
SENATE BILL 5552

State of Washington 64th Legislature 2015 Regular Session

By Senators Padden, Baumgartner, Braun, Honeyford, and Angel

Read first time 01/23/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to accommodating the civil rights of religious
2 objectors to mandatory payments to labor organizations; and amending
3 RCW 41.56.122, 41.76.045, 41.59.100, 28B.52.045, 49.39.090,
4 47.64.160, 41.80.100, and 49.66.010.

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

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

8 A collective bargaining agreement may:

9 (1) Contain union security provisions: PROVIDED, That nothing in
10 this section shall authorize a closed shop provision: PROVIDED
11 FURTHER, That agreements involving union security provisions must
12 safeguard the right of nonassociation of public employees based on
13 bona fide (~~religious tenets or teachings of a church or religious~~
14 ~~body of which such public employee is a member~~) personally held
15 religious beliefs. Such public employee shall pay an amount of money
16 equivalent to (~~regular union dues and initiation fee to a~~
17 ~~nonreligious charity or to another charitable organization mutually~~
18 ~~agreed upon by the public employee affected and the bargaining~~
19 ~~representative to which such public employee would otherwise pay the~~
20 ~~dues and initiation fee~~), or by agreement, less than the agency shop
21 fee paid by objecting nonmembers of the bargaining unit to any

1 employee-selected charity that is participating in the Washington
2 state combined fund drive program authorized in RCW 41.04.0331. The
3 public employee shall furnish written proof that such payment has
4 been made. (~~If the public employee and the bargaining representative~~
5 ~~do not reach agreement on such matter, the commission shall designate~~
6 ~~the charitable organization.~~) When there is a conflict between any
7 collective bargaining agreement reached by a public employer and a
8 bargaining representative on a union security provision and any
9 charter, ordinance, rule, or regulation adopted by the public
10 employer or its agents((~~r~~)) including, but not limited to, a civil
11 service commission, the terms of the collective bargaining agreement
12 shall prevail((~~r~~));

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

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

18 (1) Upon filing with the employer the voluntary written
19 authorization of a bargaining unit faculty member under this chapter,
20 the employee organization which is the exclusive bargaining
21 representative of the bargaining unit shall have the right to have
22 deducted from the salary of the bargaining unit faculty member the
23 periodic dues and initiation fees uniformly required as a condition
24 of acquiring or retaining membership in the exclusive bargaining
25 representative. Such employee authorization shall not be irrevocable
26 for a period of more than one year. Such dues and fees shall be
27 deducted from the pay of all faculty members who have given
28 authorization for such deduction, and shall be transmitted by the
29 employer to the employee organization or to the depository designated
30 by the employee organization.

31 (2) A collective bargaining agreement may include union security
32 provisions, but not a closed shop. If an agency shop or other union
33 security provision is agreed to, the employer shall enforce any such
34 provision by deductions from the salary of bargaining unit faculty
35 members affected thereby and shall transmit such funds to the
36 employee organization or to the depository designated by the employee
37 organization.

38 (3) A faculty member who is covered by a union security provision
39 and who asserts a right of nonassociation based on bona fide

1 (~~religious tenets or teachings of a church or religious body of~~
2 ~~which such faculty member is a member~~) personally held religious
3 beliefs shall pay to a nonreligious charity or other charitable
4 organization an amount of money equivalent to (~~the periodic dues and~~
5 ~~initiation fees uniformly required as a condition of acquiring or~~
6 ~~retaining membership in the exclusive bargaining representative. The~~
7 ~~charity shall be agreed upon by the faculty member and the employee~~
8 ~~organization to which such faculty member would otherwise pay the~~
9 ~~dues and fees~~), or by agreement, less than the agency shop fee paid
10 by objecting nonmembers of the bargaining unit to any employee-
11 selected charity that is participating in the Washington state
12 combined fund drive program authorized in RCW 41.04.0331. The faculty
13 member shall furnish written proof that such payments have been made.
14 If the faculty member and the employee organization do not reach
15 agreement on such matter, the dispute shall be submitted to the
16 commission for determination.

17 **Sec. 3.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each
18 amended to read as follows:

19 A collective bargaining agreement may include union security
20 provisions including an agency shop, but not a union or closed shop.
21 If an agency shop provision is agreed to, the employer shall enforce
22 it by deducting from the salary payments to members of the bargaining
23 unit the dues required of membership in the bargaining
24 representative, or, for nonmembers thereof, a fee equivalent to such
25 dues. All union security provisions must safeguard the right of
26 nonassociation of employees based on bona fide (~~religious tenets or~~
27 ~~teachings of a church or religious body of which such employee is a~~
28 ~~member~~) personally held religious beliefs. Such employee shall pay
29 an amount of money equivalent to (~~regular dues and fees to a~~
30 ~~nonreligious charity or to another charitable organization mutually~~
31 ~~agreed upon by the employee affected and the bargaining~~
32 ~~representative to which such employee would otherwise pay the dues~~
33 ~~and fees~~), or by agreement, less than the agency shop fee paid by
34 objecting nonmembers of the bargaining unit to any employee-selected
35 charity that is participating in the Washington state combined fund
36 drive program authorized in RCW 41.04.0331. The employee shall
37 furnish written proof that such payment has been made. If the
38 employee and the bargaining representative do not reach agreement on

1 such matter, the commission shall designate the charitable
2 organization.

