

HB 2751 - S AMD 794
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 (d)(i) If the collective bargaining agreement between the
13 employer and bargaining representative does not contain a union
14 security provision, the bargaining representative is the exclusive
15 bargaining representative of only those employees in the bargaining
16 unit that are members of the bargaining representative and the
17 collective bargaining agreement applies only to those employees that
18 choose to be members of the bargaining representative.

19 (ii) There may be no more than one certified exclusive bargaining
20 representative per bargaining unit at any one time.

21 (iii) Any employee who chooses not to be a member of the
22 bargaining representative may represent himself or herself directly
23 or through a representative. However, the employer is not obligated
24 to bargain with the employee or to agree to any terms proposed by the
25 employee.

26 (2) An employee who is covered by a union security provision and
27 who asserts a right of nonassociation based on bona fide religious
28 tenets or teachings of a church or religious body of which such
29 employee is a member shall pay to a nonreligious charity or other
30 charitable organization an amount of money equivalent to the periodic
31 dues and initiation fees uniformly required as a condition of
32 acquiring or retaining membership in the exclusive bargaining
33 representative. The charity shall be agreed upon by the employee and
34 the employee organization to which such employee would otherwise pay
35 the dues and fees. The employee shall furnish written proof that such
36 payments have been made. If the employee and the employee
37 organization do not reach agreement on such matter, the commission
38 shall designate the charitable organization.

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

3 (1) Upon the written authorization of ((any public)) an employee
4 within the bargaining unit and after the certification or recognition
5 of ((such)) the bargaining unit's exclusive bargaining
6 representative, the ((public)) employer shall deduct from the ((pay
7 of such public)) payments to the employee the monthly amount of dues
8 as certified by the secretary of the exclusive bargaining
9 representative and shall transmit the same to the treasurer of the
10 exclusive bargaining representative.

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

14 (a) Includes a union security provision authorized under RCW
15 41.56.122, the employer must enforce the agreement by deducting from
16 the payments to bargaining unit members the dues required for
17 membership in the exclusive bargaining representative, or, for
18 nonmembers thereof, a fee equivalent to the dues; or

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

22 (3)(a) If the collective bargaining agreement between the
23 employer and bargaining representative does not contain a union
24 security provision, the bargaining representative is the exclusive
25 bargaining representative of only those employees in the bargaining
26 unit that are members of the bargaining representative and the
27 collective bargaining agreement applies only to those employees that
28 choose to be members of the bargaining representative.

29 (b) There may be no more than one certified exclusive bargaining
30 representative per bargaining unit at any one time.

31 (c) Any employee who chooses not to be a member of the bargaining
32 representative may represent himself or herself directly or through a
33 representative. However, the employer is not obligated to bargain
34 with the employee or to agree to any terms proposed by the employee.

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

37 (1) Employees shall have the right to self-organization, to form,
38 join, or assist employee organizations, to bargain collectively
39 through representatives of their own choosing, and shall also have

1 the right to refrain from any or all of such activities except to the
2 extent that employees may be required to pay a fee to any employee
3 organization under an agency shop agreement authorized in this
4 chapter.

5 ~~(2) ((The exclusive bargaining representative shall have the
6 right to have deducted from the salary of employees, upon receipt of
7 an appropriate authorization form which shall not be irrevocable for
8 a period of more than one year, an amount equal to the fees and dues
9 required for membership. Such fees and dues shall be deducted monthly
10 from the pay of all appropriate employees by the employer and
11 transmitted as provided for by agreement between the employer and the
12 exclusive bargaining representative, unless an automatic payroll
13 deduction service is established pursuant to law, at which time such
14 fees and dues shall be transmitted as therein provided. If an agency
15 shop provision is agreed to and becomes effective pursuant to RCW
16 41.59.100, except as provided in that section, the agency fee equal
17 to the fees and dues required of membership in the exclusive
18 bargaining representative shall be deducted from the salary of
19 employees in the bargaining unit.))~~

20 (a) Upon written authorization of
21 an employee within the bargaining unit and after the certification or
22 recognition of the bargaining unit's exclusive bargaining
23 representative, the employer must deduct from the payments to the
24 employee the monthly amount of dues as certified by the secretary of
25 the exclusive bargaining representative and must transmit the same to
26 the treasurer of the 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 RCW
31 41.59.100, the employer must enforce the agreement by deducting from
32 the payments to bargaining unit members the dues required for
33 membership in the exclusive bargaining representative, or, for
34 nonmembers thereof, a fee equivalent to the dues; or

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

38 (c)(i) If the collective bargaining agreement between the
39 employer and bargaining representative does not contain a union
40 security provision, the bargaining representative is the exclusive
bargaining representative of only those employees in the bargaining

1 unit that are members of the bargaining representative and the
2 collective bargaining agreement applies only to those employees that
3 choose to be members of the bargaining representative.

