

SSB 6296 - S AMD 394

By Senator Baumgartner

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 (2) An employee who is covered by a union security provision and
13 who asserts a right of nonassociation based on bona fide (~~religious~~
14 tenets or teachings of a church or religious body of which such
15 employee is a member)) personally held religious beliefs shall pay
16 ((to a nonreligious charity or other charitable organization)) an
17 amount of money equivalent to the periodic dues and initiation fees
18 uniformly required as a condition of acquiring or retaining
19 membership in the exclusive bargaining representative to any
20 employee-selected charity that is participating in the Washington
21 state combined fund drive program authorized in RCW 41.04.0331. The
22 charity shall be agreed upon by the employee and the employee
23 organization to which such employee would otherwise pay the dues and
24 fees. The employee shall furnish written proof that such payments
25 have been made. If the employee and the employee organization do not
26 reach agreement on such matter, the commission shall designate the
27 charitable organization. A public employee may secure the right of
28 nonassociation based upon religious beliefs at any time.

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

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

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

4 (a) 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 (b) 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 **Sec. 3.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each
13 amended to read as follows:

14 A collective bargaining agreement may:

15 (1) Contain union security provisions: PROVIDED, That nothing in
16 this section shall authorize a closed shop provision: PROVIDED
17 FURTHER, That agreements involving union security provisions must
18 safeguard the right of nonassociation of public employees based on
19 bona fide (~~religious tenets or teachings of a church or religious~~
20 ~~body of which such public employee is a member~~) personally held
21 religious beliefs. Such public employee shall pay an amount of money
22 equivalent to regular union dues and initiation fee to ((~~a~~
23 ~~nonreligious charity or to another charitable organization mutually~~
24 ~~agreed upon by the public employee affected and the bargaining~~
25 ~~representative to which such public employee would otherwise pay the~~
26 ~~dues and initiation fee~~) any employee-selected charity that is
27 participating in the Washington state combined fund drive program
28 authorized in RCW 41.04.0331. The public employee shall furnish
29 written proof that such payment has been made. ((~~If the public~~
30 ~~employee and the bargaining representative do not reach agreement on~~
31 ~~such matter, the commission shall designate the charitable~~
32 ~~organization.~~) A public employee may secure the right of
33 nonassociation based upon religious beliefs at any time. When there
34 is a conflict between any collective bargaining agreement reached by
35 a public employer and a bargaining representative on a union security
36 provision and any charter, ordinance, rule, or regulation adopted by
37 the public employer or its agents((~~τ~~)) including, but not limited to,
38 a civil service commission, the terms of the collective bargaining
39 agreement shall prevail((~~τ~~));

1 (2) Provide for binding arbitration of a labor dispute arising
2 from the application or the interpretation of the matters contained
3 in a collective bargaining agreement.

4 **Sec. 4.** RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each
5 amended to read as follows:

6 (1) Employees shall have the right to self-organization, to form,
7 join, or assist employee organizations, to bargain collectively
8 through representatives of their own choosing, and shall also have
9 the right to refrain from any or all of such activities except to the
10 extent that employees may be required to pay a fee to any employee
11 organization under an agency shop agreement authorized in this
12 chapter.

13 ~~(2) ((The exclusive bargaining representative shall have the~~
14 ~~right to have deducted from the salary of employees, upon receipt of~~
15 ~~an appropriate authorization form which shall not be irrevocable for~~
16 ~~a period of more than one year, an amount equal to the fees and dues~~
17 ~~required for membership. Such fees and dues shall be deducted monthly~~
18 ~~from the pay of all appropriate employees by the employer and~~
19 ~~transmitted as provided for by agreement between the employer and the~~
20 ~~exclusive bargaining representative, unless an automatic payroll~~
21 ~~deduction service is established pursuant to law, at which time such~~
22 ~~fees and dues shall be transmitted as therein provided. If an agency~~
23 ~~shop provision is agreed to and becomes effective pursuant to RCW~~
24 ~~41.59.100, except as provided in that section, the agency fee equal~~
25 ~~to the fees and dues required of membership in the exclusive~~
26 ~~bargaining representative shall be deducted from the salary of~~
27 ~~employees in the bargaining unit.))~~ (a) Upon written authorization of
28 an employee within the bargaining unit and after the certification or
29 recognition of the bargaining unit's exclusive bargaining
30 representative, the employer must deduct from the payments to the
31 employee the monthly amount of dues as certified by the secretary of
32 the exclusive bargaining representative and must transmit the same to
33 the treasurer of the exclusive bargaining representative.

