

SENATE BILL REPORT

SB 6296

As Reported by Senate Committee On:
Labor & Commerce, January 29, 2018

Title: An act relating to the deduction of union dues and fees.

Brief Description: Concerning the deduction of union dues and fees. [**Revised for 1st Substitute:** Concerning an employee's written authorization for the deduction of union dues and fees.]

Sponsors: Senators Saldaña, Keiser, Kuderer, Hasegawa, Chase and Conway.

Brief History:

Committee Activity: Labor & Commerce: 1/22/18, 1/29/18 [DPS-WM, DNP].

Brief Summary of First Substitute Bill

- Provides that, if a union security provision exists in a collective bargaining agreement, written authorization from the employee is not required in order for the employer to enforce the union security agreement by deducting the required dues or fees from the employees' pay and transmitting them directly to the union.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 6296 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Hasegawa, Vice Chair; Conway, Kuderer and Saldaña.

Minority Report: Do not pass.

Signed by Senators Braun, King and Wilson.

Staff: Jarrett Sacks (786-7448)

Background: Union Security Clauses. State law permits, under certain conditions, public sector collective bargaining agreements to contain union security provisions. A union security provision requires employees to maintain union membership or pay union dues or fees as a condition of continued employment. One type of union security provision is an

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agency shop agreement, where the employer may hire union or non-union employees, and the employees do not need to join the union. However, non-union employees must pay a fee to cover representation-related costs. This fee is known as an agency shop fee or agency fee.

Dues Checkoff. A collective bargaining agreement that contains union security provisions may also contain a dues checkoff agreement, where the employer agrees to collect dues and fees from members of the collective bargaining units' pay and transmit the money directly to the union. Under most state collective bargaining laws, written authorization from the employee is required in order for union dues and fees to be withheld from their pay. However, for independent providers who collectively bargain under the Public Employees' Collective Bargaining Act, written authorization is not required if the collective bargaining agreement contains a union security provision.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Under state collective bargaining laws, if a collective bargaining agreement contains an authorized union security provision, the employer must enforce the agreement by deducting the dues required for membership in the exclusive bargaining representative, or the equivalent fee for nonmembers, from the employee's pay and transmitting that money to the exclusive bargaining representative. If the collective bargaining agreement requires deductions that are not subject to the union security provision, written authorization from the employee is required before the employer may make the deduction from the employee's pay. If a collective bargaining does not contain a union security provision, written authorization from the employee is required before the employer may deduct union dues from the employee's pay.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute: PRO: The bill aligns the rest of the collective bargaining statutes with that of the individual providers. Rather than an opt-in, it makes an opt-out. The bill provides financial certainty to unions and creates consistency in the way dues are deducted so workers have immediate access to their rights. Employees who do not want to join the union can opt-out upfront.

CON: The bill copies a practice used with individual providers that deducts union dues without their consent, which is immoral, unconstitutional, and takes advantage of vulnerable populations. This is the only instance in society where this would happen. Private companies are fined large amounts of money for doing things without consumer's consent. The bill hurts the first amendment rights of state workers and is an end-around to a future Supreme Court decision.

Persons Testifying: PRO: Senator Rebecca Saldaña, Prime Sponsor; Joe Kendo, Washington State Labor Council, AFL-CIO; Brenda Wiest, Teamsters Local 117.

CON: Maxford Nelsen, Freedom Foundation; Miranda Thorpe, citizen; Jim Johnson, citizen.

Persons Signed In To Testify But Not Testifying: No one.