

SHB 1575 - S AMD TO LBRC COMM AMD (S-3309.1/19) **549**
By Senator Short

NOT ADOPTED 04/11/2019

1 Beginning on page 4, line 14, strike all of section 5 and insert
2 the following:

3 "NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.52
4 RCW to read as follows:

5 (1)(a) An employee's written, electronic, or recorded voice
6 authorization to have the employer deduct membership dues from the
7 employee's salary must be made by the employee to the employer. If
8 the employer receives an authorization of deductions, the employer
9 shall as soon as practicable forward a copy to the exclusive
10 bargaining representative.

11 (b) Upon receiving the employee's authorization, the employer
12 shall deduct from the employee's salary membership dues and remit the
13 amounts to the exclusive bargaining representative.

14 (c) The employee's authorization remains in effect until
15 expressly revoked by the employee in accordance with the terms and
16 conditions of the authorization.

17 (2)(a) An employee's request to revoke authorization for payroll
18 deductions must be in writing and submitted by the employee to the
19 employer.

20 (b) After the employer receives an employee's deduction
21 authorization revocation, the employer shall end the deduction
22 effective on the first payroll after receipt of the revocation."

23 Beginning on page 7, line 5, strike all of sections 9 and 10 and
24 insert the following:

25 **"Sec. 9.** RCW 41.56.110 and 2018 c 247 s 2 are each amended to
26 read as follows:

27 (1) Upon the (~~written~~) authorization of an employee within the
28 bargaining unit and after the certification or recognition of the
29 bargaining unit's exclusive bargaining representative, the employer
30 shall deduct from the payments to the employee the monthly amount of
31 dues as certified by the secretary of the exclusive bargaining

1 representative and shall transmit the same to the treasurer of the
2 exclusive bargaining representative.

3 (2)(a) An employee's written, electronic, or recorded voice
4 authorization to have the employer deduct membership dues from the
5 employee's salary must be made by the employee to the employer. If
6 the employer receives an authorization of deductions, the employer
7 shall as soon as practicable forward a copy to the exclusive
8 bargaining representative.

9 (b) Upon receiving the employee's authorization, the employer
10 shall deduct from the employee's salary membership dues and remit the
11 amounts to the exclusive bargaining representative.

12 (c) The employee's authorization remains in effect until
13 expressly revoked by the employee in accordance with the terms and
14 conditions of the authorization.

15 (3)(a) An employee's request to revoke authorization for payroll
16 deductions must be in writing and submitted by the employee to the
17 employer.

18 (b) After the employer receives an employee's deduction
19 authorization revocation, the employer shall end the deduction
20 effective on the first payroll after receipt of the revocation.

21 (4) If the employer and the exclusive bargaining representative
22 of a bargaining unit enter into a collective bargaining agreement
23 that ((÷

24 ~~(a) Includes a union security provision authorized under RCW~~
25 ~~41.56.122, the employer must enforce the agreement by deducting from~~
26 ~~the payments to bargaining unit members the dues required for~~
27 ~~membership in the exclusive bargaining representative, or, for~~
28 ~~nonmembers thereof, a fee equivalent to the dues; or~~

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

33 **Sec. 10.** RCW 41.56.113 and 2018 c 278 s 29 are each amended to
34 read as follows:

35 (1) This subsection (1) applies only if the state makes the
36 payments directly to a provider.

37 (a) Upon the ~~((written))~~ authorization of an individual provider
38 who contracts with the department of social and health services, a
39 family child care provider, an adult family home provider, or a

1 language access provider within the bargaining unit and after the
2 certification or recognition of the bargaining unit's exclusive
3 bargaining representative, the state as payor, but not as the
4 employer, shall, subject to (c) of this subsection, deduct from the
5 payments to an individual provider who contracts with the department
6 of social and health services, a family child care provider, an adult
7 family home provider, or a language access provider the monthly
8 amount of dues as certified by the secretary of the exclusive
9 bargaining representative and shall transmit the same to the
10 treasurer of the exclusive bargaining representative.

