
SUBSTITUTE SENATE BILL 6053

State of Washington

63rd Legislature

2014 Regular Session

By Senate Commerce & Labor (originally sponsored by Senators Honeyford, Rivers, and Braun)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to payment of representation fees in lieu of
2 regular union dues and fees; and amending RCW 41.56.122, 41.76.045,
3 28B.52.045, 49.39.090, 47.64.160, 41.80.100, 41.59.100, 41.56.113, and
4 49.66.010.

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

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

8 (1) A collective bargaining agreement may:

9 ~~((1))~~ (a) Contain union security provisions: PROVIDED, That
10 nothing in this section shall authorize a closed shop provision:
11 PROVIDED FURTHER, That agreements involving union security provisions
12 must safeguard the right of nonassociation of public employees based on
13 bona fide personal religious beliefs or the religious tenets or
14 teachings of a church or religious body of which such public employee
15 is a member. Such public employee shall pay an amount of money
16 equivalent to ~~((regular union dues and initiation fee))~~ or by agreement
17 less than the agency shop fee required by the union security agreement
18 to a nonreligious charity or to another charitable organization
19 mutually agreed upon by the public employee affected and the bargaining

1 representative to which such public employee would otherwise pay the
2 (~~dues and initiation~~) agency shop fee. The public employee shall
3 furnish written proof that such payment has been made. If the public
4 employee and the bargaining representative do not reach agreement on
5 such matter, the commission shall designate the charitable
6 organization. When there is a conflict between any collective
7 bargaining agreement reached by a public employer and a bargaining
8 representative on a union security provision and any charter,
9 ordinance, rule, or regulation adopted by the public employer or its
10 agents, including but not limited to, a civil service commission, the
11 terms of the collective bargaining agreement shall prevail.

12 ((+2)) (b) Provide for binding arbitration of a labor dispute
13 arising from the application or the interpretation of the matters
14 contained in a collective bargaining agreement.

15 (2) The amount of an agency shop fee required by a union security
16 provision must be equivalent to or less than a pro rata share of
17 estimated expenditures for purposes germane to the collective
18 bargaining process, to contract administration, or to pursuing matters
19 affecting wages, hours, and other conditions of employment.

20 **Sec. 2.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to read
21 as follows:

22 (1) Upon filing with the employer the voluntary written
23 authorization of a bargaining unit faculty member under this chapter,
24 the employee organization which is the exclusive bargaining
25 representative of the bargaining unit shall have the right to have
26 deducted from the salary of the bargaining unit faculty member the
27 periodic dues and initiation fees uniformly required as a condition of
28 acquiring or retaining membership in the exclusive bargaining
29 representative. Such employee authorization shall not be irrevocable
30 for a period of more than one year. Such dues and fees shall be
31 deducted from the pay of all faculty members who have given
32 authorization for such deduction, and shall be transmitted by the
33 employer to the employee organization or to the depository designated
34 by the employee organization.

35 (2)(a) A collective bargaining agreement may include union security
36 provisions, but not a closed shop. If an agency shop or other union
37 security provision is agreed to, the employer shall enforce any such

1 provision by deductions from the salary of bargaining unit faculty
2 members affected thereby and shall transmit such funds to the employee
3 organization or to the depository designated by the employee
4 organization.

5 (b) The amount of an agency shop fee required by a union security
6 provision must be equivalent to or less than a pro rata share of
7 estimated expenditures for purposes germane to the collective
8 bargaining process, to contract administration, or to pursuing matters
9 affecting wages, hours, and other conditions of employment.

