

2 **SHB 1287** - S COMM AMD
3 By Committee on Labor & Commerce

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** (1) This chapter shall be known and cited
8 as the agricultural employment relations act.

9 (2) It is hereby stated to be the policy of the state of Washington
10 to protect the right of agricultural employees to full freedom of
11 association, self-organization, and designation of representatives of
12 their own choosing for the purpose of collective bargaining.
13 Industrial strife can be avoided or substantially minimized, and the
14 public interest protected, if employers and employees recognize each
15 other's legitimate rights under law in their relations with one
16 another. It is the purpose and policy of this chapter to prescribe the
17 collective bargaining rights of employees and employers in the
18 agricultural industry, to provide orderly and peaceful procedures for
19 preventing the interference by one with the rights of the other, to
20 protect the rights of individual employees, to define and proscribe
21 practices on the part of labor and management that are inimical to the
22 general welfare, and to protect the rights of the public in connection
23 with labor disputes.

24 NEW SECTION. **Sec. 2.** Unless the context clearly requires
25 otherwise, the definitions in this section apply throughout this
26 chapter.

27 (1) "Agriculture" includes farming in all its branches, and among
28 other things, includes the cultivation and tillage of the soil,
29 dairying, the production, cultivation, growing, and harvesting of
30 agricultural or horticultural commodities, including commodities
31 defined as agricultural commodities in 12 U.S.C. Sec. 1141j(g), the
32 raising of livestock, bees, furbearing animals, or poultry, and
33 practices, including forestry or lumbering operations, performed by a
34 farmer or on a farm as an incident to or in conjunction with the

1 farming operations, including preparation for market and delivery to
2 storage, or to market, or to carriers for transportation to market.

3 (2) "Collective bargaining" means the performance of the mutual
4 obligation of the employer and the exclusive bargaining representative
5 to meet at reasonable times and to bargain in good faith in an effort
6 to reach agreement with respect to wages, hours, and other terms and
7 conditions of employment, or the negotiation of a question arising
8 under a collective bargaining agreement. A written contract
9 incorporating an agreement reached shall be executed if requested by
10 either party. The obligation to bargain does not compel either party
11 to agree to a proposal or to make a concession, except as otherwise
12 provided in this chapter.

13 (3) "Commission" means the commission established in chapter 41.58
14 RCW which for purposes of this chapter shall be known as the Washington
15 employment relations commission.

16 (4) "Employee" means anyone employed by an employer in agriculture,
17 and shall not be limited to the employees of a particular employer,
18 unless this chapter explicitly states otherwise, and shall include an
19 individual whose work has ceased as a consequence of, or in connection
20 with, a current labor dispute or because of an unfair labor practice,
21 and who has not obtained any other regular and substantially equivalent
22 employment, but shall not include an individual employed in the
23 domestic service of a family or person at his or her home, or an
24 individual employed by his or her parent or spouse, or an individual
25 having the status of an independent contractor, or an individual
26 employed as a supervisor, unless included within a separate bargaining
27 agreement pursuant to this chapter, or a person covered by the national
28 labor relations act or the railway labor act.

29 (5) "Employee organization" means an organization of any kind, or
30 an agency or employee representation committee or plan, in which
31 employees participate and that exists for the purpose, in whole or in
32 part, of dealing with employers concerning grievances, labor disputes,
33 wages, rates of pay, hours of employment, or conditions of work.

34 (6) "Employer" shall be liberally construed to include any of the
35 following who, at any time during the preceding calendar year, employed
36 fifteen or more employees at the same time: Any person acting directly
37 or indirectly in the interest of an employer in relation to an
38 employee, an individual grower, corporate grower, cooperative grower,
39 harvesting association, hiring association, land management group, an

1 association of persons or cooperatives engaged in agriculture, and a
2 person who owns or leases or manages land used for agricultural
3 purposes. A farm labor contractor, or a person supplying agricultural
4 workers to an employer, is an agent of the employer.

5 (7) "Exclusive bargaining representative" means an employee
6 organization which has been certified pursuant to section 7 of this act
7 as the representative of the employees in an appropriate bargaining
8 unit.