34 (b) If the employer and the exclusive bargaining representative
35 of a bargaining unit enter into a collective bargaining agreement
36 that:

37 (i) Includes a union security provision authorized under RCW
38 41.59.100, the employer must enforce the agreement by deducting from
39 the payments to bargaining unit members the dues required for

1 membership in the exclusive bargaining representative, or, for
2 nonmembers thereof, a fee equivalent to the dues; or

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

6 **Sec. 5.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each
7 amended to read as follows:

8 A collective bargaining agreement may include union security
9 provisions including an agency shop, but not a union or closed shop.
10 If an agency shop provision is agreed to, the employer shall enforce
11 it by deducting from the salary payments to members of the bargaining
12 unit the dues required of membership in the bargaining
13 representative, or, for nonmembers thereof, a fee equivalent to such
14 dues. All union security provisions must safeguard the right of
15 nonassociation of employees based on bona fide ~~((religious tenets or~~
16 ~~teachings of a church or religious body of which such employee is a~~
17 ~~member))~~ personally held religious beliefs. Such employee shall pay
18 an amount of money equivalent to regular dues and fees to ~~((a~~
19 ~~nonreligious charity or to another charitable organization mutually~~
20 ~~agreed upon by the employee affected and the bargaining~~
21 ~~representative to which such employee would otherwise pay the dues~~
22 ~~and fees))~~ any employee-selected charity that is participating in the
23 Washington state combined fund drive program authorized in RCW
24 41.04.0331. The employee shall furnish written proof that such
25 payment has been made. ~~((If the employee and the bargaining~~
26 ~~representative do not reach agreement on such matter, the commission~~
27 ~~shall designate the charitable organization.))~~ An employee may secure
28 the right of nonassociation based upon religious beliefs at any time.

29 **Sec. 6.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to
30 read as follows:

31 ~~(1) ((Upon filing with the employer the voluntary written~~
32 ~~authorization of a bargaining unit faculty member under this chapter,~~
33 ~~the employee organization which is the exclusive bargaining~~
34 ~~representative of the bargaining unit shall have the right to have~~
35 ~~deducted from the salary of the bargaining unit faculty member the~~
36 ~~periodic dues and initiation fees uniformly required as a condition~~
37 ~~of acquiring or retaining membership in the exclusive bargaining~~
38 ~~representative. Such employee authorization shall not be irrevocable~~

1 ~~for a period of more than one year. Such dues and fees shall be~~
2 ~~deducted from the pay of all faculty members who have given~~
3 ~~authorization for such deduction, and shall be transmitted by the~~
4 ~~employer to the employee organization or to the depository designated~~
5 ~~by the employee organization.~~

6 ~~(2)) (a) A collective bargaining agreement may include union~~
7 ~~security provisions, but not a closed shop. ((If an agency shop or~~
8 ~~other union security provision is agreed to, the employer shall~~
9 ~~enforce any such provision by deductions from the salary of~~
10 ~~bargaining unit faculty members affected thereby and shall transmit~~
11 ~~such funds to the employee organization or to the depository~~
12 ~~designated by the employee organization.~~

13 ~~(3)) (b) Upon written authorization of an employee within the~~
14 ~~bargaining unit and after the certification or recognition of the~~
15 ~~bargaining unit's exclusive bargaining representative, the employer~~
16 ~~must deduct from the payments to the employee the monthly amount of~~
17 ~~dues as certified by the secretary of the exclusive bargaining~~
18 ~~representative and must transmit the same to the treasurer of the~~
19 ~~exclusive bargaining representative.~~

20 ~~(c) If the employer and the exclusive bargaining representative~~
21 ~~of a bargaining unit enter into a collective bargaining agreement~~
22 ~~that:~~

23 ~~(i) Includes a union security provision authorized under (a) of~~
24 ~~this subsection, the employer must enforce the agreement by deducting~~
25 ~~from the payments to bargaining unit members the dues required for~~
26 ~~membership in the exclusive bargaining representative, or, for~~
27 ~~nonmembers thereof, a fee equivalent to the dues; or~~

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

31 ~~(2) A faculty member who is covered by a union security provision~~
32 ~~and who asserts a right of nonassociation based on bona fide~~
33 ~~((religious tenets or teachings of a church or religious body of~~
34 ~~which such faculty member is a member)) personally held religious~~
35 ~~beliefs shall pay ((to a nonreligious charity or other charitable~~
36 ~~organization an amount of money equivalent to)) the periodic dues and~~
37 ~~initiation fees uniformly required as a condition of acquiring or~~
38 ~~retaining membership in the exclusive bargaining representative((-~~
39 ~~The charity shall be agreed upon by the faculty member and the~~
40 ~~employee organization to which such faculty member would otherwise~~

1 ~~pay the dues and fees))~~ to any employee-selected charity that is
2 participating in the Washington state combined fund drive program
3 authorized in RCW 41.04.0331. The faculty member shall furnish
4 written proof that such payments have been made. ~~((If the faculty~~
5 ~~member and the employee organization do not reach agreement on such~~
6 ~~matter, the dispute shall be submitted to the commission for~~
7 ~~determination.))~~ A faculty member may secure the right of
8 nonassociation based upon religious beliefs at any time.

