

HB 2751 - S AMD 808

By Senator O'Ban

NOT ADOPTED 02/28/2018

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

3

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

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

13 (2) The employer must keep the public employee's written
14 authorization required by this section on file and must receive the
15 employee's written authorization annually.

16

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

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

21 (a) Only upon the written authorization of an individual
22 provider, a family child care provider, an adult family home
23 provider, or a language access provider within the bargaining unit
24 and after the certification or recognition of the bargaining unit's
25 exclusive bargaining representative, the state as payor, but not as
26 the employer, shall, subject to (c) of this subsection, deduct from
27 the payments to an individual provider, a family child care

1 provider, an adult family home provider, or a language access
2 provider the monthly amount of dues as certified by the secretary of
3 the exclusive bargaining representative and shall transmit the same
4 to the treasurer of the exclusive bargaining representative.

5 (b) If the governor and the exclusive bargaining representative
6 of a bargaining unit of individual providers, family child care
7 providers, adult family home providers, or language access providers
8 enter into a collective bargaining agreement that((+

9 ~~(i) Includes a union security provision authorized in RCW
10 41.56.122, the state as payor, but not as the employer, shall,
11 subject to (c) of this subsection, enforce the agreement by
12 deducting from the payments to bargaining unit members the dues
13 required for membership in the exclusive bargaining representative,
14 or, for nonmembers thereof, a fee equivalent to the dues; or~~

15 ~~(ii) Includes requirements for~~) permits deductions of payments
16 ~~((other than the deduction under (a)(i) of this subsection)), the
17 state, as payor, but not as the employer, shall, subject to (c) of
18 this subsection, make such deductions only upon written
19 authorization of the individual provider, family child care
20 provider, adult family home provider, or language access provider.~~

21 (c)(i) The initial additional costs to the state in making
22 deductions from the payments to individual providers, family child
23 care providers, adult family home providers, and language access
24 providers under this section shall be negotiated, agreed upon in
25 advance, and reimbursed to the state by the exclusive bargaining
26 representative.

27 (ii) The allocation of ongoing additional costs to the state in
28 making deductions from the payments to individual providers, family
29 child care providers, adult family home providers, or language
30 access providers under this section shall be an appropriate subject
31 of collective bargaining between the exclusive bargaining
32 representative and the governor unless prohibited by another
33 statute. If no collective bargaining agreement containing a
34 provision allocating the ongoing additional cost is entered into

1 between the exclusive bargaining representative and the governor, or
2 if the legislature does not approve funding for the collective
3 bargaining agreement as provided in RCW 74.39A.300, 41.56.028,
4 41.56.029, or 41.56.510, as applicable, the ongoing additional costs
5 to the state in making deductions from the payments to individual
6 providers, family child care providers, adult family home providers,
7 or language access providers under this section shall be negotiated,
8 agreed upon in advance, and reimbursed to the state by the exclusive
9 bargaining representative.

10 ~~(d) ((The governor and the exclusive bargaining representative~~
11 ~~of a bargaining unit of family child care providers may not enter~~
12 ~~into a collective bargaining agreement that contains a union~~
13 ~~security provision unless the agreement contains a process, to be~~
14 ~~administered by the exclusive bargaining representative of a~~
15 ~~bargaining unit of family child care providers, for hardship~~
16 ~~dispensation for license exempt family child care providers who are~~
17 ~~also temporary assistance for needy families recipients or WorkFirst~~
18 ~~participants.))~~ The employer must keep the required written
19 authorization for the deduction of fees received under this section
20 on file and must receive the employee's written authorization
21 annually.

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

24 (a) Only upon the written authorization of a language access
25 provider within the bargaining unit and after the certification or
26 recognition of the bargaining unit's exclusive bargaining
27 representative, the state shall require through its contracts with
28 third parties that:

29 (i) The monthly amount of dues as certified by the secretary of
30 the exclusive bargaining representative be deducted from the
31 payments to the language access provider and transmitted to the
32 treasurer of the exclusive bargaining representative; and

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

1 (b) (~~(If the governor and the exclusive bargaining~~
2 ~~representative of the bargaining unit of language access providers~~
3 ~~enter into a collective bargaining agreement that includes a union~~
4 ~~security provision authorized in RCW 41.56.122, the state shall~~
5 ~~enforce the agreement by requiring through its contracts with third~~
6 ~~parties that:~~

7 ~~(i) The monthly amount of dues required for membership in the~~
8 ~~exclusive bargaining representative as certified by the secretary of~~
9 ~~the exclusive bargaining representative, or, for nonmembers thereof,~~
10 ~~a fee equivalent to the dues, be deducted from the payments to the~~
11 ~~language access provider and transmitted to the treasurer of the~~
12 ~~exclusive bargaining representative; and~~

13 ~~(ii) A record showing that dues or fees have been deducted as~~
14 ~~specified in (a)(i) of this subsection be provided to the state.)~~
15 The employer must keep the required written authorization for the
16 deduction of union fees received under this section on file and must
17 receive the employee's written authorization annually.