9 (8) "Labor dispute" means any controversy concerning terms, tenure,
10 or conditions of employment, or concerning the association or
11 representation of persons in negotiating, fixing, maintaining,
12 changing, or seeking to arrange terms or conditions of employment,
13 regardless of whether the disputants stand in the proximate relation of
14 employer and employee.

15 (9) "Person" includes one or more individuals, employee
16 organizations, partnerships, associations, corporations, legal
17 representatives, trustees, trustees in cases under Title II U.S.C., or
18 receivers. In determining whether a person is acting as an agent of
19 another person so as to make the other person responsible for his or
20 her acts, the question of whether the specific acts performed were
21 actually authorized or subsequently ratified shall not be controlling.

22 (10) "Professional employee" means:

23 (a) An employee engaged in work:

24 (i) Predominantly intellectual and varied in character as opposed
25 to routine mental, manual, mechanical, or physical work;

26 (ii) Involving the consistent exercise of discretion and judgment
27 in its performance;

28 (iii) Of such a character that the output produced or the result
29 accomplished cannot be standardized in relation to a given period of
30 time;

31 (iv) Requiring knowledge of an advanced type in a field of science
32 or learning customarily acquired by a prolonged course of specialized
33 intellectual instruction and study in an institution of higher learning
34 or a hospital, as distinguished from a general academic education or
35 from an apprenticeship or from training in the performance of routine
36 mental, manual, or physical processes; or

37 (b) An employee, who:

38 (i) Has completed the courses of specialized intellectual
39 instruction and study described in (a)(iv) of this subsection; and

1 (ii) Is performing related work under the supervision of a
2 professional person to qualify himself or herself to become a
3 professional employee as defined in (a) of this subsection.

4 (11) "Supervisor" means an individual having authority, in the
5 interest of the employer, to hire, transfer, suspend, lay off, recall,
6 promote, discharge, assign, reward, or discipline other employees, or
7 responsibility to direct them or to adjust their grievances, or
8 effectively to recommend such action, if in connection with the
9 foregoing the exercise of such authority is not merely a routine or
10 clerical nature, but requires the use of independent judgment.

11 (12) "Union security provision" means a provision in a collective
12 bargaining agreement under which some or all of the employees in the
13 bargaining unit may be required, as a condition of continued employment
14 on or after the seventh day following the beginning of the employment
15 or the effective date of the provision, whichever is later, to become
16 a member of the exclusive bargaining representative or pay a
17 representation fee not greater than the periodic dues and initiation
18 fees uniformly required as a condition of acquiring or retaining
19 membership in the exclusive bargaining representative.

20 (13) "Unfair labor practice" means an unfair labor practice listed
21 in section 8 of this act.

22 NEW SECTION. **Sec. 3.** The commission is an administrative agency
23 within the meaning of chapter 34.05 RCW.

24 (1) The commission shall have authority from time to time to adopt,
25 pursuant to chapter 34.05 RCW, rules as may be necessary to carry out
26 this chapter, consistent with the best standards of labor management
27 relations.

28 (2) The rules, practices, and precedents of the national labor
29 relations board, provided they are consistent with this chapter, shall
30 be considered by the commission in its interpretation of this chapter,
31 and prior to the adoption of commission rules.

32 (3) The commission shall employ staff with sufficient language
33 ability to implement this chapter efficiently and fairly.

34 (4) In consultation with agricultural employer and employee
35 organizations, the commission shall appoint a coordinator for
36 agricultural employment who shall have a knowledge of agricultural
37 industry and employment issues. The coordinator shall perform the
38 duties and have the powers as the commission shall prescribe, in

1 consultation with its executive director, to implement and enforce this
2 chapter.

3 NEW SECTION. **Sec. 4.** Employees have the right to self-
4 organization, to form, join, or assist employee organizations, to
5 bargain collectively through representatives of their own choosing, and
6 to engage in other lawful concerted activities for the purpose of
7 collective bargaining or other mutual aid or protection, and also have
8 the right to refrain from any or all of the activities except to the
9 extent that employees may be required to make payments to an exclusive
10 bargaining representative or charitable organization under a union
11 security provision authorized by this chapter.

