

HB 2751 - S AMD TO LBRC COMM AMD (S-5321.1/18) 807
By Senator Ericksen

OUT OF ORDER 02/28/2018

1 Beginning on page 1, line 3 of the amendment, strike all of
2 section 1

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

5 Beginning on page 2, at the beginning of line 27 of the
6 amendment, strike all material through "organization." on page 8,
7 line 30 and insert the following:

8 "Only upon the written authorization of any public employee
9 within the bargaining unit and after the certification or recognition
10 of such bargaining representative, the public employer shall deduct
11 from the pay of such public employee the monthly amount of dues as
12 certified by the secretary of the exclusive bargaining representative
13 and shall transmit the same to the treasurer of the exclusive
14 bargaining representative.

15 **Sec. 2.** RCW 41.56.113 and 2010 c 296 s 4 are each amended to
16 read as follows:

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

19 (a) Only upon the written authorization of an individual
20 provider, a family child care provider, an adult family home
21 provider, or a language access provider within the bargaining unit
22 and after the certification or recognition of the bargaining unit's
23 exclusive bargaining representative, the state as payor, but not as
24 the employer, shall, subject to ~~((e))~~ (b) of this subsection,
25 deduct from the payments to an individual provider, a family child
26 care provider, an adult family home provider, or a language access
27 provider the monthly amount of dues as certified by the secretary of
28 the exclusive bargaining representative and shall transmit the same
29 to the treasurer of the exclusive bargaining representative.

30 (b) If the governor and the exclusive bargaining representative
31 of a bargaining unit of individual providers, family child care

1 providers, adult family home providers, or language access providers
2 enter into a collective bargaining agreement that((+)

3 ~~(i) Includes a union security provision authorized in RCW~~
4 ~~41.56.122, the state as payor, but not as the employer, shall,~~
5 ~~subject to (c) of this subsection, 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)~~ permits deductions of payments
10 other than the deduction under (a)((+)) of this subsection, the
11 state, as payor, but not as the employer, shall, subject to (c) of
12 this subsection, make such deductions only upon written authorization
13 of the individual provider, family child care provider, adult family
14 home provider, or language access provider.

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

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

38 ~~((d) The governor and the exclusive bargaining representative of~~
39 ~~a bargaining unit of family child care providers may not enter into a~~
40 ~~collective bargaining agreement that contains a union security~~

1 ~~provision unless the agreement contains a process, to be administered~~
2 ~~by the exclusive bargaining representative of a bargaining unit of~~
3 ~~family child care providers, for hardship dispensation for license-~~
4 ~~exempt family child care providers who are also temporary assistance~~
5 ~~for needy families recipients or WorkFirst participants.))~~

6 (2) This subsection (2) applies only if the state does not make
7 the payments directly to a provider.

8 ((~~(a)~~)) Only upon the written authorization of a language access
9 provider within the bargaining unit and after the certification or
10 recognition of the bargaining unit's exclusive bargaining
11 representative, the state shall require through its contracts with
12 third parties that:

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

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

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

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

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

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

35 (1) Employees shall have the right to self-organization, to form,
36 join, or assist employee organizations, to bargain collectively
37 through representatives of their own choosing, and shall also have
38 the right to refrain from any or all of such activities except to the
39 extent that employees may be required to pay a fee to any employee

1 organization under an agency shop agreement authorized in this
2 chapter.

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

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

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

33 (2) A collective bargaining agreement may include union security
34 provisions, but not a closed shop. If an agency shop or other union
35 security provision is agreed to, the employer shall enforce any such
36 provision by deductions from the salary of bargaining unit faculty
37 members affected thereby and shall transmit such funds to the
38 employee organization or to the depository designated by the employee
39 organization.

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

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

31 (2) An employee who is covered by a union security provision and
32 who asserts a right of nonassociation based on bona fide religious
33 tenets, or teachings of a church or religious body of which the
34 employee is a member, shall, as a condition of employment, make
35 payments to the employee organization, for purposes within the
36 program of the employee organization as designated by the employee
37 that would be in harmony with his or her individual conscience. The
38 amount of the payments shall be equal to the periodic dues and fees
39 uniformly required as a condition of acquiring or retaining

1 membership in the employee organization minus any included monthly
2 premiums for insurance programs sponsored by the employee
3 organization. The employee shall not be a member of the employee
4 organization but is entitled to all the representation rights of a
5 member of the employee organization.

6 (3) Only upon filing with the employer the written authorization
7 of a bargaining unit employee under this chapter, the employee
8 organization that is the exclusive bargaining representative of the
9 bargaining unit shall have the exclusive right to have deducted from
10 the salary of the employee an amount equal to the fees and dues
11 uniformly required as a condition of acquiring or retaining
12 membership in the employee organization. The fees and dues shall be
13 deducted each pay period from the pay of all employees who have given
14 authorization for the deduction and shall be transmitted by the
15 employer as provided for by agreement between the employer and the
16 employee organization.

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

20 **Sec. 6.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read
21 as follows:

22 (1) A collective bargaining agreement may include union security
23 provisions including an agency shop, but not a union or closed shop.
24 If an agency shop provision is agreed to, the employer shall enforce
25 it by deducting from the salary payments to members of the bargaining
26 unit the dues required of membership in the bargaining
27 representative, or, for nonmembers thereof, a fee equivalent to such
28 dues. All union security provisions shall safeguard the right of
29 nonassociation of employees based on bona fide religious tenets or
30 teachings of a church or religious body of which such employee is a
31 member. Such employee shall pay an amount of money equivalent to
32 regular dues and fees to a nonreligious charity or to another
33 charitable organization mutually agreed upon by the employee affected
34 and the bargaining representative to which such employee would
35 otherwise pay the dues and fees. The employee shall furnish written
36 proof that such payment has been made. If the employee and the
37 bargaining representative do not reach agreement on such matter, the
38 commission shall designate the charitable organization.

1 (2) The employer may not deduct any dues, fees, assessments, or
2 other charges from the pay of a ferry employee on behalf of a ferry
3 employee organization without the voluntary, written authorization of
4 the ferry employee. A ferry employee may revoke his or her
5 authorization for such deductions at any time by notifying the
6 employer or ferry employee organization in writing.

7 **Sec. 7.** RCW 49.39.080 and 2010 c 6 s 9 are each amended to read
8 as follows:

9 Only upon the written authorization of any symphony musician
10 within the bargaining unit and after the certification or recognition
11 of the bargaining representative, the employer must deduct from the
12 pay of the symphony musician the monthly amount of dues as certified
13 by the secretary of the exclusive bargaining representative and must
14 transmit the dues to the treasurer of the exclusive bargaining
15 representative."

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16 On page 8, line 32 of the title amendment, after "amending RCW"
17 strike the remainder of the title amendment and insert "41.56.110,
18 41.56.113, 41.59.060, 41.76.045, 41.80.100, 47.64.160, and
19 49.39.080."

EFFECT: Removes original provisions of the bill and requires
written authorization from the employee in order for the employer to
enforce a union security agreement by deduction of dues or fees from
the employee's pay.

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