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**SUBSTITUTE SENATE BILL 5339**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Commerce, Labor & Sports (originally sponsored by Senators O'Ban, Padden, Miloscia, King, Schoesler, Zeiger, Becker, Baumgartner, Rossi, Wilson, Sheldon, Angel, Honeyford, Braun, and Warnick)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to accommodating the civil rights of religious  
2 objectors to mandatory payments to labor organizations; and amending  
3 RCW 41.56.122, 41.76.045, 41.59.100, 28B.52.045, 49.39.090,  
4 47.64.160, 41.80.100, and 49.66.010.

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

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

8 A collective bargaining agreement may:

9 (1) Contain union security provisions: PROVIDED, That nothing in  
10 this section shall authorize a closed shop provision: PROVIDED  
11 FURTHER, That agreements involving union security provisions must  
12 safeguard the right of nonassociation of public employees based on  
13 bona fide (~~religious tenets or teachings of a church or religious~~  
14 ~~body of which such public employee is a member~~) personally held  
15 religious beliefs. Such public employee shall pay an amount of money  
16 equivalent to regular union dues and initiation fee to ((~~a~~  
17 ~~nonreligious charity or to another charitable organization mutually~~  
18 ~~agreed upon by the public employee affected and the bargaining~~  
19 ~~representative to which such public employee would otherwise pay the~~  
20 ~~dues and initiation fee~~) any employee-selected charity that is  
21 participating in the Washington state combined fund drive program

1 authorized in RCW 41.04.0331. The public employee shall furnish  
2 written proof that such payment has been made. (~~If the public~~  
3 ~~employee and the bargaining representative do not reach agreement on~~  
4 ~~such matter, the commission shall designate the charitable~~  
5 ~~organization.~~) A public employee may secure the right of  
6 nonassociation based upon religious beliefs at any time. When there  
7 is a conflict between any collective bargaining agreement reached by  
8 a public employer and a bargaining representative on a union security  
9 provision and any charter, ordinance, rule, or regulation adopted by  
10 the public employer or its agents((~~r~~)) including, but not limited to,  
11 a civil service commission, the terms of the collective bargaining  
12 agreement shall prevail(~~r~~);

13 (2) Provide for binding arbitration of a labor dispute arising  
14 from the application or the interpretation of the matters contained  
15 in a collective bargaining agreement.

16 **Sec. 2.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to  
17 read as follows:

18 (1) Upon filing with the employer the voluntary written  
19 authorization of a bargaining unit faculty member under this chapter,  
20 the employee organization which is the exclusive bargaining  
21 representative of the bargaining unit shall have the right to have  
22 deducted from the salary of the bargaining unit faculty member the  
23 periodic dues and initiation fees uniformly required as a condition  
24 of acquiring or retaining membership in the exclusive bargaining  
25 representative. Such employee authorization shall not be irrevocable  
26 for a period of more than one year. Such dues and fees shall be  
27 deducted from the pay of all faculty members who have given  
28 authorization for such deduction, and shall be transmitted by the  
29 employer to the employee organization or to the depository designated  
30 by the employee organization.

31 (2) A collective bargaining agreement may include union security  
32 provisions, but not a closed shop. If an agency shop or other union  
33 security provision is agreed to, the employer shall enforce any such  
34 provision by deductions from the salary of bargaining unit faculty  
35 members affected thereby and shall transmit such funds to the  
36 employee organization or to the depository designated by the employee  
37 organization.

38 (3) A faculty member who is covered by a union security provision  
39 and who asserts a right of nonassociation based on bona fide

1 (~~religious tenets or teachings of a church or religious body of~~  
2 ~~which such faculty member is a member~~)) personally held religious  
3 beliefs shall pay (~~to a nonreligious charity or other charitable~~  
4 ~~organization an amount of money equivalent to~~)) the periodic dues and  
5 initiation fees uniformly required as a condition of acquiring or  
6 retaining membership in the exclusive bargaining representative(~~-~~  
7 ~~The charity shall be agreed upon by the faculty member and the~~  
8 ~~employee organization to which such faculty member would otherwise~~  
9 ~~pay the dues and fees~~)) to any employee-selected charity that is  
10 participating in the Washington state combined fund drive program  
11 authorized in RCW 41.04.0331. The faculty member shall furnish  
12 written proof that such payments have been made. (~~If the faculty~~  
13 ~~member and the employee organization do not reach agreement on such~~  
14 ~~matter, the dispute shall be submitted to the commission for~~  
15 ~~determination.~~)) A faculty member may secure the right of  
16 nonassociation based upon religious beliefs at any time.

