
SENATE BILL 5045

State of Washington

64th Legislature

2015 Regular Session

By Senators Angel and Hewitt

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1 AN ACT Relating to the deauthorization of union security
2 provisions by public employees; and amending RCW 41.56.122,
3 41.76.045, 49.39.090, 47.64.160, 41.80.100, 41.59.100, and 49.66.010.

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

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

7 (1) A collective bargaining agreement may:

8 ~~((1))~~ (a) Contain union security provisions: PROVIDED, That
9 nothing in this section shall authorize a closed shop provision:
10 PROVIDED FURTHER, That agreements involving union security provisions
11 must safeguard the right of nonassociation of public employees based
12 on bona fide religious tenets or teachings of a church or religious
13 body of which such public employee is a member. Such public employee
14 shall pay an amount of money equivalent to regular union dues and
15 initiation fee to a nonreligious charity or to another charitable
16 organization mutually agreed upon by the public employee affected and
17 the bargaining representative to which such public employee would
18 otherwise pay the dues and initiation fee. The public employee shall
19 furnish written proof that such payment has been made. If the public
20 employee and the bargaining representative do not reach agreement on
21 such matter, the commission shall designate the charitable

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

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

10 (2) Public employees may petition the commission to deauthorize
11 union security provisions in contracts governed under this section.
12 Such petitions must be accompanied by a statement signed by thirty
13 percent or more of the employees in the bargaining unit affirming
14 that they desire to deauthorize the union security provision. To be
15 valid, the signatures must be collected within twelve months of the
16 submission of the petition. Public employees may submit petitions at
17 any time a valid collective bargaining agreement is in effect. No
18 more than one petition may be filed in any calendar year.

19 (3) After determining that at least thirty percent of the
20 employees in the bargaining unit desire to hold a vote on the
21 deauthorization of the union security provision, the commission must
22 direct a secret ballot election to be held among the members of the
23 bargaining unit. If a majority of the votes cast in the election do
24 not favor the union security provision, the commission must certify
25 deauthorization. If a majority of the votes cast favor continuation
26 of the union security provision, the commission must certify
27 continuation of the provision. A union security provision ceases to
28 be in effect within thirty days of the commission's certification of
29 deauthorization.

30 (4) Once the commission has determined a petition for
31 deauthorization to be sufficient, notices of election must be
32 furnished by the commission to the public employer for posting. The
33 public employer must promptly post such notices in areas granting
34 maximum access to affected employees.

35 (5) To the extent they do not conflict with the provisions of
36 this section, deauthorization election procedures must be consistent
37 with the procedures for representation elections.

38 (6) Public employees may petition to reinstate a previously
39 deauthorized union security provision using the procedures
40 established in subsections (2), (3), (4), and (5) of this section.

1 **Sec. 2.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to
2 read as follows:

3 (1) Upon filing with the employer the voluntary written
4 authorization of a bargaining unit faculty member under this chapter,
5 the employee organization which is the exclusive bargaining
6 representative of the bargaining unit shall have the right to have
7 deducted from the salary of the bargaining unit faculty member the
8 periodic dues and initiation fees uniformly required as a condition
9 of acquiring or retaining membership in the exclusive bargaining
10 representative. Such employee authorization shall not be irrevocable
11 for a period of more than one year. Such dues and fees shall be
12 deducted from the pay of all faculty members who have given
13 authorization for such deduction, and shall be transmitted by the
14 employer to the employee organization or to the depository designated
15 by the employee organization.

16 (2) A collective bargaining agreement may include union security
17 provisions, but not a closed shop. If an agency shop or other union
18 security provision is agreed to, the employer shall enforce any such
19 provision by deductions from the salary of bargaining unit faculty
20 members affected thereby and shall transmit such funds to the
21 employee organization or to the depository designated by the employee
22 organization.

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

37 (4) Faculty members may petition the commission to deauthorize
38 union security provisions in contracts governed under this section.
39 Such petitions must be accompanied by a statement signed by thirty
40 percent or more of the employees in the bargaining unit affirming

1 that they desire to deauthorize the union security provision. To be
2 valid, the signatures must be collected within twelve months of the
3 submission of the petition. Faculty members may submit petitions at
4 any time a valid collective bargaining agreement is in effect. No
5 more than one petition may be filed in any calendar year.

6 (5) After determining that at least thirty percent of the
7 employees in the bargaining unit desire to hold a vote on the
8 deauthorization of the union security provision, the commission must
9 direct a secret ballot election to be held among the members of the
10 bargaining unit. If a majority of the votes cast in the election do
11 not favor the union security provision, the commission must certify
12 deauthorization. If a majority of the votes cast favor continuation
13 of the union security provision, the commission must certify
14 continuation of the provision. A union security provision ceases to
15 be in effect within thirty days of the commission's certification of
16 deauthorization.

