

HB 2751 - S AMD 791
By Senator Braun

NOT ADOPTED 02/28/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to
4 read as follows:

5 ~~(1) ((Upon filing with the employer the voluntary written~~
6 ~~authorization of a bargaining unit employee under this chapter, the~~
7 ~~employee organization which is the exclusive bargaining~~
8 ~~representative of the bargaining unit shall have the right to have~~
9 ~~deducted from the salary of the bargaining unit employee the periodic~~
10 ~~dues and initiation fees uniformly required as a condition of~~
11 ~~acquiring or retaining membership in the exclusive bargaining~~
12 ~~representative. Such employee authorization shall not be irrevocable~~
13 ~~for a period of more than one year. Such dues and fees shall be~~
14 ~~deducted from the pay of all employees who have given authorization~~
15 ~~for such deduction, and shall be transmitted by the employer to the~~
16 ~~employee organization or to the depository designated by the employee~~
17 ~~organization.~~

18 ~~(2)) (a) A collective bargaining agreement may include union~~
19 ~~security provisions, but not a closed shop. ((If an agency shop or~~
20 ~~other union security provision is agreed to, the employer shall~~
21 ~~enforce any such provision by deductions from the salary of~~
22 ~~bargaining unit employees affected thereby and shall transmit such~~
23 ~~funds to the employee organization or to the depository designated by~~
24 ~~the employee organization.~~

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

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

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

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

12 (2) An employee who is covered by a union security provision and
13 who asserts a right of nonassociation based on bona fide religious
14 tenets or teachings of a church or religious body of which such
15 employee is a member shall pay to a nonreligious charity or other
16 charitable organization an amount of money equivalent to the periodic
17 dues and initiation fees uniformly required as a condition of
18 acquiring or retaining membership in the exclusive bargaining
19 representative. The charity shall be agreed upon by the employee and
20 the employee organization to which such employee would otherwise pay
21 the dues and fees. The employee shall furnish written proof that such
22 payments have been made. If the employee and the employee
23 organization do not reach agreement on such matter, the commission
24 shall designate the charitable organization.

25 (3)(a) No due or fee received by an exclusive bargaining
26 representative pursuant to this section may be used to fund any
27 political committee or candidate, or to influence any ballot
28 proposition, as defined under RCW 42.17A.005.

29 (b) Any employee whose dues or fees paid to an exclusive
30 bargaining representative are used in a way that violates (a) of this
31 subsection may file a cause of action in superior court. The superior
32 court may award the employee damages up to triple the amount of the
33 dues or fees paid by the employee to the exclusive bargaining
34 representative and reasonable attorneys' fees and costs.

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

37 (1) Upon the written authorization of ((any public)) an employee
38 within the bargaining unit and after the certification or recognition
39 of ((such)) the bargaining unit's exclusive bargaining

1 representative, the (~~public~~) employer shall deduct from the (~~pay~~
2 ~~of such public~~) payments to the employee the monthly amount of dues
3 as certified by the secretary of the exclusive bargaining
4 representative and shall transmit the same to the treasurer of the
5 exclusive bargaining representative.

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

9 (a) Includes a union security provision authorized under RCW
10 41.56.122, the employer must enforce the agreement by deducting from
11 the payments to bargaining unit members the dues required for
12 membership in the exclusive bargaining representative, or, for
13 nonmembers thereof, a fee equivalent to the dues; or

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

17 (3)(a) No due or fee received by an exclusive bargaining
18 representative pursuant to this section may be used to fund any
19 political committee or candidate, or to influence any ballot
20 proposition, as defined under RCW 42.17A.005.

21 (b) Any employee whose dues or fees paid to an exclusive
22 bargaining representative are used in a way that violates (a) of this
23 subsection may file a cause of action in superior court. The superior
24 court may award the employee damages up to triple the amount of the
25 dues or fees paid by the employee to the exclusive bargaining
26 representative and reasonable attorneys' fees and costs.

