

SSB 6296 - S AMD 398

By Senator Baumgartner

1 On page 9, after line 3, insert the following:

2 "NEW SECTION. **Sec. 8.** A new section is added to chapter 41.58
3 RCW to read as follows:

4 (1) No exclusive bargaining representative may receive dues or
5 fees unless the exclusive bargaining representative submits a report
6 to the commission containing the following:

7 (a) The name of the employee organization, its mailing address,
8 and any other address at which it maintains its principal office or
9 at which it keeps records;

10 (b) The name and title of each of its officers; and

11 (c) Detailed statements regarding the provisions made and
12 procedures followed with respect to each of the following:

13 (i) Qualifications for, or restrictions on, membership;

14 (ii) Levying of assessments;

15 (iii) Participating in insurance or other benefit plans;

16 (iv) Authorization for disbursement of funds of the employee
17 organization;

18 (v) Audit of financial transactions of the employee organization;

19 (vi) The calling of regular and special meetings;

20 (vii) The selection of officers and agents;

21 (viii) Discipline or removal of officers or agents;

22 (ix) Fines, suspensions, and expulsions of members, including the
23 grounds for such actions and any provision made for notice, hearing,
24 judgment, and appeal;

25 (x) Authorization for bargaining demands; and

26 (xi) Ratification of contract terms.

27 (2) Any change in the information required by subsection (1) of
28 this section must be reported to the commission at the time the
29 employee organization files with the commission the annual financial
30 report required in subsection (3) of this section.

31 (3) No exclusive bargaining representative representing one
32 hundred or more employees may collect dues for fees unless it

1 annually files with the commission a financial report signed by its
2 president or treasurer or corresponding principal officers containing
3 the following information in such detail as may be necessary to
4 accurately disclose its financial condition and operations for its
5 preceding fiscal year:

6 (a) Assets and liabilities at the beginning and end of the fiscal
7 year;

8 (b) Receipts of any kind and the sources thereof;

9 (c) Salary, allowances, and other direct or indirect
10 disbursements including reimbursed expenses, to each officer and also
11 to each employee who, during such fiscal year, received more than ten
12 thousand dollars in the aggregate from such labor organization and
13 any other labor organization affiliated with it or with which it is
14 affiliated, or which is affiliated with the same national or
15 international labor organization;

16 (d) Direct and indirect loans made to any officer, employee, or
17 member, which aggregated more than two hundred fifty dollars during
18 the fiscal year, together with a statement of the purpose, security,
19 if any, and arrangements for repayment;

20 (e) Direct and indirect loans to any business enterprise,
21 together with a statement of the purpose, security, if any, and
22 arrangements for repayment; and

23 (f) Other disbursements made by it including the purposes
24 thereof, all in such categories as the commission may prescribe.

25 (4) The commission may adopt rules to ensure that the reports
26 required under subsections (1) and (3) of this section are consistent
27 with the reporting requirements established by the labor management
28 reporting and disclosure act of 1959 and the regulations adopted
29 under that act.

30 (5) The employee organization must make copies of reports or
31 other documents filed under subsections (1) and (3) of this section
32 available to every employee in the bargaining unit, and must annually
33 notify every employee in the bargaining unit that the reports are
34 available on the web site maintained by the commission.

35 (6) The commission shall preserve the statements or reports filed
36 under subsections (1) and (3) of this section for a minimum of ten
37 years. The contents of the reports and documents filed with the
38 commission under subsections (1) and (3) of this section are public
39 information and must be made available to the public in the following
40 manner: By ninety days after the effective date of this section, the

1 commission must operate a web site or contract for the operation of a
2 web site that allows public access to reports, copies of reports, or
3 copies of data and information submitted in reports, filed with the
4 commission under subsections (1) and (3) of this section.

5 (7) The commission may determine whether a violation of this
6 section has occurred. The commission may issue and enforce an order
7 subject to the following:

8 (a) If the commission finds that an employee organization has
9 violated this section by failing or refusing to prepare the reports
10 as required in subsections (1) and (3) of this section or by
11 preparing an incomplete or inaccurate report, the commission must
12 issue an order compelling compliance and assess a fifty dollar fine
13 for each day each report is overdue; and

14 (b) The commission may make determinations and issue and enforce
15 orders at its own discretion or as a response to a petition filed by
16 the employer, any employee in the bargaining unit, or any member of
17 the general public. The commission may refer matters of compliance to
18 the state attorney general or other enforcement agency.

19 (8) Any person who willfully violates this section must be fined
20 an amount not exceeding ten thousand dollars.

21 (9) Any person who knowingly makes a false statement or
22 representation of a material fact or who knowingly fails to disclose
23 a material fact, in any document, report, or other information
24 required under this section must be fined an amount not exceeding ten
25 thousand dollars.

26 (10) Any person who willfully makes a false entry in or willfully
27 conceals, withholds, or destroys any books, records, reports, or
28 statements required to be kept by this section must be fined not more
29 than ten thousand dollars.

30 (11) Each individual required to sign reports under subsections
31 (1) and (3) of this section is personally responsible for the filing
32 of those reports and for any false statement that the individual
33 knows is false contained in the reports.

34 (12) An employee organization may satisfy the reporting
35 requirements under subsections (1) and (3) of this section by filing
36 with the commission copies of the reports required to be filed with
37 the United States department of labor under the labor management
38 reporting and disclosure act."

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1 On page 1, line 2 of the title, after "fees;" strike the
2 remainder of the title and insert "amending RCW 28B.52.045,
3 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160;
4 adding a new section to chapter 41.58 RCW; and prescribing
5 penalties."

EFFECT: Prohibits an exclusive bargaining representative from collecting dues or fees unless it files a report containing contact and procedural information to the Public Employment Relations Commission (PERC). Prohibits exclusive bargaining representatives representing one hundred or more employees from collecting dues or fees unless they file an annual financial report with PERC.

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