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HOUSE BILL 2751

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State of Washington

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By Representatives Stonier, Valdez, Kloba, Macri, Stanford, Appleton, Jinkins, Fitzgibbon, Bergquist, Goodman, Gregerson, Doglio, Pollet, and Frame

Read first time 01/15/18. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to the deduction of union dues and fees; and  
2 amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100,  
3 and 49.39.080.

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

5 **Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to  
6 read as follows:

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

20 ~~(2))~~ (a) A collective bargaining agreement may include union  
21 security provisions, but not a closed shop. ~~((If an agency shop or~~

1 ~~other union security provision is agreed to, the employer shall~~  
2 ~~enforce any such provision by deductions from the salary of~~  
3 ~~bargaining unit employees affected thereby and shall transmit such~~  
4 ~~funds to the employee organization or to the depository designated by~~  
5 ~~the employee organization.~~

6 ~~(3))~~ (b) Upon written authorization of an employee within the  
7 bargaining unit and after the certification or recognition of the  
8 bargaining unit's exclusive bargaining representative, the employer  
9 must deduct from the payments to the employee the monthly amount of  
10 dues as certified by the secretary of the exclusive bargaining  
11 representative and must transmit the same to the treasurer of the  
12 exclusive bargaining representative.

13 (c) If the employer and the exclusive bargaining representative  
14 of a bargaining unit enter into a collective bargaining agreement  
15 that:

16 (i) Includes a union security provision authorized under (a) of  
17 this subsection, the employer must enforce the agreement by deducting  
18 from the payments to bargaining unit members the dues required for  
19 membership in the exclusive bargaining representative, or, for  
20 nonmembers thereof, a fee equivalent to the dues; or

21 (ii) Includes requirements for deductions of payments other than  
22 the deduction under (c)(i) of this subsection, the employer must make  
23 such deductions upon written authorization of the employee.

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

37 **Sec. 2.** RCW 41.56.110 and 1973 c 59 s 1 are each amended to read  
38 as follows:

1        (1) Upon the written authorization of ((any public)) an employee  
2 within the bargaining unit and after the certification or recognition  
3 of ((such)) the bargaining unit's exclusive bargaining  
4 representative, the ((public)) employer shall deduct from the ((pay  
5 of such public)) payments to the employee the monthly amount of dues  
6 as certified by the secretary of the exclusive bargaining  
7 representative and shall transmit the same to the treasurer of the  
8 exclusive bargaining representative.

9        (2) If the employer and the exclusive bargaining representative  
10 of a bargaining unit enter into a collective bargaining agreement  
11 that:

12        (a) Includes a union security provision authorized under RCW  
13 41.56.122, the employer must enforce the agreement by deducting from  
14 the payments to bargaining unit members the dues required for  
15 membership in the exclusive bargaining representative, or, for  
16 nonmembers thereof, a fee equivalent to the dues; or

17        (b) Includes requirements for deductions of payments other than  
18 the deduction under (a) of this subsection, the employer must make  
19 such deductions upon written authorization of the employee.

20        **Sec. 3.** RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each  
21 amended to read as follows:

22        (1) Employees shall have the right to self-organization, to form,  
23 join, or assist employee organizations, to bargain collectively  
24 through representatives of their own choosing, and shall also have  
25 the right to refrain from any or all of such activities except to the  
26 extent that employees may be required to pay a fee to any employee  
27 organization under an agency shop agreement authorized in this  
28 chapter.

29        ~~(2) ((The exclusive bargaining representative shall have the~~  
30 ~~right to have deducted from the salary of employees, upon receipt of~~  
31 ~~an appropriate authorization form which shall not be irrevocable for~~  
32 ~~a period of more than one year, an amount equal to the fees and dues~~  
33 ~~required for membership. Such fees and dues shall be deducted monthly~~  
34 ~~from the pay of all appropriate employees by the employer and~~  
35 ~~transmitted as provided for by agreement between the employer and the~~  
36 ~~exclusive bargaining representative, unless an automatic payroll~~  
37 ~~deduction service is established pursuant to law, at which time such~~  
38 ~~fees and dues shall be transmitted as therein provided. If an agency~~  
39 ~~shop provision is agreed to and becomes effective pursuant to RCW~~

1 ~~41.59.100, except as provided in that section, the agency fee equal~~  
2 ~~to the fees and dues required of membership in the exclusive~~  
3 ~~bargaining representative shall be deducted from the salary of~~  
4 ~~employees in the bargaining unit.)) (a) Upon written authorization of~~  
5 ~~an employee within the bargaining unit and after the certification or~~  
6 ~~recognition of the bargaining unit's exclusive bargaining~~  
7 ~~representative, the employer must deduct from the payments to the~~  
8 ~~employee the monthly amount of dues as certified by the secretary of~~  
9 ~~the exclusive bargaining representative and must transmit the same to~~  
10 ~~the treasurer of the exclusive bargaining representative.~~

11 (b) If the employer and the exclusive bargaining representative  
12 of a bargaining unit enter into a collective bargaining agreement  
13 that:

14 (i) Includes a union security provision authorized under RCW  
15 41.59.100, the employer must enforce the agreement by deducting from  
16 the payments to bargaining unit members the dues required for  
17 membership in the exclusive bargaining representative, or, for  
18 nonmembers thereof, a fee equivalent to the dues; or

19 (ii) Includes requirements for deductions of payments other than  
20 the deduction under (b)(i) of this subsection, the employer must make  
21 such deductions upon written authorization of the employee.

