
HOUSE BILL 1760

State of Washington

55th Legislature

1997 Regular Session

By Representatives Mulliken, McMorris, D. Sommers, Benson, Koster, Smith, Zellinsky, Sherstad, Sump, Honeyford, Boldt, Backlund, Chandler, Clements, Lisk and Thompson

Read first time 02/07/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to rights regarding union security; amending RCW
2 28B.52.045, 41.06.150, 41.56.122, 41.59.100, 47.64.160, 53.18.050,
3 54.04.170, 41.56.020, and 42.41.020; adding a new section to chapter
4 28B.52 RCW; adding a new section to chapter 41.06 RCW; adding a new
5 section to chapter 41.56 RCW; adding a new section to chapter 41.59
6 RCW; adding a new section to chapter 47.64 RCW; adding a new section to
7 chapter 53.18 RCW; adding a new section to chapter 54.04 RCW; and
8 repealing RCW 54.04.180.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 **Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read
11 as follows:

12 (1) Upon filing with the employer the voluntary written
13 authorization of a bargaining unit employee under this chapter, the
14 employee organization which is the exclusive bargaining representative
15 of the bargaining unit shall have the right to have deducted from the
16 salary of the bargaining unit employee the periodic dues and initiation
17 fees uniformly required as a condition of acquiring or retaining
18 membership in the exclusive bargaining representative. Such employee
19 authorization shall not be irrevocable for a period of more than one

1 year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

5 (2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization. However, each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process and contract administration, and to pursuing matters that employers are authorized to negotiate under this chapter.

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

30 NEW SECTION. Sec. 2. A new section is added to chapter 28B.52 RCW to read as follows:

32 (1) Every employer shall upon hiring an employee for bargaining unit work provide the following notice in writing to the employee:

34 "NOTICE TO BARGAINING UNIT EMPLOYEES

35 Bargaining unit employees cannot be required to join a
36 union or maintain membership in a union to retain their jobs.
37 Under certain circumstances, the law permits a union and an
38 employer to enter into a union security agreement requiring

1 employees to pay uniform periodic dues and initiation fees.
2 However, employees who are not union members can only be
3 required to pay their share of union costs relating to
4 collective bargaining, contract administration, and grievance
5 adjustment.

6 If you believe that you have been required to pay dues
7 or fees used in part to support activities not related to
8 collective bargaining, contract administration, or grievance
9 adjustment, you may be entitled to a refund and to an
10 appropriate reduction in future payments.

11 For further information concerning your rights, you may
12 contact the Public Employment Relations Commission, 711 Capitol
13 Way, Suite 300, Olympia, Washington 98504-0919."

14 (2) The employer shall provide the notice required in subsection
15 (1) of this section to each bargaining unit employee upon ratification
16 of any collective bargaining agreement covering the employees that
17 includes union security provisions.

18 (3) Each notice given to an employee under subsections (1) and (2)
19 of this section shall be signed by the employee in acknowledgement of
20 receipt of the notice. The employer shall keep a copy of the signed
21 notice or notices on file during the employee's employment. If the
22 commission determines, upon petition by an employee, that notice was
23 not given as required by this section, the commission shall order such
24 relief as will effectuate the purposes of this section, including
25 relief that could be ordered by a court, except that the employer may
26 not be ordered to pay damages that exceed the amount of the dues and
27 fees paid by the employee to the employee organization from the date
28 that notice was required to the date of the commission's order.

29 (4) The employer shall post and keep posted a copy of the notice
30 required by this section in a place or places reasonably accessible to
31 all employees.

32 (5) An employer action required under this section does not
33 constitute and is not evidence of an unfair labor practice under this
34 chapter.

