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**SUBSTITUTE HOUSE BILL 1760**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Mulliken, McMorris, D. Sommers, Benson, Koster, Smith, Zellinsky, Sherstad, Sump, Honeyford, Boldt, Backlund, Chandler, Clements, Lisk and Thompson)

Read first time 03/05/97.

1 AN ACT Relating to rights regarding union security; amending RCW  
2 28B.52.045, 41.06.150, 41.56.122, 41.59.100, 47.64.160, 53.18.050,  
3 54.04.170, 41.56.020, and 42.41.020; adding a new section to chapter  
4 28B.52 RCW; adding a new section to chapter 41.06 RCW; adding a new  
5 section to chapter 41.56 RCW; adding a new section to chapter 41.59  
6 RCW; adding a new section to chapter 47.64 RCW; adding a new section to  
7 chapter 53.18 RCW; adding a new section to chapter 54.04 RCW; and  
8 repealing RCW 54.04.180.

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

10 **Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read  
11 as follows:

12 (1) Upon filing with the employer the voluntary written  
13 authorization of a bargaining unit employee under this chapter, the  
14 employee organization which is the exclusive bargaining representative  
15 of the bargaining unit shall have the right to have deducted from the  
16 salary of the bargaining unit employee the periodic dues and initiation  
17 fees uniformly required as a condition of acquiring or retaining  
18 membership in the exclusive bargaining representative. Such employee  
19 authorization shall not be irrevocable for a period of more than one

1 year. Such dues and fees shall be deducted from the pay of all  
2 employees who have given authorization for such deduction, and shall be  
3 transmitted by the employer to the employee organization or to the  
4 depository designated by the employee organization.

5 (2) A collective bargaining agreement may include union security  
6 provisions, but not a closed shop. If an agency shop or other union  
7 security provision is agreed to, the employer shall enforce any such  
8 provision by deductions from the salary of bargaining unit employees  
9 affected thereby and shall transmit such funds to the employee  
10 organization or to the depository designated by the employee  
11 organization. Each employee organization must establish a procedure by  
12 which an employee may elect not to be a member of the employee  
13 organization but to pay a representation fee no greater than the part  
14 of the membership fee that represents a pro rata share of expenditures  
15 for purposes germane to the collective bargaining process and contract  
16 administration, and to pursuing matters that employers are authorized  
17 to negotiate under this chapter. An employee's election to not be a  
18 member and to pay a representation fee shall be continuous until  
19 revoked by the employee. However, the employee organization retains  
20 the right to establish time periods during which an employee who has  
21 elected to pay a representation fee may revoke that election and  
22 acquire membership in the employee organization.

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

36 NEW SECTION. Sec. 2. A new section is added to chapter 28B.52 RCW  
37 to read as follows:

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

3 "NOTICE TO BARGAINING UNIT EMPLOYEES

4 State law provides that although employees represented  
5 by a union for the purpose of collective bargaining and related  
6 activities are not required by law to become members of the  
7 union, they may be required to pay their proportional share of  
8 the costs of operating the union, if the employees are covered  
9 by a valid union security agreement. The law permits a union  
10 and an employer to enter into a union security agreement  
11 requiring employees to pay uniform periodic dues and initiation  
12 fees. However, employees who are not union members can only be  
13 required to pay their share of union costs relating to  
14 collective bargaining, contract administration, and grievance  
15 adjustment.

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

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

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

28 (3) Each notice given to an employee under subsections (1) and (2)  
29 of this section shall be signed by the employee in acknowledgement of  
30 receipt of the notice. The employer shall keep a copy of the signed  
31 notice or notices on file during the employee's employment. If the  
32 commission determines, upon petition by an employee, that notice was  
33 not given as required by this section, the commission shall order such  
34 relief as will effectuate the purposes of this section, including  
35 relief that could be ordered by a court, except that the employer may  
36 not be ordered to pay damages that exceed the amount of the dues and  
37 fees paid by the employee to the employee organization from the date  
38 that notice was required to the date of the commission's order.

