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SENATE BILL 5602

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State of Washington

64th Legislature

2015 Regular Session

By Senators Warnick, Braun, Sheldon, Schoesler, Angel, Bailey, and Honeyford

Read first time 01/26/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to prohibiting public entities from giving or  
2 loaning public funds to bargaining unit representatives for  
3 nongovernment functions; adding a new section to chapter 41.56 RCW;  
4 adding a new section to chapter 41.76 RCW; adding a new section to  
5 chapter 28B.52 RCW; adding a new section to chapter 47.64 RCW; adding  
6 a new section to chapter 41.80 RCW; adding a new section to chapter  
7 41.59 RCW; adding a new section to chapter 49.66 RCW; and creating a  
8 new section.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that public  
11 entities' obligations under collective bargaining agreements must  
12 comply with Article VIII, sections 5 and 7 of the state Constitution,  
13 which assure that public credit or money is not given to or used to  
14 aid an individual, association, company, or corporation. Public funds  
15 are constitutionally directed to serve only public purposes. The  
16 state, school districts, counties, cities, towns, or other municipal  
17 corporations have no legal duty to fund workplace representation  
18 services as these purposes serve the private interests of employees  
19 and the organizations engaged in the enterprise of workplace  
20 representation. The provision in law for the collection of dues  
21 sufficiently facilitates workplace representation functions.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 41.56  
2    RCW to read as follows:

3        (1) After the effective date of this section, a public employer  
4    or institution of higher education shall not enter into or renew a  
5    collective bargaining agreement that allows or requires any employee,  
6    organization, or third party to receive funds, salary, paid release  
7    time, benefits, pension service credit, public facilities, or other  
8    forms of public resources from the employer for bargaining  
9    representative activities. For purposes of this section, "bargaining  
10   representative activities" means activities that advance the  
11   bargaining representative's purposes including, but not limited to:

12   (a) Engaging in collective bargaining, (b) advocating in the interest  
13   of employees' wages, benefits, terms, and conditions of employment,  
14   (c) representing organizational or employee interest in workplace  
15   decision making, (d) participating in labor management committees,  
16   (e) providing advocacy in discipline, grievance, or evaluation  
17   proceedings, (f) advancing the organizational interests in acquiring  
18   and informing members, (g) lobbying or political advocacy, (h)  
19   marketing to the public, (i) conducting organizational business, or  
20   (j) executing duties related to products or services provided to  
21   represented employees.

22        (2) This section does not prohibit the use of compensated  
23   personal leave for any personal purpose. A public employer or  
24   institution of higher education, however, may not enter into an  
25   employment contract with any public employee that provides paid leave  
26   for bargaining representative activities.

27        (3) This section does not apply to any existing employment  
28   contract in effect before the effective date of this section, but an  
29   existing contract may not be renewed or extended if the contract  
30   includes terms that conflict with this section. Any bargaining  
31   agreement that includes provisions prohibited in subsection (1) of  
32   this section after June 30, 2018, violates the prohibition against  
33   giving or lending of the state's credit and is void.

34        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 41.76  
35   RCW to read as follows:

36        (1) After the effective date of this section, an employer shall  
37   not enter into or renew a collective bargaining agreement that allows  
38   or requires any employee, organization, or third party to receive  
39   funds, salary, paid release time, benefits, pension service credit,

1 public facilities, or other forms of public resources from the  
2 employer for bargaining representative activities. For purposes of  
3 this section, "bargaining representative activities" means activities  
4 that advance the exclusive bargaining representative's purposes  
5 including, but not limited to: (a) Engaging in collective bargaining,  
6 (b) advocating in the interest of employees' wages, benefits, terms,  
7 and conditions of employment, (c) representing organizational or  
8 employee interest in workplace decision making, (d) participating in  
9 labor management committees, (e) providing advocacy in discipline,  
10 grievance, or evaluation proceedings, (f) advancing the  
11 organizational interests in acquiring and informing members, (g)  
12 lobbying or political advocacy, (h) marketing to the public, (i)  
13 conducting organizational business, or (j) executing duties related  
14 to products or services provided to represented employees.

15 (2) This section does not prohibit the use of compensated  
16 personal leave for any personal purpose. An employer, however, may  
17 not enter into an employment contract with any employee that provides  
18 paid leave for bargaining representative activities.

