

SENATE BILL REPORT

SB 6053

As of January 24, 2014

Title: An act relating to payment of representation fees in lieu of regular union dues and fees.

Brief Description: Addressing the payment of representation fees in lieu of regular union dues and fees.

Sponsors: Senators Honeyford, Rivers and Braun.

Brief History:

Committee Activity: Commerce & Labor: 1/20/14.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Jessica Stevenson (786-7465)

Background: Collective bargaining agreements may contain union security provisions. Generally, a union security provision requires, as a condition of employment, employees to maintain union membership or pay union dues in the form of an agency shop fee. Collective bargaining agreements that include union security provisions must allow public employees the right to nonassociate based on bona fide religious tenets or teachings of a church or religious body in which the public employee is a member. Public employees who choose to nonassociate must pay an amount equivalent to regular union dues and initiation fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee and the bargaining representative.

Upon filing with the employer the written authorization of a bargaining unit employee, the employee organization that is the exclusive bargaining representative of the bargaining unit must have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues must be deducted each pay period from the pay of all employees who have given authorization for the deduction and must be transmitted by the employer as provided for by agreement between the employer and the employee organization.

Academic personnel employees in community colleges can file a written authorization to have the employer deduct the regular dues and initiation fees from employee salaries. An

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employer of academic personnel can make the written authorization filed by an employee irrevocable for a period up to one year.

Summary of Bill: Public employees may exercise the right of nonassociation based on bona fide personal religious beliefs. Public employees who choose to nonassociate must pay an amount of money equivalent to the agency shop fee required by the union security agreement, or a lesser amount agreed to by the parties, to a nonreligious charity or a charity agreed upon by the employee and the bargaining representative.

The agency shop fee required by a union security provision must be equivalent to or less than a proportional share of estimated expenditures for purposes relevant to the collective bargaining process, contract administration, or matters affecting wages, hours, and other conditions of employment. The proportional share is based on the average of these expenditures over the preceding three years.

The change in fee amount applies to a variety of individuals including public employees, faculty of public four-year institutions, educational employees, academic personnel in community colleges, symphony musicians, marine employees, state employees, and health care employees.

Upon filing with the employer the written authorization of a bargaining unit of a state employee, the employee organization that is the exclusive bargaining representative of the bargaining unit must have the exclusive right to have deducted from the salary of the employee an amount equal to the fee. The fee must be deducted each pay period from the pay of all employees who have given authorization for the deduction and must be transmitted by the employer as provided for by agreement between the employer and the employee organization.

Academic personnel employees who file written authorization forms with the employer can revoke the authorization at any time.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Employees should have a right to opt out of contributions, and they should not need to file an exclusion annually. Employees should have the right to control their paycheck, and only the minimum amount necessary should be deducted. A substantial portion of union dues are spent on activities unrelated to workplace representation.

CON: The current system works well and employees can already take deductions for religious reasons so the bill is unnecessary. A new process is not needed because employees

are aware of the process for changing dues. The bill creates a division between individuals paying different amounts of money.

Persons Testifying: PRO: Senator Honeyford, prime sponsor; Dennis Redmon, Free Conscience; Jim Johnson, Retired Teacher; Maxford Nelsen, Freedom Foundation.

CON: Michael Boe, Teamsters Local 117; Jeff Johnson, WA State Labor Council; Greg Derveux, WA Federal and State Employees, WA Federation of State Employees.