**1575-S AMS SHOR S3361.1 - NOT FOR FLOOR USE**

**SHB 1575** - S AMD TO LBRC COMM AMD (S-3309.1/19) **549**

By Senator Short

**NOT ADOPTED 04/11/2019**

Beginning on page 4, line 14, strike all of section 5 and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 28B.52 RCW to read as follows:

(1)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(b) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(2)(a) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(b) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation."

Beginning on page 7, line 5, strike all of sections 9 and 10 and insert the following:

"**Sec.**  RCW 41.56.110 and 2018 c 247 s 2 are each amended to read as follows:

(1) Upon the ((~~written~~)) authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer shall deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(b) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(3)(a) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(b) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

(4) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that((~~:~~

~~(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

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

**Sec.**  RCW 41.56.113 and 2018 c 278 s 29 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Upon the ((~~written~~)) authorization of an individual provider who contracts with the department of social and health services, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider who contracts with the department of social and health services, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(b)(i) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(ii) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(iii) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(iv) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(v) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

(vi) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers who contract with the department of social and health services, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that((~~:~~

~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (b)(i) of this subsection~~)), the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions upon ((~~written~~)) authorization of the individual provider, family child care provider, adult family home provider, or language access provider.

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

((~~(d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.~~))

(2) This subsection (2) applies only if the state does not make the payments directly to a language access provider. ((~~(a)~~)) Upon the ((~~written~~)) authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

((~~(i)~~)) (a) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

((~~(ii)~~)) (b) A record showing that dues have been deducted as specified in (a)((~~(i)~~)) of this subsection be provided to the state.

((~~(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state.~~))

(3) This subsection (3) applies only to individual providers who contract with the department of social and health services. ((~~If the governor and the exclusive bargaining representative of a bargaining unit of individual providers enter into a collective bargaining agreement that meets the requirements in subsection (1)(b)(i) or (ii) of this section, and the state as payor, but not as the employer, contracts with a third-party entity to perform its obligations as set forth in those subsections, and that third-party contracts with the exclusive bargaining representative to perform voluntary deductions for individual providers, the exclusive bargaining representative may direct the third-party to make the deductions required by the collective bargaining agreement, at the expense of the exclusive bargaining representative, so long as such deductions by the exclusive bargaining representative do not conflict with any federal or state law.~~)) The exclusive bargaining representative of individual providers may designate a third-party entity to act as the individual provider's agent in receiving payments from the state to the individual provider, so long as the individual provider has entered into an agency agreement with a third-party entity for the purposes of deducting and remitting voluntary payments to the exclusive bargaining representative. A third-party entity that receives such payments is responsible for making and remitting deductions authorized by the individual provider. The costs of such deductions must be paid by the exclusive bargaining representative."

Beginning on page 12, line 22, strike all of section 12 and insert the following:

"**Sec.**  RCW 41.59.060 and 2018 c 247 s 3 are each amended to read as follows:

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

(2)(a) Upon ((~~written~~)) authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(c) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(d) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(e) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(f) After the employer receives confirmation from the exclusive bargaining representative that the employee has revoked authorization for deductions, the employer shall end the deduction effective on the first payroll after receipt of the confirmation.

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

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

~~(ii)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (b)(i) of this subsection~~)), the employer must make such deductions upon ((~~written~~)) authorization of the employee."

Beginning on page 15, line 31, strike all of section 14 and insert the following:

"**Sec.**  RCW 41.76.045 and 2018 c 247 s 4 are each amended to read as follows:

(1)(a) ((~~A collective bargaining agreement may include union security provisions, but not a closed shop.~~

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

((~~(c)~~)) (b) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(c) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(d) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(e) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(f) After the employer receives an employee's deduction authorization, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

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

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

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

((~~(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.~~))"

Beginning on page 19, line 5, strike all of section 18 and insert the following:

"**Sec.**  RCW 41.80.100 and 2018 c 247 s 5 are each amended to read as follows:

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

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

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

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

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

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

((~~(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.~~)) (b) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(c) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(d) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(e) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(f) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

(g) The employer shall rely on information provided by the exclusive bargaining representative regarding the authorization and revocation of deductions."

Beginning on page 23, line 5, strike all of section 20 and insert the following:

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

(1) A collective bargaining agreement may include ((~~union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to,~~)) a provision for members of the bargaining unit to authorize the deduction of membership dues from their salary, and the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership ((~~in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization~~)). An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(2)(a) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(b) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(c) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(d) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation."

Beginning on page 24, line 25, strike all of section 22 and insert the following:

"**Sec.**  RCW 49.39.080 and 2018 c 247 s 6 are each amended to read as follows:

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

(2)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(b) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(d) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(e) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

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

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

~~(b)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (a) of this subsection~~)), the employer must make such deductions upon ((~~written~~)) authorization of the employee."

EFFECT: Requires dues deduction authorizations and revocations to be made to the employer rather than the exclusive bargaining representative.