
SUBSTITUTE SENATE BILL 5623

State of Washington

66th Legislature

2019 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Van De Wege, Das, Hunt, Salomon, Keiser, Saldaña, Conway, and Hasegawa)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to strengthening the rights of workers through
2 collective bargaining by addressing authorizations and revocations,
3 certifications, and the authority to deduct and accept union dues and
4 fees; amending RCW 28B.52.020, 28B.52.030, 28B.52.025, 28B.52.045,
5 41.56.060, 41.56.110, 41.56.113, 41.56.122, 41.59.060, 41.76.020,
6 41.76.045, 41.80.050, 41.80.080, 41.80.100, 47.64.090, 47.64.160,
7 49.39.080, 49.39.090, and 53.18.050; adding new sections to chapter
8 4.24 RCW; adding a new section to chapter 28B.52 RCW; adding a new
9 section to chapter 41.56 RCW; adding a new section to chapter 41.80
10 RCW; adding a new section to chapter 49.39 RCW; and repealing RCW
11 41.59.100.

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

13 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
14 to read as follows:

15 (1) The legislature finds and declares application of this
16 section to pending claims and actions clarifies existing state law
17 rather than changes it. Public employees who paid agency or fair
18 share fees as a condition of public employment in accordance with
19 state law and supreme court precedent before June 27, 2018, had no
20 legitimate expectation of receiving that money under any available
21 cause of action. Public employers and employee organizations who

1 relied on, and abided by, state law and supreme court precedent in
2 deducting and accepting those fees were not liable to refund them.
3 Agency or fair share fees paid for collective bargaining
4 representation that employee organizations were obligated by state
5 law to provide to public employees. Application of this section to
6 pending claims will preserve, rather than interfere with, important
7 reliance interests.

8 (2) Public employers and an employee organization, or any of
9 their employees or agents, are not liable for, and have a complete
10 defense to, any claims or actions under the law of this state for
11 requiring, deducting, receiving, or retaining agency or fair share
12 fees from public employees, and current or former public employees do
13 not have standing to pursue these claims or actions, if the fees were
14 permitted at the time under the laws of this state then in force and
15 paid, through payroll deduction or otherwise, before June 27, 2018.

16 (a) This section applies to all claims and actions pending on the
17 effective date of this section, and to claims and actions filed on or
18 after the effective date of this section.

19 (b) This section may not be interpreted to infer that any relief
20 made unavailable by this section would otherwise be available.

21 (3) This section is necessary to provide certainty to public
22 employers and employee organizations that relied on state law, and to
23 avoid disruption of public employee labor relations, after the
24 supreme court's decision in *Janus v. American Federation of State,*
25 *County, and Municipal Employees, Council 31* (2018) 138 S.Ct. 2448.

26 (4) For purposes of this section:

27 (a) "Employee organization" means any organization that
28 functioned as an exclusive collective bargaining representative for
29 public employees under any statute, ordinance, regulation, or other
30 state or local law, and any labor organization with which it was
31 affiliated.

32 (b) "Public employer" means any public employer including, but
33 not limited to, the state, a court, a city, a county, a city and
34 county, a school district, a community college district, an
35 institution of higher education and its board or regents, a transit
36 district, any public authority, any public agency, any other
37 political subdivision or public corporation, or any other entity
38 considered a public employer for purposes of the labor relations
39 statutes of Washington.

1 **Sec. 2.** RCW 28B.52.020 and 1991 c 238 s 146 are each amended to
2 read as follows:

3 As used in this chapter:

4 (1) "Employee organization" means any organization which includes
5 as members the academic employees of a college district and which has
6 as one of its purposes the representation of the employees in their
7 employment relations with the college district.

8 (2) "Academic employee" means any teacher, counselor, librarian,
9 or department head, who is employed by any college district, whether
10 full or part time, with the exception of the chief administrative
11 officer of, and any administrator in, each college district.

12 (3) "Administrator" means any person employed either full or part
13 time by the college district and who performs administrative
14 functions as at least fifty percent or more of his or her
15 assignments, and has responsibilities to hire, dismiss, or discipline
16 other employees. Administrators shall not be members of the
17 bargaining unit unless a majority of such administrators and a
18 majority of the bargaining unit elect by secret ballot for such
19 inclusion pursuant to rules as adopted in accordance with RCW
20 28B.52.080.

21 (4) "Commission" means the public employment relations
22 commission.