17 **Sec. 3.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each  
18 amended to read as follows:

19 A collective bargaining agreement may include union security  
20 provisions including an agency shop, but not a union or closed shop.  
21 If an agency shop provision is agreed to, the employer shall enforce  
22 it by deducting from the salary payments to members of the bargaining  
23 unit the dues required of membership in the bargaining  
24 representative, or, for nonmembers thereof, a fee equivalent to such  
25 dues. All union security provisions must safeguard the right of  
26 nonassociation of employees based on bona fide (~~religious tenets or~~  
27 ~~teachings of a church or religious body of which such employee is a~~  
28 ~~member~~)) personally held religious beliefs. Such employee shall pay  
29 an amount of money equivalent to regular dues and fees to (~~a~~  
30 ~~nonreligious charity or to another charitable organization mutually~~  
31 ~~agreed upon by the employee affected and the bargaining~~  
32 ~~representative to which such employee would otherwise pay the dues~~  
33 ~~and fees~~)) any employee-selected charity that is participating in the  
34 Washington state combined fund drive program authorized in RCW  
35 41.04.0331. The employee shall furnish written proof that such  
36 payment has been made. (~~If the employee and the bargaining~~  
37 ~~representative do not reach agreement on such matter, the commission~~  
38 ~~shall designate the charitable organization.~~)) An employee may secure  
39 the right of nonassociation based upon religious beliefs at any time.

1       **Sec. 4.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to  
2 read as follows:

3       (1) Upon filing with the employer the voluntary written  
4 authorization of a bargaining unit employee under this chapter, the  
5 employee organization which is the exclusive bargaining  
6 representative of the bargaining unit shall have the right to have  
7 deducted from the salary of the bargaining unit employee the periodic  
8 dues and initiation fees uniformly required as a condition of  
9 acquiring or retaining membership in the exclusive bargaining  
10 representative. Such employee authorization shall not be irrevocable  
11 for a period of more than one year. Such dues and fees shall be  
12 deducted from the pay of all employees who have given authorization  
13 for such deduction, and shall be transmitted by the employer to the  
14 employee organization or to the depository designated by the employee  
15 organization.

16       (2) A collective bargaining agreement may include union security  
17 provisions, but not a closed shop. If an agency shop or other union  
18 security provision is agreed to, the employer shall enforce any such  
19 provision by deductions from the salary of bargaining unit employees  
20 affected thereby and shall transmit such funds to the employee  
21 organization or to the depository designated by the employee  
22 organization.

23       (3) An employee who is covered by a union security provision and  
24 who asserts a right of nonassociation based on bona fide (~~religious~~  
25 ~~tenets or teachings of a church or religious body of which such~~  
26 ~~employee is a member~~) personally held religious beliefs shall pay  
27 (~~to a nonreligious charity or other charitable organization~~) an  
28 amount of money equivalent to the periodic dues and initiation fees  
29 uniformly required as a condition of acquiring or retaining  
30 membership in the exclusive bargaining representative to any  
31 employee-selected charity that is participating in the Washington  
32 state combined fund drive program authorized in RCW 41.04.0331. (~~The~~  
33 ~~charity shall be agreed upon by the employee and the employee~~  
34 ~~organization to which such employee would otherwise pay the dues and~~  
35 ~~fees.~~) The employee shall furnish written proof that such payments  
36 have been made. (~~If the employee and the employee organization do~~  
37 ~~not reach agreement on such matter, the commission shall designate~~  
38 ~~the charitable organization.~~) A public employee may secure the right  
39 of nonassociation based upon religious beliefs at any time.

1       **Sec. 5.** RCW 49.39.090 and 2010 c 6 s 10 are each amended to read  
2 as follows:

3       A collective bargaining agreement may:

4       (1) Contain union security provisions. However, nothing in this  
5 section authorizes a closed shop provision. Agreements involving  
6 union security provisions must safeguard the right of nonassociation  
7 of employees based on bona fide (~~religious tenets or teachings of a~~  
8 ~~church or religious body of which the symphony musician is a member~~)  
9 personally held religious beliefs. The symphony musician must pay an  
10 amount of money equivalent to regular union dues and initiation fee  
11 to (~~a nonreligious charity or to another charitable organization~~  
12 ~~mutually agreed upon by the symphony musician affected and the~~  
13 ~~bargaining representative to which the symphony musician would~~  
14 ~~otherwise pay the dues and initiation fee~~) any employee-selected  
15 charity that is participating in the Washington state combined fund  
16 drive program authorized in RCW 41.04.0331. The symphony musician  
17 must furnish written proof that the payment has been made. (~~If the~~  
18 ~~symphony musician and the bargaining representative do not reach~~  
19 ~~agreement on this matter, the commission must designate the~~  
20 ~~charitable organization~~) A symphony musician may revoke  
21 authorization for the deduction of dues and fees and secure the right  
22 of nonassociation based upon religious beliefs at any time;

23       (2) Provide for binding arbitration of a labor dispute arising  
24 from the application or the interpretation of the matters contained  
25 in a collective bargaining agreement.

