

# SENATE BILL REPORT

## SB 5339

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As Reported by Senate Committee On:  
Commerce, Labor & Sports, February 15, 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, 2/15/17 [DPS, DNP].

**Brief Summary of Substitute Bill**

- Modifies the standard for religious non-association with regard to union membership.
- 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

**Majority Report:** That Substitute Senate Bill No. 5339 be substituted therefor, and the substitute bill do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; King, Rossi and Wilson.

**Minority Report:** Do not pass.

Signed by Senators Keiser, Ranking Minority Member; Conway, Hasegawa and Saldaña.

**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

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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.

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 (First Substitute):** The standard for religious non-association is changed in statute to bona fide personally held religious beliefs, and an employee can secure the right of non-association based on religious beliefs at any time. 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.

**EFFECT OF CHANGES MADE BY COMMERCE, LABOR & SPORTS COMMITTEE (First Substitute):** Provisions that change how much money an employee asserting religious non-association must pay are removed. An employee asserting religious non-association must pay an amount equal to regular union dues and fees. Provisions authorizing public employees to revoke their written authorization for the deduction of union dues at any time are removed. Provisions authorizing employees to secure the right of religious non-association at any time are added.

**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 on Original Bill:** *The committee recommended a different version of the bill than what was heard.* 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.