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

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

7 **Sec. 3.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read  
8 as follows:

9 The board shall adopt rules, consistent with the purposes and  
10 provisions of this chapter, as now or hereafter amended, and with the  
11 best standards of personnel administration, regarding the basis and  
12 procedures to be followed for:

13 (1) The reduction, dismissal, suspension, or demotion of an  
14 employee;

15 (2) Certification of names for vacancies, including departmental  
16 promotions, with the number of names equal to six more names than there  
17 are vacancies to be filled, such names representing applicants rated  
18 highest on eligibility lists: PROVIDED, That when other applicants  
19 have scores equal to the lowest score among the names certified, their  
20 names shall also be certified;

21 (3) Examinations for all positions in the competitive and  
22 noncompetitive service;

23 (4) Appointments;

24 (5) Training and career development;

25 (6) Probationary periods of six to twelve months and rejections of  
26 probationary employees, depending on the job requirements of the class,  
27 except that entry level state park rangers shall serve a probationary  
28 period of twelve months;

29 (7) Transfers;

30 (8) Sick leaves and vacations;

31 (9) Hours of work;

32 (10) Layoffs when necessary and subsequent reemployment, both  
33 according to seniority;

34 (11) Determination of appropriate bargaining units within any  
35 agency: PROVIDED, That in making such determination the board shall  
36 consider the duties, skills, and working conditions of the employees,  
37 the history of collective bargaining by the employees and their

1 bargaining representatives, the extent of organization among the  
2 employees, and the desires of the employees;

3 (12) Certification and decertification of exclusive bargaining  
4 representatives: PROVIDED, That after certification of an exclusive  
5 bargaining representative and upon the representative's request, the  
6 director shall hold an election among employees in a bargaining unit to  
7 determine by a majority whether to require as a condition of employment  
8 membership in the certified exclusive bargaining representative on or  
9 after the thirtieth day following the beginning of employment or the  
10 date of such election, whichever is the later, and the failure of an  
11 employee to comply with such a condition of employment constitutes  
12 cause for dismissal: PROVIDED FURTHER, That no more often than once in  
13 each twelve-month period after expiration of twelve months following  
14 the date of the original election in a bargaining unit and upon  
15 petition of thirty percent of the members of a bargaining unit the  
16 director shall hold an election to determine whether a majority wish to  
17 rescind such condition of employment: PROVIDED FURTHER, That for  
18 purposes of this clause, membership in the certified exclusive  
19 bargaining representative is satisfied by the payment of monthly or  
20 other periodic dues and does not require payment of initiation,  
21 reinstatement, or any other fees or fines and includes full and  
22 complete membership rights. However, each exclusive bargaining  
23 representative must establish a procedure by which an employee may  
24 elect not to be a member of the exclusive bargaining representative but  
25 to pay a representation fee no greater than the part of the membership  
26 fee that represents a pro rata share of expenditures for purposes  
27 germane to the collective bargaining process and contract  
28 administration, and to pursuing matters that employers are authorized  
29 to negotiate under this section. An employee's election to not be a  
30 member and to pay a representation fee shall be continuous until  
31 revoked by the employee. However, the exclusive bargaining  
32 representative retains the right to establish time periods during which  
33 an employee who has elected to pay a representation fee may revoke that  
34 election and acquire membership in the exclusive bargaining  
35 representative: AND PROVIDED FURTHER, That in order to safeguard the  
36 right of nonassociation of public employees, based on bona fide  
37 religious tenets or teachings of a church or religious body of which  
38 such public employee is a member, such public employee shall pay to the  
39 union, for purposes within the program of the union as designated by

1 such employee that would be in harmony with his or her individual  
2 conscience, an amount of money equivalent to regular union dues minus  
3 any included monthly premiums for union-sponsored insurance programs,  
4 and such employee shall not be a member of the union but is entitled to  
5 all the representation rights of a union member;

6 (13) Agreements between agencies and certified exclusive bargaining  
7 representatives providing for grievance procedures and collective  
8 negotiations on all personnel matters over which the appointing  
9 authority of the appropriate bargaining unit of such agency may  
10 lawfully exercise discretion;

11 (14) Written agreements may contain provisions for payroll  
12 deductions of employee organization dues upon authorization by the  
13 employee member and for the cancellation of such payroll deduction by  
14 the filing of a proper prior notice by the employee with the appointing  
15 authority and the employee organization: PROVIDED, That nothing  
16 contained herein permits or grants to any employee the right to strike  
17 or refuse to perform his or her official duties;

18 (15) Adoption and revision of a comprehensive classification plan  
19 for all positions in the classified service, based on investigation and  
20 analysis of the duties and responsibilities of each such position.

