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**SENATE BILL 5602**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Warnick, Braun, Sheldon, Schoesler, Angel, Bailey, and Honeyford

AN ACT Relating to prohibiting public entities from giving or loaning public funds to bargaining unit representatives for nongovernment functions; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 49.66 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that public entities' obligations under collective bargaining agreements must comply with Article VIII, sections 5 and 7 of the state Constitution, which assure that public credit or money is not given to or used to aid an individual, association, company, or corporation. Public funds are constitutionally directed to serve only public purposes. The state, school districts, counties, cities, towns, or other municipal corporations have no legal duty to fund workplace representation services as these purposes serve the private interests of employees and the organizations engaged in the enterprise of workplace representation. The provision in law for the collection of dues sufficiently facilitates workplace representation functions.

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

(1) After the effective date of this section, a public employer or institution of higher education shall not enter into or renew a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities. For purposes of this section, "bargaining representative activities" means activities that advance the bargaining representative's purposes including, but not limited to: (a) Engaging in collective bargaining, (b) advocating in the interest of employees' wages, benefits, terms, and conditions of employment, (c) representing organizational or employee interest in workplace decision making, (d) participating in labor management committees, (e) providing advocacy in discipline, grievance, or evaluation proceedings, (f) advancing the organizational interests in acquiring and informing members, (g) lobbying or political advocacy, (h) marketing to the public, (i) conducting organizational business, or (j) executing duties related to products or services provided to represented employees.

(2) This section does not prohibit the use of compensated personal leave for any personal purpose. A public employer or institution of higher education, however, may not enter into an employment contract with any public employee that provides paid leave for bargaining representative activities.

(3) This section does not apply to any existing employment contract in effect before the effective date of this section, but an existing contract may not be renewed or extended if the contract includes terms that conflict with this section. Any bargaining agreement that includes provisions prohibited in subsection (1) of this section after June 30, 2018, violates the prohibition against giving or lending of the state's credit and is void.

NEW SECTION. **Sec.**  A new section is added to chapter 41.76 RCW to read as follows:

(1) After the effective date of this section, an employer shall not enter into or renew a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities. For purposes of this section, "bargaining representative activities" means activities that advance the exclusive bargaining representative's purposes including, but not limited to: (a) Engaging in collective bargaining, (b) advocating in the interest of employees' wages, benefits, terms, and conditions of employment, (c) representing organizational or employee interest in workplace decision making, (d) participating in labor management committees, (e) providing advocacy in discipline, grievance, or evaluation proceedings, (f) advancing the organizational interests in acquiring and informing members, (g) lobbying or political advocacy, (h) marketing to the public, (i) conducting organizational business, or (j) executing duties related to products or services provided to represented employees.

(2) This section does not prohibit the use of compensated personal leave for any personal purpose. An employer, however, may not enter into an employment contract with any employee that provides paid leave for bargaining representative activities.

(3) This section does not apply to any existing employment contract in effect before the effective date of this section, but an existing contract may not be renewed or extended if the contract includes terms that conflict with this section. Any bargaining agreement that includes provisions prohibited in subsection (1) of this section after June 30, 2018, violates the prohibition against giving or lending of the state's credit and is void.

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

(1) After the effective date of this section, an employer shall not enter into or renew a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities. For purposes of this section, "bargaining representative activities" means activities that advance the exclusive bargaining representative's purposes including, but not limited to: (a) Engaging in collective bargaining, (b) advocating in the interest of employees' wages, benefits, terms, and conditions of employment, (c) representing organizational or employee interest in workplace decision making, (d) participating in labor management committees, (e) providing advocacy in discipline, grievance, or evaluation proceedings, (f) advancing the organizational interests in acquiring and informing members, (g) lobbying or political advocacy, (h) marketing to the public, (i) conducting organizational business, or (j) executing duties related to products or services provided to represented employees.

(2) This section does not prohibit the use of compensated personal leave for any personal purpose. An employer, however, may not enter into an employment contract with any employee that provides paid leave for bargaining representative activities.

(3) This section does not apply to any existing employment contract in effect before the effective date of this section, but an existing contract may not be renewed or extended if the contract includes terms that conflict with this section. Any bargaining agreement that includes provisions prohibited in subsection (1) of this section after June 30, 2018, violates the prohibition against giving or lending of the state's credit and is void.

