
Commerce & Labor Committee

HB 2662

Brief Description: Making payroll deductions for individual providers as defined in RCW 74.39A.240(4).

Sponsors: Representatives McDermott, Wood, Miloscia, O'Brien, Cody, Conway, Edwards, Lysen, Chase and Santos.

Brief Summary of Bill

- Requires the state, under certain conditions, to deduct dues and other payments from the pay of in-home care services workers who are in a collective bargaining unit.

Hearing Date: 1/31/02

Staff: Chris Cordes (786-7103).

Background:

Initiative 775, adopted by the voters in 2001, created the Home Care Quality Authority to regulate and improve the quality of long-term in-home care services. The authority's duties include recruiting, training, and stabilizing the work force of individual providers. These providers are persons who contract with the Department of Social and Health Services to provide personal or respite care to functionally disabled persons under various programs. For collective bargaining purposes, the authority is considered the public employer of individual providers.

These individual providers have collective bargaining rights under the public employees' collective bargaining law administered by the Public Employment Relations Commission (PERC). Under this law, if an exclusive bargaining representative is certified by the PERC or recognized by the employer, the employer must deduct union dues from the pay of a bargaining unit employee who has given written authorization for the deduction.

The collective bargaining law also allows the parties to include union security provisions in their collective bargaining agreements. These agreements generally require bargaining unit employees to pay a representation fee equivalent to monthly union dues to the exclusive bargaining representative. Court decisions interpreting similar laws impose limits on representation fees and require exclusive bargaining representatives to have a procedure for

determining how much of the fee is related to collective bargaining activities. Under these procedures, representative fee payers may choose to pay a monthly payment equivalent to the amount determined to be germane to collective bargaining activities and administration of the contract.

The collective bargaining law includes provisions addressing bargaining unit employees who object to paying union dues based on a bona fide religious belief. These employees may make their payment to a charitable organization agreed upon by the employee and the exclusive bargaining representative.

Summary of Bill:

The state must deduct monthly union dues from the pay of in-home health care workers who are considered employees of the Home Care Quality Authority for collective bargaining purposes after certification or recognition of an exclusive bargaining representative of these workers. Under a union security agreement, the state must deduct a fee equivalent to dues from the pay of nonmembers of the exclusive bargaining representative.

In addition, the state must deduct other payments from these workers' pay as provided in an agreement between the authority and the exclusive bargaining representative. This agreement is subject to the worker's written authorization unless it is a union security agreement. The exclusive bargaining representative must reimburse the state for additional costs incurred for making the deductions.

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

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.