

SSB 6296 - S AMD 439

By Senator Ericksen

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

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

5 Only upon the written authorization of any public employee within
6 the bargaining unit and after the certification or recognition of
7 such bargaining representative, the public employer shall deduct from
8 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 **Sec. 2.** RCW 41.56.113 and 2010 c 296 s 4 are each amended to
13 read as follows:

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

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

27 (b) If the governor and the exclusive bargaining representative
28 of a bargaining unit of individual providers, family child care
29 providers, adult family home providers, or language access providers
30 enter into a collective bargaining agreement that(+

1 ~~(i) Includes a union security provision authorized in RCW~~
2 ~~41.56.122, the state as payor, but not as the employer, shall,~~
3 ~~subject to (c) of this subsection, enforce the agreement by deducting~~
4 ~~from the payments to bargaining unit members the dues required for~~
5 ~~membership in the exclusive bargaining representative, or, for~~
6 ~~nonmembers thereof, a fee equivalent to the dues; or~~

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

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

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

36 ~~((d) The governor and the exclusive bargaining representative of~~
37 ~~a bargaining unit of family child care providers may not enter into a~~
38 ~~collective bargaining agreement that contains a union security~~
39 ~~provision unless the agreement contains a process, to be administered~~
40 ~~by the exclusive bargaining representative of a bargaining unit of~~

1 ~~family child care providers, for hardship dispensation for license-~~
2 ~~exempt family child care providers who are also temporary assistance~~
3 ~~for needy families recipients or WorkFirst participants.))~~

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (3) A faculty member who is covered by a union security provision
39 and who asserts a right of nonassociation based on bona fide

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

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

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

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

1 organization. The employee shall not be a member of the employee
2 organization but is entitled to all the representation rights of a
3 member of the employee organization.

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

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

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

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

37 (2) The employer may not deduct any dues, fees, assessments, or
38 other charges from the pay of a ferry employee on behalf of a ferry
39 employee organization without the voluntary, written authorization of

1 the ferry employee. A ferry employee may revoke his or her
2 authorization for such deductions at any time by notifying the
3 employer or ferry employee organization in writing.

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

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

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13 On page 1, line 2 of the title, after "fees;" strike the
14 remainder of the title and insert "and amending RCW 41.56.110,
15 41.56.113, 41.59.060, 41.76.045, 41.80.100, 47.64.160, and
16 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 dues or fees from the
employee's pay.

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