21 (a) The board shall not adopt job classification revisions or class  
22 studies unless implementation of the proposed revision or study will  
23 result in net cost savings, increased efficiencies, or improved  
24 management of personnel or services, and the proposed revision or study  
25 has been approved by the director of financial management in accordance  
26 with chapter 43.88 RCW.

27 (b) Beginning July 1, 1995, through June 30, 1997, in addition to  
28 the requirements of (a) of this subsection:

29 (i) The board may approve the implementation of salary increases  
30 resulting from adjustments to the classification plan during the 1995-  
31 97 fiscal biennium only if:

32 (A) The implementation will not result in additional net costs and  
33 the proposed implementation has been approved by the director of  
34 financial management in accordance with chapter 43.88 RCW;

35 (B) The implementation will take effect on July 1, 1996, and the  
36 total net cost of all such actions approved by the board for  
37 implementation during the 1995-97 fiscal biennium does not exceed the  
38 amounts specified by the legislature specifically for this purpose; or

1 (C) The implementation is a result of emergent conditions.  
2 Emergent conditions are defined as emergency situations requiring the  
3 establishment of positions necessary for the preservation of the public  
4 health, safety, or general welfare, which do not exceed \$250,000 of the  
5 moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.  
6 sess.

7 (ii) The board shall approve only those salary increases resulting  
8 from adjustments to the classification plan if they are due to  
9 documented recruitment and retention difficulties, salary compression  
10 or inversion, increased duties and responsibilities, or inequities.  
11 For these purposes, inequities are defined as similar work assigned to  
12 different job classes with a salary disparity greater than 7.5 percent.

13 (iii) Adjustments made to the higher education hospital special pay  
14 plan are exempt from (b)(i) through (ii) of this subsection.

15 (c) Reclassifications, class studies, and salary adjustments to be  
16 implemented during the 1997-99 and subsequent fiscal biennia are  
17 governed by (a) of this subsection and RCW 41.06.152;

18 (16) Allocation and reallocation of positions within the  
19 classification plan;

20 (17) Adoption and revision of a state salary schedule to reflect  
21 the prevailing rates in Washington state private industries and other  
22 governmental units but the rates in the salary schedules or plans shall  
23 be increased if necessary to attain comparable worth under an  
24 implementation plan under RCW 41.06.155 and that, for institutions of  
25 higher education and related boards, shall be competitive for positions  
26 of a similar nature in the state or the locality in which an  
27 institution of higher education or related board is located, such  
28 adoption and revision subject to approval by the director of financial  
29 management in accordance with the provisions of chapter 43.88 RCW;

30 (18) Increment increases within the series of steps for each pay  
31 grade based on length of service for all employees whose standards of  
32 performance are such as to permit them to retain job status in the  
33 classified service;

34 (19) Providing for veteran's preference as required by existing  
35 statutes, with recognition of preference in regard to layoffs and  
36 subsequent reemployment for veterans and their surviving spouses by  
37 giving such eligible veterans and their surviving spouses additional  
38 credit in computing their seniority by adding to their unbroken state  
39 service, as defined by the board, the veteran's service in the military

1 not to exceed five years. For the purposes of this section, "veteran"  
2 means any person who has one or more years of active military service  
3 in any branch of the armed forces of the United States or who has less  
4 than one year's service and is discharged with a disability incurred in  
5 the line of duty or is discharged at the convenience of the government  
6 and who, upon termination of such service has received an honorable  
7 discharge, a discharge for physical reasons with an honorable record,  
8 or a release from active military service with evidence of service  
9 other than that for which an undesirable, bad conduct, or dishonorable  
10 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse  
11 of a veteran is entitled to the benefits of this section regardless of  
12 the veteran's length of active military service: PROVIDED FURTHER,  
13 That for the purposes of this section "veteran" does not include any  
14 person who has voluntarily retired with twenty or more years of active  
15 military service and whose military retirement pay is in excess of five  
16 hundred dollars per month;