17 (6) Once the commission has determined a petition for
18 deauthorization to be sufficient, notices of election must be
19 furnished by the commission to the employer for posting. The employer
20 must promptly post such notices in areas granting maximum access to
21 affected employees.

22 (7) To the extent they do not conflict with the provisions of
23 this section, deauthorization election procedures must be consistent
24 with the procedures for representation elections.

25 (8) Faculty members may petition to reinstate a previously
26 deauthorized union security provision using the procedures
27 established in subsections (4), (5), (6), and (7) of this section.

28 **Sec. 3.** RCW 49.39.090 and 2010 c 6 s 10 are each amended to read
29 as follows:

30 (1) A collective bargaining agreement may:
31 ~~((1))~~ (a) Contain union security provisions. However, nothing
32 in this section authorizes a closed shop provision. Agreements
33 involving union security provisions must safeguard the right of
34 nonassociation of employees based on bona fide religious tenets or
35 teachings of a church or religious body of which the symphony
36 musician is a member. The symphony musician must pay an amount of
37 money equivalent to regular union dues and initiation fee to a
38 nonreligious charity or to another charitable organization mutually
39 agreed upon by the symphony musician affected and the bargaining

1 representative to which the symphony musician would otherwise pay the
2 dues and initiation fee. The symphony musician must furnish written
3 proof that the payment has been made. If the symphony musician and
4 the bargaining representative do not reach agreement on this matter,
5 the commission must designate the charitable organization;

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

9 (2) Symphony musicians may petition the commission to deauthorize
10 union security provisions in contracts governed under this section.
11 Such petitions must be accompanied by a statement signed by thirty
12 percent or more of the employees in the bargaining unit affirming
13 that they desire to deauthorize the union security provision. To be
14 valid, the signatures must be collected within twelve months of the
15 submission of the petition. Symphony musicians may submit petitions
16 at any time a valid collective bargaining agreement is in effect. No
17 more than one petition may be filed in any calendar year.

18 (3) After determining that at least thirty percent of the
19 employees in the bargaining unit desire to hold a vote on the
20 deauthorization of the union security provision, the commission must
21 direct a secret ballot election to be held among the members of the
22 bargaining unit. If a majority of the votes cast in the election do
23 not favor the union security provision, the commission must certify
24 deauthorization. If a majority of the votes cast favor continuation
25 of the union security provision, the commission must certify
26 continuation of the provision. A union security provision ceases to
27 be in effect within thirty days of the commission's certification of
28 deauthorization.

29 (4) Once the commission has determined a petition for
30 deauthorization to be sufficient, notices of election must be
31 furnished by the commission to the employer for posting. The employer
32 must promptly post such notices in areas granting maximum access to
33 affected employees.

34 (5) To the extent they do not conflict with the provisions of
35 this section, deauthorization election procedures must be consistent
36 with the procedures for representation elections.

37 (6) Symphony musicians may petition to reinstate a previously
38 deauthorized union security provision using the procedures
39 established in subsections (2), (3), (4,) and (5) of this section.

1 **Sec. 4.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read
2 as follows:

3 (1) A collective bargaining agreement may include union security
4 provisions including an agency shop, but not a union or closed shop.
5 If an agency shop provision is agreed to, the employer shall enforce
6 it by deducting from the salary payments to members of the bargaining
7 unit the dues required of membership in the bargaining
8 representative, or, for nonmembers thereof, a fee equivalent to such
9 dues. All union security provisions shall safeguard the right of
10 nonassociation of employees based on bona fide religious tenets or
11 teachings of a church or religious body of which such employee is a
12 member. Such employee shall pay an amount of money equivalent to
13 regular dues and fees to a nonreligious charity or to another
14 charitable organization mutually agreed upon by the employee affected
15 and the bargaining representative to which such employee would
16 otherwise pay the dues and fees. The employee shall furnish written
17 proof that such payment has been made. If the employee and the
18 bargaining representative do not reach agreement on such matter, the
19 commission shall designate the charitable organization.

20 (2) Ferry employees may petition the commission to deauthorize
21 union security provisions in contracts governed under this section.
22 Such petitions must be accompanied by a statement signed by thirty
23 percent or more of the employees in the bargaining unit affirming
24 that they desire to deauthorize the union security provision. To be
25 valid, the signatures must be collected within twelve months of the
26 submission of the petition. Ferry employees may submit petitions at
27 any time a valid collective bargaining agreement is in effect. No
28 more than one petition may be filed in any calendar year.

29 (3) After determining that at least thirty percent of the
30 employees in the bargaining unit desire to hold a vote on the
31 deauthorization of the union security provision, the commission must
32 direct a secret ballot election to be held among the members of the
33 bargaining unit. If a majority of the votes cast in the election do
34 not favor the union security provision, the commission must certify
35 deauthorization. If a majority of the votes cast favor continuation
36 of the union security provision, the commission must certify
37 continuation of the provision. A union security provision ceases to
38 be in effect within thirty days of the commission's certification of
39 deauthorization.