4 (ii) There may be no more than one certified exclusive bargaining
5 representative per bargaining unit at any one time.

6 (iii) Any employee who chooses not to be a member of the
7 bargaining representative may represent himself or herself directly
8 or through a representative. However, the employer is not obligated
9 to bargain with the employee or to agree to any terms proposed by the
10 employee.

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

13 ~~(1) ((Upon filing with the employer the voluntary written~~
14 ~~authorization of a bargaining unit faculty member under this chapter,~~
15 ~~the employee organization which is the exclusive bargaining~~
16 ~~representative of the bargaining unit shall have the right to have~~
17 ~~deducted from the salary of the bargaining unit faculty member the~~
18 ~~periodic dues and initiation fees uniformly required as a condition~~
19 ~~of acquiring or retaining membership in the exclusive bargaining~~
20 ~~representative. Such employee authorization shall not be irrevocable~~
21 ~~for a period of more than one year. Such dues and fees shall be~~
22 ~~deducted from the pay of all faculty members who have given~~
23 ~~authorization for such deduction, and shall be transmitted by the~~
24 ~~employer to the employee organization or to the depository designated~~
25 ~~by the employee organization.~~

26 ~~(2)) (a) A collective bargaining agreement may include union~~
27 ~~security provisions, but not a closed shop. ((If an agency shop or~~
28 ~~other union security provision is agreed to, the employer shall~~
29 ~~enforce any such provision by deductions from the salary of~~
30 ~~bargaining unit faculty members affected thereby and shall transmit~~
31 ~~such funds to the employee organization or to the depository~~
32 ~~designated by the employee organization.~~

33 ~~(3)) (b) Upon written authorization of an employee within the~~
34 ~~bargaining unit and after the certification or recognition of the~~
35 ~~bargaining unit's exclusive bargaining representative, the employer~~
36 ~~must deduct from the payments to the employee the monthly amount of~~
37 ~~dues as certified by the secretary of the exclusive bargaining~~
38 ~~representative and must transmit the same to the treasurer of the~~
39 ~~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 (d)(i) If the collective bargaining agreement between the
13 employer and bargaining representative does not contain a union
14 security provision, the bargaining representative is the exclusive
15 bargaining representative of only those employees in the bargaining
16 unit that are members of the bargaining representative and the
17 collective bargaining agreement applies only to those employees that
18 choose to be members of the bargaining representative.

19 (ii) There may be no more than one certified exclusive bargaining
20 representative per bargaining unit at any one time.

21 (iii) Any employee who chooses not to be a member of the
22 bargaining representative may represent himself or herself directly
23 or through a representative. However, the employer is not obligated
24 to bargain with the employee or to agree to any terms proposed by the
25 employee.

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

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

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

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

31 (3) ~~((Upon filing with the employer the written authorization of~~
32 ~~a bargaining unit employee under this chapter, the employee~~
33 ~~organization that is the exclusive bargaining representative of the~~
34 ~~bargaining unit shall have the exclusive right to have deducted from~~
35 ~~the salary of the employee an amount equal to the fees and dues~~
36 ~~uniformly required as a condition of acquiring or retaining~~
37 ~~membership in the employee organization. The fees and dues shall be~~
38 ~~deducted each pay period from the pay of all employees who have given~~
39 ~~authorization for the deduction and shall be transmitted by the~~
40 ~~employer as provided for by agreement between the employer and the~~

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

8 (b) If the employer and the exclusive bargaining representative
9 of a bargaining unit enter into a collective bargaining agreement
10 that:

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

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

20 (c)(i) If the collective bargaining agreement between the
21 employer and bargaining representative does not contain a union
22 security provision, the bargaining representative is the exclusive
23 bargaining representative of only those employees in the bargaining
24 unit that are members of the bargaining representative and the
25 collective bargaining agreement applies only to those employees that
26 choose to be members of the bargaining representative.