10 (3) A faculty member who is covered by a union security provision
11 and who asserts a right of nonassociation based on bona fide personally
12 held religious beliefs or the religious tenets or teachings of a church
13 or religious body of which such faculty member is a member shall pay to
14 a nonreligious charity or other charitable organization an amount of
15 money equivalent to (~~the periodic dues and initiation fees uniformly~~
16 ~~required as a condition of acquiring or retaining membership in the~~
17 ~~exclusive bargaining representative)) or by agreement less than the
18 agency shop fee required by the union security clause. The charity
19 shall be agreed upon by the faculty member and the employee
20 organization to which such faculty member would otherwise pay the
21 (~~dues and fees~~) fee. The faculty member shall furnish written proof
22 that such payments have been made. If the faculty member and the
23 employee organization do not reach agreement on such matter, the
24 dispute shall be submitted to the commission for determination.~~

25 **Sec. 3.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read
26 as follows:

27 (1) Upon filing with the employer the voluntary written
28 authorization of a bargaining unit employee under this chapter, the
29 employee organization which is the exclusive bargaining representative
30 of the bargaining unit shall have the right to have deducted from the
31 salary of the bargaining unit employee the periodic dues and initiation
32 fees uniformly required as a condition of acquiring or retaining
33 membership in the exclusive bargaining representative. Such employee
34 authorization (~~shall not~~) may be (~~irrevocable for a period of more~~
35 ~~than one year~~) revoked at any time. Such dues and fees shall be
36 deducted from the pay of all employees who have given authorization for

1 such deduction, and shall be transmitted by the employer to the
2 employee organization or to the depository designated by the employee
3 organization.

4 (2) A collective bargaining agreement may include union security
5 provisions, but not a closed shop. If an agency shop or other union
6 security provision is agreed to, the employer shall enforce any such
7 provision by deductions from the salary of bargaining unit employees
8 affected thereby and shall transmit such funds to the employee
9 organization or to the depository designated by the employee
10 organization.

11 (3) The amount of an agency shop fee required by a union security
12 provision shall be equivalent to or less than a pro rata share of
13 estimated expenditures for purposes germane to the collective
14 bargaining process, to contract administration, or to pursuing matters
15 affecting wages, hours, and other conditions of employment.

16 (4) An employee who is covered by a union security provision and
17 who asserts a right of nonassociation based on bona fide personally
18 held religious beliefs or the religious tenets or teachings of a church
19 or religious body of which such employee is a member shall pay to a
20 nonreligious charity or other charitable organization an amount of
21 money equivalent to (~~the periodic dues and initiation fees uniformly~~
22 ~~required as a condition of acquiring or retaining membership in the~~
23 ~~exclusive bargaining representative)) or by agreement less than the
24 agency shop fee required by the union security agreement. The charity
25 shall be agreed upon by the employee and the employee organization to
26 which such employee would otherwise pay the (~~dues and fees~~) fee. The
27 employee shall furnish written proof that such payments have been made.
28 If the employee and the employee organization do not reach agreement on
29 such matter, the commission shall designate the charitable
30 organization.~~

31 **Sec. 4.** RCW 49.39.090 and 2010 c 6 s 10 are each amended to read
32 as follows:

33 A collective bargaining agreement may:

34 (1) Contain union security provisions. However, nothing in this
35 section authorizes a closed shop provision. The amount of an agency
36 shop fee required by a union security provision shall be equivalent to
37 or less than a pro rata share of estimated expenditures for purposes

1 germane to the collective bargaining process, to contract
2 administration, or to pursuing matters affecting wages, hours, and
3 other conditions of employment. Agreements involving union security
4 provisions must safeguard the right of nonassociation of employees
5 based on bona fide personally held religious beliefs or the religious
6 tenets or teachings of a church or religious body of which the symphony
7 musician is a member. The symphony musician must pay an amount of
8 money equivalent to (~~regular union dues and initiation fee to a~~
9 ~~nonreligious charity~~) or by agreement less than the agency shop fee to
10 another charitable organization mutually agreed upon by the symphony
11 musician affected and the bargaining representative to which the
12 symphony musician would otherwise pay the (~~dues and initiation~~) fee.
13 The symphony musician must furnish written proof that the payment has
14 been made. If the symphony musician and the bargaining representative
15 do not reach agreement on this matter, the commission must designate
16 the charitable organization;