27 **Sec. 3.** RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each
28 amended to read as follows:

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

36 ~~(2) ((The exclusive bargaining representative shall have the~~
37 ~~right to have deducted from the salary of employees, upon receipt of~~
38 ~~an appropriate authorization form which shall not be irrevocable for~~
39 ~~a period of more than one year, an amount equal to the fees and dues~~

1 ~~required for membership. Such fees and dues shall be deducted monthly~~
2 ~~from the pay of all appropriate employees by the employer and~~
3 ~~transmitted as provided for by agreement between the employer and the~~
4 ~~exclusive bargaining representative, unless an automatic payroll~~
5 ~~deduction service is established pursuant to law, at which time such~~
6 ~~fees and dues shall be transmitted as therein provided. If an agency~~
7 ~~shop provision is agreed to and becomes effective pursuant to RCW~~
8 ~~41.59.100, except as provided in that section, the agency fee equal~~
9 ~~to the fees and dues required of membership in the exclusive~~
10 ~~bargaining representative shall be deducted from the salary of~~
11 ~~employees in the bargaining unit.))~~ (a) Upon written authorization of
12 an employee within the bargaining unit and after the certification or
13 recognition of the bargaining unit's exclusive bargaining
14 representative, the employer must deduct from the payments to the
15 employee the monthly amount of dues as certified by the secretary of
16 the exclusive bargaining representative and must transmit the same to
17 the treasurer of the exclusive bargaining representative.

18 (b) 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 RCW
22 41.59.100, the employer must enforce the agreement by deducting from
23 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 (b)(i) of this subsection, the employer must make
28 such deductions upon written authorization of the employee.

29 (3)(a) No due or fee received by an exclusive bargaining
30 representative pursuant to this section may be used to fund any
31 political committee or candidate, or to influence any ballot
32 proposition, as defined under RCW 42.17A.005.

33 (b) Any employee whose dues or fees paid to an exclusive
34 bargaining representative are used in a way that violates (a) of this
35 subsection may file a cause of action in superior court. The superior
36 court may award the employee damages up to triple the amount of the
37 dues or fees paid by the employee to the exclusive bargaining
38 representative and reasonable attorneys' fees and costs.

1 **Sec. 4.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to
2 read as follows:

3 ~~(1) ((Upon filing with the employer the voluntary written~~
4 ~~authorization of a bargaining unit faculty member under this chapter,~~
5 ~~the employee organization which is the exclusive bargaining~~
6 ~~representative of the bargaining unit shall have the right to have~~
7 ~~deducted from the salary of the bargaining unit faculty member the~~
8 ~~periodic dues and initiation fees uniformly required as a condition~~
9 ~~of acquiring or retaining membership in the exclusive bargaining~~
10 ~~representative. Such employee authorization shall not be irrevocable~~
11 ~~for a period of more than one year. Such dues and fees shall be~~
12 ~~deducted from the pay of all faculty members who have given~~
13 ~~authorization for such deduction, and shall be transmitted by the~~
14 ~~employer to the employee organization or to the depository designated~~
15 ~~by the employee organization.~~

16 ~~(2)) (a) A collective bargaining agreement may include union~~
17 ~~security provisions, but not a closed shop. ((If an agency shop or~~
18 ~~other union security provision is agreed to, the employer shall~~
19 ~~enforce any such provision by deductions from the salary of~~
20 ~~bargaining unit faculty members affected thereby and shall transmit~~
21 ~~such funds to the employee organization or to the depository~~
22 ~~designated by the employee organization.~~

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

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

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

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

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

15 (3)(a) No due or fee received by an exclusive bargaining
16 representative pursuant to this section may be used to fund any
17 political committee or candidate, or to influence any ballot
18 proposition, as defined under RCW 42.17A.005.

19 (b) Any employee whose dues or fees paid to an exclusive
20 bargaining representative are used in a way that violates (a) of this
21 subsection may file a cause of action in superior court. The superior
22 court may award the employee damages up to triple the amount of the
23 dues or fees paid by the employee to the exclusive bargaining
24 representative and reasonable attorneys' fees and costs.

25 **Sec. 5.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to
26 read as follows:

27 (1) A collective bargaining agreement may contain a union
28 security provision requiring as a condition of employment the
29 payment, no later than the thirtieth day following the beginning of
30 employment or July 1, 2004, whichever is later, of an agency shop fee
31 to the employee organization that is the exclusive bargaining
32 representative for the bargaining unit in which the employee is
33 employed. The amount of the fee shall be equal to the amount required
34 to become a member in good standing of the employee organization.
35 Each employee organization shall establish a procedure by which any
36 employee so requesting may pay a representation fee no greater than
37 the part of the membership fee that represents a pro rata share of
38 expenditures for purposes germane to the collective bargaining

1 process, to contract administration, or to pursuing matters affecting
2 wages, hours, and other conditions of employment.

