

HOUSE BILL ANALYSIS

HB 1760

Brief Description: Providing employees notice of rights regarding union security agreements.

Sponsors: Representatives Mulliken, McMorris, D. Sommers, Benson, Koster, Smith, Zellinsky, Sherstad, Sump, Honeyford, Boldt, Backlund, Chandler, Clements, and Lisk

Hearing: February 27, 1997

BACKGROUND:

Public employees have the right to affiliate with, be represented by, and participate in, employee organizations. They also have the right to refrain from any of these activities. Under Washington law, an exclusive bargaining representative is empowered to bargain collectively with employers on behalf of all employees in a bargaining unit over defined terms and conditions of employment.

A union security agreement may be bargained and may include an agency shop provision. A union security agreement requires an employee in a unit covered by a collective bargaining agreement to pay, as a condition of employment, the dues and fees required for membership in the collective bargaining unit. Under a union security agreement, an employer is required to deduct funds from the salary of an employee for transmittal to the exclusive bargaining representative. The fee to be paid by employees who are not members of the exclusive bargaining representative is a service fee or agency fee and covers the nonmember's share of the collective bargaining benefit expenses.

The United States Supreme Court has held an exclusive bargaining representative's collection and disbursement of union fees for purposes other than bargaining unit representation violates the federal constitutional free speech and associational rights of objecting nonmembers. Relatedly, members of a bargaining unit covered by a security agreement must be given sufficient information to gauge the appropriateness of the representative fee they pay to an exclusive bargaining representative.

The state's collective bargaining law for teachers includes a provision requiring notice to employees regarding union security provisions in their collective bargaining agreement. The required notice must be given to a new employee in the bargaining unit by an employer, and

must inform the employee that he or she cannot be required to join a union, that the law permits collective bargaining agreements to include union security agreements under which the employee must pay dues, and that employees who are not union members can object to the use of their fees for purposes unrelated to collective bargaining, contract administration, or grievance adjustment. Objecting employees may be entitled to a refund and to an appropriate reduction in future payments.

The employer is also required to provide the notice to each bargaining unit employee upon ratification of a collective bargaining agreement that includes a union security agreement to employees covered by the agreement. The notice must be signed by the employee acknowledging receipt of the notice and employers must keep a copy of the signed notices on file.

SUMMARY OF BILL:

The public employment collective bargaining laws covering public employees are each amended to include a security provision requiring notice to employees regarding union security provisions.

Each employee organization is required to establish a procedure by which an employee may pay a representational fee not greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to collective bargaining and contract administration, and for matter that employers are authorized to negotiate under the collective bargaining laws.

RULES AUTHORITY: The bill does not contain provisions addressing the rule-making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.