19 (3) This section does not apply to any existing employment  
20 contract in effect before the effective date of this section, but an  
21 existing contract may not be renewed or extended if the contract  
22 includes terms that conflict with this section. Any bargaining  
23 agreement that includes provisions prohibited in subsection (1) of  
24 this section after June 30, 2018, violates the prohibition against  
25 giving or lending of the state's credit and is void.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.52  
27 RCW to read as follows:

28 (1) After the effective date of this section, an employer shall  
29 not enter into or renew a collective bargaining agreement that allows  
30 or requires any employee, organization, or third party to receive  
31 funds, salary, paid release time, benefits, pension service credit,  
32 public facilities, or other forms of public resources from the  
33 employer for bargaining representative activities. For purposes of  
34 this section, "bargaining representative activities" means activities  
35 that advance the exclusive bargaining representative's purposes  
36 including, but not limited to: (a) Engaging in collective bargaining,  
37 (b) advocating in the interest of employees' wages, benefits, terms,  
38 and conditions of employment, (c) representing organizational or  
39 employee interest in workplace decision making, (d) participating in

1 labor management committees, (e) providing advocacy in discipline,  
2 grievance, or evaluation proceedings, (f) advancing the  
3 organizational interests in acquiring and informing members, (g)  
4 lobbying or political advocacy, (h) marketing to the public, (i)  
5 conducting organizational business, or (j) executing duties related  
6 to products or services provided to represented employees.

7 (2) This section does not prohibit the use of compensated  
8 personal leave for any personal purpose. An employer, however, may  
9 not enter into an employment contract with any employee that provides  
10 paid leave for bargaining representative activities.

11 (3) This section does not apply to any existing employment  
12 contract in effect before the effective date of this section, but an  
13 existing contract may not be renewed or extended if the contract  
14 includes terms that conflict with this section. Any bargaining  
15 agreement that includes provisions prohibited in subsection (1) of  
16 this section after June 30, 2018, violates the prohibition against  
17 giving or lending of the state's credit and is void.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.64  
19 RCW to read as follows:

20 (1) After the effective date of this section, the employer shall  
21 not enter into or renew a collective bargaining agreement that allows  
22 or requires any employee, organization, or third party to receive  
23 funds, salary, paid release time, benefits, pension service credit,  
24 public facilities, or other forms of public resources from the  
25 employer for bargaining representative activities. For purposes of  
26 this section, "bargaining representative activities" means activities  
27 that advance the collective bargaining representative's purposes  
28 including, but not limited to: (a) Engaging in collective bargaining,  
29 (b) advocating in the interest of employees' wages, benefits, terms,  
30 and conditions of employment, (c) representing organizational or  
31 employee interest in workplace decision making, (d) participating in  
32 labor management committees, (e) providing advocacy in discipline,  
33 grievance, or evaluation proceedings, (f) advancing the  
34 organizational interests in acquiring and informing members, (g)  
35 lobbying or political advocacy, (h) marketing to the public, (i)  
36 conducting organizational business, or (j) executing duties related  
37 to products or services provided to represented employees.

38 (2) This section does not prohibit the use of compensated  
39 personal leave for any personal purpose. The employer, however, may

1 not enter into an employment contract with any employee that provides  
2 paid leave for bargaining representative activities.

3 (3) This section does not apply to any existing employment  
4 contract in effect before the effective date of this section, but an  
5 existing contract may not be renewed or extended if the contract  
6 includes terms that conflict with this section. Any bargaining  
7 agreement that includes provisions prohibited in subsection (1) of  
8 this section after June 30, 2018, violates the prohibition against  
9 giving or lending of the state's credit and is void.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 41.80  
11 RCW to read as follows:

12 (1) After the effective date of this section, an employer shall  
13 not enter into or renew a collective bargaining agreement that allows  
14 or requires any employee, organization, or third party to receive  
15 funds, salary, paid release time, benefits, pension service credit,  
16 public facilities, or other forms of public resources from the  
17 employer for bargaining representative activities. For purposes of  
18 this section, "bargaining representative activities" means activities  
19 that advance the exclusive bargaining representative's purposes  
20 including, but not limited to: (a) Engaging in collective bargaining,  
21 (b) advocating in the interest of employees' wages, benefits, terms,  
22 and conditions of employment, (c) representing organizational or  
23 employee interest in workplace decision making, (d) participating in  
24 labor management committees, (e) providing advocacy in discipline,  
25 grievance, or evaluation proceedings, (f) advancing the  
26 organizational interests in acquiring and informing members, (g)  
27 lobbying or political advocacy, (h) marketing to the public, (i)  
28 conducting organizational business, or (j) executing duties related  
29 to products or services provided to represented employees.

