
SUBSTITUTE SENATE BILL 6296

State of Washington

65th Legislature

2018 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Saldaña, Keiser, Kuderer, Hasegawa, Chase, and Conway)

READ FIRST TIME 01/30/18.

1 AN ACT Relating to an employee's written authorization for the
2 deduction of union dues and fees; and amending RCW 28B.52.045,
3 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160.

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

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

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

20 ~~(2))~~ (a) A collective bargaining agreement may include union
21 security provisions, but not a closed shop. ~~((If an agency shop or~~

1 ~~other union security provision is agreed to, the employer shall~~
2 ~~enforce any such provision by deductions from the salary of~~
3 ~~bargaining unit employees affected thereby and shall transmit such~~
4 ~~funds to the employee organization or to the depository designated by~~
5 ~~the employee organization.~~

6 ~~(3))~~ (b) Upon written authorization of an employee within the
7 bargaining unit and after the certification or recognition of the
8 bargaining unit's exclusive bargaining representative, the employer
9 must deduct from the payments to the employee the monthly amount of
10 dues as certified by the secretary of the exclusive bargaining
11 representative and must transmit the same to the treasurer of the
12 exclusive bargaining representative.

13 (c) If the employer and the exclusive bargaining representative
14 of a bargaining unit enter into a collective bargaining agreement
15 that:

16 (i) Includes a union security provision authorized under (a) of
17 this subsection, the employer must enforce the agreement by deducting
18 from the payments to bargaining unit members the dues required for
19 membership in the exclusive bargaining representative, or, for
20 nonmembers thereof, a fee equivalent to the dues; or

21 (ii) Includes requirements for deductions of payments other than
22 the deduction under (c)(i) of this subsection, the employer must make
23 such deductions upon written authorization of the employee.

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

37 **Sec. 2.** RCW 41.56.110 and 1973 c 59 s 1 are each amended to read
38 as follows:

1 (1) Upon the written authorization of ((any public)) an employee
2 within the bargaining unit and after the certification or recognition
3 of ((such)) the bargaining unit's exclusive bargaining
4 representative, the ((public)) employer shall deduct from the ((pay
5 of such public)) payments to the employee the monthly amount of dues
6 as certified by the secretary of the exclusive bargaining
7 representative and shall transmit the same to the treasurer of the
8 exclusive bargaining representative.

9 (2) If the employer and the exclusive bargaining representative
10 of a bargaining unit enter into a collective bargaining agreement
11 that:

12 (a) Includes a union security provision authorized under RCW
13 41.56.122, the employer must enforce the agreement by deducting from
14 the payments to bargaining unit members the dues required for
15 membership in the exclusive bargaining representative, or, for
16 nonmembers thereof, a fee equivalent to the dues; or

17 (b) Includes requirements for deductions of payments other than
18 the deduction under (a) of this subsection, the employer must make
19 such deductions upon written authorization of the employee.

20 **Sec. 3.** RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each
21 amended to read as follows:

22 (1) Employees shall have the right to self-organization, to form,
23 join, or assist employee organizations, to bargain collectively
24 through representatives of their own choosing, and shall also have
25 the right to refrain from any or all of such activities except to the
26 extent that employees may be required to pay a fee to any employee
27 organization under an agency shop agreement authorized in this
28 chapter.

29 ~~(2) ((The exclusive bargaining representative shall have the~~
30 ~~right to have deducted from the salary of employees, upon receipt of~~
31 ~~an appropriate authorization form which shall not be irrevocable for~~
32 ~~a period of more than one year, an amount equal to the fees and dues~~
33 ~~required for membership. Such fees and dues shall be deducted monthly~~
34 ~~from the pay of all appropriate employees by the employer and~~
35 ~~transmitted as provided for by agreement between the employer and the~~
36 ~~exclusive bargaining representative, unless an automatic payroll~~
37 ~~deduction service is established pursuant to law, at which time such~~
38 ~~fees and dues shall be transmitted as therein provided. If an agency~~
39 ~~shop provision is agreed to and becomes effective pursuant to RCW~~

1 ~~41.59.100, except as provided in that section, the agency fee equal~~
2 ~~to the fees and dues required of membership in the exclusive~~
3 ~~bargaining representative shall be deducted from the salary of~~
4 ~~employees in the bargaining unit.)) (a) Upon written authorization of~~
5 ~~an employee within the bargaining unit and after the certification or~~
6 ~~recognition of the bargaining unit's exclusive bargaining~~
7 ~~representative, the employer must deduct from the payments to the~~
8 ~~employee the monthly amount of dues as certified by the secretary of~~
9 ~~the exclusive bargaining representative and must transmit the same to~~
10 ~~the treasurer of the exclusive bargaining representative.~~

11 (b) If the employer and the exclusive bargaining representative
12 of a bargaining unit enter into a collective bargaining agreement
13 that:

14 (i) Includes a union security provision authorized under RCW
15 41.59.100, the employer must enforce the agreement by deducting from
16 the payments to bargaining unit members the dues required for
17 membership in the exclusive bargaining representative, or, for
18 nonmembers thereof, a fee equivalent to the dues; or

19 (ii) Includes requirements for deductions of payments other than
20 the deduction under (b)(i) of this subsection, the employer must make
21 such deductions upon written authorization of the employee.

