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HOUSE BILL 1774

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Shea, Scott, Taylor, G. Hunt, Young, and Condotta

Read first time 01/28/15. Referred to Committee on Labor.

1            AN ACT Relating to protecting the right to work; amending RCW  
2 41.56.113, 41.56.122, 41.59.060, 41.59.140, 41.76.045, 41.80.050,  
3 41.80.100, 47.64.130, 49.66.010, 49.66.050, and 53.18.050; adding new  
4 sections to chapter 49.36 RCW; prescribing penalties; and repealing  
5 RCW 28B.52.045 and 47.64.160.

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

7            NEW SECTION.    **Sec. 1.** The legislature declares that it is the  
8 policy of the state that no person shall be required by any person,  
9 employer, or labor organization to, as a condition of employment or  
10 continuation of employment: (a) Refrain from voluntary membership in  
11 a labor organization; (b) refrain from financially supporting a labor  
12 organization; (c) become or remain a member of a labor organization;  
13 (d) pay any dues, fees, or other charges to a labor organization; or  
14 (e) pay any funds to a charity or other third-party organization in  
15 lieu of paying dues or fees to a labor organization.

16            NEW SECTION.    **Sec. 2.** No person, employer, labor organization or  
17 contract may limit or restrict an employee's right to: (a) Join or  
18 resign membership in a labor organization at any time; or (b) begin  
19 or cease paying dues, fees, assessments, or other charges to a labor  
20 organization at any time.

1        NEW SECTION.    **Sec. 3.** No person, employer, or labor organization  
2 may deduct from the wages, earnings, or compensation of an employee  
3 any union dues, fees, assessments, or other charges to be held for or  
4 transferred to a labor organization, unless the employee has first  
5 presented and the employer has received, signed written authorization  
6 of such deductions. An employee may revoke such authorization at any  
7 time by giving written notice of such revocation to the employer.

8        NEW SECTION.    **Sec. 4.** It is unlawful for any person, labor  
9 organization, or officer, agent or member thereof, or employer, or  
10 officer thereof, by any threatened or actual intimidation of an  
11 employee or prospective employee, or an employee's or prospective  
12 employee's parents, spouse, children, grandchildren, or any other  
13 persons residing in the employee's or prospective employee's home, or  
14 by any damage or threatened damage to an employee's or prospective  
15 employee's property, to compel or attempt to compel such employee to  
16 join, affiliate with, or financially support a labor organization or  
17 to refrain from doing so or otherwise forfeit any rights as  
18 guaranteed by the provisions of this chapter.

19        NEW SECTION.    **Sec. 5.** (1) Any agreement, understanding, or  
20 practice, written or oral, implied or expressed, between any labor  
21 organization and employer that violates the rights of employees as  
22 defined by the provisions of this chapter is null and void, and of no  
23 legal effect.

24        (2) A person who violates this chapter is liable to a person who  
25 suffers from that violation for all resulting damages.

26        (3)(a) The attorney general or a prosecuting attorney may bring  
27 an action in superior court to enjoin a violation of this section.

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

30        (4) Not later than the second day after the receipt of notice of  
31 institution of a cause of action under this section, a party to the  
32 cause of action may apply to the presiding judge of the superior  
33 court in the county within which the action is brought. The presiding  
34 judge shall immediately assign a superior court judge from within the  
35 county who shall hear all proceedings in the cause of action.

36        NEW SECTION.    **Sec. 6.** Nothing contained in this chapter may be  
37 construed to alter any existing collective bargaining unit or the

1 provisions of any existing collective bargaining agreement until the  
2 agreement has expired.

3 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act do not  
4 apply to:

5 (1) Law enforcement officers as defined in RCW 41.26.030 employed  
6 by the governing body of any city or town;

7 (2) Correctional employees who are uniformed and nonuniformed,  
8 commissioned and noncommissioned security personnel employed in a  
9 jail as defined in RCW 70.48.020 and who are charged with the  
10 responsibility of controlling and maintaining custody of inmates in  
11 the jail and safeguarding inmates from other inmates;

12 (3) General authority Washington peace officers as defined in RCW  
13 10.93.020 employed by a port district;

14 (4) Security forces established under RCW 43.52.520;

15 (5) Firefighters as defined in RCW 41.26.030;

16 (6) Employees of a port district whose duties include crash fire  
17 rescue or other firefighting duties;

18 (7) Employees of fire departments of public employers who  
19 dispatch exclusively either fire or emergency medical services, or  
20 both; or

21 (8) Employees of the Washington state patrol.

