

# SENATE BILL REPORT

## SB 5339

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As of February 22, 2017

**Title:** An act relating to accommodating the civil rights of religious objectors to mandatory payments to labor organizations.

**Brief Description:** Accommodating the civil rights of religious objectors to mandatory payments to labor organizations.

**Sponsors:** Senators O'Ban, Padden, Miloscia, King, Schoesler, Zeiger, Becker, Baumgartner, Rossi, Wilson, Sheldon, Angel, Honeyford, Braun and Warnick.

**Brief History:**

**Committee Activity:** Commerce, Labor & Sports: 2/06/17.

**Brief Summary of Bill**

- Modifies the standard for religious non-association with regard to union membership.
- Changes the amount of the money paid by individuals asserting religious non-association.
- Authorizes employees asserting religious non-association to make payments to any charitable organization participating in the Washington State Combined Fund Drive.

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### SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

**Staff:** Jarrett Sacks (786-7448)

**Background:** Collective bargaining agreements in Washington are authorized 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 workers must pay a fee to cover representation-related costs, such as collective bargaining, contract administration, and grievance adjustment. This fee is known as an agency shop fee or agency fee.

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*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.*

Agreements involving union security provisions must safeguard the right of religious non-association of public employees. The right of non-association must be based on the employee's bona fide religious tenets or teachings of a church or religious body of which the employee is a member. Employees who assert the right of non-association based on religious tenets or teachings must pay an amount of money equal to regular union dues and initiation fees to a nonreligious charitable organization mutually agreed upon by the employee and the union. If the union and employee cannot reach agreement on the charity, the Public Employment Relations Commission will select it.

Employees must provide written authorization in order for the union dues and fees to be withheld from their paychecks. For certain types of public employees, state law provides that employee authorization for paycheck deduction of union dues may not be irrevocable for a period of more than one year, which has the effect of requiring unions to allow revocation of employee authorization at least once per year.

**Summary of Bill:** The standard for religious non-association is changed in statute to bona fide personally held religious beliefs, and an employee can assert the right of non-association at any time.

The amount of money paid by those asserting religious non-association is changed to an amount equivalent to, or by agreement, less than the agency shop fee paid by objecting non-members of the union. The non-associated employee can make payments in lieu of union dues to any charitable organization participating in the Washington State Combined Fund Drive, and the choice of charity belongs exclusively to the employee.

An employee can revoke their authorization for paycheck deduction of union dues at any time.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: All individuals have the right to religious non-association, and the bill makes it clearer for them to assert it. Individuals still have to pay money, but they have control over where it goes. There is no reason why PERC should have to choose a charity. The process to object is unclear. The new definition brings current law in line with the current case law.

CON: The law currently provides a process that works. The current law is broad and already provides this right. The bill devalues current religious institutions.

**Persons Testifying:** PRO: Senator Steve O'Ban, Prime Sponsor; Gerald Marsh, citizen; Barbara Amidon, citizen; Jami Lund, Freedom Foundation.

CON: Paul Benz, Faith Action Network; Dennis Eagle, WFSE.

**Persons Signed In To Testify But Not Testifying:** No one.