective bargaining agreement covering the employees that
33 includes union security provisions.

34 (3) Each notice given to an employee under subsections (1) and (2)
35 of this section shall be signed by the employee in acknowledgement of
36 receipt of the notice. The employer shall keep a copy of the signed
37 notice or notices on file during the employee's employment. If the

1 commission determines, upon petition by an employee, that notice was
2 not given as required by this section, the commission shall order the
3 employee organization that is party to the union security provisions to
4 reimburse all dues and fees paid by that employee from the date that
5 notice was required to the date of the commission's order.

6 (4) The employer shall post and keep posted a copy of the notice
7 required by this section in a place or places reasonably accessible to
8 all employees.

9 (5) An employer action required under this section does not
10 constitute and is not evidence of an unfair labor practice under this
11 chapter.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.64 RCW
13 to read as follows:

14 (1) Ferry system management shall upon hiring a ferry employee for
15 bargaining unit work provide the following notice in writing to the
16 employee:

17 "NOTICE TO BARGAINING UNIT EMPLOYEES

18 Bargaining unit employees cannot be required to join a
19 union or maintain membership in a union to retain their jobs.
20 Under certain circumstances, the law permits a union and an
21 employer to enter into a union security agreement requiring
22 employees to pay uniform periodic dues and initiation fees.
23 However, employees who are not union members can object to the
24 use of their payments for certain purposes and can only be
25 required to pay their share of union costs relating to
26 collective bargaining, contract administration, and grievance
27 adjustment.

28 If you believe that you have been required to pay dues
29 or fees used in part to support activities not related to
30 collective bargaining, contract administration, or grievance
31 adjustment, you may be entitled to a refund and to an
32 appropriate reduction in future payments.

33 For further information concerning your rights, you may
34 contact the Marine Employees' Commission, 711 Capitol Way,
35 Olympia, Washington 98504-0902."

36 (2) Ferry system management shall provide the notice required in
37 subsection (1) of this section to each ferry employee in a bargaining

1 unit upon ratification of any collective bargaining agreement covering
2 the employees that includes union security provisions.

3 (3) Each notice given to a ferry employee under subsections (1) and
4 (2) of this section shall be signed by the employee in acknowledgement
5 of receipt of the notice. Ferry system management shall keep a copy of
6 the signed notice or notices on file during the employee's employment.
7 If the marine employees' commission determines, upon petition by a
8 ferry employee, that notice was not given as required by this section,
9 the commission shall order the ferry employee organization that is
10 party to the union security provisions to reimburse all dues and fees
11 paid by that employee from the date that notice was required to the
12 date of the commission's order.

13 (4) Ferry system management shall post and keep posted a copy of
14 the notice required by this section in a place or places reasonably
15 accessible to all ferry employees.

16 (5) Ferry system management action required under this section does
17 not constitute and is not evidence of an unfair labor practice under
18 this chapter.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 53.18 RCW
20 to read as follows:

21 (1) Every port district shall upon hiring an employee for
22 bargaining unit work provide the following notice in writing to the
23 employee:

24 "NOTICE TO BARGAINING UNIT EMPLOYEES

25 Bargaining unit employees cannot be required to join a
26 union or maintain membership in a union to retain their jobs.
27 Under certain circumstances, the law permits a union and an
28 employer to enter into a union security agreement requiring
29 employees to pay uniform periodic dues and initiation fees.
30 However, employees who are not union members can object to the
31 use of their payments for certain purposes and can only be
32 required to pay their share of union costs relating to
33 collective bargaining, contract administration, and grievance
34 adjustment.

35 If you believe that you have been required to pay dues
36 or fees used in part to support activities not related to
37 collective bargaining, contract administration, or grievance

1 adjustment, you may be entitled to a refund and to an
2 appropriate reduction in future payments.

3 For further information concerning your rights, you may
4 contact the Public Employment Relations Commission, 711 Capitol
5 Way, Suite 300, Olympia, Washington 98504-0919."

6 (2) The port district shall provide the notice required in
7 subsection (1) of this section to each bargaining unit employee upon
8 ratification of any collective bargaining agreement covering the
9 employees that includes union security provisions.

10 (3) Each notice given to an employee under subsections (1) and (2)
11 of this section shall be signed by the employee in acknowledgement of
12 receipt of the notice. The port district shall keep a copy of the
13 signed notice or notices on file during the employee's employment. If
14 the public employment relations commission determines, upon petition by
15 an employee, that notice was not given as required by this section, the
16 commission shall order the employee organization that is party to the
17 union security provisions to reimburse all dues and fees paid by that
18 employee from the date that notice was required to the date of the
19 commission's order.

20 (4) The port district shall post and keep posted a copy of the
21 notice required by this section in a place or places reasonably
22 accessible to all employees.

23 (5) A port district action required under this section does not
24 constitute and is not evidence of an unfair labor practice under this
25 chapter or chapter 41.56 RCW.

26 NEW SECTION. **Sec. 7.** A new section is added to chapter 54.04 RCW
27 to read as follows:

28 (1) Every public utility district shall upon hiring an employee for
29 bargaining unit work provide the following notice in writing to the
30 employee:

31 "NOTICE TO BARGAINING UNIT EMPLOYEES

32 Bargaining unit employees cannot be required to join a
33 union or maintain membership in a union to retain their jobs.
34 Under certain circumstances, the law permits a union and an
35 employer to enter into a union security agreement requiring
36 employees to pay uniform periodic dues and initiation fees.
37 However, employees who are not union members can object to the

1 use of their payments for certain purposes and can only be
2 required to pay their share of union costs relating to
3 collective bargaining, contract administration, and grievance
4 adjustment.

5 If you believe that you have been required to pay dues
6 or fees used in part to support activities not related to
7 collective bargaining, contract administration, or grievance
8 adjustment, you may be entitled to a refund and to an
9 appropriate reduction in future payments.

10 For further information concerning your rights, you may
11 contact the Public Employment Relations Commission, 711 Capitol
12 Way, Suite 300, Olympia, Washington 98504-0919."

13 (2) The public utility district shall provide the notice required
14 in subsection (1) of this section to each bargaining unit employee upon
15 ratification of any collective bargaining agreement covering the
16 employees that includes union security provisions.

17 (3) Each notice given to an employee under subsections (1) and (2)
18 of this section shall be signed by the employee in acknowledgement of
19 receipt of the notice. The public utility district shall keep a copy
20 of the signed notice or notices on file during the employee's
21 employment. If the public employment relations commission determines,
22 upon petition by an employee, that notice was not given as required by
23 this section, the commission shall order the employee organization that
24 is party to the union security provisions to reimburse all dues and
25 fees paid by that employee from the date that notice was required to
26 the date of the commission's order.

27 (4) The public utility district shall post and keep posted a copy
28 of the notice required by this section in a place or places reasonably
29 accessible to all employees.

30 (5) A public utility district action required under this section
31 does not constitute and is not evidence of an unfair labor practice
32 under this chapter or chapter 41.56 RCW.

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