9 **Sec. 7.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to
10 read as follows:

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

25 (2) An employee who is covered by a union security provision and
26 who asserts a right of nonassociation based on bona fide ~~((religious~~
27 ~~tenets, or teachings of a church or religious body of which the~~
28 ~~employee is a member,))~~ personally held religious beliefs shall, as a
29 condition of employment, ~~((make payments to the employee~~
30 ~~organization, for purposes within the program of the employee~~
31 ~~organization as designated by the employee that would be in harmony~~
32 ~~with his or her individual conscience. The amount of the payments~~
33 ~~shall be equal to the periodic dues and fees uniformly required as a~~
34 ~~condition of acquiring or retaining membership in the employee~~
35 ~~organization minus any included monthly premiums for insurance~~
36 ~~programs sponsored by the employee organization))~~ pay an amount of
37 money equivalent to regular dues and fees to any employee-selected
38 charity that is participating in the Washington state combined fund
39 drive program authorized in RCW 41.04.0331. The employee shall

1 furnish written proof that such payment has been made. The employee
2 shall not be a member of the employee organization but is entitled to
3 all the representation rights of a member of the employee
4 organization. An employee may secure the right of nonassociation
5 based upon religious beliefs at any time.

6 ~~(3) ((Upon filing with the employer the written authorization of~~
7 ~~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.))~~ (a) Upon written authorization of an
17 employee within the bargaining unit and after the certification or
18 recognition of the bargaining unit's exclusive bargaining
19 representative, the employer must deduct from the payments to the
20 employee the monthly amount of dues as certified by the secretary of
21 the exclusive bargaining representative and must transmit the same to
22 the treasurer of the exclusive bargaining representative.

23 (b) If the employer and the exclusive bargaining representative
24 of a bargaining unit enter into a collective bargaining agreement
25 that:

26 (i) Includes a union security provision authorized under
27 subsection (1) of this section, the employer must enforce the
28 agreement by deducting from the payments to bargaining unit members
29 the dues required for membership in the exclusive bargaining
30 representative, or, for nonmembers thereof, a fee equivalent to the
31 dues; or

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

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

38 **Sec. 8.** RCW 49.39.080 and 2010 c 6 s 9 are each amended to read
39 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 **Sec. 9.** RCW 49.39.090 and 2010 c 6 s 10 are each amended to read
21 as follows:

22 A collective bargaining agreement may:

23 (1) Contain union security provisions. However, nothing in this
24 section authorizes a closed shop provision. Agreements involving
25 union security provisions must safeguard the right of nonassociation
26 of employees based on bona fide (~~religious tenets or teachings of a~~
27 ~~church or religious body of which the symphony musician is a member~~)
28 personally held religious beliefs. The symphony musician must pay an
29 amount of money equivalent to regular union dues and initiation fee
30 to (~~a nonreligious charity or to another charitable organization~~
31 ~~mutually agreed upon by the symphony musician affected and the~~
32 ~~bargaining representative to which the symphony musician would~~
33 ~~otherwise pay the dues and initiation fee~~) any employee-selected
34 charity that is participating in the Washington state combined fund
35 drive program authorized in RCW 41.04.0331. The symphony musician
36 must furnish written proof that the payment has been made. (~~If the~~
37 ~~symphony musician and the bargaining representative do not reach~~
38 ~~agreement on this matter, the commission must designate the~~
39 ~~charitable organization;~~) A symphony musician may revoke

1 authorization for the deduction of dues and fees and secure the right
2 of nonassociation based upon religious beliefs at any time;

3 (2) Provide for binding arbitration of a labor dispute arising
4 from the application or the interpretation of the matters contained
5 in a collective bargaining agreement."

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By Senator Baumgartner

6 On page 1, line 2 of the title, after "fees;" strike the
7 remainder of the title and insert "and amending RCW 28B.52.045,
8 41.56.110, 41.56.122, 41.59.060, 41.59.100, 41.76.045, 41.80.100,
9 49.39.080, and 49.39.090."

EFFECT: Modifies the standard for religious nonassociation with regard to union membership by authorizing employees asserting religious nonassociation to make payments to any charitable organization participating in the Washington State Combined Fund Drive.

--- END ---