22 **Sec. 4.** RCW 41.76.045 and 2002 c 356 s 12 are each amended to
23 read as follows:

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

37 ~~(2)) (a) A collective bargaining agreement may include union~~
38 ~~security provisions, but not a closed shop. ((If an agency shop or~~
39 ~~other union security provision is agreed to, the employer shall~~

1 ~~enforce any such provision by deductions from the salary of~~
2 ~~bargaining unit faculty members affected thereby and shall transmit~~
3 ~~such funds to the employee organization or to the depository~~
4 ~~designated by the employee organization.~~

5 (3)) (b) Upon written authorization of an employee within the
6 bargaining unit and after the certification or recognition of the
7 bargaining unit's exclusive bargaining representative, the employer
8 must deduct from the payments to the employee the monthly amount of
9 dues as certified by the secretary of the exclusive bargaining
10 representative and must transmit the same to the treasurer of the
11 exclusive bargaining representative.

12 (c) If the employer and the exclusive bargaining representative
13 of a bargaining unit enter into a collective bargaining agreement
14 that:

15 (i) Includes a union security provision authorized under (a) of
16 this subsection, the employer must enforce the agreement by deducting
17 from the payments to bargaining unit members the dues required for
18 membership in the exclusive bargaining representative, or, for
19 nonmembers thereof, a fee equivalent to the dues; or

20 (ii) Includes requirements for deductions of payments other than
21 the deduction under (c)(i) of this subsection, the employer must make
22 such deductions upon written authorization of the employee.

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

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

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

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

29 ~~(3) ((Upon filing with the employer the written authorization of~~
30 ~~a bargaining unit employee under this chapter, the employee~~
31 ~~organization that is the exclusive bargaining representative of the~~
32 ~~bargaining unit shall have the exclusive right to have deducted from~~
33 ~~the salary of the employee an amount equal to the fees and dues~~
34 ~~uniformly required as a condition of acquiring or retaining~~
35 ~~membership in the employee organization. The fees and dues shall be~~
36 ~~deducted each pay period from the pay of all employees who have given~~
37 ~~authorization for the deduction and shall be transmitted by the~~
38 ~~employer as provided for by agreement between the employer and the~~
39 ~~employee organization.))~~ (a) Upon written authorization of an
40 employee within the bargaining unit and after the certification or

1 recognition of the bargaining unit's exclusive bargaining
2 representative, the employer must deduct from the payments to the
3 employee the monthly amount of dues as certified by the secretary of
4 the exclusive bargaining representative and must transmit the same to
5 the treasurer of the exclusive bargaining representative.

6 (b) If the employer and the exclusive bargaining representative
7 of a bargaining unit enter into a collective bargaining agreement
8 that:

9 (i) Includes a union security provision authorized under
10 subsection (1) of this section, the employer must enforce the
11 agreement by deducting from the payments to bargaining unit members
12 the dues required for membership in the exclusive bargaining
13 representative, or, for nonmembers thereof, a fee equivalent to the
14 dues; or

15 (ii) Includes requirements for deductions of payments other than
16 the deduction under (b)(i) of this subsection, the employer must make
17 such deductions upon written authorization of the employee.

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

21 **Sec. 6.** RCW 49.39.080 and 2010 c 6 s 9 are each amended to read
22 as follows:

23 (1) Upon the written authorization of ((any symphony musician))
24 an employee within the bargaining unit and after the certification or
25 recognition of the bargaining unit's exclusive bargaining
26 representative, the employer must deduct from the ((pay of the
27 symphony musician)) payments to the employee the monthly amount of
28 dues as certified by the secretary of the exclusive bargaining
29 representative and must transmit the ((dues)) same to the treasurer
30 of the exclusive bargaining representative.

31 (2) If the employer and the exclusive bargaining representative
32 of a bargaining unit enter into a collective bargaining agreement
33 that:

34 (a) Includes a union security provision authorized under RCW
35 49.39.090, the employer must enforce the agreement by deducting from
36 the payments to bargaining unit members the dues required for
37 membership in the exclusive bargaining representative, or, for
38 nonmembers thereof, a fee equivalent to the dues; or

1 (b) Includes requirements for deductions of payments other than
2 the deduction under (a) of this subsection, the employer must make
3 such deductions upon written authorization of the employee.

4 **Sec. 7.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read
5 as follows:

6 (1) A collective bargaining agreement may include union security
7 provisions including an agency shop, but not a union or closed shop.
8 ((If an agency shop provision is agreed to, the employer shall
9 enforce it by deducting from the salary payments to members of the
10 bargaining unit the dues required of membership in the bargaining
11 representative, or, for nonmembers thereof, a fee equivalent to such
12 dues.))

13 (2)(a) Upon written authorization of an employee within the
14 bargaining unit and after the certification or recognition of the
15 bargaining unit's exclusive bargaining representative, the employer
16 must deduct from the payments to the employee the monthly amount of
17 dues as certified by the secretary of the exclusive bargaining
18 representative and must transmit the same to the treasurer of the
19 exclusive bargaining representative.

20 (b) If the employer and the exclusive bargaining representative
21 of a bargaining unit enter into a collective bargaining agreement
22 that:

23 (i) Includes a union security provision authorized under
24 subsection (1) of this section, the employer must enforce the
25 agreement by deducting from the payments to bargaining unit members
26 the dues required for membership in the exclusive bargaining
27 representative, or, for nonmembers thereof, a fee equivalent to the
28 dues; or

29 (ii) Includes requirements for deductions of payments other than
30 the deduction under (b)(i) of this subsection, the employer must make
31 such deductions upon written authorization of the employee.

32 (3) All union security provisions shall safeguard the right of
33 nonassociation of employees based on bona fide religious tenets or
34 teachings of a church or religious body of which such employee is a
35 member. Such employee shall pay an amount of money equivalent to
36 regular dues and fees to a nonreligious charity or to another
37 charitable organization mutually agreed upon by the employee affected
38 and the bargaining representative to which such employee would
39 otherwise pay the dues and fees. The employee shall furnish written

1 proof that such payment has been made. If the employee and the
2 bargaining representative do not reach agreement on such matter, the
3 commission shall designate the charitable organization.

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