35 **Sec. 3.** RCW 41.06.150 and 1996 c 319 s 2 are each amended to read
36 as follows:

37 The board shall adopt rules, consistent with the purposes and
38 provisions of this chapter, as now or hereafter amended, and with the

1 best standards of personnel administration, regarding the basis and
2 procedures to be followed for:

3 (1) The reduction, dismissal, suspension, or demotion of an
4 employee;

5 (2) Certification of names for vacancies, including departmental
6 promotions, with the number of names equal to six more names than there
7 are vacancies to be filled, such names representing applicants rated
8 highest on eligibility lists: PROVIDED, That when other applicants
9 have scores equal to the lowest score among the names certified, their
10 names shall also be certified;

11 (3) Examinations for all positions in the competitive and
12 noncompetitive service;

13 (4) Appointments;

14 (5) Training and career development;

15 (6) Probationary periods of six to twelve months and rejections of
16 probationary employees, depending on the job requirements of the class,
17 except that entry level state park rangers shall serve a probationary
18 period of twelve months;

19 (7) Transfers;

20 (8) Sick leaves and vacations;

21 (9) Hours of work;

22 (10) Layoffs when necessary and subsequent reemployment, both
23 according to seniority;

24 (11) Determination of appropriate bargaining units within any
25 agency: PROVIDED, That in making such determination the board shall
26 consider the duties, skills, and working conditions of the employees,
27 the history of collective bargaining by the employees and their
28 bargaining representatives, the extent of organization among the
29 employees, and the desires of the employees;

30 (12) Certification and decertification of exclusive bargaining
31 representatives: PROVIDED, That after certification of an exclusive
32 bargaining representative and upon the representative's request, the
33 director shall hold an election among employees in a bargaining unit to
34 determine by a majority whether to require as a condition of employment
35 membership in the certified exclusive bargaining representative on or
36 after the thirtieth day following the beginning of employment or the
37 date of such election, whichever is the later, and the failure of an
38 employee to comply with such a condition of employment constitutes
39 cause for dismissal: PROVIDED FURTHER, That no more often than once in

1 each twelve-month period after expiration of twelve months following
2 the date of the original election in a bargaining unit and upon
3 petition of thirty percent of the members of a bargaining unit the
4 director shall hold an election to determine whether a majority wish to
5 rescind such condition of employment: PROVIDED FURTHER, That for
6 purposes of this clause, membership in the certified exclusive
7 bargaining representative is satisfied by the payment of monthly or
8 other periodic dues and does not require payment of initiation,
9 reinstatement, or any other fees or fines and includes full and
10 complete membership rights. However, each employee organization shall
11 establish a procedure by which any employee so requesting may pay a
12 representation fee no greater than the part of the membership fee that
13 represents a pro rata share of expenditures for purposes germane to the
14 collective bargaining process and contract administration, and to
15 pursuing matters that the agency is authorized to negotiate under
16 subsection (13) of this section: AND PROVIDED FURTHER, That in order
17 to safeguard the right of nonassociation of public employees, based on
18 bona fide religious tenets or teachings of a church or religious body
19 of which such public employee is a member, such public employee shall
20 pay to the union, for purposes within the program of the union as
21 designated by such employee that would be in harmony with his or her
22 individual conscience, an amount of money equivalent to regular union
23 dues minus any included monthly premiums for union-sponsored insurance
24 programs, and such employee shall not be a member of the union but is
25 entitled to all the representation rights of a union member;

26 (13) Agreements between agencies and certified exclusive bargaining
27 representatives providing for grievance procedures and collective
28 negotiations on all personnel matters over which the appointing
29 authority of the appropriate bargaining unit of such agency may
30 lawfully exercise discretion;

31 (14) Written agreements may contain provisions for payroll
32 deductions of employee organization dues upon authorization by the
33 employee member and for the cancellation of such payroll deduction by
34 the filing of a proper prior notice by the employee with the appointing
35 authority and the employee organization: PROVIDED, That nothing
36 contained herein permits or grants to any employee the right to strike
37 or refuse to perform his or her official duties;

1 (15) Adoption and revision of a comprehensive classification plan
2 for all positions in the classified service, based on investigation and
3 analysis of the duties and responsibilities of each such position.

4 (a) The board shall not adopt job classification revisions or class
5 studies unless implementation of the proposed revision or study will
6 result in net cost savings, increased efficiencies, or improved
7 management of personnel or services, and the proposed revision or study
8 has been approved by the director of financial management in accordance
9 with chapter 43.88 RCW.