12 NEW SECTION. **Sec. 5.** The employee organization that has been
13 designated or selected by the majority of the employees in an
14 appropriate bargaining unit as their representative for the purposes of
15 collective bargaining shall be the exclusive bargaining representative
16 of, and shall be required to represent, all the employees within the
17 bargaining unit without regard to membership in that employee
18 organization. However, an employee or group of employees may at any
19 time after the adoption of a collective bargaining agreement present
20 complaints or concerns to the employer and have the complaints or
21 concerns adjusted without intervention of the exclusive bargaining
22 representative, as long as the exclusive bargaining representative has
23 been given an opportunity to be present at the adjustment and to make
24 its views known, and as long as the adjustment is not inconsistent with
25 the terms of a collective bargaining agreement then in effect.

26 NEW SECTION. **Sec. 6.** The commission shall resolve a dispute
27 concerning the unit appropriate for collective bargaining or the
28 allocation of employees or positions to bargaining units, taking into
29 consideration the duties, skills, and working conditions of the
30 employees; the extent of organization of the employees; and the desires
31 of the employees, except that:

32 (1) A unit shall not be considered appropriate if it includes both
33 supervisors and nonsupervisory employees;

34 (2) A unit that includes only supervisors may be considered
35 appropriate if a majority of the employees in the category indicate by
36 vote that they desire to be included in such a unit; and

1 (3) A unit that includes both professional employees and
2 nonprofessional employees shall not be considered appropriate unless a
3 majority of the professional employees indicate by vote that they
4 desire to be included in such a unit.

5 NEW SECTION. **Sec. 7.** The commission shall resolve a dispute
6 concerning selection of an exclusive bargaining representative in
7 accordance with the procedures specified in this section.

8 (1) No question concerning representation may be raised within one
9 year following certification of an exclusive bargaining representative
10 under this section.

11 (2) No question concerning representation may be raised within one
12 year following an election or cross-check in which the employees failed
13 to designate an exclusive bargaining representative.

14 (3) Where there is a valid collective bargaining agreement in
15 effect, no question concerning representation may be raised except
16 during the period not more than ninety nor less than sixty days prior
17 to the expiration date of the agreement. However, in the event a valid
18 collective bargaining agreement, together with a renewal or extension
19 thereof, has been or will be in existence for more than three years,
20 then a question concerning representation may be raised not more than
21 ninety nor less than sixty days prior to the third anniversary date or
22 a subsequent anniversary date of the agreement. If the exclusive
23 bargaining representative is removed as the result of the procedure,
24 the collective bargaining agreement shall be deemed to be terminated as
25 of the date of the decertification.

26 (4) An employee organization seeking certification as exclusive
27 bargaining representative of a bargaining unit of employees, or
28 bargaining unit employees seeking decertification of their exclusive
29 bargaining representative, shall make a confidential showing to the
30 commission of credible evidence demonstrating that at least thirty
31 percent of the employees in the bargaining unit are in support of the
32 petition.

33 (5) A petition filed by an employer shall be supported by credible
34 evidence demonstrating the good faith basis on which the employer
35 claims the existence of a question concerning the representation among
36 its employees.

37 (6) An employee organization that makes a confidential showing to
38 the commission of credible evidence demonstrating that it has the

1 support of at least ten percent of the employees in the bargaining unit
2 involved shall be entitled to intervene in proceedings under this
3 section, and to have its name listed as a choice on the ballot in an
4 election conducted by the commission.

5 (7) The commission shall determine a question concerning
6 representation by conducting a secret ballot election among the
7 employees in the bargaining unit, except where the commission
8 determines that a serious unfair labor practice has been committed
9 which interfered with the election process and precludes the holding of
10 a fair election, the commission may determine the question concerning
11 representation by conducting a cross-check comparing the employee
12 organization's membership records or bargaining authorization cards
13 against the employment records of the employer.