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 **Sec. 5.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read
21 as follows:

22 A collective bargaining agreement may include union security
23 provisions including an agency shop, but not a union or closed shop.
24 If an agency shop provision is agreed to, the employer shall enforce it
25 by deducting from the salary payments to members of the bargaining unit
26 the dues required of membership in the bargaining representative, or,
27 for nonmembers thereof, a fee equivalent to (~~such dues~~) or less than
28 a pro rata share of estimated expenditures for purposes germane to the
29 collective bargaining process, to contract administration, or to
30 pursuing matters affecting wages, hours, and other conditions of
31 employment. All union security provisions shall safeguard the right of
32 nonassociation of employees based on bona fide personally held
33 religious beliefs or the religious tenets or teachings of a church or
34 religious body of which such employee is a member. Such employee shall
35 pay an amount of money equivalent to (~~regular dues and fees~~) or by
36 agreement less than the agency shop fee to a nonreligious charity or to
37 another charitable organization mutually agreed upon by the employee

1 affected and the bargaining representative to which such employee would
2 otherwise pay the (~~dues and fees~~) fee. The employee shall furnish
3 written proof that such payment has been made. If the employee and the
4 bargaining representative do not reach agreement on such matter, the
5 commission shall designate the charitable organization.

6 **Sec. 6.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to
7 read as follows:

8 (1) A collective bargaining agreement may contain a union security
9 provision requiring as a condition of employment the payment, no later
10 than the thirtieth day following the beginning of employment or July 1,
11 2004, whichever is later, of an agency shop fee to the employee
12 organization that is the exclusive bargaining representative for the
13 bargaining unit in which the employee is employed. The amount of the
14 fee shall be equal to (~~the amount required to become a member in good
15 standing of the employee organization. Each employee organization
16 shall establish a procedure by which any employee so requesting may pay
17 a representation fee no greater than the part of the membership fee
18 that represents a pro rata share of expenditures for purposes germane
19 to the collective bargaining process, to contract administration, or to
20 pursuing matters affecting wages, hours, and other conditions of
21 employment~~) or less than a pro rata share of estimated expenditures
22 for purposes germane to the collective bargaining process, to contract
23 administration, or to pursuing matters affecting wages, hours, and
24 other conditions of employment.

25 (2) An employee who is covered by a union security provision and
26 who asserts a right of nonassociation based on bona fide personally
27 held religious beliefs or the religious tenets(~~(7)~~) or teachings of a
28 church or religious body of which the employee is a member(~~(7)~~)
29 shall(~~(7, as a condition of employment, make payments to the employee
30 organization, for purposes within the program of the employee
31 organization as designated by the employee that would be in harmony
32 with his or her individual conscience. The amount of the payments
33 shall be equal to the periodic dues and fees uniformly required as a
34 condition of acquiring or retaining membership in the employee
35 organization minus any included monthly premiums for insurance programs
36 sponsored by the employee organization. The employee shall not be a
37 member of the employee organization but is entitled to all the~~

1 ~~representation rights of a member of the employee organization))~~ pay an
2 amount of money equivalent or by agreement less than the agency shop
3 fee to a nonreligious charity or to another charitable organization
4 mutually agreed upon by the employee affected and the bargaining
5 representative to which the employee would otherwise pay the fee.

6 (3) Upon filing with the employer the written authorization of a
7 bargaining unit employee under this chapter, the employee organization
8 that is the exclusive bargaining representative of the bargaining unit
9 shall have the exclusive right to have deducted from the salary of the
10 employee an amount equal to the fees and dues uniformly required as a
11 condition of acquiring or retaining membership in the employee
12 organization. The fees and dues shall be deducted each pay period from
13 the pay of all employees who have given authorization for the deduction
14 and shall be transmitted by the employer as provided for by agreement
15 between the employer and the employee organization.