10 (b) Beginning July 1, 1995, through June 30, 1997, in addition to
11 the requirements of (a) of this subsection:

12 (i) The board may approve the implementation of salary increases
13 resulting from adjustments to the classification plan during the 1995-
14 97 fiscal biennium only if:

15 (A) The implementation will not result in additional net costs and
16 the proposed implementation has been approved by the director of
17 financial management in accordance with chapter 43.88 RCW;

18 (B) The implementation will take effect on July 1, 1996, and the
19 total net cost of all such actions approved by the board for
20 implementation during the 1995-97 fiscal biennium does not exceed the
21 amounts specified by the legislature specifically for this purpose; or

22 (C) The implementation is a result of emergent conditions.
23 Emergent conditions are defined as emergency situations requiring the
24 establishment of positions necessary for the preservation of the public
25 health, safety, or general welfare, which do not exceed \$250,000 of the
26 moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp.
27 sess.

28 (ii) The board shall approve only those salary increases resulting
29 from adjustments to the classification plan if they are due to
30 documented recruitment and retention difficulties, salary compression
31 or inversion, increased duties and responsibilities, or inequities.
32 For these purposes, inequities are defined as similar work assigned to
33 different job classes with a salary disparity greater than 7.5 percent.

34 (iii) Adjustments made to the higher education hospital special pay
35 plan are exempt from (b)(i) through (ii) of this subsection.

36 (c) Reclassifications, class studies, and salary adjustments to be
37 implemented during the 1997-99 and subsequent fiscal biennia are
38 governed by (a) of this subsection and RCW 41.06.152;

1 (16) Allocation and reallocation of positions within the
2 classification plan;

3 (17) Adoption and revision of a state salary schedule to reflect
4 the prevailing rates in Washington state private industries and other
5 governmental units but the rates in the salary schedules or plans shall
6 be increased if necessary to attain comparable worth under an
7 implementation plan under RCW 41.06.155 and that, for institutions of
8 higher education and related boards, shall be competitive for positions
9 of a similar nature in the state or the locality in which an
10 institution of higher education or related board is located, such
11 adoption and revision subject to approval by the director of financial
12 management in accordance with the provisions of chapter 43.88 RCW;

13 (18) Increment increases within the series of steps for each pay
14 grade based on length of service for all employees whose standards of
15 performance are such as to permit them to retain job status in the
16 classified service;

17 (19) Providing for veteran's preference as required by existing
18 statutes, with recognition of preference in regard to layoffs and
19 subsequent reemployment for veterans and their surviving spouses by
20 giving such eligible veterans and their surviving spouses additional
21 credit in computing their seniority by adding to their unbroken state
22 service, as defined by the board, the veteran's service in the military
23 not to exceed five years. For the purposes of this section, "veteran"
24 means any person who has one or more years of active military service
25 in any branch of the armed forces of the United States or who has less
26 than one year's service and is discharged with a disability incurred in
27 the line of duty or is discharged at the convenience of the government
28 and who, upon termination of such service has received an honorable
29 discharge, a discharge for physical reasons with an honorable record,
30 or a release from active military service with evidence of service
31 other than that for which an undesirable, bad conduct, or dishonorable
32 discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse
33 of a veteran is entitled to the benefits of this section regardless of
34 the veteran's length of active military service: PROVIDED FURTHER,
35 That for the purposes of this section "veteran" does not include any
36 person who has voluntarily retired with twenty or more years of active
37 military service and whose military retirement pay is in excess of five
38 hundred dollars per month;

1 (20) Permitting agency heads to delegate the authority to appoint,
2 reduce, dismiss, suspend, or demote employees within their agencies if
3 such agency heads do not have specific statutory authority to so
4 delegate: PROVIDED, That the board may not authorize such delegation
5 to any position lower than the head of a major subdivision of the
6 agency;

7 (21) Assuring persons who are or have been employed in classified
8 positions before July 1, 1993, will be eligible for employment,
9 reemployment, transfer, and promotion in respect to classified
10 positions covered by this chapter;

11 (22) Affirmative action in appointment, promotion, transfer,
12 recruitment, training, and career development; development and
13 implementation of affirmative action goals and timetables; and
14 monitoring of progress against those goals and timetables.

