

HB 2751 - S AMD 764  
By Senator O'Ban

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)) personally held religious beliefs shall pay  
16 ((to a nonreligious charity or other charitable organization)) an  
17 amount of money equivalent to the periodic dues and initiation fees  
18 uniformly required as a condition of acquiring or retaining  
19 membership in the exclusive bargaining representative to any  
20 employee-selected charity that is participating in the Washington  
21 state combined fund drive program authorized in RCW 41.04.0331. The  
22 charity shall be agreed upon by the employee and the employee  
23 organization to which such employee would otherwise pay the dues and  
24 fees. The employee shall furnish written proof that such payments  
25 have been made. If the employee and the employee organization do not  
26 reach agreement on such matter, the commission shall designate the  
27 charitable organization. A public employee may secure the right of  
28 nonassociation based upon religious beliefs at any time.

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

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

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

4 (a) Includes a union security provision authorized under RCW  
5 41.56.122, the employer must enforce the agreement by deducting from  
6 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 (b) Includes requirements for deductions of payments other than  
10 the deduction under (a) of this subsection, the employer must make  
11 such deductions upon written authorization of the employee.

12 **Sec. 3.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each  
13 amended to read as follows:

14 A collective bargaining agreement may:

15 (1) Contain union security provisions: PROVIDED, That nothing in  
16 this section shall authorize a closed shop provision: PROVIDED  
17 FURTHER, That agreements involving union security provisions must  
18 safeguard the right of nonassociation of public employees based on  
19 bona fide (~~religious tenets or teachings of a church or religious~~  
20 ~~body of which such public employee is a member~~) personally held  
21 religious beliefs. Such public employee shall pay an amount of money  
22 equivalent to regular union dues and initiation fee to ((~~a~~  
23 ~~nonreligious charity or to another charitable organization mutually~~  
24 ~~agreed upon by the public employee affected and the bargaining~~  
25 ~~representative to which such public employee would otherwise pay the~~  
26 ~~dues and initiation fee~~) any employee-selected charity that is  
27 participating in the Washington state combined fund drive program  
28 authorized in RCW 41.04.0331. The public employee shall furnish  
29 written proof that such payment has been made. ((~~If the public~~  
30 ~~employee and the bargaining representative do not reach agreement on~~  
31 ~~such matter, the commission shall designate the charitable~~  
32 ~~organization.~~) A public employee may secure the right of  
33 nonassociation based upon religious beliefs at any time. When there  
34 is a conflict between any collective bargaining agreement reached by  
35 a public employer and a bargaining representative on a union security  
36 provision and any charter, ordinance, rule, or regulation adopted by  
37 the public employer or its agents((~~τ~~)) including, but not limited to,  
38 a civil service commission, the terms of the collective bargaining  
39 agreement shall prevail((~~-~~));

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

4 **Sec. 4.** RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each  
5 amended to read as follows:

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

13 ~~(2) ((The exclusive bargaining representative shall have the~~  
14 ~~right to have deducted from the salary of employees, upon receipt of~~  
15 ~~an appropriate authorization form which shall not be irrevocable for~~  
16 ~~a period of more than one year, an amount equal to the fees and dues~~  
17 ~~required for membership. Such fees and dues shall be deducted monthly~~  
18 ~~from the pay of all appropriate employees by the employer and~~  
19 ~~transmitted as provided for by agreement between the employer and the~~  
20 ~~exclusive bargaining representative, unless an automatic payroll~~  
21 ~~deduction service is established pursuant to law, at which time such~~  
22 ~~fees and dues shall be transmitted as therein provided. If an agency~~  
23 ~~shop provision is agreed to and becomes effective pursuant to RCW~~  
24 ~~41.59.100, except as provided in that section, the agency fee equal~~  
25 ~~to the fees and dues required of membership in the exclusive~~  
26 ~~bargaining representative shall be deducted from the salary of~~  
27 ~~employees in the bargaining unit.))~~ (a) Upon written authorization of  
28 an 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 RCW  
38 41.59.100, the employer must enforce the agreement by deducting from  
39 the payments to bargaining unit members the dues required for

1 membership in the exclusive bargaining representative, or, for  
2 nonmembers thereof, a fee equivalent to the 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 **Sec. 5.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each  
7 amended to read as follows:

8 A collective bargaining agreement may include union security  
9 provisions including an agency shop, but not a union or closed shop.  
10 If an agency shop provision is agreed to, the employer shall enforce  
11 it by deducting from the salary payments to members of the bargaining  
12 unit the dues required of membership in the bargaining  
13 representative, or, for nonmembers thereof, a fee equivalent to such  
14 dues. All union security provisions must safeguard the right of  
15 nonassociation of employees based on bona fide ~~((religious tenets or~~  
16 ~~teachings of a church or religious body of which such employee is a~~  
17 ~~member))~~ personally held religious beliefs. Such employee shall pay  
18 an amount of money equivalent to regular dues and fees to ~~((a~~  
19 ~~nonreligious charity or to another charitable organization mutually~~  
20 ~~agreed upon by the employee affected and the bargaining~~  
21 ~~representative to which such employee would otherwise pay the dues~~  
22 ~~and fees))~~ any employee-selected charity that is participating in the  
23 Washington state combined fund drive program authorized in RCW  
24 41.04.0331. The employee shall furnish written proof that such  
25 payment has been made. ~~((If the employee and the bargaining~~  
26 ~~representative do not reach agreement on such matter, the commission~~  
27 ~~shall designate the charitable organization.))~~ An employee may secure  
28 the right of nonassociation based upon religious beliefs at any time.