17 (20) Permitting agency heads to delegate the authority to appoint,  
18 reduce, dismiss, suspend, or demote employees within their agencies if  
19 such agency heads do not have specific statutory authority to so  
20 delegate: PROVIDED, That the board may not authorize such delegation  
21 to any position lower than the head of a major subdivision of the  
22 agency;

23 (21) Assuring persons who are or have been employed in classified  
24 positions before July 1, 1993, will be eligible for employment,  
25 reemployment, transfer, and promotion in respect to classified  
26 positions covered by this chapter;

27 (22) Affirmative action in appointment, promotion, transfer,  
28 recruitment, training, and career development; development and  
29 implementation of affirmative action goals and timetables; and  
30 monitoring of progress against those goals and timetables.

31 The board shall consult with the human rights commission in the  
32 development of rules pertaining to affirmative action. The department  
33 of personnel shall transmit a report annually to the human rights  
34 commission which states the progress each state agency has made in  
35 meeting affirmative action goals and timetables.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.06 RCW  
37 to read as follows:



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

3 "NOTICE TO BARGAINING UNIT EMPLOYEES

4 State law provides that although employees represented  
5 by a union for the purpose of collective bargaining and related  
6 activities are not required by law to become members of the  
7 union, they may be required to pay their proportional share of  
8 the costs of operating the union, if the employees are covered  
9 by a valid union security agreement. The law permits  
10 bargaining unit employees to vote on whether all bargaining  
11 unit employees will be required to pay uniform periodic dues.  
12 However, employees who are not union members can object to the  
13 use of their payments for certain purposes and can only be  
14 required to pay their share of union costs relating to  
15 collective bargaining, contract administration, and grievance  
16 adjustment.

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

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

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

29 (3) Each notice given to an employee under subsections (1) and (2)  
30 of this section shall be signed by the employee in acknowledgement of  
31 receipt of the notice. The agency shall keep a copy of the signed  
32 notice or notices on file during the employee's employment. If the  
33 board determines, upon petition by an employee, that notice was not  
34 given as required by this section, the board shall order such relief as  
35 will effectuate the purposes of this section, including relief that  
36 could be ordered by a court, except that the agency may not be ordered  
37 to pay damages that exceed the amount of the dues and fees paid by the

1 employee to the employee organization from the date that notice was  
2 required to the date of the board's order.

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

6 (5) An agency action required under this section does not  
7 constitute and is not evidence of an unfair labor practice under this  
8 chapter.

9 **Sec. 5.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each  
10 amended to read as follows:

11 A collective bargaining agreement may:

12 (1)(a) Contain union security provisions(~~(: PROVIDED, That nothing~~  
13 ~~in this section shall authorize)), but not a closed shop provision(~~  
14 ~~PROVIDED FURTHER, That)). Each bargaining representative must  
15 establish a procedure by which an employee may elect not to be a member  
16 of the bargaining representative but to pay a representation fee no  
17 greater than the part of the membership fee that represents a pro rata  
18 share of expenditures for purposes germane to the collective bargaining  
19 process and contract administration, and to pursuing matters that  
20 employers are authorized to negotiate under this chapter. An  
21 employee's election to not be a member and to pay a representation fee  
22 shall be continuous until revoked by the employee. However, the  
23 bargaining representative retains the right to establish time periods  
24 during which an employee who has elected to pay a representation fee  
25 may revoke that election and acquire membership in the bargaining  
26 representative.~~

27 (b) Agreements involving union security provisions must safeguard  
28 the right of nonassociation of public employees based on bona fide  
29 religious tenets or teachings of a church or religious body of which  
30 such public employee is a member. Such public employee shall pay an  
31 amount of money equivalent to regular union dues and initiation fee to  
32 a nonreligious charity or to another charitable organization mutually  
33 agreed upon by the public employee affected and the bargaining  
34 representative to which such public employee would otherwise pay the  
35 dues and initiation fee. The public employee shall furnish written  
36 proof that such payment has been made. If the public employee and the  
37 bargaining representative do not reach agreement on such matter, the  
38 commission shall designate the charitable organization.