15 The board shall consult with the human rights commission in the
16 development of rules pertaining to affirmative action. The department
17 of personnel shall transmit a report annually to the human rights
18 commission which states the progress each state agency has made in
19 meeting affirmative action goals and timetables.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.06 RCW
21 to read as follows:

22 (1) Every agency shall upon hiring an employee for bargaining unit
23 work provide the following notice in writing to the employee:

24 "NOTICE TO BARGAINING UNIT EMPLOYEES

25 Bargaining unit employees cannot be required to join a
26 union or maintain membership in a union to retain their jobs.
27 Under certain circumstances, the law permits bargaining unit
28 employees to vote on whether all bargaining unit employees will
29 be required to pay uniform periodic dues. However, employees
30 who are not union members can object to the use of their
31 payments for certain purposes and can only be required to pay
32 their share of union costs relating to collective bargaining,
33 contract administration, and grievance adjustment.

34 If you believe that you have been required to pay dues
35 used in part to support activities not related to collective
36 bargaining, contract administration, or grievance adjustment,
37 you may be entitled to a refund and to an appropriate reduction
38 in future payments.

1 For further information concerning your rights, you may
2 contact the Washington Personnel Resources Board, 521 Capitol
3 Way South, Olympia, Washington 98504-7500."

4 (2) The agency shall provide the notice required in subsection (1)
5 of this section to each bargaining unit employee following an election
6 in which a majority of the employees have voted to require the
7 condition of employment authorized in RCW 41.06.150(12).

8 (3) Each notice given to an employee under subsections (1) and (2)
9 of this section shall be signed by the employee in acknowledgement of
10 receipt of the notice. The agency shall keep a copy of the signed
11 notice or notices on file during the employee's employment. If the
12 board determines, upon petition by an employee, that notice was not
13 given as required by this section, the board shall order such relief as
14 will effectuate the purposes of this section, including relief that
15 could be ordered by a court, except that the agency may not be ordered
16 to pay damages that exceed the amount of the dues and fees paid by the
17 employee to the employee organization from the date that notice was
18 required to the date of the board's order.

19 (4) The agency shall post and keep posted a copy of the notice
20 required by this section in a place or places reasonably accessible to
21 all employees.

22 (5) An agency action required under this section does not
23 constitute and is not evidence of an unfair labor practice under this
24 chapter.

25 **Sec. 5.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each
26 amended to read as follows:

27 A collective bargaining agreement may:

28 (1) (a) Contain union security provisions((~~PROVIDED, That nothing~~
29 ~~in this section shall authorize~~)), but not a closed shop provision((~~PROVIDED FURTHER, That~~
30 ~~PROVIDED FURTHER, That~~)). Each employee organization shall establish
31 a procedure by which any employee so requesting may pay a
32 representation fee no greater than the part of the membership fee that
33 represents a pro rata share of expenditures for purposes germane to the
34 collective bargaining process and contract administration, and to
35 pursuing matters that the public employer is authorized to negotiate
36 under this chapter.

37 (b) Agreements involving union security provisions must safeguard
38 the right of nonassociation of public employees based on bona fide

1 religious tenets or teachings of a church or religious body of which
2 such public employee is a member. Such public employee shall pay an
3 amount of money equivalent to regular union dues and initiation fee to
4 a nonreligious charity or to another charitable organization mutually
5 agreed upon by the public employee affected and the bargaining
6 representative to which such public employee would otherwise pay the
7 dues and initiation fee. The public employee shall furnish written
8 proof that such payment has been made. If the public employee and the
9 bargaining representative do not reach agreement on such matter, the
10 commission shall designate the charitable organization.

11 (c) When there is a conflict between any collective bargaining
12 agreement reached by a public employer and a bargaining representative
13 on a union security provision and any charter, ordinance, rule, or
14 regulation adopted by the public employer or its agents, including but
15 not limited to, a civil service commission, the terms of the collective
16 bargaining agreement shall prevail.

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

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 41.56 RCW
21 to read as follows:

22 (1) Every public employer shall upon hiring an employee for
23 bargaining unit work provide the following notice in writing to the
24 employee:

25 "NOTICE TO BARGAINING UNIT EMPLOYEES

26 Bargaining unit employees cannot be required to join a
27 union or maintain membership in a union to retain their jobs.
28 Under certain circumstances, the law permits a union and an
29 employer to enter into a union security agreement requiring
30 employees to pay uniform periodic dues and initiation fees.
31 However, employees who are not union members can only be
32 required to pay their share of union costs relating to
33 collective bargaining, contract administration, and grievance
34 adjustment.