29 **Sec. 6.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to  
30 read as follows:

31 ~~(1) ((Upon filing with the employer the voluntary written~~  
32 ~~authorization of a bargaining unit faculty member under this chapter,~~  
33 ~~the employee organization which is the exclusive bargaining~~  
34 ~~representative of the bargaining unit shall have the right to have~~  
35 ~~deducted from the salary of the bargaining unit faculty member the~~  
36 ~~periodic dues and initiation fees uniformly required as a condition~~  
37 ~~of acquiring or retaining membership in the exclusive bargaining~~  
38 ~~representative. Such employee authorization shall not be irrevocable~~

1 ~~for a period of more than one year. Such dues and fees shall be~~  
2 ~~deducted from the pay of all faculty members who have given~~  
3 ~~authorization for such deduction, and shall be transmitted by the~~  
4 ~~employer to the employee organization or to the depository designated~~  
5 ~~by the employee organization.~~

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

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

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

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

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

31 ~~(2) A faculty member who is covered by a union security provision~~  
32 ~~and who asserts a right of nonassociation based on bona fide~~  
33 ~~((religious tenets or teachings of a church or religious body of~~  
34 ~~which such faculty member is a member)) personally held religious~~  
35 ~~beliefs shall pay ((to a nonreligious charity or other charitable~~  
36 ~~organization an amount of money equivalent to)) the periodic dues and~~  
37 ~~initiation fees uniformly required as a condition of acquiring or~~  
38 ~~retaining membership in the exclusive bargaining representative((-~~  
39 ~~The charity shall be agreed upon by the faculty member and the~~  
40 ~~employee organization to which such faculty member would otherwise~~

1 ~~pay the dues and fees))~~ to any employee-selected charity that is  
2 participating in the Washington state combined fund drive program  
3 authorized in RCW 41.04.0331. The faculty member shall furnish  
4 written proof that such payments have been made. ~~((If the faculty~~  
5 ~~member and the employee organization do not reach agreement on such~~  
6 ~~matter, the dispute shall be submitted to the commission for~~  
7 ~~determination.))~~ A faculty member may secure the right of  
8 nonassociation based upon religious beliefs at any time.

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

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

25 (2) An employee who is covered by a union security provision and  
26 who asserts a right of nonassociation based on bona fide ~~((religious~~  
27 ~~tenets, or teachings of a church or religious body of which the~~  
28 ~~employee is a member,))~~ personally held religious beliefs shall, as a  
29 condition of employment, ~~((make payments to the employee~~  
30 ~~organization, for purposes within the program of the employee~~  
31 ~~organization as designated by the employee that would be in harmony~~  
32 ~~with his or her individual conscience. The amount of the payments~~  
33 ~~shall be equal to the periodic dues and fees uniformly required as a~~  
34 ~~condition of acquiring or retaining membership in the employee~~  
35 ~~organization minus any included monthly premiums for insurance~~  
36 ~~programs sponsored by the employee organization))~~ pay an amount of  
37 money equivalent to regular dues and fees 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. The employee  
2 shall not be a member of the employee organization but is entitled to  
3 all the representation rights of a member of the employee  
4 organization. An employee may secure the right of nonassociation  
5 based upon religious beliefs at any time.

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

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

26 (i) Includes a union security provision authorized under  
27 subsection (1) of this section, the employer must enforce the  
28 agreement by deducting from the payments to bargaining unit members  
29 the dues required for membership in the exclusive bargaining  
30 representative, or, for nonmembers thereof, a fee equivalent to the  
31 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 (4) Employee organizations that before July 1, 2004, were  
36 entitled to the benefits of this section shall continue to be  
37 entitled to these benefits.

38 **Sec. 8.** RCW 49.39.080 and 2010 c 6 s 9 are each amended to read  
39 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       **Sec. 9.** RCW 49.39.090 and 2010 c 6 s 10 are each amended to read  
21 as follows:

22       A collective bargaining agreement may:

23       (1) Contain union security provisions. However, nothing in this  
24 section authorizes a closed shop provision. Agreements involving  
25 union security provisions must safeguard the right of nonassociation  
26 of employees based on bona fide (~~religious tenets or teachings of a~~  
27 ~~church or religious body of which the symphony musician is a member~~)  
28 personally held religious beliefs. The symphony musician must pay an  
29 amount of money equivalent to regular union dues and initiation fee  
30 to (~~a nonreligious charity or to another charitable organization~~  
31 ~~mutually agreed upon by the symphony musician affected and the~~  
32 ~~bargaining representative to which the symphony musician would~~  
33 ~~otherwise pay the dues and initiation fee~~) any employee-selected  
34 charity that is participating in the Washington state combined fund  
35 drive program authorized in RCW 41.04.0331. The symphony musician  
36 must furnish written proof that the payment has been made. (~~If the~~  
37 ~~symphony musician and the bargaining representative do not reach~~  
38 ~~agreement on this matter, the commission must designate the~~  
39 ~~charitable organization;~~) A symphony musician may revoke

1 authorization for the deduction of dues and fees and secure the right  
2 of nonassociation based upon religious beliefs at any time;

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

**HB 2751 - S AMD 764**  
By Senator O'Ban

**NOT ADOPTED 02/28/2018**

6 On page 1, line 1 of the title, after "fees;" strike the  
7 remainder of the title and insert "and amending RCW 28B.52.045,  
8 41.56.110, 41.56.122, 41.59.060, 41.59.100, 41.76.045, 41.80.100,  
9 49.39.080, and 49.39.090."

EFFECT: Modifies the standard for religious nonassociation with regard to union membership by authorizing employees asserting religious nonassociation to make payments to any charitable organization participating in the Washington State Combined Fund Drive.

--- END ---