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

17 ~~(3) ((Upon filing with the employer the written authorization of~~
18 ~~a bargaining unit employee under this chapter, the employee~~
19 ~~organization that is the exclusive bargaining representative of the~~
20 ~~bargaining unit shall have the exclusive right to have deducted from~~
21 ~~the salary of the employee an amount equal to the fees and dues~~
22 ~~uniformly required as a condition of acquiring or retaining~~
23 ~~membership in the employee organization. The fees and dues shall be~~
24 ~~deducted each pay period from the pay of all employees who have given~~
25 ~~authorization for the deduction and shall be transmitted by the~~
26 ~~employer as provided for by agreement between the employer and the~~
27 ~~employee organization.))~~ (a) Upon written authorization of an
28 employee within the bargaining unit and after the certification or
29 recognition of the bargaining unit's exclusive bargaining
30 representative, the employer must deduct from the payments to the
31 employee the monthly amount of dues as certified by the secretary of
32 the exclusive bargaining representative and must transmit the same to
33 the treasurer of the exclusive bargaining representative.

34 (b) If the employer and the exclusive bargaining representative
35 of a bargaining unit enter into a collective bargaining agreement
36 that:

37 (i) Includes a union security provision authorized under
38 subsection (1) of this section, the employer must enforce the
39 agreement by deducting from the payments to bargaining unit members
40 the dues required for membership in the exclusive bargaining

1 representative, or, for nonmembers thereof, a fee equivalent to the
2 dues; or

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

6 (4) Employee organizations that before July 1, 2004, were
7 entitled to the benefits of this section shall continue to be
8 entitled to these benefits.

9 (5)(a) No due or fee received by an exclusive bargaining
10 representative pursuant to this section may be used to fund any
11 political committee or candidate, or to influence any ballot
12 proposition, as defined under RCW 42.17A.005.

13 (b) Any employee whose dues or fees paid to an exclusive
14 bargaining representative are used in a way that violates (a) of this
15 subsection may file a cause of action in superior court. The superior
16 court may award the employee damages up to triple the amount of the
17 dues or fees paid by the employee to the exclusive bargaining
18 representative and reasonable attorneys' fees and costs.

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

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

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

32 (a) Includes a union security provision authorized under RCW
33 49.39.090, the employer must enforce the agreement by deducting from
34 the payments to bargaining unit members the dues required for
35 membership in the exclusive bargaining representative, or, for
36 nonmembers thereof, a fee equivalent to the dues; or

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

1 (3)(a) No due or fee received by an exclusive bargaining
2 representative pursuant to this section may be used to fund any
3 political committee or candidate, or to influence any ballot
4 proposition, as defined under RCW 42.17A.005.

5 (b) Any employee whose dues or fees paid to an exclusive
6 bargaining representative are used in a way that violates (a) of this
7 subsection may file a cause of action in superior court. The superior
8 court may award the employee damages up to triple the amount of the
9 dues or fees paid by the employee to the exclusive bargaining
10 representative and reasonable attorneys' fees and costs.

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

13 (1) A collective bargaining agreement may include union security
14 provisions including an agency shop, but not a union or closed shop.
15 ((If an agency shop provision is agreed to, the employer shall
16 enforce it by deducting from the salary payments to members of the
17 bargaining unit the dues required of membership in the bargaining
18 representative, or, for nonmembers thereof, a fee equivalent to such
19 dues.))

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

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

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

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

1 (3) All union security provisions shall safeguard the right of
2 nonassociation of employees based on bona fide religious tenets or
3 teachings of a church or religious body of which such employee is a
4 member. Such employee shall pay an amount of money equivalent to
5 regular dues and fees to a nonreligious charity or to another
6 charitable organization mutually agreed upon by the employee affected
7 and the bargaining representative to which such employee would
8 otherwise pay the dues and fees. The employee shall furnish written
9 proof that such payment has been made. If the employee and the
10 bargaining representative do not reach agreement on such matter, the
11 commission shall designate the charitable organization.

12 (4)(a) No due or fee received by an exclusive bargaining
13 representative pursuant to this section may be used to fund any
14 political committee or candidate, or to influence any ballot
15 proposition, as defined under RCW 42.17A.005.

16 (b) Any employee whose dues or fees paid to an exclusive
17 bargaining representative are used in a way that violates (a) of this
18 subsection may file a cause of action in superior court. The superior
19 court may award the employee damages up to triple the amount of the
20 dues or fees paid by the employee to the exclusive bargaining
21 representative and reasonable attorneys' fees and costs."

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22 On page 1, line 1 of the title, after "fees;" strike the
23 remainder of the title and insert "and amending RCW 28B.52.045,
24 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and
25 47.64.160."

EFFECT: Prohibits the use of any due or fee received by an
exclusive bargaining representative from being used to fund any
political committee, candidate, or to influence any ballot
proposition. Creates a cause of action for treble damages and
attorneys' fees for employees whose dues or fees are used to fund a
political committee, candidate, or to influence a ballot proposition.

--- END ---