35 If you believe that you have been required to pay dues
36 or fees used in part to support activities not related to
37 collective bargaining, contract administration, or grievance

1 adjustment, you may be entitled to a refund and to an
2 appropriate reduction in future payments.

3 For further information concerning your rights, you may
4 contact the Public Employment Relations Commission, 711 Capitol
5 Way, Suite 300, Olympia, Washington 98504-0919."

6 (2) The public employer shall provide the notice required in
7 subsection (1) of this section to each bargaining unit employee upon
8 ratification of any collective bargaining agreement covering the
9 employees that includes union security provisions.

10 (3) Each notice given to an employee under subsections (1) and (2)
11 of this section shall be signed by the employee in acknowledgement of
12 receipt of the notice. The public employer shall keep a copy of the
13 signed notice or notices on file during the employee's employment. If
14 the commission determines, upon petition by an employee, that notice
15 was not given as required by this section, the commission shall order
16 such relief as will effectuate the purposes of this section, including
17 relief that could be ordered by a court, except that the employer may
18 not be ordered to pay damages that exceed the amount of the dues and
19 fees paid by the employee to the employee organization from the date
20 that notice was required to the date of the commission's order.

21 (4) The public employer shall post and keep posted a copy of the
22 notice required by this section in a place or places reasonably
23 accessible to all employees.

24 (5) A public employer action required under this section does not
25 constitute and is not evidence of an unfair labor practice under this
26 chapter.

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

29 (1) A collective bargaining agreement may include union security
30 provisions including an agency shop, but not a union or closed shop.
31 If an agency shop provision is agreed to, the employer shall enforce it
32 by deducting from the salary payments to members of the bargaining unit
33 the dues required of membership in the bargaining representative, or,
34 for nonmembers thereof, a fee equivalent to such dues. However, each
35 employee organization shall establish a procedure by which any employee
36 so requesting may pay a representation fee no greater than the part of
37 the membership fee that represents a pro rata share of expenditures for
38 purposes germane to the collective bargaining process and contract

1 administration, and to pursuing matters that employers are authorized
2 to negotiate under this chapter.

3 (2) All union security provisions must safeguard the right of
4 nonassociation of employees based on bona fide religious tenets or
5 teachings of a church or religious body of which such employee is a
6 member. ((Such)) An employee who asserts a right of nonassociation
7 shall pay an amount of money equivalent to regular dues and fees to a
8 nonreligious charity or to another charitable organization mutually
9 agreed upon by the employee affected and the bargaining representative
10 to which such employee would otherwise pay the dues and fees. The
11 employee shall furnish written proof that such payment has been made.
12 If the employee and the bargaining representative do not reach
13 agreement on such matter, the commission shall designate the charitable
14 organization.

15 NEW SECTION. Sec. 8. A new section is added to chapter 41.59 RCW
16 to read as follows:

17 (1) Every employer shall upon hiring an employee for bargaining
18 unit work provide the following notice in writing to the employee:

19 "NOTICE TO BARGAINING UNIT EMPLOYEES

20 Bargaining unit employees cannot be required to join a
21 union or maintain membership in a union to retain their jobs.
22 Under certain circumstances, the law permits a union and an
23 employer to enter into a union security agreement requiring
24 employees to pay uniform periodic dues and initiation fees.
25 However, employees who are not union members can only be
26 required to pay their share of union costs relating to
27 collective bargaining, contract administration, and grievance
28 adjustment.

29 If you believe that you have been required to pay dues
30 or fees used in part to support activities not related to
31 collective bargaining, contract administration, or grievance
32 adjustment, you may be entitled to a refund and to an
33 appropriate reduction in future payments.

34 For further information concerning your rights, you may
35 contact the Public Employment Relations Commission, 711 Capitol
36 Way, Suite 300, Olympia, Washington 98504-0919."

1 (2) The employer shall provide the notice required in subsection
2 (1) of this section to each bargaining unit employee upon ratification
3 of any collective bargaining agreement covering the employees that
4 includes union security provisions.

5 (3) Each notice given to an employee under subsections (1) and (2)
6 of this section shall be signed by the employee in acknowledgement of
7 receipt of the notice. The employer shall keep a copy of the signed
8 notice or notices on file during the employee's employment. If the
9 commission determines, upon petition by an employee, that notice was
10 not given as required by this section, the commission shall order such
11 relief as will effectuate the purposes of this section, including
12 relief that could be ordered by a court, except that the employer may
13 not be ordered to pay damages that exceed the amount of the dues and
14 fees paid by the employee to the employee organization from the date
15 that notice was required to the date of the commission's order.

