

HB 2751 - S AMD TO LBRC COMM AMD (S-5321.1/18) 778
By Senator Short

OUT OF ORDER 02/28/2018

1 Beginning on page 2, at the beginning of line 12 of the
2 amendment, strike all material through "organization." on page 8,
3 line 30 and insert the following:

4 "(d) If an employee provides written notice to stop the
5 withholding of dues or fees from his or her pay the employer must
6 stop deducting from the employee's pay within forty-five days of
7 receiving the notice.

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

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

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

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

4 (i) Includes a union security provision authorized under RCW
5 41.56.122, the employer must enforce the agreement by deducting from
6 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 (a) of this subsection, the employer must make
11 such deductions upon written authorization of the employee.

12 (b) If an employee provides written notice to stop the
13 withholding of dues or fees from his or her pay the employer must
14 stop deducting from the employee's pay within forty-five days of
15 receiving the notice.

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

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

25 ~~(2) ((The exclusive bargaining representative shall have the~~
26 ~~right to have deducted from the salary of employees, upon receipt of~~
27 ~~an appropriate authorization form which shall not be irrevocable for~~
28 ~~a period of more than one year, an amount equal to the fees and dues~~
29 ~~required for membership. Such fees and dues shall be deducted monthly~~
30 ~~from the pay of all appropriate employees by the employer and~~
31 ~~transmitted as provided for by agreement between the employer and the~~
32 ~~exclusive bargaining representative, unless an automatic payroll~~
33 ~~deduction service is established pursuant to law, at which time such~~
34 ~~fees and dues shall be transmitted as therein provided. If an agency~~
35 ~~shop provision is agreed to and becomes effective pursuant to RCW~~
36 ~~41.59.100, except as provided in that section, the agency fee equal~~
37 ~~to the fees and dues required of membership in the exclusive~~
38 ~~bargaining representative shall be deducted from the salary of~~
39 ~~employees in the bargaining unit.))~~ (a) Upon written authorization of

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

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

10 (i) Includes a union security provision authorized under RCW
11 41.59.100, the employer must enforce the agreement by deducting from
12 the payments to bargaining unit members the dues required for
13 membership in the exclusive bargaining representative, or, for
14 nonmembers thereof, a fee equivalent to the dues; or

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

18 (c) If an employee provides written notice to stop the
19 withholding of dues or fees from his or her pay the employer must
20 stop deducting from the employee's pay within forty-five days of
21 receiving the notice.

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

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

37 ~~(2))~~ (a) A collective bargaining agreement may include union
38 security provisions, but not a closed shop. ((If an agency shop or
39 other union security provision is agreed to, the employer shall

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

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

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

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

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

23 (d) If an employee provides written notice to stop the
24 withholding of dues or fees from his or her pay the employer must
25 stop deducting from the employee's pay within forty-five days of
26 receiving the notice.

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

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

29 (1) Upon the written authorization of ((~~any symphony musician~~))
30 an employee within the bargaining unit and after the certification or
31 recognition of the bargaining unit's exclusive bargaining
32 representative, the employer must deduct from the ((~~pay of the~~
33 ~~symphony musician~~)) payments to the employee the monthly amount of
34 dues as certified by the secretary of the exclusive bargaining
35 representative and must transmit the ((~~dues~~)) same to the treasurer
36 of the exclusive bargaining representative.

37 (2)(a) If the employer and the exclusive bargaining
38 representative of a bargaining unit enter into a collective
39 bargaining agreement that:

1 (i) Includes a union security provision authorized under RCW
2 49.39.090, the employer must enforce the agreement by deducting from
3 the payments to bargaining unit members the dues required for
4 membership in the exclusive bargaining representative, or, for
5 nonmembers thereof, a fee equivalent to the dues; or
6 (ii) Includes requirements for deductions of payments other than
7 the deduction under (a) of this subsection, the employer must make
8 such deductions upon written authorization of the employee.
9 (b) If an employee provides written notice to stop the
10 withholding of dues or fees from his or her pay the employer must
11 stop deducting from the employee's pay within forty-five days of
12 receiving the notice."

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13 On page 8, beginning on line 33 of the title amendment, after
14 "41.80.100," strike the remainder of the title amendment and insert
15 "and 49.39.080."

EFFECT: Requires an employer to stop withholding the amount of dues or fees from an employee's pay within forty-five days of receiving written notice from the employee.

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