1 (c) When there is a conflict between any collective bargaining  
2 agreement reached by a public employer and a bargaining representative  
3 on a union security provision and any charter, ordinance, rule, or  
4 regulation adopted by the public employer or its agents, including but  
5 not limited to, a civil service commission, the terms of the collective  
6 bargaining agreement shall prevail.

7 (2) Provide for binding arbitration of a labor dispute arising from  
8 the application or the interpretation of the matters contained in a  
9 collective bargaining agreement.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 41.56 RCW  
11 to read as follows:

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

15 "NOTICE TO BARGAINING UNIT EMPLOYEES

16 State law provides that although employees represented  
17 by a union for the purpose of collective bargaining and related  
18 activities are not required by law to become members of the  
19 union, they may be required to pay their proportional share of  
20 the costs of operating the union, if the employees are covered  
21 by a valid union security agreement. The law permits a union  
22 and an employer to enter into a union security agreement  
23 requiring employees to pay uniform periodic dues and initiation  
24 fees. However, employees who are not union members 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 Public Employment Relations Commission, 711 Capitol  
35 Way, Suite 300, Olympia, Washington 98504-0919."

36 (2) The public employer shall provide the notice required in  
37 subsection (1) of this section to each bargaining unit employee upon

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

3 (3) Each notice given to an employee under subsections (1) and (2)  
4 of this section shall be signed by the employee in acknowledgement of  
5 receipt of the notice. The public employer shall keep a copy of the  
6 signed notice or notices on file during the employee's employment. If  
7 the commission determines, upon petition by an employee, that notice  
8 was not given as required by this section, the commission shall order  
9 such relief as will effectuate the purposes of this section, including  
10 relief that could be ordered by a court, except that the employer may  
11 not be ordered to pay damages that exceed the amount of the dues and  
12 fees paid by the employee to the employee organization from the date  
13 that notice was required to the date of the commission's order.

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

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

20 **Sec. 7.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each  
21 amended to read as follows:

22 (1) A collective bargaining agreement may include union security  
23 provisions including an agency shop, but not a union or closed shop.  
24 If an agency shop provision is agreed to, the employer shall enforce it  
25 by deducting from the salary payments to members of the bargaining unit  
26 the dues required of membership in the bargaining representative, or,  
27 for nonmembers thereof, a fee equivalent to such dues. However, each  
28 bargaining representative must establish a procedure by which an  
29 employee electing not to be a member of the bargaining representative  
30 may pay a representation fee no greater than the part of the membership  
31 fee that represents a pro rata share of expenditures for purposes  
32 germane to the collective bargaining process and contract  
33 administration, and to pursuing matters that employers are authorized  
34 to negotiate under this chapter. An employee's election to not be a  
35 member and to pay a representation fee shall be continuous until  
36 revoked by the employee. However, the bargaining representative  
37 retains the right to establish time periods during which an employee

1 who has elected to pay a representation fee may revoke that election  
2 and acquire membership in the bargaining representative.

3 (2) All union security provisions must safeguard the right of  
4 nonassociation of employees based on bona fide religious tenets or  
5 teachings of a church or religious body of which such employee is a  
6 member. ((Such)) An employee who asserts a right of nonassociation  
7 shall pay an amount of money equivalent to regular dues and fees to a  
8 nonreligious charity or to another charitable organization mutually  
9 agreed upon by the employee affected and the bargaining representative  
10 to which such employee would otherwise pay the dues and fees. The  
11 employee shall furnish written proof that such payment has been made.  
12 If the employee and the bargaining representative do not reach  
13 agreement on such matter, the commission shall designate the charitable  
14 organization.

15 NEW SECTION. Sec. 8. A new section is added to chapter 41.59 RCW  
16 to read as follows:

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

19 "NOTICE TO BARGAINING UNIT EMPLOYEES

20 State law provides that although employees represented  
21 by a union for the purpose of collective bargaining and related  
22 activities are not required by law to become members of the  
23 union, they may be required to pay their proportional share of  
24 the costs of operating the union, if the employees are covered  
25 by a valid union security agreement. The law permits a union  
26 and an employer to enter into a union security agreement  
27 requiring employees to pay uniform periodic dues and initiation  
28 fees. However, employees who are not union members can only be  
29 required to pay their share of union costs relating to  
30 collective bargaining, contract administration, and grievance  
31 adjustment.