27 (ii) There may be no more than one certified exclusive bargaining
28 representative per bargaining unit at any one time.

29 (iii) Any employee who chooses not to be a member of the
30 bargaining representative may represent himself or herself directly
31 or through a representative. However, the employer is not obligated
32 to bargain with the employee or to agree to any terms proposed by the
33 employee.

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

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

1 (1) Upon the written authorization of (~~(any symphony musician)~~)
2 an employee within the bargaining unit and after the certification or
3 recognition of the bargaining unit's exclusive bargaining
4 representative, the employer must deduct from the (~~(pay of the~~
5 ~~symphony musician)) payments to the employee the monthly amount of
6 dues as certified by the secretary of the exclusive bargaining
7 representative and must transmit the (~~(dues)) same to the treasurer
8 of the exclusive bargaining representative.~~~~

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

12 (a) Includes a union security provision authorized under RCW
13 49.39.090, the employer must enforce the agreement by deducting from
14 the payments to bargaining unit members the dues required for
15 membership in the exclusive bargaining representative, or, for
16 nonmembers thereof, a fee equivalent to the dues; or

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

20 (3)(a) If the collective bargaining agreement between the
21 employer and bargaining representative does not contain a union
22 security provision, the bargaining representative is the exclusive
23 bargaining representative of only those employees in the bargaining
24 unit that are members of the bargaining representative and the
25 collective bargaining agreement applies only to those employees that
26 choose to be members of the bargaining representative.

27 (b) There may be no more than one certified exclusive bargaining
28 representative per bargaining unit at any one time.

29 (c) Any employee who chooses not to be a member of the bargaining
30 representative may represent himself or herself directly or through a
31 representative. However, the employer is not obligated to bargain
32 with the employee or to agree to any terms proposed by the employee.

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

35 (1) A collective bargaining agreement may include union security
36 provisions including an agency shop, but not a union or closed shop.
37 (~~(If an agency shop provision is agreed to, the employer shall~~
38 ~~enforce it by deducting from the salary payments to members of the~~
39 ~~bargaining unit the dues required of membership in the bargaining~~

1 ~~representative, or, for nonmembers thereof, a fee equivalent to such~~
2 ~~dues-))~~

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

10 (b) If the employer and the exclusive bargaining representative
11 of a bargaining unit enter into a collective bargaining agreement
12 that:

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

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

22 (c)(i) If the collective bargaining agreement between the
23 employer and bargaining representative does not contain a union
24 security provision, the bargaining representative is the exclusive
25 bargaining representative of only those employees in the bargaining
26 unit that are members of the bargaining representative and the
27 collective bargaining agreement applies only to those employees that
28 choose to be members of the bargaining representative.

29 (ii) There may be no more than one certified exclusive bargaining
30 representative per bargaining unit at any one time.

31 (iii) Any employee who chooses not to be a member of the
32 bargaining representative may represent himself or herself directly
33 or through a representative. However, the employer is not obligated
34 to bargain with the employee or to agree to any terms proposed by the
35 employee.

36 (3) All union security provisions shall safeguard the right of
37 nonassociation of employees based on bona fide religious tenets or
38 teachings of a church or religious body of which such employee is a
39 member. Such employee shall pay an amount of money equivalent to
40 regular dues and fees to a nonreligious charity or to another

1 charitable organization mutually agreed upon by the employee affected
2 and the bargaining representative to which such employee would
3 otherwise pay the dues and fees. The employee shall furnish written
4 proof that such payment has been made. If the employee and the
5 bargaining representative do not reach agreement on such matter, the
6 commission shall designate the charitable organization."

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7 On page 1, line 1 of the title, after "fees;" strike the
8 remainder of the title and insert "and amending RCW 28B.52.045,
9 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and
10 47.64.160."

EFFECT: Provides that a bargaining representative is not obligated to represent employees who are not members of the bargaining representative. Provides that employees who do not want to be members of the bargaining representative may represent themselves, however, the employer is not obligated to bargain or agree to terms with the employee.

--- END ---