1 (4) Once the commission has determined a petition for
2 deauthorization to be sufficient, notices of election must be
3 furnished by the commission to the employer for posting. The employer
4 must promptly post such notices in areas granting maximum access to
5 affected employees.

6 (5) To the extent they do not conflict with the provisions of
7 this section, deauthorization election procedures must be consistent
8 with the procedures for representation elections.

9 (6) Ferry employees may petition to reinstate a previously
10 deauthorized union security provision using the procedures
11 established in subsections (2), (3), (4), and (5) of this section.

12 **Sec. 5.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to
13 read as follows:

14 (1) A collective bargaining agreement may contain a union
15 security provision requiring as a condition of employment the
16 payment, no later than the thirtieth day following the beginning of
17 employment or July 1, 2004, whichever is later, of an agency shop fee
18 to the employee organization that is the exclusive bargaining
19 representative for the bargaining unit in which the employee is
20 employed. The amount of the fee shall be equal to the amount required
21 to become a member in good standing of the employee organization.
22 Each employee organization shall establish a procedure by which any
23 employee so requesting may pay a representation fee no greater than
24 the part of the membership fee that represents a pro rata share of
25 expenditures for purposes germane to the collective bargaining
26 process, to contract administration, or to pursuing matters affecting
27 wages, hours, and other conditions of employment.

28 (2) An employee who is covered by a union security provision and
29 who asserts a right of nonassociation based on bona fide religious
30 tenets, or teachings of a church or religious body of which the
31 employee is a member, shall, as a condition of employment, make
32 payments to the employee organization, for purposes within the
33 program of the employee organization as designated by the employee
34 that would be in harmony with his or her individual conscience. The
35 amount of the payments shall be equal to the periodic dues and fees
36 uniformly required as a condition of acquiring or retaining
37 membership in the employee organization minus any included monthly
38 premiums for insurance programs sponsored by the employee
39 organization. The employee shall not be a member of the employee

1 organization but is entitled to all the representation rights of a
2 member of the employee organization.

3 (3) Upon filing with the employer the written authorization of a
4 bargaining unit employee under this chapter, the employee
5 organization that is the exclusive bargaining representative of the
6 bargaining unit shall have the exclusive right to have deducted from
7 the salary of the employee an amount equal to the fees and dues
8 uniformly required as a condition of acquiring or retaining
9 membership in the employee organization. The fees and dues shall be
10 deducted each pay period from the pay of all employees who have given
11 authorization for the deduction and shall be transmitted by the
12 employer as provided for by agreement between the employer and the
13 employee organization.

14 (4) Employee organizations that before July 1, 2004, were
15 entitled to the benefits of this section shall continue to be
16 entitled to these benefits.

17 (5) Employees may petition the commission to deauthorize union
18 security provisions in contracts governed under this section. Such
19 petitions must be accompanied by a statement signed by thirty percent
20 or more of the employees in the bargaining unit affirming that they
21 desire to deauthorize the union security provision. To be valid, the
22 signatures must be collected within twelve months of the submission
23 of the petition. Employees may submit petitions at any time a valid
24 collective bargaining agreement is in effect. No more than one
25 petition may be filed in any calendar year.

26 (6) After determining that at least thirty percent of the
27 employees in the bargaining unit desire to hold a vote on the
28 deauthorization of the union security provision, the commission must
29 direct a secret ballot election to be held among the members of the
30 bargaining unit. If a majority of the votes cast in the election do
31 not favor the union security provision, the commission must certify
32 deauthorization. If a majority of the votes cast favor continuation
33 of the union security provision, the commission must certify
34 continuation of the provision. A union security provision ceases to
35 be in effect within thirty days of the commission's certification of
36 deauthorization.

37 (7) Once the commission has determined a petition for
38 deauthorization to be sufficient, notices of election must be
39 furnished by the commission to the employer for posting. The employer

1 must promptly post such notices in areas granting maximum access to
2 affected employees.

3 (8) To the extent they do not conflict with the provisions of
4 this section, deauthorization election procedures must be consistent
5 with the procedures for representation elections.

6 (9) Employees may petition to reinstate a previously deauthorized
7 union security provision using the procedures established in
8 subsections (5), (6), (7), and (8) of this section.