14 (8)(a) If a petition is filed by an employee organization seeking
15 certification as an exclusive bargaining representative, and the number
16 of persons currently employed by the employer named in the petition, as
17 determined by the payroll immediately preceding the filing of the
18 petition, is not less than fifty percent of the employer's peak
19 employment during the preceding calendar year, the commission shall,
20 within two working days of the receipt of the petition, determine the
21 unit appropriate for collective bargaining and whether an election is
22 to occur. If an election is to occur, it shall be conducted within
23 seven days of the determination that it is to occur, unless the
24 employer and the employee organizations eligible for the election agree
25 otherwise.

26 (b) If a petition is filed by an employee organization seeking
27 certification as an exclusive bargaining representative, and the number
28 of persons currently employed by the employer named in the petition, as
29 determined by the payroll immediately preceding the filing of the
30 petition, is less than fifty percent of the employer's peak employment
31 during the preceding calendar year, the commission shall, within seven
32 days of the receipt of the petition, determine the unit appropriate for
33 collective bargaining, and whether an election is to occur. If an
34 election is to occur, it shall be conducted within fourteen days of the
35 determination that it is to occur, unless the employer and the employee
36 organizations eligible for the election agree otherwise.

37 (9) The representation election ballot shall contain a choice for
38 each employee organization qualifying under subsection (4) or (6) of
39 this section, together with a choice for no representation. The

1 representation election shall be determined by the majority of the
2 valid ballots cast. Where there are three or more choices on the
3 ballot and none of the choices receives a majority of the valid ballots
4 cast, a runoff election shall be conducted between the two choices
5 receiving the highest and second highest numbers of votes.

6 (10) The ballots used by the commission shall include any symbol or
7 trademark requested by an employee organization qualified under
8 subsection (4) of this section in its petition, or requested by an
9 employee organization qualified under subsection (6) of this section in
10 its motion for intervention.

11 (11) Upon request of any party a reasonable time prior to the
12 election, as established by the commission, the ballots used by the
13 commission shall be printed in any language or languages used by
14 employees voting in the election, and in English.

15 (12) Employers shall maintain accurate and current payroll lists
16 containing the names and addresses of all their employees, and shall
17 make the list available to the commission upon request. Manipulation
18 of employee assignments or records of employee assignments, or other
19 action intended solely to circumvent the fifteen-employee threshold and
20 thereby avoid the application of this chapter, is strictly prohibited.
21 If the employer does not furnish a full and accurate list to the
22 commission within a reasonable time prior to an election, the
23 commission may proceed to determine eligibility on the basis of the
24 other evidence as is available to the commission at that time.

25 (13) Challenges to commission determinations regarding units
26 appropriate for collective bargaining or the selection of an exclusive
27 bargaining representative shall not operate as a stay on any election,
28 but shall be adjudicated after the election according to rules adopted
29 by the commission.

30 NEW SECTION. **Sec. 8.** (1) It is an unfair labor practice for an
31 employer or its agents to:

32 (a) Interfere with, restrain, or coerce employees in the exercise
33 of the rights guaranteed in this chapter;

34 (b) Dominate or interfere with the formation or administration of
35 an employee organization or contribute financial or other support to
36 it. However, an employer shall not be prohibited from permitting
37 employees to confer with it or its representatives or agents during
38 working hours without loss of time or pay;

1 (c) Encourage or discourage membership in an employee organization
2 by discrimination in regard to hiring, tenure of employment, or a term
3 or condition of employment, but nothing contained in this subsection
4 prevents an employer from enforcing a union security provision
5 authorized by this chapter;

6 (d) Discharge or otherwise discriminate against an employee because
7 he or she has filed charges or given testimony under this chapter;

8 (e) Refuse to bargain collectively with the exclusive bargaining
9 representative of its employees; or

10 (f) Permanently replace, or threaten to permanently replace, a
11 striking employee.