26       **Sec. 6.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read  
27 as follows:

28       A collective bargaining agreement may include union security  
29 provisions including an agency shop, but not a union or closed shop.  
30 If an agency shop provision is agreed to, the employer shall enforce  
31 it by deducting from the salary payments to members of the bargaining  
32 unit the dues required of membership in the bargaining  
33 representative, or, for nonmembers thereof, a fee equivalent to  
34 (~~such~~) dues. All union security provisions shall safeguard the  
35 right of nonassociation of employees based on bona fide (~~religious~~  
36 ~~tenets or teachings of a church or religious body of which such~~  
37 ~~employee is a member~~) personally held religious beliefs. Such  
38 employee shall pay an amount of money equivalent to regular dues and  
39 fees to (~~a nonreligious charity or to another charitable~~

1 ~~organization mutually agreed upon by the employee affected and the~~  
2 ~~bargaining representative to which such employee would otherwise pay~~  
3 ~~the dues and fees)) any employee-selected charity that is~~  
4 ~~participating in the Washington state combined fund drive program~~  
5 ~~authorized in RCW 41.04.0331.~~ The employee shall furnish written  
6 proof that such payment has been made. (~~If the employee and the~~  
7 ~~bargaining representative do not reach agreement on such matter, the~~  
8 ~~commission shall designate the charitable organization.~~) An employee  
9 may secure the right of nonassociation based on religious beliefs at  
10 any time.

11 **Sec. 7.** RCW 41.80.100 and 2002 c 354 s 311 are each amended to  
12 read as follows:

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

27 (2) An employee who is covered by a union security provision and  
28 who asserts a right of nonassociation based on bona fide (~~religious~~  
29 ~~tenets, or teachings of a church or religious body of which the~~  
30 ~~employee is a member,)) personally held religious beliefs shall, as a  
31 condition of employment, (~~make payments to the employee~~  
32 ~~organization, for purposes within the program of the employee~~  
33 ~~organization as designated by the employee that would be in harmony~~  
34 ~~with his or her individual conscience. The amount of the payments~~  
35 ~~shall be equal to the periodic dues and fees uniformly required as a~~  
36 ~~condition of acquiring or retaining membership in the employee~~  
37 ~~organization minus any included monthly premiums for insurance~~  
38 ~~programs sponsored by the employee organization)) pay an amount of  
39 money equivalent to regular dues and fees to any employee-selected~~~~

1 charity that is participating in the Washington state combined fund  
2 drive program authorized in RCW 41.04.0331. The employee shall  
3 furnish written proof that such payment has been made. The employee  
4 shall not be a member of the employee organization but is entitled to  
5 all the representation rights of a member of the employee  
6 organization. An employee may secure the right of nonassociation  
7 based upon religious beliefs at any time.

8 (3) Upon filing with the employer the written authorization of a  
9 bargaining unit employee under this chapter, the employee  
10 organization that is the exclusive bargaining representative of the  
11 bargaining unit shall have the exclusive right to have deducted from  
12 the salary of the employee an amount equal to the fees and dues  
13 uniformly required as a condition of acquiring or retaining  
14 membership in the employee organization. The fees and dues shall be  
15 deducted each pay period from the pay of all employees who have given  
16 authorization for the deduction and shall be transmitted by the  
17 employer as provided for by agreement between the employer and the  
18 employee organization.

19 (4) Employee organizations that before July 1, 2004, were  
20 entitled to the benefits of this section shall continue to be  
21 entitled to these benefits.

22 **Sec. 8.** RCW 49.66.010 and 1973 2nd ex.s. c 3 s 1 are each  
23 amended to read as follows:

24 It is the public policy of the state to expedite the settlement  
25 of labor disputes arising in connection with health care activities,  
26 in order that there may be no lessening, however temporary, in the  
27 quality of the care given to patients. It is the legislative purpose  
28 by this chapter to promote collective bargaining between health care  
29 activities and their employees, to protect the right of employees of  
30 health care activities to organize and select collective bargaining  
31 units of their own choosing.

32 It is further determined that any agreements involving union  
33 security including an all-union agreement or agency agreement must  
34 safeguard the rights of nonassociation of employees, based on bona  
35 fide (~~religious tenets or teachings of a church or religious body of~~  
36 ~~which such employee is a member~~) personally held religious beliefs.  
37 Such employee must pay an amount of money equivalent to regular union  
38 dues and initiation fees (~~and assessments, if any, to a nonreligious~~  
39 ~~charity or to another charitable organization mutually agreed upon by~~

1 ~~the employee affected and the representative of the labor~~  
2 ~~organization to which such employee would otherwise pay dues))~~ to any  
3 employee-selected charity that is participating in the Washington  
4 state combined fund drive program authorized in RCW 41.04.0331. The  
5 employee shall furnish written proof that this has been done. ((~~If~~  
6 ~~the employee and representative of the labor organization do not~~  
7 ~~reach agreement on the matter, the department shall designate such~~  
8 ~~organization.)) An employee may secure the right of nonassociation  
9 based upon religious beliefs at any time.~~

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