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SENATE BILL 5339

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State of Washington

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2017 Regular Session

By Senators O'Ban, Padden, Miloscia, King, Schoesler, Zeiger, Becker, Baumgartner, Rossi, Wilson, Sheldon, Angel, Honeyford, Braun, and Warnick

Read first time 01/20/17. Referred to Committee on Commerce, Labor & Sports.

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.)) A public employee may revoke  
7 authorization for the deduction of dues and fees and secure the right  
8 of nonassociation at any time. When there is a conflict between any  
9 collective bargaining agreement reached by a public employer and a  
10 bargaining representative on a union security provision and any  
11 charter, ordinance, rule, or regulation adopted by the public  
12 employer or its agents((~~τ~~)) including, but not limited to, a civil  
13 service commission, the terms of the collective bargaining agreement  
14 shall prevail((~~τ~~));~~

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

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

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

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

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

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

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

1 furnish written proof that such payment has been made. (~~If the~~  
2 ~~employee and the bargaining representative do not reach agreement on~~  
3 ~~such matter, the commission shall designate the charitable~~  
4 ~~organization.~~) An employee may revoke authorization for the  
5 deduction of dues and fees and secure the right of nonassociation at  
6 any time.

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

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

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

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

1 authorized in RCW 41.04.0331. (~~The charity shall be agreed upon by~~  
2 ~~the employee and the employee organization to which such employee~~  
3 ~~would otherwise pay the dues and fees.~~) The employee shall furnish  
4 written proof that such payments have been made. (~~If the employee~~  
5 ~~and the employee organization do not reach agreement on such matter,~~  
6 ~~the commission shall designate the charitable organization.~~) An  
7 employee may secure the right of nonassociation at any time.

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

10 A collective bargaining agreement may:

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

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

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

37 A collective bargaining agreement may include union security  
38 provisions including an agency shop, but not a union or closed shop.

1 If an agency shop provision is agreed to, the employer shall enforce  
2 it by deducting from the salary payments to members of the bargaining  
3 unit the dues required of membership in the bargaining  
4 representative, or, for nonmembers thereof, a fee equivalent to  
5 (~~such~~) dues. All union security provisions shall safeguard the  
6 right of nonassociation of employees based on bona fide (~~religious~~  
7 ~~tenets or teachings of a church or religious body of which such~~  
8 ~~employee is a member~~) personally held religious beliefs. Such  
9 employee shall pay an amount of money equivalent to (~~regular dues~~  
10 ~~and fees to a nonreligious charity or to another charitable~~  
11 ~~organization mutually agreed upon by the employee affected and the~~  
12 ~~bargaining representative to which such employee would otherwise pay~~  
13 ~~the dues and fees~~), or by agreement, less than the agency shop fee  
14 paid by objecting nonmembers of the bargaining unit to any employee-  
15 selected charity that is participating in the Washington state  
16 combined fund drive program authorized in RCW 41.04.0331. The  
17 employee shall furnish written proof that such payment has been made.  
18 (~~If the employee and the bargaining representative do not reach~~  
19 ~~agreement on such matter, the commission shall designate the~~  
20 ~~charitable organization.~~) An employee may revoke authorization for  
21 the deduction of dues and fees and secure the right of nonassociation  
22 at any time.

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

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

1 (2) An employee who is covered by a union security provision and  
2 who asserts a right of nonassociation based on bona fide (~~religious~~  
3 ~~tenets, or teachings of a church or religious body of which the~~  
4 ~~employee is a member,~~) personally held religious beliefs shall, as a  
5 condition of employment, (~~make payments to the employee~~  
6 ~~organization, for purposes within the program of the employee~~  
7 ~~organization as designated by the employee that would be in harmony~~  
8 ~~with his or her individual conscience. The amount of the payments~~  
9 ~~shall be equal to the periodic dues and fees uniformly required as a~~  
10 ~~condition of acquiring or retaining membership in the employee~~  
11 ~~organization minus any included monthly premiums for insurance~~  
12 ~~programs sponsored by the employee organization~~) pay an amount of  
13 money equivalent to, or by agreement, less than the agency shop fee  
14 paid by objecting nonmembers of the bargaining unit to any employee-  
15 selected charity that is participating in the Washington state  
16 combined fund drive program authorized in RCW 41.04.0331. The  
17 employee shall furnish written proof that such payment has been made.  
18 The employee shall not be a member of the employee organization but  
19 is entitled to all the representation rights of a member of the  
20 employee organization. An employee may secure the right of  
21 nonassociation at any time.

22 (3) Upon filing with the employer the written authorization of a  
23 bargaining unit employee under this chapter, the employee  
24 organization that is the exclusive bargaining representative of the  
25 bargaining unit shall have the exclusive right to have deducted from  
26 the salary of the employee an amount equal to the fees and dues  
27 uniformly required as a condition of acquiring or retaining  
28 membership in the employee organization. The fees and dues shall be  
29 deducted each pay period from the pay of all employees who have given  
30 authorization for the deduction and shall be transmitted by the  
31 employer as provided for by agreement between the employer and the  
32 employee organization. An employee may revoke authorization for the  
33 deduction of dues and fees at any time.

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

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

1       It is the public policy of the state to expedite the settlement  
2 of labor disputes arising in connection with health care activities,  
3 in order that there may be no lessening, however temporary, in the  
4 quality of the care given to patients. It is the legislative purpose  
5 by this chapter to promote collective bargaining between health care  
6 activities and their employees, to protect the right of employees of  
7 health care activities to organize and select collective bargaining  
8 units of their own choosing.

9       It is further determined that any agreements involving union  
10 security including an all-union agreement or agency agreement must  
11 safeguard the rights of nonassociation of employees, based on bona  
12 fide (~~religious tenets or teachings of a church or religious body of~~  
13 ~~which such employee is a member~~) personally held religious beliefs.  
14 Such employee must pay an amount of money equivalent to (~~regular~~  
15 ~~union dues and initiation fees and assessments, if any, to a~~  
16 ~~nonreligious charity or to another charitable organization mutually~~  
17 ~~agreed upon by the employee affected and the representative of the~~  
18 ~~labor organization to which such employee would otherwise pay dues~~),  
19 or by agreement, less than the agency shop fee paid by objecting  
20 nonmembers of the bargaining unit to any employee-selected charity  
21 that is participating in the Washington state combined fund drive  
22 program authorized in RCW 41.04.0331. The employee shall furnish  
23 written proof that this has been done. (~~If the employee and~~  
24 ~~representative of the labor organization do not reach agreement on~~  
25 ~~the matter, the department shall designate such organization.~~) An  
26 employee may revoke authorization for the deduction of dues and fees  
27 and secure the right of nonassociation at any time.

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