

HB 2751 - S COMM AMD
By Committee on Labor & Commerce

NOT ADOPTED 02/28/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to
4 read as follows:

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

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

25 ~~(3)) (b) Upon written authorization of an employee within the~~
26 ~~bargaining unit and after the certification or recognition of the~~
27 ~~bargaining unit's exclusive bargaining representative, the employer~~
28 ~~must deduct from the payments to the employee the monthly amount of~~
29 ~~dues as certified by the secretary of the exclusive bargaining~~
30 ~~representative and must transmit the same to the treasurer of the~~
31 ~~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 (2) An employee who is covered by a union security provision and
13 who asserts a right of nonassociation based on bona fide religious
14 tenets or teachings of a church or religious body of which such
15 employee is a member shall pay to a nonreligious charity or other
16 charitable organization an amount of money equivalent to the periodic
17 dues and initiation fees uniformly required as a condition of
18 acquiring or retaining membership in the exclusive bargaining
19 representative. The charity shall be agreed upon by the employee and
20 the employee organization to which such employee would otherwise pay
21 the dues and fees. The employee shall furnish written proof that such
22 payments have been made. If the employee and the employee
23 organization do not reach agreement on such matter, the commission
24 shall designate the charitable organization.

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

27 (1) Upon the written authorization of ((any public)) an employee
28 within the bargaining unit and after the certification or recognition
29 of ((such)) the bargaining unit's exclusive bargaining
30 representative, the ((public)) employer shall deduct from the ((pay
31 of such public)) payments to the employee the monthly amount of dues
32 as certified by the secretary of the exclusive bargaining
33 representative and shall transmit the same to the treasurer of the
34 exclusive bargaining representative.

35 (2) If the employer and the exclusive bargaining representative
36 of a bargaining unit enter into a collective bargaining agreement
37 that:

38 (a) Includes a union security provision authorized under RCW
39 41.56.122, the employer must enforce the agreement by deducting from

1 the payments to bargaining unit members the dues required for
2 membership in the exclusive bargaining representative, or, for
3 nonmembers thereof, a fee equivalent to the dues; or

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

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

9 (1) Employees shall have the right to self-organization, to form,
10 join, or assist employee organizations, to bargain collectively
11 through representatives of their own choosing, and shall also have
12 the right to refrain from any or all of such activities except to the
13 extent that employees may be required to pay a fee to any employee
14 organization under an agency shop agreement authorized in this
15 chapter.

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

37 (b) If the employer and the exclusive bargaining representative
38 of a bargaining unit enter into a collective bargaining agreement
39 that:

1 (i) Includes a union security provision authorized under RCW
2 41.59.100, the employer must enforce the agreement by deducting from
3 the payments to bargaining unit members the dues required for
4 membership in the exclusive bargaining representative, or, for
5 nonmembers thereof, a fee equivalent to the dues; or

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

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

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

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

31 ~~(3)) (b) Upon written authorization of an employee within the~~
32 ~~bargaining unit and after the certification or recognition of the~~
33 ~~bargaining unit's exclusive bargaining representative, the employer~~
34 ~~must deduct from the payments to the employee the monthly amount of~~
35 ~~dues as certified by the secretary of the exclusive bargaining~~
36 ~~representative and must transmit the same to the treasurer of the~~
37 ~~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 (2) A faculty member who is covered by a union security provision
13 and who asserts a right of nonassociation based on bona fide
14 religious tenets or teachings of a church or religious body of which
15 such faculty member is a member shall pay to a nonreligious charity
16 or other charitable organization an amount of money equivalent to the
17 periodic dues and initiation fees uniformly required as a condition
18 of acquiring or retaining membership in the exclusive bargaining
19 representative. The charity shall be agreed upon by the faculty
20 member and the employee organization to which such faculty member
21 would otherwise pay the dues and fees. The faculty member shall
22 furnish written proof that such payments have been made. If the
23 faculty member and the employee organization do not reach agreement
24 on such matter, the dispute shall be submitted to the commission for
25 determination.

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

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

1 process, to contract administration, or to pursuing matters affecting
2 wages, hours, and other conditions of employment.

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

17 ~~(3) ((Upon filing with the employer the written authorization of~~
18 ~~a bargaining unit employee under this chapter, the employee~~
19 ~~organization that is the exclusive bargaining representative of the~~
20 ~~bargaining unit shall have the exclusive right to have deducted from~~
21 ~~the salary of the employee an amount equal to the fees and dues~~
22 ~~uniformly required as a condition of acquiring or retaining~~
23 ~~membership in the employee organization. The fees and dues shall be~~
24 ~~deducted each pay period from the pay of all employees who have given~~
25 ~~authorization for the deduction and shall be transmitted by the~~
26 ~~employer as provided for by agreement between the employer and the~~
27 ~~employee organization.))~~ (a) Upon written authorization of an
28 employee within the bargaining unit and after the certification or
29 recognition of the bargaining unit's exclusive bargaining
30 representative, the employer must deduct from the payments to the
31 employee the monthly amount of dues as certified by the secretary of
32 the exclusive bargaining representative and must transmit the same to
33 the treasurer of the exclusive bargaining representative.

34 (b) If the employer and the exclusive bargaining representative
35 of a bargaining unit enter into a collective bargaining agreement
36 that:

37 (i) Includes a union security provision authorized under
38 subsection (1) of this section, the employer must enforce the
39 agreement by deducting from the payments to bargaining unit members
40 the dues required for membership in the exclusive bargaining

1 representative, or, for nonmembers thereof, a fee equivalent to the
2 dues; or

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

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

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

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

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

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

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

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

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

1 (2)(a) Upon written authorization of an employee within the
2 bargaining unit and after the certification or recognition of the
3 bargaining unit's exclusive bargaining representative, the employer
4 must deduct from the payments to the employee the monthly amount of
5 dues as certified by the secretary of the exclusive bargaining
6 representative and must transmit the same to the treasurer of the
7 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 (3) All union security provisions shall safeguard the right of
21 nonassociation of employees based on bona fide religious tenets or
22 teachings of a church or religious body of which such employee is a
23 member. Such employee shall pay an amount of money equivalent to
24 regular dues and fees to a nonreligious charity or to another
25 charitable organization mutually agreed upon by the employee affected
26 and the bargaining representative to which such employee would
27 otherwise pay the dues and fees. The employee shall furnish written
28 proof that such payment has been made. If the employee and the
29 bargaining representative do not reach agreement on such matter, the
30 commission shall designate the charitable organization."

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By Committee on Labor & Commerce

NOT ADOPTED 02/28/2018

31 On page 1, line 1 of the title, after "fees;" strike the
32 remainder of the title and insert "and amending RCW 28B.52.045,
33 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and
34 47.64.160."

EFFECT: Conforms the marine employee collective bargaining statutes to the changes made in the bill.

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