11 (b) (i) An employee's written, electronic, or recorded voice
12 authorization to have the employer deduct membership dues from the
13 employee's salary must be made by the employee to the employer. If
14 the employer receives an authorization of deductions, the employer
15 shall as soon as practicable forward a copy to the exclusive
16 bargaining representative.

17 (ii) Upon receiving the employee's authorization, the employer
18 shall deduct from the employee's salary membership dues and remit the
19 amounts to the exclusive bargaining representative.

20 (iii) The employee's authorization remains in effect until
21 expressly revoked by the employee in accordance with the terms and
22 conditions of the authorization.

23 (iv) An employee's request to revoke authorization for payroll
24 deductions must be in writing and submitted by the employee to the
25 employer.

26 (v) After the employer receives an employee's deduction
27 authorization revocation, the employer shall end the deduction
28 effective on the first payroll after receipt of the revocation.

29 (vi) If the governor and the exclusive bargaining representative
30 of a bargaining unit of individual providers who contract with the
31 department of social and health services, family child care
32 providers, adult family home providers, or language access providers
33 enter into a collective bargaining agreement that (÷

34 ~~(i) Includes a union security provision authorized in RCW~~
35 ~~41.56.122, the state as payor, but not as the employer, shall,~~
36 ~~subject to (c) of this subsection, enforce the agreement by deducting~~
37 ~~from the payments to bargaining unit members the dues required for~~
38 ~~membership in the exclusive bargaining representative, or, for~~
39 ~~nonmembers thereof, a fee equivalent to the dues; or~~

1 ~~(ii))~~ includes requirements for deductions of other payments
2 (~~other than the deduction under (b)(i) of this subsection~~), the
3 state, as payor, but not as the employer, shall, subject to (c) of
4 this subsection, make such deductions upon (~~written~~) authorization
5 of the individual provider, family child care provider, adult family
6 home provider, or language access provider.

7 (c)(i) The initial additional costs to the state in making
8 deductions from the payments to individual providers, family child
9 care providers, adult family home providers, and language access
10 providers under this section shall be negotiated, agreed upon in
11 advance, and reimbursed to the state by the exclusive bargaining
12 representative.

13 (ii) The allocation of ongoing additional costs to the state in
14 making deductions from the payments to individual providers, family
15 child care providers, adult family home providers, or language access
16 providers under this section shall be an appropriate subject of
17 collective bargaining between the exclusive bargaining representative
18 and the governor unless prohibited by another statute. If no
19 collective bargaining agreement containing a provision allocating the
20 ongoing additional cost is entered into between the exclusive
21 bargaining representative and the governor, or if the legislature
22 does not approve funding for the collective bargaining agreement as
23 provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as
24 applicable, the ongoing additional costs to the state in making
25 deductions from the payments to individual providers, family child
26 care providers, adult family home providers, or language access
27 providers under this section shall be negotiated, agreed upon in
28 advance, and reimbursed to the state by the exclusive bargaining
29 representative.

30 (~~(d) The governor and the exclusive bargaining representative of~~
31 ~~a bargaining unit of family child care providers may not enter into a~~
32 ~~collective bargaining agreement that contains a union security~~
33 ~~provision unless the agreement contains a process, to be administered~~
34 ~~by the exclusive bargaining representative of a bargaining unit of~~
35 ~~family child care providers, for hardship dispensation for license-~~
36 ~~exempt family child care providers who are also temporary assistance~~
37 ~~for needy families recipients or WorkFirst participants.))~~

38 (2) This subsection (2) applies only if the state does not make
39 the payments directly to a language access provider. (~~(a)~~) Upon the
40 (~~written~~) authorization of a language access provider within the

1 bargaining unit and after the certification or recognition of the
2 bargaining unit's exclusive bargaining representative, the state
3 shall require through its contracts with third parties that:

4 ~~((i))~~ (a) The monthly amount of dues as certified by the
5 secretary of the exclusive bargaining representative be deducted from
6 the payments to the language access provider and transmitted to the
7 treasurer of the exclusive bargaining representative; and

8 ~~((ii))~~ (b) A record showing that dues have been deducted as
9 specified in (a) ~~((i))~~ of this subsection be provided to the state.