12 (2) It is an unfair labor practice for an employee organization or
13 its agents to:

14 (a) Restrain or coerce:

15 (i) Employees in the exercise of the rights guaranteed in this
16 chapter. However, this subsection (2)(a)(i) shall not impair the right
17 of an employee organization to prescribe its own rules with respect to
18 the acquisition or retention of membership therein; or

19 (ii) An employer in the selection of its representatives for the
20 purposes of collective bargaining or the adjustment of grievances;

21 (b) Cause or attempt to cause an employer to discriminate against
22 an employee in violation of subsection (1)(c) of this section, or to
23 discriminate against an employee with respect to whom membership in the
24 organization has been denied or terminated on some ground other than
25 his or her failure to tender the amounts required under a union
26 security provision authorized by this chapter;

27 (c) Discriminate against an employee because he or she has filed
28 charges or given testimony under this chapter;

29 (d) Refuse to bargain collectively with the employer of employees
30 for whom it is the exclusive bargaining representative;

31 (e) Require of employees covered by a union security provision
32 authorized under this chapter the payment, as a condition precedent to
33 becoming a member of the organization, of a fee in an amount that the
34 commission finds excessive or discriminatory under all the
35 circumstances. In making such a finding, the commission shall
36 consider, among other relevant factors, the practices and customs of
37 employee organizations in the particular industry, and the wages
38 currently paid to the employees affected;

1 (f) Cause or attempt to cause an employer to pay or deliver or
2 agree to pay or deliver money or any other thing of value, in the
3 nature of an exaction for services that are not performed or not to be
4 performed;

5 (g) Breach its duty of fair representation with respect to an
6 employee or employees in a bargaining unit for which the employee
7 organization is the exclusive bargaining representative, by action or
8 inaction which is arbitrary, discriminatory, perfunctory, or lacking in
9 good faith. However, it is not a violation of this section for an
10 employee organization to refuse to pursue a dispute under this chapter
11 on behalf of one or more employees where, following investigation of
12 the facts and circumstances, the employee organization makes a good
13 faith determination that the employee claim is without merit.

14 (3) Nothing contained in this section shall be construed to make
15 unlawful a refusal by a person to enter upon the premises of an
16 employer, other than his or her own employer, if the employees of the
17 employer are engaged in a strike ratified or approved by a
18 representative of the employees whom the employer is required to
19 recognize under the national labor relations act.

20 (4)(a) It is not an unfair labor practice under this section for an
21 employer to make an agreement covering employees engaged, or who, upon
22 their employment, will be engaged, in the harvesting of agricultural or
23 horticultural commodities under this chapter because (i) the majority
24 status of the employee organization has not been established under
25 section 7 of this act prior to the making of the agreement; (ii) the
26 agreement requires as a condition of employment, membership in the
27 employee organization after the seventh day following the beginning of
28 the employment or the effective date of the agreement, whichever is
29 later; (iii) the agreement requires the employer to notify the employee
30 organization of opportunities for employment with the employer, or
31 gives the employee organization an opportunity to refer qualified
32 applicants for employment; or (iv) the agreement specifies minimum
33 training or experience qualifications for employment or provides for
34 priority in opportunities for employment based upon length of service
35 with the employer, in agriculture or in the particular geographical
36 area.

37 (b) Subsections (1)(c) and (2)(b) of this section apply to any
38 hiring hall operated under this subsection.

1 (c) An agreement made under this subsection does not bar a petition
2 under section 7(3) of this act.

3 (5) The expressing of views, argument, or opinion, or the
4 dissemination thereof, whether in written, printed, graphic, or visual
5 form, shall not constitute or be evidence of an unfair labor practice
6 under this chapter, if the expression contains no threat of reprisal or
7 force or promise of benefit.

8 NEW SECTION. **Sec. 9.** The commission shall adjudicate unfair labor
9 practice disputes in accordance with the procedures specified in this
10 section and in chapter 34.05 RCW.

11 (1) A complaint charging unfair labor practices must be filed
12 within six months following the act or event complained of.

13 (2) The person or persons named as respondent in a complaint
14 charging unfair labor practices shall have the right to file an answer
15 to the complaint and to appear in person or otherwise to give testimony
16 at the place and time set by the commission for hearing.

