

# FINAL BILL REPORT

## SHB 1575

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Synopsis as Enacted

**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:** House Committee on Labor & Workplace Standards (originally sponsored by 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).

**House Committee on Labor & Workplace Standards**  
**House Committee on Appropriations**  
**Senate Committee on Labor & Commerce**

### **Background:**

#### *Janus v. AFSCME and Union Dues.*

On June 27, 2018, the United States Supreme Court decided *Janus v. AFSCME*, which held it is unconstitutional to require public employees who are not members of the union to pay fees to the union. Therefore, a union security provision requiring an employer to automatically deduct fees from a nonunion employee's salary as a condition of employment is invalid. An employee's clear consent is required before union dues or fees 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 with the Public Employment Relations Commission (PERC).

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 a sufficient number of signature cards. For most public employees,

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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 institutions of 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 cross-check process requires the employer to provide PERC with employment records with the signatures of the eligible employees. The PERC then verifies the cards against the signatures on the employment record. Matching signatures count as a "yes" vote. Employees have the opportunity to request that their signature not be used for the purpose of a cross-check.

### **Summary:**

#### Janus vs. AFSCME.

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 act.

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 authorization may be written, electronic, or by recorded voice and must be made 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 the employer 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. The employer must end payroll deduction of dues no later than the second payroll.

These authorization provisions are 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.

A provision is added for the deduction of payments made to individual providers (IPs). The exclusive bargaining representative may designate a third-party entity to act as an IP's agent in receiving payment from the state to the IP, so long as the IP entered into an agreement with a third-party entity for purposes of deducting and remitting voluntary payments to the exclusive bargaining representative.

#### 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. The PERC may adopt rules to implement cross-check procedures.

**Votes on Final Passage:**

House	57	41	
Senate	25	21	(Senate amended)
House	56	38	(House concurred)

**Effective:** July 28, 2019