

HOUSE BILL REPORT

HB 2751

As Passed Legislature

Title: An act relating to the deduction of union dues and fees.

Brief Description: Concerning the deduction of union dues and fees.

Sponsors: Representatives Stonier, Valdez, Kloba, Macri, Stanford, Appleton, Jinkins, Fitzgibbon, Bergquist, Goodman, Gregerson, Doglio, Pollet and Frame.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/18/18, 1/22/18 [DP];
Appropriations: 2/1/18, 2/6/18 [DP].

Floor Activity:

Passed House: 2/12/18, 50-48.
Passed Senate: 2/28/18, 26-22.
Passed Legislature.

Brief Summary of Bill

- Provides that if a collective bargaining agreement has a union security provision, written authorization from the employee is not required for the employer to enforce the union security agreement by deducting required dues or fees from the employee's pay.
- Provides that if a collective bargaining agreement includes requirements for deductions of payments other than union dues or equivalent fees under a union security provision, the employer must make those deductions upon written authorization of the employee.
- Removes the requirement that an employee's written authorization to deduct dues be filed with the employer.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 4 members: Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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.

Minority Report: Do not pass. Signed by 3 members: Representatives McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Manweller.

Staff: Trudes Tango (786-7384)

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 17 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist, Cody, Fitzgibbon, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 15 members: Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys, Caldier, Condotta, Graves, Haler, Harris, Manweller, Schmick, Taylor, Vick, Volz and Wilcox.

Staff: David Pringle (786-7310).

Background:

Under the statutes governing collective bargaining between certain public employees and employers, when an employee within a bargaining unit files a written authorization with the employer, the union has the right to have deducted from the employee's salary an amount equal to fees and dues required as a condition of acquiring or retaining union membership. The fees and dues must be deducted each pay period, and the employer must transmit the deductions to the union.

Generally, the statutes governing collective bargaining for public employees authorize agreements to include union security provisions. A union security provision is part of a collective bargaining agreement that requires employees to maintain union membership or pay union dues, as a condition of continued employment. One type of union security provision is an agency shop agreement, where the employer may hire union or non-union workers, and employees do not need to join the union. However, non-union employees must pay a fee to the union to cover representation-related costs. For individual providers of homecare services (IPs), who are considered public employees only for the purpose of collective bargaining, the mandatory collection of union dues or fees is prohibited. Collective bargaining agreements for IPs requires IPs to opt out of paying union dues or fees.

Summary of Bill:

The statutes governing collective bargaining for certain public employees are amended with respect to written authorizations and union security provisions.

Upon written authorization of an employee within the bargaining unit and after certification or recognition of the union, the employer must deduct from the employee's payments the monthly amount of dues certified by the secretary of the union and must transmit the

amounts to the treasurer of the union. The requirement that written authorization be filed with the employer is removed.

If a collective bargaining agreement includes a union security provision, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for union membership, or for nonmembers, a fee equivalent to the dues. Written authorization is not required. However, if the agreement contains requirements to deduct payments other than union dues or an equivalent fee, the employer must make those other deductions upon written authorization of the employee.

This language is added in the chapters governing: (1) academic employees in the public community and technical colleges; (2) public employee collective bargaining (for example, county and municipal employees, certain court employees, certain employees of institutions of higher education, and the Washington State Patrol); (3) educational employees of school districts; (4) faculty employees of public four-year institutions of higher education; (5) state employees covered by the Personnel System Reform Act (generally, state employees subject to the civil service laws); and (6) certain symphony musicians.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Labor & Workplace Standards):

(In support) All workers, whether they are members of the union or not, benefit from the union's work. The intent of the bill is to make sure that workers are either members or, if they are not, that they are contributing a fair share to the union. This bill will allow greater consistency on how dues are collected. The most common dues arrangement today automatically deprives workers of their rights unless they actively assert them. The bill makes it possible for workers to have access to their union rights unless they opt out.

(Opposed) This bill appears to be designed to create a second mechanism for unions to get access to employees' dues. It is unclear why new language is needed. This adds liability for government employers. Employers have incredible power to deduct money from an employee's paycheck. There are no safeguards in the bill for employees. Forced payments for individual providers are unconstitutional and some of those workers do not know they can opt out of paying fees. It is not clear in this bill what "written authorization" means. This is a heavy-handed mandate on employees.

Staff Summary of Public Testimony (Appropriations):

(In support) Fundamentally this is a technical bill that aligns dues collections statutes in Washington. The bill protects workers' rights to opt out if they do not wish to support the union.

(Opposed) Under current law, union security fees can be required. The pending case before the Supreme Court of the United States (U.S. Supreme Court) would prohibit required union dues. This is a way to set up an opt-out system for public employees, just as was done for home care workers in the wake of *Harris v. Quinn* of the U.S. Supreme Court.

Persons Testifying (Labor & Workplace Standards): (In support) Representative Stonier, prime sponsor; Brenda Weist, Teamsters Local 117; and Joe Kendo, Washington State Labor Council.

(Opposed) Jami Lund, Freedom Foundation.

Persons Testifying (Appropriations): (In support) Joe Kendo, Washington State Labor Council AFL-CIO.

(Opposed) Maxford Nelson, Freedom Foundation.

Persons Signed In To Testify But Not Testifying (Labor & Workplace Standards): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.