

HB 2751 - S AMD TO LBRC COMM AMD (S-5321.1/18) 763  
By Senator O'Ban

OUT OF ORDER 02/28/2018

1 Beginning on page 2, line 13 of the amendment, after "bona fide"  
2 strike all material through "organization." on page 8, line 30 and  
3 insert "~~((religious tenets or teachings of a church or religious body~~  
4 ~~of which such employee 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 to  
9 any employee-selected charity that is participating in the Washington  
10 state combined fund drive program authorized in RCW 41.04.0331. The  
11 charity shall be agreed upon by the employee and the employee  
12 organization to which such employee would otherwise pay the dues and  
13 fees. The employee shall furnish written proof that such payments  
14 have been made. If the employee and the employee organization do not  
15 reach agreement on such matter, the commission shall designate the  
16 charitable organization. A public employee may secure the right of  
17 nonassociation based upon religious beliefs at any time.

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

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

28 (2) If the employer and the exclusive bargaining representative  
29 of a bargaining unit enter into a collective bargaining agreement  
30 that:

31 (a) Includes a union security provision authorized under RCW  
32 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 41.56.122 and 1975 1st ex.s. c 296 s 22 are each  
8 amended to read as follows:

9 A collective bargaining agreement may:

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

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

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

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

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

31       (b) If the employer and the exclusive bargaining representative  
32 of a bargaining unit enter into a collective bargaining agreement  
33 that:

34       (i) Includes a union security provision authorized under RCW  
35 41.59.100, the employer must enforce the agreement by deducting from  
36 the payments to bargaining unit members the dues required for  
37 membership in the exclusive bargaining representative, or, for  
38 nonmembers thereof, a fee equivalent to the dues; or

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

4 **Sec. 5.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each  
5 amended to read as follows:

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

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

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

1 authorization for such deduction, and shall be transmitted by the  
2 employer to the employee organization or to the depository designated  
3 by the employee organization.

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

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

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

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

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

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

1 authorized in RCW 41.04.0331. The faculty member shall furnish  
2 written proof that such payments have been made. (~~If the faculty~~  
3 ~~member and the employee organization do not reach agreement on such~~  
4 ~~matter, the dispute shall be submitted to the commission for~~  
5 ~~determination.)) A faculty member may secure the right of  
6 nonassociation based upon religious beliefs at any time.~~

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

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

23 (2) An employee who is covered by a union security provision and  
24 who asserts a right of nonassociation based on bona fide (~~religious~~  
25 ~~tenets, or teachings of a church or religious body of which the~~  
26 ~~employee is a member,)) personally held religious beliefs shall, as a  
27 condition of employment, ((make payments to the employee  
28 organization, for purposes within the program of the employee  
29 organization as designated by the employee that would be in harmony  
30 with his or her individual conscience. The amount of the payments  
31 shall be equal to the periodic dues and fees uniformly required as a  
32 condition of acquiring or retaining membership in the employee  
33 organization minus any included monthly premiums for insurance  
34 programs sponsored by the employee organization)) pay an amount of  
35 money equivalent to regular dues and fees to any employee-selected  
36 charity that is participating in the Washington state combined fund  
37 drive program authorized in RCW 41.04.0331. The employee shall  
38 furnish written proof that such payment has been made. The employee  
39 shall not be a member of the employee organization but is entitled to~~

1 all the representation rights of a member of the employee  
2 organization. An employee may secure the right of nonassociation  
3 based upon religious beliefs at any time.

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

38 (1) Upon the written authorization of ((any symphony musician))  
39 an employee within the bargaining unit and after the certification or

1 recognition of the bargaining unit's exclusive bargaining  
2 representative, the employer must deduct from the ((pay of the  
3 symphony musician)) payments to the employee the monthly amount of  
4 dues as certified by the secretary of the exclusive bargaining  
5 representative and must transmit the ((dues)) same to the treasurer  
6 of the exclusive bargaining representative.

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

10 (a) Includes a union security provision authorized under RCW  
11 49.39.090, the employer must enforce the agreement by deducting from  
12 the payments to bargaining unit members the dues required for  
13 membership in the exclusive bargaining representative, or, for  
14 nonmembers thereof, a fee equivalent to the dues; or

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

18 **Sec. 9.** RCW 49.39.090 and 2010 c 6 s 10 are each amended to read  
19 as follows:

20 A collective bargaining agreement may:

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



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."

**HB 2751** - S AMD TO LBRC COMM AMD (S-5321.1/18) **763**

By Senator O'Ban

**OUT OF ORDER 02/28/2018**

4 On page 8, line 33 of the title amendment, after "41.56.110,"  
5 strike the remainder of the title amendment and insert "41.56.122,  
6 41.59.060, 41.59.100, 41.76.045, 41.80.100, 49.39.080, and  
7 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 ---