
**Labor & Workplace Standards
Committee**

HB 1575

Brief Description: Strengthening the rights of workers through collective bargaining by addressing authorizations and revocations, certifications, and the authority to deduct and accept union dues and fees.

Sponsors: Representatives Stonier, Valdez, Ryu, Sells, Chapman, Cody, Macri, Peterson, Kloba, Lovick, Gregerson, Fey, Pollet, Senn, Riccelli, Lekanoff, Fitzgibbon, Bergquist, Stanford, Doglio, Tharinger, Goodman, Jinkins, Frame and Davis.

Brief Summary of Bill

- Provides that public employers and public employee organizations are not liable in claims or causes of action for deducted union fees that were permitted by law and deducted before the *Janus v. AFSCME* decision.
- Removes union security provisions from various collective bargaining statutes.
- Creates provisions for employees to provide electronic or recorded voice authorization to deduct membership dues.
- Authorizes a cross-check process to determine union representation for certain public employees, upon a showing of interest of 50 percent of the employees in the bargaining unit.

Hearing Date: 2/4/19

Staff: Trudes Tango (786-7384).

Background:

Authorization of Union Dues.

On June 27, 2018, the United States Supreme Court decided *Janus v. AFSCME*, which held that it is unconstitutional to require public employees who are not members of the union to pay fees

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

to the union. Therefore, a union security provision that requires an employer to automatically deduct fees from a nonunion employee's salary is invalid. An employee's clear consent is required before dues may be deducted from the employee's pay.

Cross-Check to Determine Representation.

A union that wishes to be the exclusive bargaining representative of a unit of employees must file a petition for representation on behalf of the employees. The union must file the petition with the Public Employment Relations Commission (PERC) with a "showing of interest" showing that at least 30 percent of the employees in the bargaining unit support the petition.

The PERC determines union representation by either an election or a cross-check of records. Generally, when there is an election for representation and there is no current contract, ballots are mailed to eligible employees to vote for their choice of representation.

An alternative way of determining representation is by a "cross-check" process. A cross-check can only be conducted when only one union has petitioned to represent a unit and the petition is supported by the sufficient number of signature cards. For most public employees, the petitioning union must submit signature cards from at least 70 percent of the employees in the bargaining unit. For state civil service employees who bargain under the Personnel Service Reform Act (PSRA) and most higher education employees the threshold showing is at least 50 percent. A cross-check process is not available for certificated employees of school districts.

The employer provides PERC with employment records with the signatures of the eligible employees, and PERC verifies the cards against the signature on the employment record. Matching signatures count as a "yes" vote. Employees are given the opportunity to request their signature not be used for the purpose of a cross-check.

Summary of Bill:

Provisions Related to *Janus*.

Public employers and an employee organization are not liable in, and have a complete defense to, any claims or actions for requiring, deducting, receiving, or retaining agency or fair share fees from public employees, if the fees were permitted under state law and paid before June 27, 2018. This provision applies to all claims and actions pending and to claims and actions filed on or after the effective date of the bill.

Union security provisions in the various collective bargaining statutes are stricken.

Authorization to Deduct Dues.

Provisions are established regarding an employee's authorization to deduct membership dues from the employee's salary. An employee's written, electronic, or recorded voice authorization must be made by the employee to the exclusive bargaining representative. The employer is required to deduct from the employee's salary membership dues and remit those amounts to the exclusive bargaining representative once it receives the employee's authorization from the exclusive bargaining representative.

The authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization. The request to revoke must be in writing.

This provision is added to: the Public Employees Collective Bargaining Act (PECBA) covering employees of cities, counties, and other public employees; the Personnel System Reform Act (PSRA) covering state civil service employees; marine employees; certificated school district employees; and higher education faculty.

Cross-Check.

A determination through a cross-check process may be made upon a showing of interest submitted in support of the exclusive bargaining representative by more than 50 percent of the employees, rather than 70 percent, for employees under PECBA and the PSRA, marine employees, higher education faculty, and symphony musicians.

Cross-check may only occur if the employer and employee organization agree to a cross-check.

Appropriation: None.

Fiscal Note: Requested on January 31, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.