
SUBSTITUTE SENATE BILL 5552

State of Washington

64th Legislature

2015 Regular Session

By Senate Commerce & Labor (originally sponsored by Senators Padden, Baumgartner, Braun, Honeyford, and Angel)

READ FIRST TIME 02/05/15.

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 any
29 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 an
32 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 deduction
5 of dues and fees and secure the right of nonassociation at any time.

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

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

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

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

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

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

9 A collective bargaining agreement may:

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

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

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

36 A collective bargaining agreement may include union security
37 provisions including an agency shop, but not a union or closed shop.
38 If an agency shop provision is agreed to, the employer shall enforce

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

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

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

38 (2) An employee who is covered by a union security provision and
39 who asserts a right of nonassociation based on bona fide ~~((religious~~

1 ~~tenets, or teachings of a church or religious body of which the~~
2 ~~employee is a member,))~~personally held religious beliefs shall, as a
3 condition of employment, ~~((make payments to the employee~~
4 ~~organization, for purposes within the program of the employee~~
5 ~~organization as designated by the employee that would be in harmony~~
6 ~~with his or her individual conscience. The amount of the payments~~
7 ~~shall be equal to the periodic dues and fees uniformly required as a~~
8 ~~condition of acquiring or retaining membership in the employee~~
9 ~~organization minus any included monthly premiums for insurance~~
10 ~~programs sponsored by the employee organization))~~pay an amount of
11 money equivalent to, or by agreement, less than the agency shop fee
12 paid 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
15 employee shall furnish written proof that such payment has been made.
16 The employee shall not be a member of the employee organization but
17 is entitled to all the representation rights of a member of the
18 employee organization. An employee may secure the right of
19 nonassociation at any time.

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

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

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

37 It is the public policy of the state to expedite the settlement
38 of labor disputes arising in connection with health care activities,
39 in order that there may be no lessening, however temporary, in the

1 quality of the care given to patients. It is the legislative purpose
2 by this chapter to promote collective bargaining between health care
3 activities and their employees, to protect the right of employees of
4 health care activities to organize and select collective bargaining
5 units of their own choosing.

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

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