23 (5) "Unfair labor practice" means any unfair labor practice
24 listed in RCW 28B.52.073.

25 (6) (~~"Union security provision" means a provision in a~~
26 ~~collective bargaining agreement under which some or all employees in~~
27 ~~the bargaining unit may be required, as a condition of continued~~
28 ~~employment on or after the thirtieth day following the beginning of~~
29 ~~such employment or the effective date of the provision, whichever is~~
30 ~~later, to become a member of the exclusive bargaining representative~~
31 ~~or pay an agency fee equal to the periodic dues and initiation fees~~
32 ~~uniformly required as a condition of acquiring or retaining~~
33 ~~membership in the exclusive bargaining representative.~~

34 (7)) "Exclusive bargaining representative" means any employee
35 organization which has:

36 (a) Been certified or recognized under this chapter as the
37 representative of the employees in an appropriate collective
38 bargaining unit; or

1 (b) Before July 26, 1987, been certified or recognized under a
2 predecessor statute as the representative of the employees in a
3 bargaining unit which continues to be appropriate under this chapter.

4 ~~((8))~~ (7) "Collective bargaining" and "bargaining" mean the
5 performance of the mutual obligation of the representatives of the
6 employer and the exclusive bargaining representative to meet at
7 reasonable times to bargain in good faith in an effort to reach
8 agreement with respect to wages, hours, and other terms and
9 conditions of employment, such as procedures related to nonretention,
10 dismissal, denial of tenure, and reduction in force. Prior law,
11 practice, or interpretation shall be neither restrictive, expansive,
12 nor determinative with respect to the scope of bargaining. A written
13 contract incorporating any agreements reached shall be executed if
14 requested by either party. The obligation to bargain does not compel
15 either party to agree to a proposal or to make a concession.

16 In the event of a dispute between an employer and an exclusive
17 bargaining representative over the matters that are terms and
18 conditions of employment, the commission shall decide which items are
19 mandatory subjects for bargaining.

20 **Sec. 3.** RCW 28B.52.030 and 1991 c 238 s 147 are each amended to
21 read as follows:

22 Representatives of an employee organization, which organization
23 shall by secret ballot have won a majority in an election to
24 represent the academic employees within its college district, shall
25 have the right to bargain (~~(as defined in RCW 28B.52.020(8))~~).

26 **Sec. 4.** RCW 28B.52.025 and 1987 c 314 s 5 are each amended to
27 read as follows:

28 Employees have the right to self-organization, to form, join, or
29 assist employee organizations, to bargain collectively through
30 representatives of their own choosing, and also have the right to
31 refrain from any or all of these activities (~~(except to the extent
32 that employees may be required to make payments to an exclusive
33 bargaining representative or charitable organization under a union
34 security provision authorized in this chapter)~~).

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

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

8 (b) Upon receiving notice of the employee's authorization from
9 the exclusive bargaining representative, the employer shall deduct
10 from the employee's salary membership dues and remit the amounts to
11 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 (2) (a) An employee's request to revoke authorization for payroll
16 deductions must be in writing and submitted by the employee to the
17 exclusive bargaining representative in accordance with the terms and
18 conditions of the authorization.

19 (b) After the employer receives confirmation from the exclusive
20 bargaining representative that the employee has revoked authorization
21 for deductions, the employer shall end the deduction effective on the
22 first payroll after receipt of the confirmation.

23 (3) The employer shall rely on information provided by the
24 exclusive bargaining representative regarding the authorization and
25 revocation of deductions.

26 **Sec. 6.** RCW 28B.52.045 and 2018 c 247 s 1 are each amended to
27 read as follows:

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

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

37 ~~((e))~~ (2) If the employer and the exclusive bargaining
38 representative of a bargaining unit enter into a collective
39 bargaining agreement that ~~((÷~~

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

6 ~~(ii))~~ includes requirements for deductions of other payments
7 ~~((other than the deduction under (c)(i) of this subsection)),~~ the
8 employer must make such deductions upon ~~((written))~~ authorization of
9 the employee.

