

HB 2751 - S AMD TO LBRC COMM AMD (S-5321.1/18) 809
By Senator O'Ban

OUT OF ORDER 02/28/2018

1 On page 1, after line 2 of the amendment, strike all material
2 through "organization." on page 8, line 30 and insert the following:

3 "Sec. 1. RCW 41.56.110 and 1973 c 59 s 1 are each amended to
4 read as follows:

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

12 (2) The employer must keep the public employee's written
13 authorization required by this section on file.

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

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

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

29 (b) If the governor and the exclusive bargaining representative
30 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)(i) 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.)) The
6 employer must keep the required written authorization for the
7 deduction of union dues or fees received under this section on file.~~

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

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

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

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

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

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

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

34 The employer must keep the required written authorization for the
35 deduction of union dues or fees received under this section on file.

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

38 (1) Employees shall have the right to self-organization, to form,
39 join, or assist employee organizations, to bargain collectively

1 through representatives of their own choosing, and shall also have
2 the right to refrain from any or all of such activities except to the
3 extent that employees may be required to pay a fee to any employee
4 organization under an agency shop agreement authorized in this
5 chapter.

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

21 (3) The employer must keep the employee's written authorization
22 required by this section on file.

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

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

38 (2) A collective bargaining agreement may include union security
39 provisions, but not a closed shop. If an agency shop or other union

1 security provision is agreed to, the employer shall enforce any such
2 provision by deductions from the salary of bargaining unit faculty
3 members affected thereby and shall transmit such funds to the
4 employee organization or to the depository designated by the employee
5 organization.

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

20 (4) The employer must keep the public employee's written
21 authorization required by this section on file.

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

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

38 (2) An employee who is covered by a union security provision and
39 who asserts a right of nonassociation based on bona fide religious

1 tenets, or teachings of a church or religious body of which the
2 employee is a member, shall, as a condition of employment, make
3 payments to the employee organization, for purposes within the
4 program of the employee organization as designated by the employee
5 that would be in harmony with his or her individual conscience. The
6 amount of the payments shall be equal to the periodic dues and fees
7 uniformly required as a condition of acquiring or retaining
8 membership in the employee organization minus any included monthly
9 premiums for insurance programs sponsored by the employee
10 organization. The employee shall not be a member of the employee
11 organization but is entitled to all the representation rights of a
12 member of the employee organization.

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

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

27 (5) The employer must keep the employee's written authorization
28 required by this section on file.

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

31 (1) A collective bargaining agreement may include union security
32 provisions including an agency shop, but not a union or closed shop.
33 If an agency shop provision is agreed to, the employer shall enforce
34 it by deducting from the salary payments to members of the bargaining
35 unit the dues required of membership in the bargaining
36 representative, or, for nonmembers thereof, a fee equivalent to such
37 dues. All union security provisions shall safeguard the right of
38 nonassociation of employees based on bona fide religious tenets or
39 teachings of a church or religious body of which such employee is a

1 member. Such employee shall pay an amount of money equivalent to
2 regular dues and fees to a nonreligious charity or to another
3 charitable organization mutually agreed upon by the employee affected
4 and the bargaining representative to which such employee would
5 otherwise pay the dues and fees. The employee shall furnish written
6 proof that such payment has been made. If the employee and the
7 bargaining representative do not reach agreement on such matter, the
8 commission shall designate the charitable organization.

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

15 (3) The employer must keep the employee's written authorization
16 required by this section on file.

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

19 (1) Only upon the written authorization of any symphony musician
20 within the bargaining unit and after the certification or recognition
21 of the bargaining representative, the employer must deduct from the
22 pay of the symphony musician the monthly amount of dues as certified
23 by the secretary of the exclusive bargaining representative and must
24 transmit the dues to the treasurer of the exclusive bargaining
25 representative.

26 (2) The employer must keep the public employee's written
27 authorization required by this section on file."

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28 On page 8, line 32 of the title amendment, after "RCW" strike the
29 remainder of the title amendment and insert "41.56.110, 41.56.113,
30 41.59.060, 41.76.045, 41.80.100, 47.64.160, and 49.39.080."

EFFECT: 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 and requires employers to keep such written authorization on file.

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