22 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act are each  
23 added to chapter 49.36 RCW.

24 **Sec. 9.** RCW 41.56.113 and 2010 c 296 s 4 are each amended to  
25 read as follows:

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

28 (a) Upon the written authorization of an individual provider, a  
29 family child care provider, an adult family home provider, or a  
30 language access provider within the bargaining unit and after the  
31 certification or recognition of the bargaining unit's exclusive  
32 bargaining representative, the state as payor, but not as the  
33 employer, shall, subject to (c) of this subsection, deduct from the  
34 payments to an individual provider, a family child care provider, an  
35 adult family home provider, or a language access provider the monthly  
36 amount of dues as certified by the secretary of the exclusive

1 bargaining representative and shall transmit the same to the  
2 treasurer of the exclusive bargaining representative.

3 (b) If the governor and the exclusive bargaining representative  
4 of a bargaining unit of individual providers, family child care  
5 providers, adult family home providers, or language access providers  
6 enter into a collective bargaining agreement that(~~(+~~

7 ~~(i) Includes a union security provision authorized in RCW~~  
8 ~~41.56.122, the state as payor, but not as the employer, shall,~~  
9 ~~subject to (c) of this subsection, enforce the agreement by deducting~~  
10 ~~from the payments to bargaining unit members the dues required for~~  
11 ~~membership in the exclusive bargaining representative, or, for~~  
12 ~~nonmembers thereof, a fee equivalent to the dues; or~~

13 ~~(ii))~~ includes requirements for deductions of payments ((other  
14 than the deduction under (a)(i) of this subsection)), the state, as  
15 payor, but not as the employer, shall, subject to (c) of this  
16 subsection, make such deductions upon written authorization of the  
17 individual provider, family child care provider, adult family home  
18 provider, or language access provider. The requirements for  
19 deductions of payments may not include union security provisions.

20 (c)(i) The initial additional costs to the state in making  
21 deductions from the payments to individual providers, family child  
22 care providers, adult family home providers, and language access  
23 providers under this section shall be negotiated, agreed upon in  
24 advance, and reimbursed to the state by the exclusive bargaining  
25 representative.

26 (ii) The allocation of ongoing additional costs to the state in  
27 making deductions from the payments to individual providers, family  
28 child care providers, adult family home providers, or language access  
29 providers under this section shall be an appropriate subject of  
30 collective bargaining between the exclusive bargaining representative  
31 and the governor unless prohibited by another statute. If no  
32 collective bargaining agreement containing a provision allocating the  
33 ongoing additional cost is entered into between the exclusive  
34 bargaining representative and the governor, or if the legislature  
35 does not approve funding for the collective bargaining agreement as  
36 provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as  
37 applicable, the ongoing additional costs to the state in making  
38 deductions from the payments to individual providers, family child  
39 care providers, adult family home providers, or language access  
40 providers under this section shall be negotiated, agreed upon in

1 advance, and reimbursed to the state by the exclusive bargaining  
2 representative.

3 ~~((d) The governor and the exclusive bargaining representative of  
4 a bargaining unit of family child care providers may not enter into a  
5 collective bargaining agreement that contains a union security  
6 provision unless the agreement contains a process, to be administered  
7 by the exclusive bargaining representative of a bargaining unit of  
8 family child care providers, for hardship dispensation for license-  
9 exempt family child care providers who are also temporary assistance  
10 for needy families recipients or WorkFirst participants.))~~

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

13 ~~((a))~~ Upon the written authorization of a language access  
14 provider within the bargaining unit and after the certification or  
15 recognition of the bargaining unit's exclusive bargaining  
16 representative, the state shall require through its contracts with  
17 third parties that:

18 ~~((i))~~ (a) The monthly amount of dues as certified by the  
19 secretary of the exclusive bargaining representative be deducted from  
20 the payments to the language access provider and transmitted to the  
21 treasurer of the exclusive bargaining representative; and

