

HB 2751 - S AMD TO LBRC COMM AMD (S-5321.1/18) 803  
By Senator Braun

OUT OF ORDER 02/28/2018

1 Beginning on page 2, at the beginning of line 12 of the  
2 amendment, strike all material through "employee." on page 8, line 19  
3 and insert the following:

4 "(d)(i) If the collective bargaining agreement between the  
5 employer and bargaining representative does not contain a union  
6 security provision, the bargaining representative is the exclusive  
7 bargaining representative of only those employees in the bargaining  
8 unit that are members of the bargaining representative and the  
9 collective bargaining agreement applies only to those employees that  
10 choose to be members of the bargaining representative.

11 (ii) There may be no more than one certified exclusive bargaining  
12 representative per bargaining unit at any one time.

13 (iii) Any employee who chooses not to be a member of the  
14 bargaining representative may represent himself or herself directly  
15 or through a representative. However, the employer is not obligated  
16 to bargain with the employee or to agree to any terms proposed by the  
17 employee.

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

31 **Sec. 2.** RCW 41.56.110 and 1973 c 59 s 1 are each amended to read  
32 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        (3)(a) If the collective bargaining agreement between the  
21 employer and bargaining representative does not contain a union  
22 security provision, the bargaining representative is the exclusive  
23 bargaining representative of only those employees in the bargaining  
24 unit that are members of the bargaining representative and the  
25 collective bargaining agreement applies only to those employees that  
26 choose to be members of the bargaining representative.

27        (b) There may be no more than one certified exclusive bargaining  
28 representative per bargaining unit at any one time.

29        (c) Any employee who chooses not to be a member of the bargaining  
30 representative may represent himself or herself directly or through a  
31 representative. However, the employer is not obligated to bargain  
32 with the employee or to agree to any terms proposed by the employee.

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

35        (1) Employees shall have the right to self-organization, to form,  
36 join, or assist employee organizations, to bargain collectively  
37 through representatives of their own choosing, and shall also have  
38 the right to refrain from any or all of such activities except to the  
39 extent that employees may be required to pay a fee to any employee

1 organization under an agency shop agreement authorized in this  
2 chapter.

3 ~~(2) ((The exclusive bargaining representative shall have the~~  
4 ~~right to have deducted from the salary of employees, upon receipt of~~  
5 ~~an appropriate authorization form which shall not be irrevocable for~~  
6 ~~a period of more than one year, an amount equal to the fees and dues~~  
7 ~~required for membership. Such fees and dues shall be deducted monthly~~  
8 ~~from the pay of all appropriate employees by the employer and~~  
9 ~~transmitted as provided for by agreement between the employer and the~~  
10 ~~exclusive bargaining representative, unless an automatic payroll~~  
11 ~~deduction service is established pursuant to law, at which time such~~  
12 ~~fees and dues shall be transmitted as therein provided. If an agency~~  
13 ~~shop provision is agreed to and becomes effective pursuant to RCW~~  
14 ~~41.59.100, except as provided in that section, the agency fee equal~~  
15 ~~to the fees and dues required of membership in the exclusive~~  
16 ~~bargaining representative shall be deducted from the salary of~~  
17 ~~employees in the bargaining unit.))~~ (a) Upon written authorization of  
18 an employee within the bargaining unit and after the certification or  
19 recognition of the bargaining unit's exclusive bargaining  
20 representative, the employer must deduct from the payments to the  
21 employee the monthly amount of dues as certified by the secretary of  
22 the exclusive bargaining representative and must transmit the same to  
23 the treasurer of the exclusive bargaining representative.

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

27 (i) Includes a union security provision authorized under RCW  
28 41.59.100, 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

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

35 (c)(i) If the collective bargaining agreement between the  
36 employer and bargaining representative does not contain a union  
37 security provision, the bargaining representative is the exclusive  
38 bargaining representative of only those employees in the bargaining  
39 unit that are members of the bargaining representative and the

1 collective bargaining agreement applies only to those employees that  
2 choose to be members of the bargaining representative.

3 (ii) There may be no more than one certified exclusive bargaining  
4 representative per bargaining unit at any one time.

5 (iii) Any employee who chooses not to be a member of the  
6 bargaining representative may represent himself or herself directly  
7 or through a representative. However, the employer is not obligated  
8 to bargain with the employee or to agree to any terms proposed by the  
9 employee.

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

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

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

32 (3)) (b) Upon written authorization of an employee within the  
33 bargaining unit and after the certification or recognition of the  
34 bargaining unit's exclusive bargaining representative, the employer  
35 must deduct from the payments to the employee the monthly amount of  
36 dues as certified by the secretary of the exclusive bargaining  
37 representative and must transmit the same to the treasurer of the  
38 exclusive bargaining representative.