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

21 (1) Employees shall have the right to self-organization, to
22 form, join, or assist employee organizations, to bargain
23 collectively through representatives of their own choosing, and
24 shall also have the right to refrain from any or all of such
25 activities except to the extent that employees may be required to
26 pay a fee to any employee organization under an agency shop
27 agreement authorized in this chapter.

28 (2) The exclusive bargaining representative shall have the right
29 to have deducted from the salary of employees, only upon receipt of
30 an appropriate authorization form which shall not be irrevocable for
31 a period of more than one year, an amount equal to the fees and dues
32 required for membership. Such fees and dues shall be deducted
33 monthly from the pay of all appropriate employees by the employer
34 and transmitted as provided for by agreement between the employer

1 and the exclusive bargaining representative, unless an automatic
2 payroll deduction service is established pursuant to law, at which
3 time such fees and dues shall be transmitted as therein provided. If
4 an agency shop provision is agreed to and becomes effective pursuant
5 to RCW 41.59.100, except as provided in that section, the agency fee
6 equal to the fees and dues required of membership in the exclusive
7 bargaining representative shall be deducted from the salary of
8 employees in the bargaining unit.

9 (3) The employer must keep the employee's written authorization
10 required by this section on file and must receive the employee's
11 written authorization annually.

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

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

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

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

15 (4) The employer must keep the public employee's written
16 authorization required by this section on file and must receive the
17 employee's written authorization annually.

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

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

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

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

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

29 (5) The employer must keep the employee's written authorization
30 required by this section on file and must receive the employee's
31 written authorization annually.

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

1 (1) A collective bargaining agreement may include union security
2 provisions including an agency shop, but not a union or closed shop.
3 If an agency shop provision is agreed to, the employer shall enforce
4 it by deducting from the salary payments to members of the
5 bargaining unit the dues required of membership in the bargaining
6 representative, or, for nonmembers thereof, a fee equivalent to such
7 dues. All union security provisions shall safeguard the right of
8 nonassociation of employees based on bona fide religious tenets or
9 teachings of a church or religious body of which such employee is a
10 member. Such employee shall pay an amount of money equivalent to
11 regular dues and fees to a nonreligious charity or to another
12 charitable organization mutually agreed upon by the employee
13 affected and the bargaining representative to which such employee
14 would otherwise pay the dues and fees. The employee shall furnish
15 written proof that such payment has been made. If the employee and
16 the bargaining representative do not reach agreement on such matter,
17 the commission shall designate the charitable organization.

18 (2) The employer may not deduct any fees, assessments, or other
19 charges from the pay of a ferry employee on behalf of a ferry
20 employee organization without the voluntary, written authorization
21 of the ferry employee. A ferry employee may revoke his or her
22 authorization for such deductions at any time by notifying the
23 employer or ferry employee organization in writing.

24 (3) The employer must keep the employee's written authorization
25 required by this section on file and must receive the employee's
26 written authorization annually.

27

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

30 (1) Only upon the written authorization of any symphony musician
31 within the bargaining unit and after the certification or
32 recognition of the bargaining representative, the employer must
33 deduct from the pay of the symphony musician the monthly amount of
34 dues as certified by the secretary of the exclusive bargaining

1 representative and must transmit the dues to the treasurer of the
2 exclusive bargaining representative.

3 (2) The employer must keep the public employee's written
4 authorization required by this section on file and must receive the
5 employee's written authorization annually.

6
7 **HB 2751** - S AMD

8 By Senator

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10 On page 1, line 1 of the title, after "fees;" strike the
11 remainder of the title and insert "and amending RCW 41.56.110,
12 41.56.113, 41.59.060, 41.76.045, 41.80.100, 47.64.160, and
13 49.39.080."

14
15 EFFECT: Requires written authorization from the employee in
16 order for the employer to enforce a union security agreement by
17 deduction of fees from the employee's pay and requires employers to
18 receive written authorization annually and keep such authorization
19 on file.

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