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

24 ~~((b) If the governor and the exclusive bargaining representative  
25 of the bargaining unit of language access providers enter into a  
26 collective bargaining agreement that includes a union security  
27 provision authorized in RCW 41.56.122, the state shall enforce the  
28 agreement by requiring through its contracts with third parties that:~~

29 ~~(i) The monthly amount of dues required for membership in the  
30 exclusive bargaining representative as certified by the secretary of  
31 the exclusive bargaining representative, or, for nonmembers thereof,  
32 a fee equivalent to the dues, be deducted from the payments to the  
33 language access provider and transmitted to the treasurer of the  
34 exclusive bargaining representative; and~~

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

37 **Sec. 10.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each  
38 amended to read as follows:

39 (1) A collective bargaining agreement may(~~(+~~

1       ~~(1) Contain union security provisions: PROVIDED, That nothing in~~  
2 ~~this section shall authorize a closed shop provision: PROVIDED~~  
3 ~~FURTHER, That agreements involving union security provisions must~~  
4 ~~safeguard the right of nonassociation of public employees based on~~  
5 ~~bona fide religious tenets or teachings of a church or religious body~~  
6 ~~of which such public employee is a member. Such public employee shall~~  
7 ~~pay an amount of money equivalent to regular union dues and~~  
8 ~~initiation fee to a nonreligious charity or to another charitable~~  
9 ~~organization mutually agreed upon by the public employee affected and~~  
10 ~~the bargaining representative to which such public employee would~~  
11 ~~otherwise pay the dues and initiation fee. The public employee shall~~  
12 ~~furnish written proof that such payment has been made. If the public~~  
13 ~~employee and the bargaining representative do not reach agreement on~~  
14 ~~such matter, the commission shall designate the charitable~~  
15 ~~organization. When there is a conflict between any collective~~  
16 ~~bargaining agreement reached by a public employer and a bargaining~~  
17 ~~representative on a union security provision and any charter,~~  
18 ~~ordinance, rule, or regulation adopted by the public employer or its~~  
19 ~~agents, including but not limited to, a civil service commission, the~~  
20 ~~terms of the collective bargaining agreement shall prevail.~~

21       ~~(2)) provide for binding arbitration of a labor dispute arising~~  
22 ~~from the application or the interpretation of the matters contained~~  
23 ~~in a collective bargaining agreement.~~

24       (2) A collective bargaining agreement involving uniformed  
25 personnel or employees of the Washington state patrol may contain  
26 union security provisions provided that nothing in this section shall  
27 authorize a closed shop provision. Agreements involving union  
28 security provisions must safeguard the right of nonassociation of  
29 public employees based on sincerely held personal religious beliefs.  
30 Such public employee shall pay an amount of money equivalent to  
31 regular union dues and initiation fee to a nonreligious charitable  
32 organization mutually agreed upon by the public employee affected and  
33 the bargaining representative to which such public employee would  
34 otherwise pay the dues and initiation fee. The public employee shall  
35 furnish written proof that such payment has been made. If the public  
36 employee and the bargaining representative do not reach agreement on  
37 such matter, the commission shall designate the charitable  
38 organization. When there is a conflict between any collective  
39 bargaining agreement reached by a public employer and a bargaining  
40 representative on a union security provision and any charter,

1 ordinance, rule, or regulation adopted by the public employer or its  
2 agents, including but not limited to, a civil service commission, the  
3 terms of the collective bargaining agreement shall prevail.

4 **Sec. 11.** RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each  
5 amended to read as follows:

6 (1) Employees shall have the right to self-organization, to form,  
7 join, or assist employee organizations, to bargain collectively  
8 through representatives of their own choosing, and shall also have  
9 the right to refrain from any or all of such activities (~~except to~~  
10 ~~the extent that employees may be required to pay a fee to any~~  
11 ~~employee organization under an agency shop agreement authorized in~~  
12 ~~this chapter~~)).

