
SENATE BILL 5935

State of Washington 63rd Legislature 2013 1st Special Session

By Senator Baumgartner

Read first time 05/15/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to protecting the right to work; adding new
2 sections to chapter 49.36 RCW; creating a new section; prescribing
3 penalties; and providing a contingent effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature declares that it is the
6 policy of the state that:

7 (1) A person shall not be required by an employer to abstain or
8 refrain from membership in any labor organization as a condition of
9 employment or continuation of employment. The right to work shall not
10 be denied or abridged on account of an employee's choice to bargain
11 collectively through a labor organization; and

12 (2) A person shall not be required by an employer to become or
13 remain a member of a labor organization as a condition of employment.
14 The right to work shall not be denied or abridged on account of an
15 employee's choice not to pay any dues, fees, or other charges of any
16 kind or amount, if not a member, to any labor organization, or on a
17 decision not to pay to any charity, political committees, or other
18 third party, in lieu of such payments, any amount equivalent to a pro
19 rata portion of dues, fees, or other charges.

1 NEW SECTION. **Sec. 2.** (1) A person's inherent right to work and to
2 bargain freely with the person's employer, individually or
3 collectively, for terms of the person's employment may not be denied or
4 infringed by law or by any organization.

5 (2) A contract that permits or requires the retention of part of an
6 employee's compensation to pay dues or assessments on the employee's
7 part to a labor union is void unless the employee delivers to the
8 employer the employee's written consent to the retention of those sums.

9 NEW SECTION. **Sec. 3.** (1) A person may not be denied employment
10 based on membership or nonmembership in a labor union.

11 (2) A contract is void if it requires that, to work for an
12 employer, employees or applicants for employment: (a) Must be or may
13 not be members of a labor union; or (b) must remain or may not remain
14 members of a labor union.

15 NEW SECTION. **Sec. 4.** (1) A labor union, a labor organizer, or an
16 officer, member, agent, or representative of a labor union may not
17 collect, receive, or demand, directly or indirectly, a fee as a work
18 permit or as a condition for the privilege to work from a person who is
19 not a member of the union.

20 (2) A labor union that violates this section is liable for a civil
21 penalty not to exceed one thousand dollars for each violation. The
22 civil penalty may be recovered in the name of the state, acting through
23 an enforcement officer, in a court of competent jurisdiction.

24 (3)(a) A superior court has jurisdiction, on the application of the
25 state acting through an enforcement officer, to issue a restraining
26 order, a temporary or permanent injunction, or any other writ of
27 process appropriate to enforce this section.

28 (b) A proceeding under (a) of this subsection shall be instituted,
29 prosecuted, and tried in the same manner as another civil case of a
30 similar nature in the superior court.

31 (4)(a) A labor union officer or a labor organizer commits an
32 offense if the person violates this section.

33 (b) An offense under (a) of this subsection is a misdemeanor
34 punishable by: (i) A fine of not more than five hundred dollars; (ii)
35 confinement in the county jail for not more than sixty days; or (iii)
36 both the fine and confinement.

1 (5) The attorney general, and each prosecuting attorney, within the
2 attorney's respective jurisdiction, shall: (a) Prosecute all criminal
3 proceedings under this section; and (b) institute and maintain all
4 civil proceedings under this section.

5 NEW SECTION. **Sec. 5.** (1)(a) The right of a person to work may not
6 be denied or abridged because of membership or nonmembership in a labor
7 union or other labor organization.

8 (b) In the exercise of the right to work, each person shall be free
9 from threats, force, intimidation, or coercion.

10 (c) A person who violates this section is liable to a person who
11 suffers from that violation for all resulting damages.

12 (2)(a) The attorney general or a prosecuting attorney may bring an
13 action in superior court to enjoin a violation of this section.

14 (b) The superior courts shall grant injunctive relief when a
15 violation of this section is made apparent.

16 (3) Not later than the second day after the receipt of notice of
17 institution of a cause of action under this section, a party to the
18 cause of action may apply to the presiding judge of the superior court
19 in the county within which the action is brought. The presiding judge
20 shall immediately assign a superior court judge from within the county
21 who shall hear all proceedings in the cause of action.

22 NEW SECTION. **Sec. 6.** Nothing contained in this act may be
23 construed to alter any existing collective bargaining unit or the
24 provisions of any existing collective bargaining agreement until the
25 agreement has expired.

26 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act are each
27 added to chapter 49.36 RCW.

28 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act take effect
29 if the department of labor and industries adopts an overall industrial
30 insurance rate for the 2014 rate year that is greater than the overall
31 rate adopted for the 2013 rate year. The department of labor and
32 industries must provide notice of the effective date of sections 1
33 through 5 of this act to the chief clerk of the house of

1 representatives, the secretary of the senate, the office of the code
2 reviser, and others as deemed appropriate by the department.

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