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

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

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

8           (3) Each notice given to an employee under subsections (1) and (2)  
9 of this section shall be signed by the employee in acknowledgement of  
10 receipt of the notice. The employer shall keep a copy of the signed  
11 notice or notices on file during the employee's employment. If the  
12 commission determines, upon petition by an employee, that notice was  
13 not given as required by this section, the commission shall order such  
14 relief as will effectuate the purposes of this section, including  
15 relief that could be ordered by a court, except that the employer may  
16 not be ordered to pay damages that exceed the amount of the dues and  
17 fees paid by the employee to the employee organization from the date  
18 that notice was required to the date of the commission's order.

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

22           (5) An employer action required under this section does not  
23 constitute and is not evidence of an unfair labor practice under this  
24 chapter.

25           **Sec. 9.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read  
26 as follows:

27           (1) A collective bargaining agreement may include union security  
28 provisions including an agency shop, but not a union or closed shop.  
29 If an agency shop provision is agreed to, the employer shall enforce it  
30 by deducting from the salary payments to members of the bargaining unit  
31 the dues required of membership in the bargaining representative, or,  
32 for nonmembers thereof, a fee equivalent to such dues. However, each  
33 bargaining representative must establish a procedure by which an  
34 employee electing not to be a member of the bargaining representative  
35 may pay a representation fee no greater than the part of the membership  
36 fee that represents a pro rata share of expenditures for purposes  
37 germane to the collective bargaining process and contract  
38 administration, and to pursuing matters that employers are authorized

1 to negotiate under this chapter. An employee's election to not be a  
2 member and to pay a representation fee shall be continuous until  
3 revoked by the employee. However, the bargaining representative  
4 retains the right to establish time periods during which an employee  
5 who has elected to pay a representation fee may revoke that election  
6 and acquire membership in the bargaining representative.

7 (2) All union security provisions shall safeguard the right of  
8 nonassociation of employees based on bona fide religious tenets or  
9 teachings of a church or religious body of which such employee is a  
10 member. ((Such)) An employee who asserts a right of nonassociation  
11 shall pay an amount of money equivalent to regular dues and fees to a  
12 nonreligious charity or to another charitable organization mutually  
13 agreed upon by the employee affected and the bargaining representative  
14 to which such employee would otherwise pay the dues and fees. The  
15 employee shall furnish written proof that such payment has been made.  
16 If the employee and the bargaining representative do not reach  
17 agreement on such matter, the commission shall designate the charitable  
18 organization.

19 NEW SECTION. Sec. 10. A new section is added to chapter 47.64 RCW  
20 to read as follows:

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

24 "NOTICE TO BARGAINING UNIT EMPLOYEES

25 State law provides that although employees represented  
26 by a union for the purpose of collective bargaining and related  
27 activities are not required by law to become members of the  
28 union, they may be required to pay their proportional share of  
29 the costs of operating the union, if the employees are covered  
30 by a valid union security agreement. The law permits a union  
31 and an employer to enter into a union security agreement  
32 requiring employees to pay uniform periodic dues and initiation  
33 fees. However, employees who are not union members can only be  
34 required to pay their share of union costs relating to  
35 collective bargaining, contract administration, and grievance  
36 adjustment.

37 If you believe that you have been required to pay dues  
38 or fees used in part to support activities not related to

1 collective bargaining, contract administration, or grievance  
2 adjustment, you may be entitled to a refund and to an  
3 appropriate reduction in future payments.

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

7 (2) Ferry system management shall provide the notice required in  
8 subsection (1) of this section to each ferry employee in a bargaining  
9 unit upon ratification of any collective bargaining agreement covering  
10 the employees that includes union security provisions.

11 (3) Each notice given to a ferry employee under subsections (1) and  
12 (2) of this section shall be signed by the employee in acknowledgement  
13 of receipt of the notice. Ferry system management shall keep a copy of  
14 the signed notice or notices on file during the employee's employment.  
15 If the marine employees' commission determines, upon petition by a  
16 ferry employee, that notice was not given as required by this section,  
17 the commission shall order such relief as will effectuate the purposes  
18 of this section, including relief that could be ordered by a court,  
19 except that the employer may not be ordered to pay damages that exceed  
20 the amount of the dues and fees paid by the employee to the employee  
21 organization from the date that notice was required to the date of the  
22 commission's order.