16 (4) Employee organizations that before July 1, 2004, were entitled
17 to the benefits of this section shall continue to be entitled to these
18 benefits.

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

21 A collective bargaining agreement may include union security
22 provisions including an agency shop, but not a union or closed shop.
23 If an agency shop provision is agreed to, the employer shall enforce it
24 by deducting from the salary payments to members of the bargaining unit
25 the dues required of membership in the bargaining representative, or,
26 for nonmembers thereof, a fee equivalent to ~~((such dues))~~ or less than
27 a pro rata share of estimated expenditures for purposes germane to the
28 collective bargaining process, to contract administration, or to
29 pursuing matters affecting wages, hours, and other conditions of
30 employment. All union security provisions must safeguard the right of
31 nonassociation of employees based on bona fide personally held
32 religious beliefs or the religious tenets or teachings of a church or
33 religious body of which such employee is a member. Such employee shall
34 pay an amount of money equivalent to ~~((regular dues and fees))~~ or by
35 agreement less than the agency shop fee to a nonreligious charity or to
36 another charitable organization mutually agreed upon by the employee
37 affected and the bargaining representative to which such employee would

1 otherwise pay the (~~dues and fees~~) fee. The employee shall furnish
2 written proof that such payment has been made. If the employee and the
3 bargaining representative do not reach agreement on such matter, the
4 commission shall designate the charitable organization.

5 **Sec. 8.** RCW 41.56.113 and 2010 c 296 s 4 are each amended to read
6 as follows:

7 (1) This subsection (1) applies only if the state makes the
8 payments directly to a provider.

9 (a) Upon the written authorization of an individual provider, a
10 family child care provider, an adult family home provider, or a
11 language access provider within the bargaining unit and after the
12 certification or recognition of the bargaining unit's exclusive
13 bargaining representative, the state as payor, but not as the employer,
14 shall, subject to (c) of this subsection, deduct from the payments to
15 an individual provider, a family child care provider, an adult family
16 home provider, or a language access provider the monthly amount of dues
17 as certified by the secretary of the exclusive bargaining
18 representative and shall transmit the same to the treasurer of the
19 exclusive bargaining representative.

20 (b) If the governor and the exclusive bargaining representative of
21 a bargaining unit of individual providers, family child care providers,
22 adult family home providers, or language access providers enter into a
23 collective bargaining agreement that:

24 (i) Includes a union security provision authorized in RCW
25 41.56.122, the state as payor, but not as the employer, shall, subject
26 to (c) of this subsection, enforce the agreement by deducting from the
27 payments to bargaining unit members the dues required for membership in
28 the exclusive bargaining representative, or, for nonmembers thereof, a
29 fee equivalent to (~~the dues~~) or less than a pro rata share of
30 estimated expenditures for purposes germane to the collective
31 bargaining process, to contract administration, or to pursuing matters
32 affecting wages, hours, and other conditions of employment; or

33 (ii) Includes requirements for deductions of payments other than
34 the deduction under (~~(a)~~) (b)(i) of this subsection, the state, as
35 payor, but not as the employer, shall, subject to (c) of this
36 subsection, make such deductions upon written authorization of the

1 individual provider, family child care provider, adult family home
2 provider, or language access provider.

3 (c)(i) The initial additional costs to the state in making
4 deductions from the payments to individual providers, family child care
5 providers, adult family home providers, and language access providers
6 under this section shall be negotiated, agreed upon in advance, and
7 reimbursed to the state by the exclusive bargaining representative.

8 (ii) The allocation of ongoing additional costs to the state in
9 making deductions from the payments to individual providers, family
10 child care providers, adult family home providers, or language access
11 providers under this section shall be an appropriate subject of
12 collective bargaining between the exclusive bargaining representative
13 and the governor unless prohibited by another statute. If no
14 collective bargaining agreement containing a provision allocating the
15 ongoing additional cost is entered into between the exclusive
16 bargaining representative and the governor, or if the legislature does
17 not approve funding for the collective bargaining agreement as provided
18 in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable,
19 the ongoing additional costs to the state in making deductions from the
20 payments to individual providers, family child care providers, adult
21 family home providers, or language access providers under this section
22 shall be negotiated, agreed upon in advance, and reimbursed to the
23 state by the exclusive bargaining representative.