13 (2) The exclusive bargaining representative shall have the right  
14 to have deducted from the salary of employees, upon receipt of an  
15 appropriate authorization form which shall not be irrevocable for a  
16 period of more than one year, an amount equal to the fees and dues  
17 required for membership. Such fees and dues shall be deducted monthly  
18 from the pay of all appropriate employees by the employer and  
19 transmitted as provided for by agreement between the employer and the  
20 exclusive bargaining representative, unless an automatic payroll  
21 deduction service is established pursuant to law, at which time such  
22 fees and dues shall be transmitted as therein provided. (~~If an~~  
23 ~~agency shop provision is agreed to and becomes effective pursuant to~~  
24 ~~RCW 41.59.100, except as provided in that section, the agency fee~~  
25 ~~equal to the fees and dues required of membership in the exclusive~~  
26 ~~bargaining representative shall be deducted from the salary of~~  
27 ~~employees in the bargaining unit.~~))

28 **Sec. 12.** RCW 41.59.140 and 2012 c 117 s 93 are each amended to  
29 read as follows:

30 (1) It shall be an unfair labor practice for an employer:  
31 (a) To interfere with, restrain, or coerce employees in the  
32 exercise of the rights guaranteed in RCW 41.59.060;  
33 (b) To dominate or interfere with the formation or administration  
34 of any employee organization or contribute financial or other support  
35 to it: PROVIDED, That subject to rules and regulations made by the  
36 commission pursuant to RCW 41.59.110, an employer shall not be  
37 prohibited from permitting employees to confer with it or its

1 representatives or agents during working hours without loss of time  
2 or pay;

3 (c) To encourage or discourage membership in any employee  
4 organization by discrimination in regard to hire, tenure of  
5 employment or any term or condition of employment(~~(, but nothing~~  
6 ~~contained in this subsection shall prevent an employer from~~  
7 ~~requiring, as a condition of continued employment, payment of~~  
8 ~~periodic dues and fees uniformly required to an exclusive bargaining~~  
9 ~~representative pursuant to RCW 41.59.100));~~

10 (d) To discharge or otherwise discriminate against an employee  
11 because he or she has filed charges or given testimony under this  
12 chapter;

13 (e) To refuse to bargain collectively with the representatives of  
14 its employees.

15 (2) It shall be an unfair labor practice for an employee  
16 organization:

17 (a) To restrain or coerce (i) employees in the exercise of the  
18 rights guaranteed in RCW 41.59.060: PROVIDED, That this ((~~paragraph~~)  
19 subsection (2)(a)) shall not impair the right of an employee  
20 organization to prescribe its own rules with respect to the  
21 acquisition or retention of membership therein; or (ii) an employer  
22 in the selection of his or her representatives for the purposes of  
23 collective bargaining or the adjustment of grievances;

24 (b) To cause or attempt to cause an employer to discriminate  
25 against an employee in violation of subsection (1)(c) of this  
26 section;

27 (c) To refuse to bargain collectively with an employer, provided  
28 it is the representative of its employees subject to RCW 41.59.090.

29 (3) The expressing of any views, argument, or opinion, or the  
30 dissemination thereof to the public, whether in written, printed,  
31 graphic, or visual form, shall not constitute or be evidence of an  
32 unfair labor practice under any of the provisions of this chapter, if  
33 such expression contains no threat of reprisal or force or promise of  
34 benefit.

35 **Sec. 13.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to  
36 read as follows:

37 ((~~1~~)) Upon filing with the employer the voluntary written  
38 authorization of a bargaining unit faculty member under this chapter,  
39 the employee organization which is the exclusive bargaining



1 representative of the bargaining unit shall have the right to have  
2 deducted from the salary of the bargaining unit faculty member the  
3 periodic dues and initiation fees uniformly required as a condition  
4 of acquiring or retaining membership in the exclusive bargaining  
5 representative. Such employee authorization shall not be irrevocable  
6 for a period of more than one year. Such dues and fees shall be  
7 deducted from the pay of all faculty members who have given  
8 authorization for such deduction, and shall be transmitted by the  
9 employer to the employee organization or to the depository designated  
10 by the employee organization.