9 **Sec. 6.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each
10 amended to read as follows:

11 (1) A collective bargaining agreement may include union security
12 provisions including an agency shop, but not a union or closed shop.
13 If an agency shop provision is agreed to, the employer shall enforce
14 it by deducting from the salary payments to members of the bargaining
15 unit the dues required of membership in the bargaining
16 representative, or, for nonmembers thereof, a fee equivalent to such
17 dues. All union security provisions must safeguard the right of
18 nonassociation of employees based on bona fide religious tenets or
19 teachings of a church or religious body of which such employee is a
20 member. Such employee shall pay an amount of money equivalent to
21 regular dues and fees to a nonreligious charity or to another
22 charitable organization mutually agreed upon by the employee affected
23 and the bargaining representative to which such employee would
24 otherwise pay the dues and fees. The employee shall furnish written
25 proof that such payment has been made. If the employee and the
26 bargaining representative do not reach agreement on such matter, the
27 commission shall designate the charitable organization.

28 (2) Educational employees may petition the commission to
29 deauthorize union security provisions in contracts governed under
30 this section. Such petitions must be accompanied by a statement
31 signed by thirty percent or more of the employees in the bargaining
32 unit affirming that they desire to deauthorize the union security
33 provision. To be valid, the signatures must be collected within
34 twelve months of the submission of the petition. Educational
35 employees may submit petitions at any time a valid collective
36 bargaining agreement is in effect. No more than one petition may be
37 filed in any calendar year.

38 (3) After determining that at least thirty percent of the
39 employees in the bargaining unit desire to hold a vote on the

1 deauthorization of the union security provision, the commission must
2 direct a secret ballot election to be held among the members of the
3 bargaining unit. If a majority of the votes cast in the election do
4 not favor the union security provision, the commission must certify
5 deauthorization. If a majority of the votes cast favor continuation
6 of the union security provision, the commission must certify
7 continuation of the provision. A union security provision ceases to
8 be in effect within thirty days of the commission's certification of
9 deauthorization.

10 (4) Once the commission has determined a petition for
11 deauthorization to be sufficient, notices of election must be
12 furnished by the commission to the employer for posting. The employer
13 must promptly post such notices in areas granting maximum access to
14 affected employees.

15 (5) To the extent they do not conflict with the provisions of
16 this section, deauthorization election procedures must be consistent
17 with the procedures for representation elections.

18 (6) Educational employees may petition to reinstate a previously
19 deauthorized union security provision using the procedures
20 established in subsections (2), (3), (4), and (5) of this section.

21 **Sec. 7.** RCW 49.66.010 and 1973 2nd ex.s. c 3 s 1 are each
22 amended to read as follows:

23 (1)(a) It is the public policy of the state to expedite the
24 settlement of labor disputes arising in connection with health care
25 activities, in order that there may be no lessening, however
26 temporary, in the quality of the care given to patients. It is the
27 legislative purpose by this chapter to promote collective bargaining
28 between health care activities and their employees, to protect the
29 right of employees of health care activities to organize and select
30 collective bargaining units of their own choosing.

31 (b) It is further determined that any agreements involving union
32 security including an all-union agreement or agency agreement must
33 safeguard the rights of nonassociation of employees, based on bona
34 fide religious tenets or teachings of a church or religious body of
35 which such employee is a member. Such employee must pay an amount of
36 money equivalent to regular union dues and initiation fees and
37 assessments, if any, to a nonreligious charity or to another
38 charitable organization mutually agreed upon by the employee affected
39 and the representative of the labor organization to which such

1 employee would otherwise pay dues. The employee shall furnish written
2 proof that this has been done. If the employee and representative of
3 the labor organization do not reach agreement on the matter, the
4 department shall designate such organization.

5 (2) Employees may petition the director to deauthorize union
6 security provisions in contracts governed under this section. Such
7 petitions must be accompanied by a statement signed by thirty percent
8 or more of the employees in the bargaining unit affirming that they
9 desire to deauthorize the union security provision. To be valid, the
10 signatures must be collected within twelve months of the submission
11 of the petition. Employees may submit petitions at any time a valid
12 collective bargaining agreement is in effect. No more than one
13 petition may be filed in any calendar year.

14 (3) After determining that at least thirty percent of the
15 employees in the bargaining unit desire to hold a vote on the
16 deauthorization of the union security provision, the director must
17 direct a secret ballot election to be held among the members of the
18 bargaining unit. If a majority of the votes cast in the election do
19 not favor the union security provision, the director must certify
20 deauthorization. If a majority of the votes cast favor continuation
21 of the union security provision, the director must certify
22 continuation of the provision. A union security provision ceases to
23 be in effect within thirty days of the director's certification of
24 deauthorization.

25 (4) Once the director has determined a petition for
26 deauthorization to be sufficient, notices of election must be
27 furnished by the director to the employer for posting. The employer
28 must promptly post such notices in areas granting maximum access to
29 affected employees.

30 (5) To the extent they do not conflict with the provisions of
31 this section, deauthorization election procedures must be consistent
32 with the procedures for representation elections.

33 (6) Employees may petition to reinstate a previously deauthorized
34 union security provision using the procedures established in
35 subsections (2), (3), (4), and (5) of this section.

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