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

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

29 **Sec. 11.** RCW 53.18.050 and 1967 c 101 s 5 are each amended to read  
30 as follows:

31 A labor agreement signed by a port district may contain:

32 (1) Provisions that the employee organization chosen by a majority  
33 of the employees in a grouping or unit will be recognized as the  
34 representative of all employees in the classification included in such  
35 grouping or unit;

36 (2) Maintenance of membership provisions including dues check-off  
37 arrangements. However, each employee organization must establish a  
38 procedure by which an employee may elect not to be a member of the



1 employee organization but to pay a representation fee no greater than  
2 the part of the membership fee that represents a pro rata share of  
3 expenditures for purposes germane to the collective bargaining process  
4 and contract administration, and to pursuing matters that employers are  
5 authorized to negotiate under this chapter. An employee's election to  
6 not be a member and to pay a representation fee shall be continuous  
7 until revoked by the employee. However, the employee organization  
8 retains the right to establish time periods during which an employee  
9 who has elected to pay a representation fee may revoke that election  
10 and acquire membership in the employee organization; and

11 (3) Provisions providing for binding arbitration, the expenses  
12 being equally borne by the parties, in matters of contract  
13 interpretation and the settlement of jurisdictional disputes.

14 NEW SECTION. Sec. 12. A new section is added to chapter 53.18 RCW  
15 to read as follows:

16 (1) Every port district shall upon hiring an employee for  
17 bargaining unit work provide the following notice in writing to the  
18 employee:

19 "NOTICE TO BARGAINING UNIT EMPLOYEES

20 State law provides that although employees represented  
21 by a union for the purpose of collective bargaining and related  
22 activities are not required by law to become members of the  
23 union, they may be required to pay their proportional share of  
24 the costs of operating the union, if the employees are covered  
25 by a valid union security agreement. The law permits a union  
26 and an employer to enter into a union security agreement  
27 requiring employees to pay uniform periodic dues and initiation  
28 fees. However, employees who are not union members can only be  
29 required to pay their share of union costs relating to  
30 collective bargaining, contract administration, and grievance  
31 adjustment.

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

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

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

8           (3) Each notice given to an employee under subsections (1) and (2)  
9           of this section shall be signed by the employee in acknowledgement of  
10          receipt of the notice. The port district shall keep a copy of the  
11          signed notice or notices on file during the employee's employment. If  
12          the public employment relations commission determines, upon petition by  
13          an employee, that notice was not given as required by this section, the  
14          commission shall order such relief as will effectuate the purposes of  
15          this section, including relief that could be ordered by a court, except  
16          that the port district may not be ordered to pay damages that exceed  
17          the amount of the dues and fees paid by the employee to the employee  
18          organization 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          **Sec. 13.** RCW 54.04.170 and 1963 c 28 s 1 are each amended to read  
27          as follows:

28          (1) Employees of public utility districts are hereby authorized and  
29          entitled to enter into collective bargaining relations with their  
30          employers with all the rights and privileges incident thereto as are  
31          accorded to similar employees in private industry and a public utility  
32          district may enter into collective bargaining relations with its  
33          employees in the same manner that a private employer might do and may  
34          agree to be bound by the result of such collective bargaining.

35          (2) Each employee organization must establish a procedure by which  
36          an employee of a public utility district may elect not to be a member  
37          of the employee organization but to pay a representation fee no greater  
38          than the part of the membership fee that represents a pro rata share of

1 expenditures for purposes germane to the collective bargaining process  
2 and contract administration, and to pursuing matters that employers are  
3 authorized to negotiate under this chapter. An employee's election to  
4 not be a member and to pay a representation fee shall be continuous  
5 until revoked by the employee. However, the employee organization  
6 retains the right to establish time periods during which an employee  
7 who has elected to pay a representation fee may revoke that election  
8 and acquire membership in the employee organization.