11 ~~((2) A collective bargaining agreement may include union  
12 security provisions, but not a closed shop. If an agency shop or  
13 other union security provision is agreed to, the employer shall  
14 enforce any such provision by deductions from the salary of  
15 bargaining unit faculty members affected thereby and shall transmit  
16 such funds to the employee organization or to the depository  
17 designated by the employee organization.~~

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

32 **Sec. 14.** RCW 41.80.050 and 2002 c 354 s 306 are each amended to  
33 read as follows:

34 Except as may be specifically limited by this chapter, employees  
35 shall have the right to self-organization, to form, join, or assist  
36 employee organizations, and to bargain collectively through  
37 representatives of their own choosing for the purpose of collective  
38 bargaining free from interference, restraint, or coercion. Employees  
39 shall also have the right to refrain from any or all such activities

1 (~~(except to the extent that they may be required to pay a fee to an~~  
2 ~~exclusive bargaining representative under a union security provision~~  
3 ~~authorized by this chapter)~~).

4 **Sec. 15.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to  
5 read as follows:

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

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

34 (3)) Upon filing with the employer the written authorization of  
35 a bargaining unit employee under this chapter, the employee  
36 organization that is the exclusive bargaining representative of the  
37 bargaining unit shall have the exclusive right to have deducted from  
38 the salary of the employee an amount equal to the fees and dues  
39 uniformly required as a condition of acquiring or retaining

1 membership in the employee organization. The fees and dues shall be  
2 deducted each pay period from the pay of all employees who have given  
3 authorization for the deduction and shall be transmitted by the  
4 employer as provided for by agreement between the employer and the  
5 employee organization.

6 ~~((4))~~ (2) Employee organizations that before July 1, 2004, were  
7 entitled to the benefits of this section shall continue to be  
8 entitled to these benefits.

9 **Sec. 16.** RCW 47.64.130 and 2011 1st sp.s. c 16 s 19 are each  
10 amended to read as follows:

11 (1) It is an unfair labor practice for the employer or its  
12 representatives:

13 (a) To interfere with, restrain, or coerce employees in the  
14 exercise of the rights guaranteed by this chapter;

15 (b) To dominate or interfere with the formation or administration  
16 of any employee organization or contribute financial or other support  
17 to it. However, subject to rules made by the public employment  
18 relations commission pursuant to RCW 41.58.050, an employer shall not  
19 be prohibited from permitting employees to confer with it or its  
20 representatives or agents during working hours without loss of time  
21 or pay;

22 (c) To encourage or discourage membership in any employee  
23 organization by discrimination in regard to hiring, tenure of  
24 employment, or any term or condition of employment(~~(, but nothing~~  
25 ~~contained in this subsection prevents an employer from requiring, as~~  
26 ~~a condition of continued employment, payment of periodic dues and~~  
27 ~~fees uniformly required to an exclusive bargaining representative~~  
28 ~~pursuant to RCW 47.64.160. However, nothing prohibits the employer~~  
29 ~~from agreeing to obtain employees by referral from a lawful hiring~~  
30 ~~hall operated by or participated in by a labor organization));~~

31 (d) To discharge or otherwise discriminate against an employee  
32 because he or she has filed charges or given testimony under this  
33 chapter;

34 (e) To refuse to bargain collectively with the representatives of  
35 its employees.

36 (2) It is an unfair labor practice for an employee organization:

37 (a) To restrain or coerce (i) employees in the exercise of the  
38 rights guaranteed by this chapter. However, this subsection does not  
39 impair the right of an employee organization to prescribe its own

1 rules with respect to the acquisition or retention of membership  
2 therein, or (ii) an employer in the selection of his or her  
3 representatives for the purposes of collective bargaining or the  
4 adjustment of grievances;

5 (b) To cause or attempt to cause an employer to discriminate  
6 against an employee in violation of subsection (1)(c) of this  
7 section;

8 (c) To refuse to bargain collectively with an employer.

9 (3) The expression of any view, argument, or opinion, or the  
10 dissemination thereof to the public, whether in written, printed,  
11 graphic, or visual form, shall not constitute or be evidence of an  
12 unfair labor practice under any of the provisions of this chapter, if  
13 the expression contains no threat of reprisal or force or promise of  
14 benefit.

15 **Sec. 17.** RCW 49.66.010 and 1973 2nd ex.s. c 3 s 1 are each  
16 amended to read as follows:

17 It is the public policy of the state to expedite the settlement  
18 of labor disputes arising in connection with health care activities,  
19 in order that there may be no lessening, however temporary, in the  
20 quality of the care given to patients. It is the legislative purpose  
21 by this chapter to promote collective bargaining between health care  
22 activities and their employees, to protect the right of employees of  
23 health care activities to organize and select collective bargaining  
24 units of their own choosing.

