

HB 2751 - S AMD TO LBRC COMM AMD (S-5321.1/18) 799
By Senator Braun

OUT OF ORDER 02/28/2018

1 Beginning on page 2, at the beginning of line 25 of the
2 amendment, strike all material through "organization." on page 8,
3 line 30 and insert the following:

4 "(3)(a) No due or fee received by an exclusive bargaining
5 representative pursuant to this section may be used to fund any
6 political committee or candidate, or to influence any ballot
7 proposition, as defined under RCW 42.17A.005.

8 (b) Any employee whose dues or fees paid to an exclusive
9 bargaining representative are used in a way that violates (a) of this
10 subsection may file a cause of action in superior court. The superior
11 court may award the employee damages up to triple the amount of the
12 dues or fees paid by the employee to the exclusive bargaining
13 representative and reasonable attorneys' fees and costs.

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

16 (1) Upon the written authorization of ((any public)) an employee
17 within the bargaining unit and after the certification or recognition
18 of ((such)) the bargaining unit's exclusive bargaining
19 representative, the ((public)) employer shall deduct from the ((pay
20 of such public)) payments to the employee the monthly amount of dues
21 as certified by the secretary of the exclusive bargaining
22 representative and shall transmit the same to the treasurer of the
23 exclusive bargaining representative.

24 (2) If the employer and the exclusive bargaining representative
25 of a bargaining unit enter into a collective bargaining agreement
26 that:

27 (a) Includes a union security provision authorized under RCW
28 41.56.122, the employer must enforce the agreement by deducting from
29 the payments to bargaining unit members the dues required for
30 membership in the exclusive bargaining representative, or, for
31 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.

4 (3)(a) No due or fee received by an exclusive bargaining
5 representative pursuant to this section may be used to fund any
6 political committee or candidate, or to influence any ballot
7 proposition, as defined under RCW 42.17A.005.

8 (b) Any employee whose dues or fees paid to an exclusive
9 bargaining representative are used in a way that violates (a) of this
10 subsection may file a cause of action in superior court. The superior
11 court may award the employee damages up to triple the amount of the
12 dues or fees paid by the employee to the exclusive bargaining
13 representative and reasonable attorneys' fees and costs.

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

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

23 ~~(2) ((The exclusive bargaining representative shall have the~~
24 ~~right to have deducted from the salary of employees, upon receipt of~~
25 ~~an appropriate authorization form which shall not be irrevocable for~~
26 ~~a period of more than one year, an amount equal to the fees and dues~~
27 ~~required for membership. Such fees and dues shall be deducted monthly~~
28 ~~from the pay of all appropriate employees by the employer and~~
29 ~~transmitted as provided for by agreement between the employer and the~~
30 ~~exclusive bargaining representative, unless an automatic payroll~~
31 ~~deduction service is established pursuant to law, at which time such~~
32 ~~fees and dues shall be transmitted as therein provided. If an agency~~
33 ~~shop provision is agreed to and becomes effective pursuant to RCW~~
34 ~~41.59.100, except as provided in that section, the agency fee equal~~
35 ~~to the fees and dues required of membership in the exclusive~~
36 ~~bargaining representative shall be deducted from the salary of~~
37 ~~employees in the bargaining unit.))~~ (a) Upon written authorization of
38 an employee within the bargaining unit and after the certification or
39 recognition of the bargaining unit's exclusive bargaining

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

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

8 (i) Includes a union security provision authorized under RCW
9 41.59.100, the employer must enforce the agreement by deducting from
10 the payments to bargaining unit members the dues required for
11 membership in the exclusive bargaining representative, or, for
12 nonmembers thereof, a fee equivalent to the dues; or

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

16 (3)(a) No due or fee received by an exclusive bargaining
17 representative pursuant to this section may be used to fund any
18 political committee or candidate, or to influence any ballot
19 proposition, as defined under RCW 42.17A.005.