3 **Sec. 4.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to
4 read as follows:

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

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

25 (3) An employee who is covered by a union security provision and
26 who asserts a right of nonassociation based on bona fide (~~((religious~~
27 ~~tenets or teachings of a church or religious body of which such~~
28 ~~employee is a member))~~) personally held religious beliefs shall pay
29 (~~((to a nonreligious charity or other charitable organization))~~) an
30 amount of money equivalent to (~~((the periodic dues and initiation fees~~
31 ~~uniformly required as a condition of acquiring or retaining~~
32 ~~membership in the exclusive bargaining representative)), or by~~
33 agreement, less than the agency shop fee paid by objecting nonmembers
34 of the bargaining unit to any employee-selected charity that is
35 participating in the Washington state combined fund drive program
36 authorized in RCW 41.04.0331. The charity shall be agreed upon by the
37 employee and the employee organization to which such employee would
38 otherwise pay the (~~((dues and fees))~~) fee. The employee shall furnish
39 written proof that such payments have been made. (~~((If the employee~~

1 ~~and the employee organization do not reach agreement on such matter,~~
2 ~~the commission shall designate the charitable organization.))~~

3 **Sec. 5.** RCW 49.39.090 and 2010 c 6 s 10 are each amended to read
4 as follows:

5 A collective bargaining agreement may:

6 (1) Contain union security provisions. However, nothing in this
7 section authorizes a closed shop provision. Agreements involving
8 union security provisions must safeguard the right of nonassociation
9 of employees based on bona fide ~~((religious tenets or teachings of a
10 church or religious body of which the symphony musician is a member))~~
11 personally held religious beliefs. The symphony musician must pay an
12 amount of money equivalent to ~~((regular union dues and initiation fee
13 to a nonreligious charity or to another charitable organization
14 mutually agreed upon by the symphony musician affected and the
15 bargaining representative to which the symphony musician would
16 otherwise pay the dues and initiation fee))~~, or by agreement, less
17 than the agency shop fee paid by objecting nonmembers of the
18 bargaining unit to any employee-selected charity that is
19 participating in the Washington state combined fund drive program
20 authorized in RCW 41.04.0331. The symphony musician must furnish
21 written proof that the payment has been made~~((. If the symphony
22 musician and the bargaining representative do not reach agreement on
23 this matter, the commission must designate the charitable
24 organization))~~;

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

28 **Sec. 6.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read
29 as follows:

30 A collective bargaining agreement may include union security
31 provisions including an agency shop, but not a union or closed shop.
32 If an agency shop provision is agreed to, the employer shall enforce
33 it by deducting from the salary payments to members of the bargaining
34 unit the dues required of membership in the bargaining
35 representative, or, for nonmembers thereof, a fee equivalent to
36 ~~((such))~~ dues. All union security provisions shall safeguard the
37 right of nonassociation of employees based on bona fide ~~((religious
38 tenets or teachings of a church or religious body of which such~~

1 ~~employee is a member))~~ personally held religious beliefs. Such
2 employee shall pay an amount of money equivalent to ~~((regular dues~~
3 ~~and fees to a nonreligious charity or to another charitable~~
4 ~~organization mutually agreed upon by the employee affected and the~~
5 ~~bargaining representative to which such employee would otherwise pay~~
6 ~~the dues and fees)),~~ or by agreement, less than the agency shop fee
7 paid by objecting nonmembers of the bargaining unit to any employee-
8 selected charity that is participating in the Washington state
9 combined fund drive program authorized in RCW 41.04.0331. The
10 employee shall furnish written proof that such payment has been made.
11 ~~((If the employee and the bargaining representative do not reach~~
12 ~~agreement on such matter, the commission shall designate the~~
13 ~~charitable organization.))~~

14 **Sec. 7.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to
15 read as follows:

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

30 (2) An employee who is covered by a union security provision and
31 who asserts a right of nonassociation based on bona fide ~~((religious~~
32 ~~tenets, or teachings of a church or religious body of which the~~
33 ~~employee is a member,))~~ personally held religious beliefs shall, as a
34 condition of employment, ~~((make payments to the employee~~
35 ~~organization, for purposes within the program of the employee~~
36 ~~organization as designated by the employee that would be in harmony~~
37 ~~with his or her individual conscience. The amount of the payments~~
38 ~~shall be equal to the periodic dues and fees uniformly required as a~~
39 ~~condition of acquiring or retaining membership in the employee~~

1 ~~organization minus any included monthly premiums for insurance~~
2 ~~programs sponsored by the employee organization))~~ pay an amount of
3 money equivalent to, or by agreement, less than the agency shop fee
4 paid by objecting nonmembers of the bargaining unit to any employee-
5 selected charity that is participating in the Washington state
6 combined fund drive program authorized in RCW 41.04.0331. The
7 employee shall furnish written proof that such payment has been made.
8 The employee shall not be a member of the employee organization but
9 is entitled to all the representation rights of a member of the
10 employee organization.

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

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

25 **Sec. 8.** RCW 49.66.010 and 1973 2nd ex.s. c 3 s 1 are each
26 amended to read as follows:

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

35 It is further determined that any agreements involving union
36 security including an all-union agreement or agency agreement must
37 safeguard the rights of nonassociation of employees, based on bona
38 fide (~~religious tenets or teachings of a church or religious body of~~
39 ~~which such employee is a member)) personally held religious beliefs.~~

1 Such employee must pay an amount of money equivalent to (~~regular~~
2 ~~union dues and initiation fees and assessments, if any, to a~~
3 ~~nonreligious charity or to another charitable organization mutually~~
4 ~~agreed upon by the employee affected and the representative of the~~
5 ~~labor organization to which such employee would otherwise pay dues~~),
6 or by agreement, less than the agency shop fee paid by objecting
7 nonmembers of the bargaining unit to any employee-selected charity
8 that is participating in the Washington state combined fund drive
9 program authorized in RCW 41.04.0331. The employee shall furnish
10 written proof that this has been done. ((~~If the employee and~~
11 ~~representative of the labor organization do not reach agreement on~~
12 ~~the matter, the department shall designate such organization.~~))

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