25 ~~((It is further determined that any agreements involving union  
26 security including an all-union agreement or agency agreement must  
27 safeguard the rights of nonassociation of employees, based on bona  
28 fide religious tenets or teachings of a church or religious body of  
29 which such employee is a member. Such employee must pay an amount of  
30 money equivalent to regular union dues and initiation fees and  
31 assessments, if any, to a nonreligious charity or to another  
32 charitable organization mutually agreed upon by the employee affected  
33 and the representative of the labor organization to which such  
34 employee would otherwise pay dues. The employee shall furnish written  
35 proof that this has been done. If the employee and representative of  
36 the labor organization do not reach agreement on the matter, the  
37 department shall designate such organization.))~~

1       **Sec. 18.** RCW 49.66.050 and 2010 c 8 s 12063 are each amended to  
2 read as follows:

3       It shall be an unfair labor practice and unlawful, for any  
4 employee organization or its agent to:

5       (1) Restrain or coerce (a) employees in the exercise of their  
6 right to refrain from self-organization, or (b) an employer in the  
7 selection of its representatives for purposes of collective  
8 bargaining or the adjustment of grievances;

9       (2) Cause or attempt to cause an employer to discriminate against  
10 an employee in violation of RCW 49.66.040(3) or to discriminate  
11 against an employee with respect to whom membership in such  
12 organization has been denied or terminated on some ground other than  
13 his or her failure to tender the periodic dues and initiation fees  
14 uniformly required as a condition of acquiring or retaining  
15 membership;

16       (3) Refuse to meet and bargain in good faith with an employer,  
17 provided it is the duly designated representative of the employer's  
18 employees for purposes of collective bargaining;

19       ~~(4) ((Require of employees covered by a union security agreement~~  
20 ~~the payment, as a condition precedent to becoming a member of such~~  
21 ~~organization, of a fee in an amount which the director finds~~  
22 ~~excessive or discriminatory under all the circumstances. In making~~  
23 ~~such a finding, the director shall consider, among other relevant~~  
24 ~~factors, the practices and customs of labor organizations in the~~  
25 ~~particular industry, and the wages currently paid to the employees~~  
26 ~~affected;~~

27       ~~(5))~~ Cause or attempt to cause an employer to pay or deliver or  
28 agree to pay or deliver any money or other thing of value, in the  
29 nature of an exaction, for services which are not performed or not to  
30 be performed;

31       ~~((6))~~ (5) Enter into any contract or agreement, express or  
32 implied, whereby an employer or other person ceases or refrains, or  
33 agrees to cease or refrain, from handling, using, selling,  
34 transporting, or otherwise dealing in any of the products or services  
35 of any other employer or person, or to cease doing business with any  
36 other employer or person, and any such contract or agreement shall be  
37 unenforceable and void; or

38       ~~((7))~~ (6) Engage in, or induce or encourage any individual  
39 employed by any employer or to engage in, an activity prohibited by  
40 RCW 49.66.060.

1       **Sec. 19.** RCW 53.18.050 and 1967 c 101 s 5 are each amended to  
2 read as follows:

3       A labor agreement signed by a port district may contain:

4       (1) Provisions that the employee organization chosen by a  
5 majority of the employees in a grouping or unit will be recognized as  
6 the representative of all employees in the classification included in  
7 such grouping or unit;

8       (2) (~~Maintenance of membership provisions including dues check-~~  
9 ~~off arrangements; and~~

10       ~~(3))~~ Provisions providing for binding arbitration, the expenses  
11 being equally borne by the parties, in matters of contract  
12 interpretation and the settlement of jurisdictional disputes.

13       NEW SECTION.   **Sec. 20.** The following acts or parts of acts are  
14 each repealed:

15       (1) RCW 28B.52.045 (Collective bargaining agreement—Exclusive  
16 bargaining representative—Union security provisions—Dues and fees)  
17 and 1987 c 314 s 8; and

18       (2) RCW 47.64.160 (Union security provisions) and 1983 c 15 s 7.

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