20 (b) Any employee whose dues or fees paid to an exclusive
21 bargaining representative are used in a way that violates (a) of this
22 subsection may file a cause of action in superior court. The superior
23 court may award the employee damages up to triple the amount of the
24 dues or fees paid by the employee to the exclusive bargaining
25 representative and reasonable attorneys' fees and costs.

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

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

1 ~~employer to the employee organization or to the depository designated~~
2 ~~by the employee organization.~~

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

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

17 ~~(c) If the employer and the exclusive bargaining representative~~
18 ~~of a bargaining unit enter into a collective bargaining agreement~~
19 ~~that:~~

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

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

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

1 on such matter, the dispute shall be submitted to the commission for
2 determination.

3 (3)(a) No due or fee received by an exclusive bargaining
4 representative pursuant to this section may be used to fund any
5 political committee or candidate, or to influence any ballot
6 proposition, as defined under RCW 42.17A.005.

7 (b) Any employee whose dues or fees paid to an exclusive
8 bargaining representative are used in a way that violates (a) of this
9 subsection may file a cause of action in superior court. The superior
10 court may award the employee damages up to triple the amount of the
11 dues or fees paid by the employee to the exclusive bargaining
12 representative and reasonable attorneys' fees and costs.

13 **Sec. 5.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to
14 read as follows:

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

29 (2) 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 the
32 employee is a member, shall, as a condition of employment, make
33 payments to the employee organization, for purposes within the
34 program of the employee organization as designated by the employee
35 that would be in harmony with his or her individual conscience. The
36 amount of the payments shall be equal to the periodic dues and fees
37 uniformly required as a condition of acquiring or retaining
38 membership in the employee organization minus any included monthly
39 premiums for insurance programs sponsored by the employee

1 organization. The employee shall not be a member of the employee
2 organization but is entitled to all the representation rights of a
3 member of the employee organization.

4 ~~(3) ((Upon filing with the employer the written authorization of~~
5 ~~a bargaining unit employee under this chapter, the employee~~
6 ~~organization that is the exclusive bargaining representative of the~~
7 ~~bargaining unit shall have the exclusive right to have deducted from~~
8 ~~the salary of the employee an amount equal to the fees and dues~~
9 ~~uniformly required as a condition of acquiring or retaining~~
10 ~~membership in the employee organization. The fees and dues shall be~~
11 ~~deducted each pay period from the pay of all employees who have given~~
12 ~~authorization for the deduction and shall be transmitted by the~~
13 ~~employer as provided for by agreement between the employer and the~~
14 ~~employee organization.))~~ (a) Upon written authorization of an
15 employee within the bargaining unit and after the certification or
16 recognition of the bargaining unit's exclusive bargaining
17 representative, the employer must deduct from the payments to the
18 employee the monthly amount of dues as certified by the secretary of
19 the exclusive bargaining representative and must transmit the same to
20 the treasurer of the exclusive bargaining representative.

21 (b) If the employer and the exclusive bargaining representative
22 of a bargaining unit enter into a collective bargaining agreement
23 that:

24 (i) Includes a union security provision authorized under
25 subsection (1) of this section, the employer must enforce the
26 agreement by deducting from the payments to bargaining unit members
27 the dues required for membership in the exclusive bargaining
28 representative, or, for nonmembers thereof, a fee equivalent to the
29 dues; or

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

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

36 (5)(a) No due or fee received by an exclusive bargaining
37 representative pursuant to this section may be used to fund any
38 political committee or candidate, or to influence any ballot
39 proposition, as defined under RCW 42.17A.005.

1 (b) Any employee whose dues or fees paid to an exclusive
2 bargaining representative are used in a way that violates (a) of this
3 subsection may file a cause of action in superior court. The superior
4 court may award the employee damages up to triple the amount of the
5 dues or fees paid by the employee to the exclusive bargaining
6 representative and reasonable attorneys' fees and costs.