10 ~~((b) If the governor and the exclusive bargaining representative
11 of the bargaining unit of language access providers enter into a
12 collective bargaining agreement that includes a union security
13 provision authorized in RCW 41.56.122, the state shall enforce the
14 agreement by requiring through its contracts with third parties that:~~

15 ~~(i) The monthly amount of dues required for membership in the
16 exclusive bargaining representative as certified by the secretary of
17 the exclusive bargaining representative, or, for nonmembers thereof,
18 a fee equivalent to the dues, be deducted from the payments to the
19 language access provider and transmitted to the treasurer of the
20 exclusive bargaining representative; and~~

21 ~~(ii) A record showing that dues or fees have been deducted as
22 specified in (a) (i) of this subsection be provided to the state.)~~

23 (3) This subsection (3) applies only to individual providers who
24 contract with the department of social and health services. ~~((If the
25 governor and the exclusive bargaining representative of a bargaining
26 unit of individual providers enter into a collective bargaining
27 agreement that meets the requirements in subsection (1) (b) (i) or (ii)
28 of this section, and the state as payor, but not as the employer,
29 contracts with a third-party entity to perform its obligations as set
30 forth in those subsections, and that third-party contracts with the
31 exclusive bargaining representative to perform voluntary deductions
32 for individual providers, the exclusive bargaining representative may
33 direct the third-party to make the deductions required by the
34 collective bargaining agreement, at the expense of the exclusive
35 bargaining representative, so long as such deductions by the
36 exclusive bargaining representative do not conflict with any federal
37 or state law.)) The exclusive bargaining representative of individual
38 providers may designate a third-party entity to act as the individual
39 provider's agent in receiving payments from the state to the
40 individual provider, so long as the individual provider has entered~~

1 into an agency agreement with a third-party entity for the purposes
2 of deducting and remitting voluntary payments to the exclusive
3 bargaining representative. A third-party entity that receives such
4 payments is responsible for making and remitting deductions
5 authorized by the individual provider. The costs of such deductions
6 must be paid by the exclusive bargaining representative."

7 Beginning on page 12, line 22, strike all of section 12 and
8 insert the following:

9 "Sec. 12. RCW 41.59.060 and 2018 c 247 s 3 are each amended to
10 read as follows:

11 (1) Employees shall have the right to self-organization, to form,
12 join, or assist employee organizations, to bargain collectively
13 through representatives of their own choosing, and shall also have
14 the right to refrain from any or all of such activities (~~except to~~
15 ~~the extent that employees may be required to pay a fee to any~~
16 ~~employee organization under an agency shop agreement authorized in~~
17 ~~this chapter~~)).

18 (2) (a) Upon (~~written~~) authorization of an employee within the
19 bargaining unit and after the certification or recognition of the
20 bargaining unit's exclusive bargaining representative, the employer
21 must deduct from the payments to the employee the monthly amount of
22 dues as certified by the secretary of the exclusive bargaining
23 representative and must transmit the same to the treasurer of the
24 exclusive bargaining representative.

25 (b) An employee's written, electronic, or recorded voice
26 authorization to have the employer deduct membership dues from the
27 employee's salary must be made by the employee to the employer. If
28 the employer receives an authorization of deductions, the employer
29 shall as soon as practicable forward a copy to the exclusive
30 bargaining representative.

31 (c) Upon receiving the employee's authorization, the employer
32 shall deduct from the employee's salary membership dues and remit the
33 amounts to the exclusive bargaining representative.

34 (d) The employee's authorization remains in effect until
35 expressly revoked by the employee in accordance with the terms and
36 conditions of the authorization.

1 (e) An employee's request to revoke authorization for payroll
2 deductions must be in writing and submitted by the employee to the
3 employer.

4 (f) After the employer receives confirmation from the exclusive
5 bargaining representative that the employee has revoked authorization
6 for deductions, the employer shall end the deduction effective on the
7 first payroll after receipt of the confirmation.

