

1 **SHB 2662 - H AMD 0250 Adopted 2-18-02**

2 By Representative McDermott

3 On page 1, beginning on line 5, strike all of section 1 and insert
4 the following:

5 "NEW SECTION. **Sec. 1.** A new section is added to chapter 41.56 RCW
6 to read as follows:

7 (1) Upon the written authorization of an individual provider
8 within the bargaining unit and after the certification or recognition
9 of the bargaining unit's exclusive bargaining representative, the state
10 as payor, but not as the employer, shall, subject to subsection (3) of
11 this section, deduct from the payments to an individual provider the
12 monthly amount of dues as certified by the secretary of the exclusive
13 bargaining representative and shall transmit the same to the treasurer
14 of the exclusive bargaining representative.

15 (2) If the home care quality authority and the exclusive
16 bargaining representative of a bargaining unit of individual providers
17 enter into a collective bargaining agreement that:

18 (a) Includes a union security provision authorized in RCW
19 41.56.122, the state as payor, but not as the employer, shall, subject
20 to subsection (3) of this section, enforce the agreement by deducting
21 from the payments to bargaining unit members the dues required for
22 membership in the exclusive bargaining representative, or, for
23 nonmembers thereof, a fee equivalent to the dues; or

24 (b) Includes requirements for deductions of payments other than
25 the deduction under (a) of this subsection, the state, as payor, but
26 not as the employer, shall, subject to subsection (3) of this section,
27 make such deductions upon written authorization of the individual
28 provider.

29 (3)(a) The initial additional costs to the state in making
30 deductions from the payments to individual providers under this section
31 shall be negotiated, agreed upon in advance, and reimbursed to the
32 state by the exclusive bargaining representative.

33 (b) The allocation of ongoing additional costs to the state in
34 making deductions from the payments to individual providers under this
35 section shall be an appropriate subject of collective bargaining
36 between the exclusive bargaining representative and the home care
37 quality authority unless prohibited by another statute. If no

1 collective bargaining agreement containing a provision allocating the
2 ongoing additional cost is entered into between the exclusive
3 bargaining representative and the home care quality authority, or if
4 the legislature does not approve funding for the collective bargaining
5 agreement as provided in RCW 74.39A.300, the ongoing additional costs
6 to the state in making deductions from the payments to individual
7 providers under this section shall be negotiated, agreed upon in
8 advance, and reimbursed to the state by the exclusive bargaining
9 representative."

10 Correct the title.

EFFECT: The amendment: (1) clarifies that the state, in making deductions from the payment to individual providers, is acting as payor and not as the employer; and (2) modifies the provision that makes the state's additional costs subject to reimbursement by the exclusive bargaining representative. Under the new language, the initial additional costs for making the deductions must be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative. For ongoing additional costs, the allocation of these costs is an appropriate subject of collective bargaining. If no agreement allocating the costs is reached, or if the Legislature does not fund the agreement, the allocation of ongoing additional costs must be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.