30 (2) This section does not prohibit the use of compensated  
31 personal leave for any personal purpose. An employer, however, may  
32 not enter into an employment contract with any employee that provides  
33 paid leave for bargaining representative activities.

34 (3) This section does not apply to any existing employment  
35 contract in effect before the effective date of this section, but an  
36 existing contract may not be renewed or extended if the contract  
37 includes terms that conflict with this section. Any bargaining  
38 agreement that includes provisions prohibited in subsection (1) of

1 this section after June 30, 2018, violates the prohibition against  
2 giving or lending of the state's credit and is void.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 41.59  
4 RCW to read as follows:

5 (1) After the effective date of this section, an employer shall  
6 not enter into or renew a collective bargaining agreement that allows  
7 or requires any employee, organization, or third party to receive  
8 funds, salary, paid release time, benefits, pension service credit,  
9 public facilities, or other forms of public resources from the  
10 employer for bargaining representative activities. For purposes of  
11 this section, "bargaining representative activities" means activities  
12 that advance the exclusive bargaining representative's purposes  
13 including, but not limited to: (a) Engaging in collective bargaining,  
14 (b) advocating in the interest of employees' wages, benefits, terms,  
15 and conditions of employment, (c) representing organizational or  
16 employee interest in workplace decision making, (d) participating in  
17 labor management committees, (e) providing advocacy in discipline,  
18 grievance, or evaluation proceedings, (f) advancing the  
19 organizational interests in acquiring and informing members, (g)  
20 lobbying or political advocacy, (h) marketing to the public, (i)  
21 conducting organizational business, or (j) executing duties related  
22 to products or services provided to represented employees.

23 (2) This section does not prohibit the use of compensated  
24 personal leave for any personal purpose. An employer, however, may  
25 not enter into an employment contract with any employee that provides  
26 paid leave for bargaining representative activities.

27 (3) This section does not apply to any existing employment  
28 contract in effect before the effective date of this section, but an  
29 existing contract may not be renewed or extended if the contract  
30 includes terms that conflict with this section. Any bargaining  
31 agreement that includes provisions prohibited in subsection (1) of  
32 this section after June 30, 2018, violates the prohibition against  
33 giving or lending of the state's credit and is void.

34 NEW SECTION. **Sec. 8.** A new section is added to chapter 49.66  
35 RCW to read as follows:

36 (1) After the effective date of this section, an employer that  
37 receives more than half its annual revenue from public funds shall  
38 not enter into or renew a collective bargaining agreement that allows

1 or requires any employee, organization, or third party to receive  
2 funds, salary, paid release time, benefits, pension service credit,  
3 public facilities, or other forms of public resources from the  
4 employer for bargaining representative activities. For purposes of  
5 this section, "bargaining representative activities" means activities  
6 that advance the bargaining representative's purposes including, but  
7 not limited to: (a) Engaging in collective bargaining, (b) advocating  
8 in the interest of employees' wages, benefits, terms, and conditions  
9 of employment, (c) representing organizational or employee interest  
10 in workplace decision making, (d) participating in labor management  
11 committees, (e) providing advocacy in discipline, grievance, or  
12 evaluation proceedings, (f) advancing the organizational interests in  
13 acquiring and informing members, (g) lobbying or political advocacy,  
14 (h) marketing to the public, (i) conducting organizational business,  
15 or (j) executing duties related to products or services provided to  
16 represented employees.

17 (2) This section does not prohibit the use of compensated  
18 personal leave for any personal purpose. An employer as described in  
19 subsection (1) of this section, however, may not enter into an  
20 employment contract with any employee that provides paid leave for  
21 bargaining representative activities.

22 (3) This section does not apply to any existing employment  
23 contract in effect before the effective date of this section, but an  
24 existing contract may not be renewed or extended if the contract  
25 includes terms that conflict with this section. Any bargaining  
26 agreement that includes provisions prohibited in subsection (1) of  
27 this section after June 30, 2018, violates the prohibition against  
28 giving or lending of the state's credit and is void.

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