8 (3) If the employer and the exclusive bargaining representative
9 of a bargaining unit enter into a collective bargaining agreement
10 that(÷

11 ~~(i) Includes a union security provision authorized under RCW~~
12 ~~41.59.100, the employer must enforce the agreement by deducting from~~
13 ~~the payments to bargaining unit members the dues required for~~
14 ~~membership in the exclusive bargaining representative, or, for~~
15 ~~nonmembers thereof, a fee equivalent to the dues; or~~

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

20 Beginning on page 15, line 31, strike all of section 14 and
21 insert the following:

22 "**Sec. 14.** RCW 41.76.045 and 2018 c 247 s 4 are each amended to
23 read as follows:

24 (1) (a) ~~((A collective bargaining agreement may include union~~
25 ~~security provisions, but not a closed shop.~~

26 ~~(b))~~ Upon ~~((written))~~ authorization of an employee within the
27 bargaining unit and after the certification or recognition of the
28 bargaining unit's exclusive bargaining representative, the employer
29 must deduct from the payments to the employee the monthly amount of
30 dues as certified by the secretary of the exclusive bargaining
31 representative and must transmit the same to the treasurer of the
32 exclusive bargaining representative.

33 ~~((e))~~ (b) An employee's written, electronic, or recorded voice
34 authorization to have the employer deduct membership dues from the
35 employee's salary must be made by the employee to the employer. If
36 the employer receives an authorization of deductions, the employer
37 shall as soon as practicable forward a copy to the exclusive
38 bargaining representative.

1 (c) Upon receiving the employee's authorization, the employer
2 shall deduct from the employee's salary membership dues and remit the
3 amounts to the exclusive bargaining representative.

4 (d) The employee's authorization remains in effect until
5 expressly revoked by the employee in accordance with the terms and
6 conditions of the authorization.

7 (e) An employee's request to revoke authorization for payroll
8 deductions must be in writing and submitted by the employee to the
9 employer.

10 (f) After the employer receives an employee's deduction
11 authorization, the employer shall end the deduction effective on the
12 first payroll after receipt of the revocation.

13 (2) 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 other payments
22 ~~((other than the deduction under (c)(i) of this subsection)),~~ the
23 employer must make such deductions upon ~~((written))~~ authorization of
24 the employee.

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

1 Beginning on page 19, line 5, strike all of section 18 and insert
2 the following:

3 **"Sec. 18.** RCW 41.80.100 and 2018 c 247 s 5 are each amended to
4 read as follows:

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

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

33 ~~(3)(a))~~ Upon ~~((written))~~ authorization of an employee within the
34 bargaining unit and after the certification or recognition of the
35 bargaining unit's exclusive bargaining representative, the employer
36 must deduct from the payments to the employee the monthly amount of
37 dues as certified by the secretary of the exclusive bargaining
38 representative and must transmit the same to the treasurer of the
39 exclusive bargaining representative.

1 ~~((b))~~ (2)(a) If the employer and the exclusive bargaining
2 representative of a bargaining unit enter into a collective
3 bargaining agreement that(~~+~~

4 ~~(i) Includes a union security provision authorized under~~
5 ~~subsection (1) of this section, the employer must enforce the~~
6 ~~agreement by deducting from the payments to bargaining unit members~~
7 ~~the dues required for membership in the exclusive bargaining~~
8 ~~representative, or, for nonmembers thereof, a fee equivalent to the~~
9 ~~dues; or~~

10 ~~(ii))~~ includes requirements for deductions of other payments
11 ~~((other than the deduction under (b)(i) of this subsection)),~~ the
12 employer must make such deductions upon ~~((written))~~ authorization of
13 the employee.

14 ~~((4) Employee organizations that before July 1, 2004, were~~
15 ~~entitled to the benefits of this section shall continue to be~~
16 ~~entitled to these benefits.))~~ (b) An employee's written, electronic,
17 or recorded voice authorization to have the employer deduct
18 membership dues from the employee's salary must be made by the
19 employee to the employer. If the employer receives an authorization
20 of deductions, the employer shall as soon as practicable forward a
21 copy to the exclusive bargaining representative.

22 (c) Upon receiving the employee's authorization, the employer
23 shall deduct from the employee's salary membership dues and remit the
24 amounts to the exclusive bargaining representative.