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

(1) After the effective date of this section, the employer shall not enter into or renew a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities. For purposes of this section, "bargaining representative activities" means activities that advance the collective bargaining representative's purposes including, but not limited to: (a) Engaging in collective bargaining, (b) advocating in the interest of employees' wages, benefits, terms, and conditions of employment, (c) representing organizational or employee interest in workplace decision making, (d) participating in labor management committees, (e) providing advocacy in discipline, grievance, or evaluation proceedings, (f) advancing the organizational interests in acquiring and informing members, (g) lobbying or political advocacy, (h) marketing to the public, (i) conducting organizational business, or (j) executing duties related to products or services provided to represented employees.

(2) This section does not prohibit the use of compensated personal leave for any personal purpose. The employer, however, may not enter into an employment contract with any employee that provides paid leave for bargaining representative activities.

(3) This section does not apply to any existing employment contract in effect before the effective date of this section, but an existing contract may not be renewed or extended if the contract includes terms that conflict with this section. Any bargaining agreement that includes provisions prohibited in subsection (1) of this section after June 30, 2018, violates the prohibition against giving or lending of the state's credit and is void.

NEW SECTION. **Sec.**  A new section is added to chapter 41.80 RCW to read as follows:

(1) After the effective date of this section, an employer shall not enter into or renew a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities. For purposes of this section, "bargaining representative activities" means activities that advance the exclusive bargaining representative's purposes including, but not limited to: (a) Engaging in collective bargaining, (b) advocating in the interest of employees' wages, benefits, terms, and conditions of employment, (c) representing organizational or employee interest in workplace decision making, (d) participating in labor management committees, (e) providing advocacy in discipline, grievance, or evaluation proceedings, (f) advancing the organizational interests in acquiring and informing members, (g) lobbying or political advocacy, (h) marketing to the public, (i) conducting organizational business, or (j) executing duties related to products or services provided to represented employees.

(2) This section does not prohibit the use of compensated personal leave for any personal purpose. An employer, however, may not enter into an employment contract with any employee that provides paid leave for bargaining representative activities.

(3) This section does not apply to any existing employment contract in effect before the effective date of this section, but an existing contract may not be renewed or extended if the contract includes terms that conflict with this section. Any bargaining agreement that includes provisions prohibited in subsection (1) of this section after June 30, 2018, violates the prohibition against giving or lending of the state's credit and is void.

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

(1) After the effective date of this section, an employer shall not enter into or renew a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities. For purposes of this section, "bargaining representative activities" means activities that advance the exclusive bargaining representative's purposes including, but not limited to: (a) Engaging in collective bargaining, (b) advocating in the interest of employees' wages, benefits, terms, and conditions of employment, (c) representing organizational or employee interest in workplace decision making, (d) participating in labor management committees, (e) providing advocacy in discipline, grievance, or evaluation proceedings, (f) advancing the organizational interests in acquiring and informing members, (g) lobbying or political advocacy, (h) marketing to the public, (i) conducting organizational business, or (j) executing duties related to products or services provided to represented employees.

(2) This section does not prohibit the use of compensated personal leave for any personal purpose. An employer, however, may not enter into an employment contract with any employee that provides paid leave for bargaining representative activities.

(3) This section does not apply to any existing employment contract in effect before the effective date of this section, but an existing contract may not be renewed or extended if the contract includes terms that conflict with this section. Any bargaining agreement that includes provisions prohibited in subsection (1) of this section after June 30, 2018, violates the prohibition against giving or lending of the state's credit and is void.

NEW SECTION. **Sec.**  A new section is added to chapter 49.66 RCW to read as follows:

(1) After the effective date of this section, an employer that receives more than half its annual revenue from public funds shall not enter into or renew a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities. For purposes of this section, "bargaining representative activities" means activities that advance the bargaining representative's purposes including, but not limited to: (a) Engaging in collective bargaining, (b) advocating in the interest of employees' wages, benefits, terms, and conditions of employment, (c) representing organizational or employee interest in workplace decision making, (d) participating in labor management committees, (e) providing advocacy in discipline, grievance, or evaluation proceedings, (f) advancing the organizational interests in acquiring and informing members, (g) lobbying or political advocacy, (h) marketing to the public, (i) conducting organizational business, or (j) executing duties related to products or services provided to represented employees.

(2) This section does not prohibit the use of compensated personal leave for any personal purpose. An employer as described in subsection (1) of this section, however, may not enter into an employment contract with any employee that provides paid leave for bargaining representative activities.

(3) This section does not apply to any existing employment contract in effect before the effective date of this section, but an existing contract may not be renewed or extended if the contract includes terms that conflict with this section. Any bargaining agreement that includes provisions prohibited in subsection (1) of this section after June 30, 2018, violates the prohibition against giving or lending of the state's credit and is void.

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