22 **Sec. 4.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to  
23 read as follows:

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

37 ~~(2)) (a) A collective bargaining agreement may include union~~  
38 ~~security provisions, but not a closed shop. ((If an agency shop or~~  
39 ~~other union security provision is agreed to, the employer shall~~

1 ~~enforce any such provision by deductions from the salary of~~  
2 ~~bargaining unit faculty members affected thereby and shall transmit~~  
3 ~~such funds to the employee organization or to the depository~~  
4 ~~designated by the employee organization.~~

5 (3)) (b) Upon written authorization of an employee within the  
6 bargaining unit and after the certification or recognition of the  
7 bargaining unit's exclusive bargaining representative, the employer  
8 must deduct from the payments to the employee the monthly amount of  
9 dues as certified by the secretary of the exclusive bargaining  
10 representative and must transmit the same to the treasurer of the  
11 exclusive bargaining representative.

12 (c) If the employer and the exclusive bargaining representative  
13 of a bargaining unit enter into a collective bargaining agreement  
14 that:

15 (i) Includes a union security provision authorized under (a) of  
16 this subsection, the employer must enforce the agreement by deducting  
17 from the payments to bargaining unit members the dues required for  
18 membership in the exclusive bargaining representative, or, for  
19 nonmembers thereof, a fee equivalent to the dues; or

20 (ii) Includes requirements for deductions of payments other than  
21 the deduction under (c)(i) of this subsection, the employer must make  
22 such deductions upon written authorization of the employee.

23 (2) 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 **Sec. 5.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to  
38 read as follows:

1 (1) A collective bargaining agreement may contain a union  
2 security provision requiring as a condition of employment the  
3 payment, no later than the thirtieth day following the beginning of  
4 employment or July 1, 2004, whichever is later, of an agency shop fee  
5 to the employee organization that is the exclusive bargaining  
6 representative for the bargaining unit in which the employee is  
7 employed. The amount of the fee shall be equal to the amount required  
8 to become a member in good standing of the employee organization.  
9 Each employee organization shall establish a procedure by which any  
10 employee so requesting may pay a representation fee no greater than  
11 the part of the membership fee that represents a pro rata share of  
12 expenditures for purposes germane to the collective bargaining  
13 process, to contract administration, or to pursuing matters affecting  
14 wages, hours, and other conditions of employment.

15 (2) An employee who is covered by a union security provision and  
16 who asserts a right of nonassociation based on bona fide religious  
17 tenets, or teachings of a church or religious body of which the  
18 employee is a member, shall, as a condition of employment, make  
19 payments to the employee organization, for purposes within the  
20 program of the employee organization as designated by the employee  
21 that would be in harmony with his or her individual conscience. The  
22 amount of the payments shall be equal to the periodic dues and fees  
23 uniformly required as a condition of acquiring or retaining  
24 membership in the employee organization minus any included monthly  
25 premiums for insurance programs sponsored by the employee  
26 organization. The employee shall not be a member of the employee  
27 organization but is entitled to all the representation rights of a  
28 member of the employee organization.

29 ~~(3) ((Upon filing with the employer the written authorization of~~  
30 ~~a bargaining unit employee under this chapter, the employee~~  
31 ~~organization that is the exclusive bargaining representative of the~~  
32 ~~bargaining unit shall have the exclusive right to have deducted from~~  
33 ~~the salary of the employee an amount equal to the fees and dues~~  
34 ~~uniformly required as a condition of acquiring or retaining~~  
35 ~~membership in the employee organization. The fees and dues shall be~~  
36 ~~deducted each pay period from the pay of all employees who have given~~  
37 ~~authorization for the deduction and shall be transmitted by the~~  
38 ~~employer as provided for by agreement between the employer and the~~  
39 ~~employee organization.))~~ (a) Upon written authorization of an  
40 employee within the bargaining unit and after the certification or

1 recognition of the bargaining unit's exclusive bargaining  
2 representative, the employer must deduct from the payments to the  
3 employee the monthly amount of dues as certified by the secretary of  
4 the exclusive bargaining representative and must transmit the same to  
5 the treasurer of the exclusive bargaining representative.

6 (b) If the employer and the exclusive bargaining representative  
7 of a bargaining unit enter into a collective bargaining agreement  
8 that:

9 (i) Includes a union security provision authorized under  
10 subsection (1) of this section, the employer must enforce the  
11 agreement by deducting from the payments to bargaining unit members  
12 the dues required for membership in the exclusive bargaining  
13 representative, or, for nonmembers thereof, a fee equivalent to the  
14 dues; or

15 (ii) Includes requirements for deductions of payments other than  
16 the deduction under (b)(i) of this subsection, the employer must make  
17 such deductions upon written authorization of the employee.

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

21 **Sec. 6.** RCW 49.39.080 and 2010 c 6 s 9 are each amended to read  
22 as follows:

23 (1) Upon the written authorization of ((any symphony musician))  
24 an employee within the bargaining unit and after the certification or  
25 recognition of the bargaining unit's exclusive bargaining  
26 representative, the employer must deduct from the ((pay of the  
27 symphony musician)) payments to the employee the monthly amount of  
28 dues as certified by the secretary of the exclusive bargaining  
29 representative and must transmit the ((dues)) same to the treasurer  
30 of the exclusive bargaining representative.

31 (2) If the employer and the exclusive bargaining representative  
32 of a bargaining unit enter into a collective bargaining agreement  
33 that:

34 (a) Includes a union security provision authorized under RCW  
35 49.39.090, the employer must enforce the agreement by deducting from  
36 the payments to bargaining unit members the dues required for  
37 membership in the exclusive bargaining representative, or, for  
38 nonmembers thereof, a fee equivalent to the dues; or

1        (b) Includes requirements for deductions of payments other than  
2 the deduction under (a) of this subsection, the employer must make  
3 such deductions upon written authorization of the employee.

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