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

9 (1) Upon the written authorization of ((any symphony musician))
10 an employee within the bargaining unit and after the certification or
11 recognition of the bargaining unit's exclusive bargaining
12 representative, the employer must deduct from the ((pay of the
13 symphony musician)) payments to the employee the monthly amount of
14 dues as certified by the secretary of the exclusive bargaining
15 representative and must transmit the ((dues)) same to the treasurer
16 of the exclusive bargaining representative.

17 (2) If the employer and the exclusive bargaining representative
18 of a bargaining unit enter into a collective bargaining agreement
19 that:

20 (a) Includes a union security provision authorized under RCW
21 49.39.090, the employer must enforce the agreement by deducting from
22 the payments to bargaining unit members the dues required for
23 membership in the exclusive bargaining representative, or, for
24 nonmembers thereof, a fee equivalent to the dues; or

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

28 (3)(a) No due or fee received by an exclusive bargaining
29 representative pursuant to this section may be used to fund any
30 political committee or candidate, or to influence any ballot
31 proposition, as defined under RCW 42.17A.005.

32 (b) Any employee whose dues or fees paid to an exclusive
33 bargaining representative are used in a way that violates (a) of this
34 subsection may file a cause of action in superior court. The superior
35 court may award the employee damages up to triple the amount of the
36 dues or fees paid by the employee to the exclusive bargaining
37 representative and reasonable attorneys' fees and costs.

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

3 (1) A collective bargaining agreement may include union security
4 provisions including an agency shop, but not a union or closed shop.
5 ((If an agency shop provision is agreed to, the employer shall
6 enforce it by deducting from the salary payments to members of the
7 bargaining unit the dues required of membership in the bargaining
8 representative, or, for nonmembers thereof, a fee equivalent to such
9 dues.))

10 (2)(a) Upon written authorization of an employee within the
11 bargaining unit and after the certification or recognition of the
12 bargaining unit's exclusive bargaining representative, the employer
13 must deduct from the payments to the employee the monthly amount of
14 dues as certified by the secretary of the exclusive bargaining
15 representative and must transmit the same to the treasurer of the
16 exclusive bargaining representative.

17 (b) If the employer and the exclusive bargaining representative
18 of a bargaining unit enter into a collective bargaining agreement
19 that:

20 (i) Includes a union security provision authorized under
21 subsection (1) of this section, the employer must enforce the
22 agreement by deducting from the payments to bargaining unit members
23 the dues required for membership in the exclusive bargaining
24 representative, or, for nonmembers thereof, a fee equivalent to the
25 dues; or

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

29 (3) All union security provisions shall safeguard the right of
30 nonassociation of employees based on bona fide religious tenets or
31 teachings of a church or religious body of which such employee is a
32 member. Such employee shall pay an amount of money equivalent to
33 regular dues and fees to a nonreligious charity or to another
34 charitable organization mutually agreed upon by the employee affected
35 and the bargaining representative to which such employee would
36 otherwise pay the dues and fees. The employee shall furnish written
37 proof that such payment has been made. If the employee and the
38 bargaining representative do not reach agreement on such matter, the
39 commission shall designate the charitable organization.

1 (4)(a) No due or fee received by an exclusive bargaining
2 representative pursuant to this section may be used to fund any
3 political committee or candidate, or to influence any ballot
4 proposition, as defined under RCW 42.17A.005.

5 (b) Any employee whose dues or fees paid to an exclusive
6 bargaining representative are used in a way that violates (a) of this
7 subsection may file a cause of action in superior court. The superior
8 court may award the employee damages up to triple the amount of the
9 dues or fees paid by the employee to the exclusive bargaining
10 representative and reasonable attorneys' fees and costs."

EFFECT: Prohibits the use of any due or fee received by an exclusive bargaining representative from being used to fund any political committee, candidate, or to influence any ballot proposition. Creates a cause of action for treble damages and attorneys' fees for employees whose dues or fees are used to fund a political committee, candidate, or to influence a ballot proposition.

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