16 (4) The employer shall post and keep posted a copy of the notice
17 required by this section in a place or places reasonably accessible to
18 all employees.

19 (5) An employer action required under this section does not
20 constitute and is not evidence of an unfair labor practice under this
21 chapter.

22 **Sec. 9.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read
23 as follows:

24 (1) A collective bargaining agreement may include union security
25 provisions including an agency shop, but not a union or closed shop.
26 If an agency shop provision is agreed to, the employer shall enforce it
27 by deducting from the salary payments to members of the bargaining unit
28 the dues required of membership in the bargaining representative, or,
29 for nonmembers thereof, a fee equivalent to such dues. However, each
30 employee organization shall establish a procedure by which any employee
31 so requesting may pay a representation fee no greater than the part of
32 the membership fee that represents a pro rata share of expenditures for
33 purposes germane to the collective bargaining process and contract
34 administration, and to pursuing matters that employers are authorized
35 to negotiate under this chapter.

36 (2) All union security provisions shall safeguard the right of
37 nonassociation of employees based on bona fide religious tenets or
38 teachings of a church or religious body of which such employee is a

1 member. ((Such)) An employee who asserts a right of nonassociation
2 shall pay an amount of money equivalent to regular dues and fees to a
3 nonreligious charity or to another charitable organization mutually
4 agreed upon by the employee affected and the bargaining representative
5 to which such employee would otherwise pay the dues and fees. The
6 employee shall furnish written proof that such payment has been made.
7 If the employee and the bargaining representative do not reach
8 agreement on such matter, the commission shall designate the charitable
9 organization.

10 NEW SECTION. Sec. 10. A new section is added to chapter 47.64 RCW
11 to read as follows:

12 (1) Ferry system management shall upon hiring a ferry employee for
13 bargaining unit work provide the following notice in writing to the
14 employee:

15 "NOTICE TO BARGAINING UNIT EMPLOYEES

16 Bargaining unit employees cannot be required to join a
17 union or maintain membership in a union to retain their jobs.
18 Under certain circumstances, the law permits a union and an
19 employer to enter into a union security agreement requiring
20 employees to pay uniform periodic dues and initiation fees.
21 However, employees who are not union members can only be
22 required to pay their share of union costs relating to
23 collective bargaining, contract administration, and grievance
24 adjustment.

25 If you believe that you have been required to pay dues
26 or fees used in part to support activities not related to
27 collective bargaining, contract administration, or grievance
28 adjustment, you may be entitled to a refund and to an
29 appropriate reduction in future payments.

30 For further information concerning your rights, you may
31 contact the Marine Employees' Commission, 711 Capitol Way,
32 Olympia, Washington 98504-0902."

33 (2) Ferry system management shall provide the notice required in
34 subsection (1) of this section to each ferry employee in a bargaining
35 unit upon ratification of any collective bargaining agreement covering
36 the employees that includes union security provisions.

1 (3) Each notice given to a ferry employee under subsections (1) and
2 (2) of this section shall be signed by the employee in acknowledgement
3 of receipt of the notice. Ferry system management shall keep a copy of
4 the signed notice or notices on file during the employee's employment.
5 If the marine employees' commission determines, upon petition by a
6 ferry employee, that notice was not given as required by this section,
7 the commission shall order such relief as will effectuate the purposes
8 of this section, including relief that could be ordered by a court,
9 except that the employer may not be ordered to pay damages that exceed
10 the amount of the dues and fees paid by the employee to the employee
11 organization from the date that notice was required to the date of the
12 commission's order.

13 (4) Ferry system management shall post and keep posted a copy of
14 the notice required by this section in a place or places reasonably
15 accessible to all ferry employees.

16 (5) Ferry system management action required under this section does
17 not constitute and is not evidence of an unfair labor practice under
18 this chapter.

