SENATE BILL REPORT
SB 5671

As of February 9, 2015

Title: An act relating to the payment of union dues by partial public employees.

Brief Description: Addressing the payment of union dues by partial public employees.

Sponsors: Senators Baumgartner, O'Ban, Braun and Angel.

Brief History:
Committee Activity: Commerce & Labor: 2/09/15.

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Mac Nicholson (786-7445)

Background: There are four types of workers who are considered public employees solely for the purposes of collective bargaining: family child care providers, adult family home providers, language access providers, and home care individual providers. Collective bargaining agreements between the state and the bargaining representatives of these workers can contain union security provisions. The union security provisions are enforced through deduction of union dues or, for nonmembers, a fee equivalent to union dues, from payments made by the state to bargaining unit members.

In June 2014, the United States Supreme Court (Court) issued a decision in the *Harris v. Quinn* case. The question involved in *Harris v. Quinn*, as framed by the Court, is whether the first amendment permits a state to compel personal care providers to subsidize speech on matters of public concern by a union that they do not wish to join or support. The plaintiffs in the case were personal assistants who provided homecare services under an Illinois rehabilitation program. Personal assistants were considered to be employees of the state solely for the purposes of collective bargaining. The Service Employees International Union was designated as the exclusive union representative for personal assistants and entered into collective bargaining agreements with the state that included an agency-fee provision requiring all bargaining unit members who do not wish to join the union to pay the union a fee for the cost of certain activities. The Court held that the first amendment prohibits the collection of an agency fee from personal assistants in the rehabilitation program who do not want to join or support the union.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Following the *Harris v. Quinn* decision, a suit was filed challenging Washington State law that compels individual providers to pay union dues or an agency fee to the exclusive bargaining representative (*Centeno v. Quigley*). Plaintiffs in the *Centeno* case are individual providers who claim the state is violating the first amendment rights of individual providers, which forbids the government to compel individuals to join or financially support the speech of third parties. This litigation is ongoing.

Summary of Bill: A collective bargaining agreement involving workers who are considered public employees solely for bargaining purposes may not contain a union security clause, or require membership or payment of any fees to a bargaining representative as a condition of employment or payment.

The state as payor can only deduct union dues from payments to workers who are public employees solely for collective bargaining purposes only upon voluntary written authorization, and only if the worker is a member of the exclusive bargaining representative.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.