1 (c) If the employer and the exclusive bargaining representative  
2 of a bargaining unit enter into a collective bargaining agreement  
3 that:

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

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

12 (d)(i) If the collective bargaining agreement between the  
13 employer and bargaining representative does not contain a union  
14 security provision, the bargaining representative is the exclusive  
15 bargaining representative of only those employees in the bargaining  
16 unit that are members of the bargaining representative and the  
17 collective bargaining agreement applies only to those employees that  
18 choose to be members of the bargaining representative.

19 (ii) There may be no more than one certified exclusive bargaining  
20 representative per bargaining unit at any one time.

21 (iii) Any employee who chooses not to be a member of the  
22 bargaining representative may represent himself or herself directly  
23 or through a representative. However, the employer is not obligated  
24 to bargain with the employee or to agree to any terms proposed by the  
25 employee.

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

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

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

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

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

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

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

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

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

20 (c)(i) If the collective bargaining agreement between the  
21 employer and bargaining representative does not contain a union  
22 security provision, the bargaining representative is the exclusive  
23 bargaining representative of only those employees in the bargaining  
24 unit that are members of the bargaining representative and the  
25 collective bargaining agreement applies only to those employees that  
26 choose to be members of the bargaining representative.

27 (ii) There may be no more than one certified exclusive bargaining  
28 representative per bargaining unit at any one time.

29 (iii) Any employee who chooses not to be a member of the  
30 bargaining representative may represent himself or herself directly  
31 or through a representative. However, the employer is not obligated  
32 to bargain with the employee or to agree to any terms proposed by the  
33 employee.

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

1       (1) Upon the written authorization of (~~(any symphony musician)~~)  
2 an employee within the bargaining unit and after the certification or  
3 recognition of the bargaining unit's exclusive bargaining  
4 representative, the employer must deduct from the (~~(pay of the~~  
5 ~~symphony musician)) payments to the employee the monthly amount of  
6 dues as certified by the secretary of the exclusive bargaining  
7 representative and must transmit the (~~(dues)) same to the treasurer  
8 of the 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 49.39.090, 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       (3)(a) If the collective bargaining agreement between the  
21 employer and bargaining representative does not contain a union  
22 security provision, the bargaining representative is the exclusive  
23 bargaining representative of only those employees in the bargaining  
24 unit that are members of the bargaining representative and the  
25 collective bargaining agreement applies only to those employees that  
26 choose to be members of the bargaining representative.

27       (b) There may be no more than one certified exclusive bargaining  
28 representative per bargaining unit at any one time.

29       (c) Any employee who chooses not to be a member of the bargaining  
30 representative may represent himself or herself directly or through a  
31 representative. However, the employer is not obligated to bargain  
32 with the employee or to agree to any terms proposed by the employee.

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

35       (1) A collective bargaining agreement may include union security  
36 provisions including an agency shop, but not a union or closed shop.  
37 (~~(If an agency shop provision is agreed to, the employer shall~~  
38 ~~enforce it by deducting from the salary payments to members of the~~  
39 ~~bargaining unit the dues required of membership in the bargaining~~



1 ~~representative, or, for nonmembers thereof, a fee equivalent to such~~  
2 ~~dues-))~~

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

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

13 (i) Includes a union security provision authorized under  
14 subsection (1) of this section, the employer must enforce the  
15 agreement by deducting from the payments to bargaining unit members  
16 the dues required for membership in the exclusive bargaining  
17 representative, or, for nonmembers thereof, a fee equivalent to the  
18 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 (c)(i) If the collective bargaining agreement between the  
23 employer and bargaining representative does not contain a union  
24 security provision, the bargaining representative is the exclusive  
25 bargaining representative of only those employees in the bargaining  
26 unit that are members of the bargaining representative and the  
27 collective bargaining agreement applies only to those employees that  
28 choose to be members of the bargaining representative.

29 (ii) There may be no more than one certified exclusive bargaining  
30 representative per bargaining unit at any one time.

31 (iii) Any employee who chooses not to be a member of the  
32 bargaining representative may represent himself or herself directly  
33 or through a representative. However, the employer is not obligated  
34 to bargain with the employee or to agree to any terms proposed by the  
35 employee."

EFFECT: Provides that a bargaining representative is not obligated to represent employees who are not members of the bargaining representative. Provides that employees who do not want to be members of the bargaining representative may represent themselves,

however, the employer is not obligated to bargain or agree to terms with the employee.

--- END ---