17 (3) If the commission determines that a person has engaged in or is
18 engaging in an unfair labor practice, then the commission shall issue
19 and cause to be served upon the person an order requiring the person to
20 cease and desist from the unfair labor practice, and to take such
21 affirmative action as will effectuate the purposes and the policies of
22 this chapter, including the reinstatement of employees with back pay.

23 (4) The commission may petition the superior court of Thurston
24 county, the county in which the main office of the employer is located,
25 or where the person who has engaged or is engaging in an unfair labor
26 practice resides or transacts business, for appropriate temporary
27 relief or for the enforcement of its order.

28 NEW SECTION. **Sec. 10.** (1) An employer shall:

29 (a) Maintain accurate and current payroll lists containing the
30 names and addresses of all their employees, and shall release the lists
31 to a requesting employee organization upon reasonable notice of intent
32 to organize the employers' employees; and

33 (b) Upon request, allow an employee organization authorized to
34 raise a question regarding representation under section 7 of this act
35 to meet with the employer's employees at the employees' worksite one
36 hour prior to the commencement of the work day, one hour after the end
37 of the work day, and during meal breaks or other rest periods. Neither

1 the employer, nor the employer's agents or representatives, may be in
2 attendance at a meeting authorized under this subsection. This
3 subsection shall not be construed to limit any other right, guaranteed
4 by law, of employee organizations to communicate with employees.

5 (2) If an employer fails to comply with subsection (1) of this
6 section, the jurisdiction of the superior court of Thurston county, or
7 the county in which the main office of the employer is located may be
8 invoked, and the court shall have jurisdiction to compel such action as
9 may be appropriate, and award reasonable costs and attorneys' fees to
10 the prevailing party.

11 NEW SECTION. **Sec. 11.** (1) An employee organization or its agents
12 shall not:

13 (a) Engage in, or induce or encourage an individual to engage in,
14 a strike or a refusal in the course of his or her employment to use,
15 manufacture, process, transport, or otherwise handle or work on goods,
16 articles, materials or commodities or to perform services; or
17 threaten, coerce, or restrain a person, where in either case an object
18 thereof is:

19 (i) Forcing or requiring an employer or self-employed person to
20 join any employee or employer organization or to enter into any
21 agreement that is prohibited by (b) of this subsection;

22 (ii) Forcing or requiring a person to cease using, selling,
23 handling, transporting, or otherwise dealing in the products of any
24 other producer, processor, or manufacturer, or to cease doing business
25 with any other person, or forcing or requiring any other employer to
26 recognize or bargain with an employee organization as the
27 representative of his or her employees unless the employee organization
28 is the exclusive bargaining representative of the employees. However,
29 nothing contained in this subsection shall be construed to make
30 unlawful, where not otherwise unlawful, any primary strike or primary
31 picketing;

32 (iii) Forcing or requiring an employer to recognize or bargain with
33 a particular employee organization as the representative of his or her
34 employees if another employee organization is the exclusive bargaining
35 representative;

36 (iv) Forcing or requiring an employer to assign particular work to
37 employees in a particular employee organization or in a particular
38 trade, craft, or class rather than to employees in another employee

1 organization or in another trade, craft, or class, unless such employer
2 is failing to conform to an order or certification of the commission
3 determining the exclusive bargaining representative for employees
4 performing such work.

5 Nothing in this subsection shall be construed to prohibit
6 publicity, other than picketing, for the purpose of truthfully advising
7 the public, including consumers and members of an employee
8 organization, that a product or products are produced by an employer
9 with whom the employee organization has a primary dispute and are
10 distributed by another employer, as long as such publicity does not
11 have an effect of inducing any individual employed by any person other
12 than the primary employer in the course of his or her employment to
13 refuse to pick up, deliver, or transport any goods, or not to perform
14 any services, at the establishment of the employer engaged in such
15 distribution; or

16 (b) Enter into a contract or agreement with an employer, express or
17 implied, whereby the employer ceases or refrains or agrees to cease or
18 refrain from handling, using, selling, transporting, or otherwise
19 dealing in any of the products of any other employer, or to cease doing
20 business with any other person, and a contract or agreement entered
21 into heretofore or hereafter containing such an agreement shall be to
22 that extent unenforceable and void.