9 NEW SECTION. Sec. 14. A new section is added to chapter 54.04 RCW  
10 to read as follows:

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

14 "NOTICE TO BARGAINING UNIT EMPLOYEES

15 State law provides that although employees represented  
16 by a union for the purpose of collective bargaining and related  
17 activities are not required by law to become members of the  
18 union, they may be required to pay their proportional share of  
19 the costs of operating the union, if the employees are covered  
20 by a valid union security agreement. The law permits a union  
21 and an employer to enter into a union security agreement  
22 requiring employees to pay uniform periodic dues and initiation  
23 fees. However, employees who are not union members can only be  
24 required to pay their share of union costs relating to  
25 collective bargaining, contract administration, and grievance  
26 adjustment.

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

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

35 (2) The public utility district shall provide the notice required  
36 in subsection (1) of this section to each bargaining unit employee upon

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

3 (3) Each notice given to an employee under subsections (1) and (2)  
4 of this section shall be signed by the employee in acknowledgement of  
5 receipt of the notice. The public utility district shall keep a copy  
6 of the signed notice or notices on file during the employee's  
7 employment. If the public employment relations commission determines,  
8 upon petition by an employee, that notice was not given as required by  
9 this section, the commission shall order such relief as will effectuate  
10 the purposes of this section, including relief that could be ordered by  
11 a court, except that the public utility district may not be ordered to  
12 pay damages that exceed the amount of the dues and fees paid by the  
13 employee to the employee organization from the date that notice was  
14 required to the date of the commission's order.

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

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

21 NEW SECTION. **Sec. 15.** RCW 54.04.180 and 1963 c 28 s 2 are each  
22 repealed.

23 **Sec. 16.** RCW 41.56.020 and 1994 c 297 s 1 are each amended to read  
24 as follows:

25 This chapter shall apply to any county or municipal corporation, or  
26 any political subdivision of the state of Washington, including  
27 district courts and superior courts, except as otherwise provided by  
28 RCW 54.04.170(~~(, 54.04.180,)~~) and chapters 41.59, 47.64, and 53.18 RCW.  
29 The Washington state patrol shall be considered a public employer of  
30 state patrol officers appointed under RCW 43.43.020. The Washington  
31 state bar association shall be considered a public employer of its  
32 employees.

33 **Sec. 17.** RCW 42.41.020 and 1994 c 210 s 1 are each amended to read  
34 as follows:

35 Unless the context clearly requires otherwise, the definitions in  
36 this section apply throughout this chapter.

1 (1)(a) "Improper governmental action" means any action by a local  
2 government officer or employee:

3 (i) That is undertaken in the performance of the officer's or  
4 employee's official duties, whether or not the action is within the  
5 scope of the employee's employment; and

6 (ii) That is in violation of any federal, state, or local law or  
7 rule, is an abuse of authority, is of substantial and specific danger  
8 to the public health or safety, or is a gross waste of public funds.

9 (b) "Improper governmental action" does not include personnel  
10 actions including but not limited to employee grievances, complaints,  
11 appointments, promotions, transfers, assignments, reassignments,  
12 reinstatements, restorations, reemployments, performance evaluations,  
13 reductions in pay, dismissals, suspensions, demotions, violations of  
14 the local government collective bargaining and civil service laws,  
15 alleged labor agreement violations, reprimands, or any action that may  
16 be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW  
17 or RCW 54.04.170 ((and ~~54.04.180~~)).

18 (2) "Local government" means any governmental entity other than the  
19 state, federal agencies, or an operating system established under  
20 chapter 43.52 RCW. It includes, but is not limited to cities,  
21 counties, school districts, and special purpose districts.

22 (3) "Retaliatory action" means: (a) Any adverse change in a local  
23 government employee's employment status, or the terms and conditions of  
24 employment including denial of adequate staff to perform duties,  
25 frequent staff changes, frequent and undesirable office changes,  
26 refusal to assign meaningful work, unwarranted and unsubstantiated  
27 letters of reprimand or unsatisfactory performance evaluations,  
28 demotion, transfer, reassignment, reduction in pay, denial of  
29 promotion, suspension, dismissal, or any other disciplinary action; or  
30 (b) hostile actions by another employee towards a local government  
31 employee that were encouraged by a supervisor or senior manager or  
32 official.

33 (4) "Emergency" means a circumstance that if not immediately  
34 changed may cause damage to persons or property.

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