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**SENATE BILL 5045**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Angel and Hewitt

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

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

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

(1) A collective bargaining agreement may:

((~~(1)~~))(a) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A collective bargaining agreement may:

((~~(1)~~))(a) Contain union security provisions. However, nothing in this section authorizes a closed shop provision. Agreements involving union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which the symphony musician is a member. The symphony musician must pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the symphony musician affected and the bargaining representative to which the symphony musician would otherwise pay the dues and initiation fee. The symphony musician must furnish written proof that the payment has been made. If the symphony musician and the bargaining representative do not reach agreement on this matter, the commission must designate the charitable organization;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) It is further determined that any agreements involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee must pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the department shall designate such organization.

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

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

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

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

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

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