23 (2) Notwithstanding RCW 49.36.015 or chapter 49.32 RCW, if an
24 employee organization is engaging in any activity prohibited by
25 subsection (1) of this section, the jurisdiction of the superior court
26 of Thurston county or the county in which the activity is taking place
27 may be invoked, and the court shall have jurisdiction to issue a
28 permanent injunction against the prohibited activity, and award
29 reasonable costs and attorneys' fees to the prevailing party.

30 NEW SECTION. **Sec. 12.** (1) Upon the voluntary written
31 authorization of a bargaining unit employee, the employer shall deduct
32 from the pay of the employee the periodic dues and initiation fees
33 uniformly required as a condition of acquiring or retaining membership
34 in the exclusive bargaining representative. The employee authorization
35 may be irrevocable for up to one year. The dues and fees shall be
36 transmitted by the employer monthly to the exclusive bargaining
37 representative, or to the depository designated by the exclusive
38 bargaining representative.

1 (2) A collective bargaining agreement may include union security
2 provisions. The employer shall enforce a union security provision by
3 monthly deductions from the pay of all bargaining unit employees
4 affected thereby, and shall transmit the funds to the exclusive
5 bargaining representative or to the depository designated by the
6 exclusive bargaining representative.

7 (3) An employee who is covered by a union security provision and
8 who asserts a right of nonassociation based on bona fide religious
9 tenets or teachings of a church or religious body of which the employee
10 is a member shall, as a condition of employment, make alternative
11 payments to a nonreligious charity designated by agreement of the
12 employee and exclusive bargaining representative. The amount of the
13 alternative payment shall be equal to the periodic dues and initiation
14 fees uniformly required as a condition of acquiring or retaining
15 membership in the exclusive bargaining representative. The employee
16 shall furnish written proof that the payments have been made. If the
17 employee and the exclusive bargaining representative do not reach
18 agreement on the matter, the dispute shall be submitted to the
19 commission for determination.

20 NEW SECTION. **Sec. 13.** Members of the commission, the commission
21 staff, mediators, or arbitrators serving under this chapter are immune
22 from suit in any other civil action based upon commission proceedings
23 or official acts performed in good faith to effectuate the policies of
24 this chapter.

25 NEW SECTION. **Sec. 14.** Any person who willfully resists, prevents,
26 impedes, or interferes with members of the commission or its agents in
27 the performance or duties under this chapter is guilty of a gross
28 misdemeanor punishable under chapter 9A.20 RCW.

29 NEW SECTION. **Sec. 15.** This chapter is intended to be additional
30 to other rights and remedies and shall be liberally construed to
31 accomplish its purpose. If any provision of this chapter conflicts
32 with any other statute, ordinance, or rule, this chapter shall control.

33 NEW SECTION. **Sec. 16.** Nothing in this chapter may be construed to
34 interfere with, impede, or diminish in any way the right to strike or
35 lock out. However, the exclusive bargaining representative shall

1 provide the employer with written notice of any vote to authorize the
2 exclusive bargaining representative to call a strike on behalf of its
3 membership. The notice shall be provided at least seventy-two hours
4 prior to such a vote.

5 NEW SECTION. **Sec. 17.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 18.** Except as otherwise expressly provided in
10 this chapter, nothing in this chapter shall be construed to annul,
11 modify, or preclude the renewal or continuation of any lawful agreement
12 entered into between an employer and an employee organization prior to
13 the effective date of this act.

14 NEW SECTION. **Sec. 19.** Sections 1 through 18 of this act shall
15 constitute a new chapter in Title 49 RCW."

16 **SHB 1287** - S COMM AMD
17 By Committee on Labor & Commerce

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19 On page 1, line 1 of the title, after "relations;" strike the
20 remainder of the title and insert "adding a new chapter to Title 49
21 RCW; and prescribing penalties."

--- END ---