

SENATE BILL REPORT

SB 5552

As Reported by Senate Committee On:
Commerce & Labor, February 4, 2015

Title: An act relating to accommodating the civil rights of religious objectors to mandatory payments to labor organizations.

Brief Description: Accommodating the civil rights of religious objectors to mandatory payments to labor organizations.

Sponsors: Senators Padden, Baumgartner, Braun, Honeyford and Angel.

Brief History:

Committee Activity: Commerce & Labor: 2/02/15, 2/04/15 [DPS, DNP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King and Warnick.

Minority Report: Do not pass.

Signed by Senators Hasegawa, Ranking Minority Member; Conway and Keiser.

Staff: Mac Nicholson (786-7445)

Background: Collective bargaining agreements in Washington may contain union security provisions. A union security clause is a provision in a collective bargaining agreement that requires all employees in the bargaining unit, whether they are union members or not, to pay an agency shop fee equal to the amount required to be a member of the union. If a collective bargaining contract has an agency shop arrangement, the union must also have a procedure to allow employees to pay a representation fee instead. The representation fee is equal to the part of the membership fee that represents a pro rata share of the cost of negotiations, grievance processing, contract administration, and pursuing matters affecting wages, hours, and working conditions.

Agreements involving union security provisions must safeguard the right of religious non-association of public employees. The right of non-association must be based on the employee's bona fide religious tenets or teachings of a church or religious body of which the

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employee is a member. Employees who assert the right of non-association based on religious tenets or teachings must pay an amount of money equal to regular union dues and initiation fees to a nonreligious charitable organization mutually agreed upon by the employee and the union. If the union and employee cannot reach agreement on the charity, the Public Employment Relations Commission will select it.

Employees must provide written authorization in order for the union dues and fees to be withheld from their paychecks. For certain types of public employees, state law provides that employee authorization for paycheck deduction of union dues may not be irrevocable for a period of more than one year, which has the effect of requiring unions to allow revocation of employee authorization at least once per year.

Summary of Bill (Recommended Substitute): The standard for religious non-association is changed in statute to bona fide personally held religious beliefs, and an employee can assert the right of non-association at any time.

The amount of money paid by those asserting religious non-association is changed to an amount equivalent to, or by agreement, less than the agency shop fee paid by objecting non-members of the union.

The non-associated employee can make payments in lieu of union dues to any charitable organization participating in the Washington State Combined Fund Drive, and the choice of charities belongs exclusively to the employee.

An employee can revoke their authorization for paycheck deduction of union dues at any time.

EFFECT OF CHANGES MADE BY COMMERCE & LABOR COMMITTEE (Recommended Substitute): The substitute adds language providing that employees can assert their right of non-association at any time, and can also revoke their authorization for paycheck deduction of union dues at any time. Language is also added in the substitute which provides that the non-associated employee has the exclusive choice of charities for the purposes of making payment in lieu of union dues.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill would create a system where payments made by religious objectors could be easily verified by unions, avoiding situations where unions unnecessarily harass religious objectors for proof of donation payments made in lieu of dues. This would streamline the process for establishing religious objection and avoid the current conflict resolution protocol through the Public Employment Relations Commission (PERC). This bill will prevent unions from dictating

which charities religious objectors can donate to and would affirm the principle of religious objection and prevent the state from validating one religious group or belief over another.

CON: There are already established protocols in place to handle religious objection to paying union dues. This bill is not necessary. The current definition for religious objector is agreed to, makes sense, and unions abide by it and have non-association processes.

OTHER: PERC has been using the language proposed in this bill regarding personally held religious beliefs in practice since 1983.

Persons Testifying: PRO: Greg Hamilton, NW Religious Liberty Assn.; Jami Lund, Freedom Foundation; Joseph Backholm, Family Policy Institute of WA; Bob Hansler, Bethel School District teacher; Jeff Kreifels, Gordon Kenny, teachers; Ted Nutting, retired teacher.

CON: Joe Kendo, WA State Labor Council; Adrienne Thompson, Professional & Technical Employees, Local 17.

OTHER: Mike Sellars, PERC.