19 **Sec. 11.** RCW 53.18.050 and 1967 c 101 s 5 are each amended to read
20 as follows:

21 A labor agreement signed by a port district may contain:

22 (1) Provisions that the employee organization chosen by a majority
23 of the employees in a grouping or unit will be recognized as the
24 representative of all employees in the classification included in such
25 grouping or unit;

26 (2) Maintenance of membership provisions including dues check-off
27 arrangements. However, each employee organization shall establish a
28 procedure by which any employee so requesting may pay a representation
29 fee no greater than the part of the membership fee that represents a
30 pro rata share of expenditures for purposes germane to the collective
31 bargaining process and contract administration, and to pursuing matters
32 that employers are authorized to negotiate; and

33 (3) Provisions providing for binding arbitration, the expenses
34 being equally borne by the parties, in matters of contract
35 interpretation and the settlement of jurisdictional disputes.

36 NEW SECTION. **Sec. 12.** A new section is added to chapter 53.18 RCW
37 to read as follows:

1 (1) Every port district shall upon hiring an employee for
2 bargaining unit work provide the following notice in writing to the
3 employee:

4 "NOTICE TO BARGAINING UNIT EMPLOYEES

5 Bargaining unit employees cannot be required to join a
6 union or maintain membership in a union to retain their jobs.
7 Under certain circumstances, the law permits a union and an
8 employer to enter into a union security agreement requiring
9 employees to pay uniform periodic dues and initiation fees.
10 However, employees who are not union members can only be
11 required to pay their share of union costs relating to
12 collective bargaining, contract administration, and grievance
13 adjustment.

14 If you believe that you have been required to pay dues
15 or fees used in part to support activities not related to
16 collective bargaining, contract administration, or grievance
17 adjustment, you may be entitled to a refund and to an
18 appropriate reduction in future payments.

19 For further information concerning your rights, you may
20 contact the Public Employment Relations Commission, 711 Capitol
21 Way, Suite 300, Olympia, Washington 98504-0919."

22 (2) The port district shall provide the notice required in
23 subsection (1) of this section to each bargaining unit employee upon
24 ratification of any collective bargaining agreement covering the
25 employees that includes union security provisions.

26 (3) Each notice given to an employee under subsections (1) and (2)
27 of this section shall be signed by the employee in acknowledgement of
28 receipt of the notice. The port district shall keep a copy of the
29 signed notice or notices on file during the employee's employment. If
30 the public employment relations commission determines, upon petition by
31 an employee, that notice was not given as required by this section, the
32 commission shall order such relief as will effectuate the purposes of
33 this section, including relief that could be ordered by a court, except
34 that the port district may not be ordered to pay damages that exceed
35 the amount of the dues and fees paid by the employee to the employee
36 organization from the date that notice was required to the date of the
37 commission's order.

1 (4) The port district shall post and keep posted a copy of the
2 notice required by this section in a place or places reasonably
3 accessible to all employees.

4 (5) A port district action required under this section does not
5 constitute and is not evidence of an unfair labor practice under this
6 chapter or chapter 41.56 RCW.

7 **Sec. 13.** RCW 54.04.170 and 1963 c 28 s 1 are each amended to read
8 as follows:

9 (1) Employees of public utility districts are hereby authorized and
10 entitled to enter into collective bargaining relations with their
11 employers with all the rights and privileges incident thereto as are
12 accorded to similar employees in private industry and a public utility
13 district may enter into collective bargaining relations with its
14 employees in the same manner that a private employer might do and may
15 agree to be bound by the result of such collective bargaining.

16 (2) Each employee organization representing employees of a public
17 utility district for collective bargaining purposes shall establish a
18 procedure by which any employee so requesting may pay a representation
19 fee no greater than the part of the membership fee that represents a
20 pro rata share of expenditures for purposes germane to the collective
21 bargaining process and contract administration, and to pursuing matters
22 that employers are authorized to negotiate.

23 **NEW SECTION. Sec. 14.** A new section is added to chapter 54.04 RCW
24 to read as follows:

25 (1) Every public utility district shall upon hiring an employee for
26 bargaining unit work provide the following notice in writing to the
27 employee:

28 "NOTICE TO BARGAINING UNIT EMPLOYEES

29 Bargaining unit employees cannot be required to join a
30 union or maintain membership in a union to retain their jobs.
31 Under certain circumstances, the law permits a union and an
32 employer to enter into a union security agreement requiring
33 employees to pay uniform periodic dues and initiation fees.
34 However, employees who are not union members can only be
35 required to pay their share of union costs relating to
36 collective bargaining, contract administration, and grievance
37 adjustment.

