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**HOUSE BILL 1845**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representative Stokesbary

AN ACT Relating to deduction of union dues or representation fees for public employees; and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 47.64.160.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 28B.52.045 and 2018 c 247 s 1 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) 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 payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(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 such employee 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 employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization~~)) provisions permitting employers to deduct union dues or representation fees from employees that directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, must be filled out by the employee no less frequently than biannually, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until the earlier of the end of the current collective bargaining agreement or two years, and may be revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer utilizes a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is similarly prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

**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) 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 payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee~~)) may include provisions permitting employers to deduct union dues or representation fees from employees that directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, must be filled out by the employee no less frequently than biannually, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until the earlier of the end of the current collective bargaining agreement or two years, and may be revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer utilizes a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is similarly prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

**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) 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 payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee~~)) may include provisions permitting employers to deduct union dues or representation fees from employees that directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, must be filled out by the employee no less frequently than biannually, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until the earlier of the end of the current collective bargaining agreement or two years, and may be revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer utilizes a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is similarly prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

**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) 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 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~~)) provisions permitting employers to deduct union dues or representation fees from employees that directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, must be filled out by the employee no less frequently than biannually, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until the earlier of the end of the current collective bargaining agreement or two years, and may be revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer utilizes a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is similarly prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

**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) 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 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~~)) include provisions permitting employers to deduct union dues or representation fees from employees that directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, must be filled out by the employee no less frequently than biannually, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until the earlier of the end of the current collective bargaining agreement or two years, and may be revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer utilizes a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is similarly prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

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

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, 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~~)) provisions permitting employers to deduct union dues or representation fees from employees that directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, must be filled out by the employee no less frequently than biannually, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until the earlier of the end of the current collective bargaining agreement or two years, and may be revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer utilizes a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is similarly prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

**--- END ---**