24 (d) The governor and the exclusive bargaining representative of a
25 bargaining unit of family child care providers may not enter into a
26 collective bargaining agreement that contains a union security
27 provision unless the agreement contains a process, to be administered
28 by the exclusive bargaining representative of a bargaining unit of
29 family child care providers, for hardship dispensation for license-
30 exempt family child care providers who are also temporary assistance
31 for needy families recipients or WorkFirst participants.

32 (2) This subsection (2) applies only if the state does not make the
33 payments directly to a provider.

34 (a) Upon the written authorization of a language access provider
35 within the bargaining unit and after the certification or recognition
36 of the bargaining unit's exclusive bargaining representative, the state
37 shall require through its contracts with third parties that:

1 (i) The monthly amount of dues as certified by the secretary of the
2 exclusive bargaining representative be deducted from the payments to
3 the language access provider and transmitted to the treasurer of the
4 exclusive bargaining representative; and

5 (ii) A record showing that dues have been deducted as specified in
6 (a)(i) of this subsection be provided to the state.

7 (b) If the governor and the exclusive bargaining representative of
8 the bargaining unit of language access providers enter into a
9 collective bargaining agreement that includes a union security
10 provision authorized in RCW 41.56.122, the state shall enforce the
11 agreement by requiring through its contracts with third parties that:

12 (i) The monthly amount of dues required for membership in the
13 exclusive bargaining representative as certified by the secretary of
14 the exclusive bargaining representative, or, for nonmembers thereof, a
15 fee equivalent to ~~((the dues))~~ or less than a pro rata share of
16 estimated expenditures for purposes germane to the collective
17 bargaining process, to contract administration, or to pursuing matters
18 affecting wages, hours, and other conditions of employment, be deducted
19 from the payments to the language access provider and transmitted to
20 the treasurer of the exclusive bargaining representative; and

21 (ii) A record showing that dues or fees have been deducted as
22 specified in (a)(i) of this subsection be provided to the state.

23 **Sec. 9.** RCW 49.66.010 and 1973 2nd ex.s. c 3 s 1 are each amended
24 to read as follows:

25 It is the public policy of the state to expedite the settlement of
26 labor disputes arising in connection with health care activities, in
27 order that there may be no lessening, however temporary, in the quality
28 of the care given to patients. It is the legislative purpose by this
29 chapter to promote collective bargaining between health care activities
30 and their employees, to protect the right of employees of health care
31 activities to organize and select collective bargaining units of their
32 own choosing.

33 It is further determined that any agreements involving union
34 security including an all-union agreement or agency agreement must
35 safeguard the rights of nonassociation of employees, based on bona fide
36 personally held religious beliefs or the religious tenets or teachings
37 of a church or religious body of which such employee is a member. Such

1 employee must pay an amount of money equivalent to (~~regular union dues~~
2 ~~and initiation fees and assessments, if any,~~) or by agreement less
3 than the agency shop fee to a nonreligious charity or to another
4 charitable organization mutually agreed upon by the employee affected
5 and the representative of the labor organization to which such employee
6 would otherwise pay (~~dues~~) the fee. The employee shall furnish
7 written proof that this has been done. If the employee and
8 representative of the labor organization do not reach agreement on the
9 matter, the department shall designate such organization.

10 The amount of an agency shop fee required by a union security
11 provision shall be equivalent to or less than a pro rata share of
12 estimated expenditures for purposes germane to the collective
13 bargaining process, to contract administration, or to pursuing matters
14 affecting wages, hours, and other conditions of employment.

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