

SHB 1575 - S AMD TO LBRC COMM AMD (S-3309.1/19) **546**
By Senator Braun

NOT ADOPTED 04/11/2019

1 On page 26, line 20, after "unit;" insert "and"

2 On page 26, beginning on line 21, after "(2)" strike all material
3 through "(3)" on line 24 and insert "~~((Maintenance of membership~~
4 ~~provisions including dues check-off arrangements; and~~
5 ~~(3))~~"

6 On page 26, after line 26, insert the following:

7 "**Sec. 25.** RCW 41.59.140 and 2012 c 117 s 93 are each amended to
8 read as follows:

9 (1) It shall be an unfair labor practice for an employer:

10 (a) To interfere with, restrain, or coerce employees in the
11 exercise of the rights guaranteed in RCW 41.59.060;

12 (b) To dominate or interfere with the formation or administration
13 of any employee organization or contribute financial or other support
14 to it: PROVIDED, That subject to rules and regulations made by the
15 commission pursuant to RCW 41.59.110, an employer shall not be
16 prohibited from permitting employees to confer with it or its
17 representatives or agents during working hours without loss of time
18 or pay;

19 (c) To encourage or discourage membership in any employee
20 organization by discrimination in regard to hire, tenure of
21 employment, or any term or condition of employment (~~(, but nothing~~
22 ~~contained in this subsection shall prevent an employer from~~
23 ~~requiring, as a condition of continued employment, payment of~~
24 ~~periodic dues and fees uniformly required to an exclusive bargaining~~
25 ~~representative pursuant to RCW 41.59.100));~~

26 (d) To discharge or otherwise discriminate against an employee
27 because he or she has filed charges or given testimony under this
28 chapter;

29 (e) To refuse to bargain collectively with the representatives of
30 its employees.

1 (2) It shall be an unfair labor practice for an employee
2 organization:

3 (a) To restrain or coerce (i) employees in the exercise of the
4 rights guaranteed in RCW 41.59.060: PROVIDED, That this ((paragraph))
5 subsection (2)(a) shall not impair the right of an employee
6 organization to prescribe its own rules with respect to the
7 acquisition or retention of membership therein; or (ii) an employer
8 in the selection of his or her representatives for the purposes of
9 collective bargaining or the adjustment of grievances;

10 (b) To cause or attempt to cause an employer to discriminate
11 against an employee in violation of subsection (1)(c) of this
12 section;

13 (c) To refuse to bargain collectively with an employer, provided
14 it is the representative of its employees subject to RCW 41.59.090.

15 (3) The expressing of any views, argument, or opinion, or the
16 dissemination thereof to the public, whether in written, printed,
17 graphic, or visual form, shall not constitute or be evidence of an
18 unfair labor practice under any of the provisions of this chapter, if
19 such expression contains no threat of reprisal or force or promise of
20 benefit.

21 **Sec. 26.** RCW 47.64.130 and 2011 1st sp.s. c 16 s 19 are each
22 amended to read as follows:

23 (1) It is an unfair labor practice for the employer or its
24 representatives:

25 (a) To interfere with, restrain, or coerce employees in the
26 exercise of the rights guaranteed by this chapter;

27 (b) To dominate or interfere with the formation or administration
28 of any employee organization or contribute financial or other support
29 to it. However, subject to rules made by the public employment
30 relations commission pursuant to RCW 41.58.050, an employer shall not
31 be prohibited from permitting employees to confer with it or its
32 representatives or agents during working hours without loss of time
33 or pay;

34 (c) To encourage or discourage membership in any employee
35 organization by discrimination in regard to hiring, tenure of
36 employment, or any term or condition of employment(~~(, but nothing~~
37 ~~contained in this subsection prevents an employer from requiring, as~~
38 ~~a condition of continued employment, payment of periodic dues and~~
39 ~~fees uniformly required to an exclusive bargaining representative~~

1 ~~pursuant to RCW 47.64.160~~). However, nothing prohibits the employer
2 from agreeing to obtain employees by referral from a lawful hiring
3 hall operated by or participated in by a labor organization;

4 (d) To discharge or otherwise discriminate against an employee
5 because he or she has filed charges or given testimony under this
6 chapter;

7 (e) To refuse to bargain collectively with the representatives of
8 its employees.

9 (2) It is an unfair labor practice for an employee organization:

10 (a) To restrain or coerce (i) employees in the exercise of the
11 rights guaranteed by this chapter. However, this subsection does not
12 impair the right of an employee organization to prescribe its own
13 rules with respect to the acquisition or retention of membership
14 therein, or (ii) an employer in the selection of his or her
15 representatives for the purposes of collective bargaining or the
16 adjustment of grievances;

17 (b) To cause or attempt to cause an employer to discriminate
18 against an employee in violation of subsection (1)(c) of this
19 section;

20 (c) To refuse to bargain collectively with an employer.

21 (3) The expression of any view, argument, or opinion, or the
22 dissemination thereof to the public, whether in written, printed,
23 graphic, or visual form, shall not constitute or be evidence of an
24 unfair labor practice under any of the provisions of this chapter, if
25 the expression contains no threat of reprisal or force or promise of
26 benefit."

27 Renumber the remaining sections consecutively and correct any
28 internal references accordingly.

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29 On page 27, line 5, after "49.39.090," strike "and 53.18.050" and
30 insert "53.18.050, 41.59.140, and 47.64.130"

EFFECT: (1) Removes a provision allowing maintenance of
membership provisions in collective bargaining agreements for port
employees.

(2) Removes provisions in current law that allow employers of certificated school district employees and marine employees to require, as a condition of continued employment, the payment of union dues and fees.

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