25 (d) The employee's authorization remains in effect until
26 expressly revoked by the employee in accordance with the terms and
27 conditions of the authorization.

28 (e) An employee's request to revoke authorization for payroll
29 deductions must be in writing and submitted by the employee to the
30 employer.

31 (f) After the employer receives an employee's deduction
32 authorization revocation, the employer shall end the deduction
33 effective on the first payroll after receipt of the revocation.

34 (g) The employer shall rely on information provided by the
35 exclusive bargaining representative regarding the authorization and
36 revocation of deductions."

37 Beginning on page 23, line 5, strike all of section 20 and insert
38 the following:

1 **"Sec. 20.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to
2 read as follows:

3 (1) A collective bargaining agreement may include ((union
4 security provisions including an agency shop, but not a union or
5 closed shop. If an agency shop provision is agreed to,)) a provision
6 for members of the bargaining unit to authorize the deduction of
7 membership dues from their salary, and the employer shall enforce it
8 by deducting from the salary payments to members of the bargaining
9 unit the dues required of membership ((in the bargaining
10 representative, or, for nonmembers thereof, a fee equivalent to such
11 dues. All union security provisions shall safeguard the right of
12 nonassociation of employees based on bona fide religious tenets or
13 teachings of a church or religious body of which such employee is a
14 member. Such employee shall pay an amount of money equivalent to
15 regular dues and fees to a nonreligious charity or to another
16 charitable organization mutually agreed upon by the employee affected
17 and the bargaining representative to which such employee would
18 otherwise pay the dues and fees. The employee shall furnish written
19 proof that such payment has been made. If the employee and the
20 bargaining representative do not reach agreement on such matter, the
21 commission shall designate the charitable organization)). An
22 employee's written, electronic, or recorded voice authorization to
23 have the employer deduct membership dues from the employee's salary
24 must be made by the employee to the employer. If the employer
25 receives an authorization of deductions, the employer shall as soon
26 as practicable forward a copy to the exclusive bargaining
27 representative.

28 (2) (a) Upon receiving the employee's authorization, the employer
29 shall deduct from the employee's salary membership dues and remit the
30 amounts to the exclusive bargaining representative.

31 (b) The employee's authorization remains in effect until
32 expressly revoked by the employee in accordance with the terms and
33 conditions of the authorization.

34 (c) An employee's request to revoke authorization for payroll
35 deductions must be in writing and submitted by the employee to the
36 employer.

37 (d) After the employer receives an employee's deduction
38 authorization revocation, the employer shall end the deduction
39 effective on the first payroll after receipt of the revocation."

1 Beginning on page 24, line 25, strike all of section 22 and
2 insert the following:

3 **"Sec. 22.** RCW 49.39.080 and 2018 c 247 s 6 are each amended to
4 read as follows:

5 (1) Upon the (~~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 (2)(a) An employee's written, electronic, or recorded voice
13 authorization to have the employer deduct membership dues from the
14 employee's salary must be made by the employee to the employer. If
15 the employer receives an authorization of deductions, the employer
16 shall as soon as practicable forward a copy to the exclusive
17 bargaining representative.

18 (b) Upon receiving the employee's authorization, the employer
19 shall deduct from the employee's salary membership dues and remit the
20 amounts to the exclusive bargaining representative.

21 (c) The employee's authorization remains in effect until
22 expressly revoked by the employee in accordance with the terms and
23 conditions of the authorization.

24 (d) An employee's request to revoke authorization for payroll
25 deductions must be in writing and submitted by the employee to the
26 employer.

27 (e) After the employer receives an employee's deduction
28 authorization revocation, the employer shall end the deduction
29 effective on the first payroll after receipt of the revocation.

30 (3) If the employer and the exclusive bargaining representative
31 of a bargaining unit enter into a collective bargaining agreement
32 that(~~÷~~

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

38 ~~(b))~~ includes requirements for deductions of other payments
39 ((~~other than the deduction under (a) of this subsection~~)), the

1 employer must make such deductions upon (~~written~~) authorization of
2 the employee."

EFFECT: Requires dues deduction authorizations and revocations to be made to the employer rather than the exclusive bargaining representative.

--- END ---