1 If you believe that you have been required to pay dues
2 or fees used in part to support activities not related to
3 collective bargaining, contract administration, or grievance
4 adjustment, you may be entitled to a refund and to an
5 appropriate reduction in future payments.

6 For further information concerning your rights, you may
7 contact the Public Employment Relations Commission, 711 Capitol
8 Way, Suite 300, Olympia, Washington 98504-0919."

9 (2) The public utility district shall provide the notice required
10 in subsection (1) of this section to each bargaining unit employee upon
11 ratification of any collective bargaining agreement covering the
12 employees that includes union security provisions.

13 (3) Each notice given to an employee under subsections (1) and (2)
14 of this section shall be signed by the employee in acknowledgement of
15 receipt of the notice. The public utility district shall keep a copy
16 of the signed notice or notices on file during the employee's
17 employment. If the public employment relations commission determines,
18 upon petition by an employee, that notice was not given as required by
19 this section, the commission shall order such relief as will effectuate
20 the purposes of this section, including relief that could be ordered by
21 a court, except that the public utility district may not be ordered to
22 pay damages that exceed the amount of the dues and fees paid by the
23 employee to the employee organization from the date that notice was
24 required to the date of the commission's order.

25 (4) The public utility district shall post and keep posted a copy
26 of the notice required by this section in a place or places reasonably
27 accessible to all employees.

28 (5) A public utility district action required under this section
29 does not constitute and is not evidence of an unfair labor practice
30 under this chapter or chapter 41.56 RCW.

31 NEW SECTION. **Sec. 15.** RCW 54.04.180 and 1963 c 28 s 2 are each
32 repealed.

33 **Sec. 16.** RCW 41.56.020 and 1994 c 297 s 1 are each amended to read
34 as follows:

35 This chapter shall apply to any county or municipal corporation, or
36 any political subdivision of the state of Washington, including
37 district courts and superior courts, except as otherwise provided by

1 RCW 54.04.170(~~(, 54.04.180,)~~) and chapters 41.59, 47.64, and 53.18 RCW.
2 The Washington state patrol shall be considered a public employer of
3 state patrol officers appointed under RCW 43.43.020. The Washington
4 state bar association shall be considered a public employer of its
5 employees.

6 **Sec. 17.** RCW 42.41.020 and 1994 c 210 s 1 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1)(a) "Improper governmental action" means any action by a local
11 government officer or employee:

12 (i) That is undertaken in the performance of the officer's or
13 employee's official duties, whether or not the action is within the
14 scope of the employee's employment; and

15 (ii) That is in violation of any federal, state, or local law or
16 rule, is an abuse of authority, is of substantial and specific danger
17 to the public health or safety, or is a gross waste of public funds.

18 (b) "Improper governmental action" does not include personnel
19 actions including but not limited to employee grievances, complaints,
20 appointments, promotions, transfers, assignments, reassignments,
21 reinstatements, restorations, reemployments, performance evaluations,
22 reductions in pay, dismissals, suspensions, demotions, violations of
23 the local government collective bargaining and civil service laws,
24 alleged labor agreement violations, reprimands, or any action that may
25 be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW
26 or RCW 54.04.170 (~~(and 54.04.180)~~).

27 (2) "Local government" means any governmental entity other than the
28 state, federal agencies, or an operating system established under
29 chapter 43.52 RCW. It includes, but is not limited to cities,
30 counties, school districts, and special purpose districts.

31 (3) "Retaliatory action" means: (a) Any adverse change in a local
32 government employee's employment status, or the terms and conditions of
33 employment including denial of adequate staff to perform duties,
34 frequent staff changes, frequent and undesirable office changes,
35 refusal to assign meaningful work, unwarranted and unsubstantiated
36 letters of reprimand or unsatisfactory performance evaluations,
37 demotion, transfer, reassignment, reduction in pay, denial of
38 promotion, suspension, dismissal, or any other disciplinary action; or

1 (b) hostile actions by another employee towards a local government
2 employee that were encouraged by a supervisor or senior manager or
3 official.

4 (4) "Emergency" means a circumstance that if not immediately
5 changed may cause damage to persons or property.

--- END ---