10 ~~((2) An employee who is covered by a union security provision~~
11 ~~and who asserts a right of nonassociation based on bona fide~~
12 ~~religious tenets or teachings of a church or religious body of which~~
13 ~~such employee is a member shall pay to a nonreligious charity or~~
14 ~~other charitable organization an amount of money equivalent to the~~
15 ~~periodic dues and initiation fees uniformly required as a condition~~
16 ~~of acquiring or retaining membership in the exclusive bargaining~~
17 ~~representative. The charity shall be agreed upon by the employee and~~
18 ~~the employee organization to which such employee would otherwise pay~~
19 ~~the dues and fees. The employee shall furnish written proof that such~~
20 ~~payments have been made. If the employee and the employee~~
21 ~~organization do not reach agreement on such matter, the commission~~
22 ~~shall designate the charitable organization.))~~

23 **Sec. 7.** RCW 41.56.060 and 2005 c 232 s 1 are each amended to
24 read as follows:

25 (1) The commission, after hearing upon reasonable notice, shall
26 decide in each application for certification as an exclusive
27 bargaining representative, the unit appropriate for the purpose of
28 collective bargaining. In determining, modifying, or combining the
29 bargaining unit, the commission shall consider the duties, skills,
30 and working conditions of the public employees; the history of
31 collective bargaining by the public employees and their bargaining
32 representatives; the extent of organization among the public
33 employees; and the desire of the public employees. The commission
34 shall determine the bargaining representative by: (a) Examination of
35 organization membership rolls; (b) comparison of signatures on
36 organization bargaining authorization cards, as provided under
37 section 8 of this act; or (c) conducting an election specifically
38 therefor.

1 (2) For classified employees of school districts and educational
2 service districts:

3 (a) Appropriate bargaining units existing on July 24, 2005, may
4 not be divided into more than one unit without the agreement of the
5 public employer and the certified bargaining representative of the
6 unit; and

7 (b) In making bargaining unit determinations under this section,
8 the commission must consider, in addition to the factors listed in
9 subsection (1) of this section, the avoidance of excessive
10 fragmentation.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 41.56
12 RCW to read as follows:

13 (1) Except as provided under subsection (2) of this section, if
14 only one employee organization is seeking certification as the
15 exclusive bargaining representative of a bargaining unit for which
16 there is no incumbent exclusive bargaining representative, the
17 commission may determine the question concerning representation by
18 conducting a cross-check comparing the employee organization's
19 membership records or bargaining authorization cards against the
20 employment records of the employer. A determination through a cross-
21 check process may be made upon a showing of interest submitted in
22 support of the exclusive bargaining representative by more than fifty
23 percent of the employees. The commission may adopt rules to implement
24 this section.

25 (2) This section does not apply to those employees under RCW
26 41.56.026, 41.56.028, 41.56.029, and 41.56.510.

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

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

36 (2) (a) An employee's written, electronic, or recorded voice
37 authorization to have the employer deduct membership dues from the
38 employee's salary must be made by the employee to the exclusive

1 bargaining representative. If the employer receives a request for
2 authorization of deductions, the employer shall as soon as
3 practicable forward the request to the exclusive bargaining
4 representative.

5 (b) Upon receiving notice of the employee's authorization from
6 the exclusive bargaining representative, the employer shall deduct
7 from the employee's salary membership dues and remit the amounts to
8 the exclusive bargaining representative.

9 (c) The employee's authorization remains in effect until
10 expressly revoked by the employee in accordance with the terms and
11 conditions of the authorization.

12 (3) (a) An employee's request to revoke authorization for payroll
13 deductions must be in writing and submitted by the employee to the
14 exclusive bargaining representative in accordance with the terms and
15 conditions of the authorization.

16 (b) After the employer receives confirmation from the exclusive
17 bargaining representative that the employee has revoked authorization
18 for deductions, the employer shall end the deduction effective on the
19 first payroll after receipt of the confirmation.

20 (4) The employer shall rely on information provided by the
21 exclusive bargaining representative regarding the authorization and
22 revocation of deductions.

23 (5) If the employer and the exclusive bargaining representative
24 of a bargaining unit enter into a collective bargaining agreement
25 that ((÷

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

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

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

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

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

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

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

25 (iii) 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 (iv) An employee's request to revoke authorization for payroll
29 deductions must be in writing and submitted by the employee to the
30 exclusive bargaining representative in accordance with the terms and
31 conditions of the authorization.

32 (v) After the employer receives confirmation from the exclusive
33 bargaining representative that the employee has revoked authorization
34 for deductions, the employer shall end the deduction effective on the
35 first payroll after receipt of the confirmation.

36 (vi) The employer shall rely on information provided by the
37 exclusive bargaining representative regarding the authorization and
38 revocation of deductions.

39 (vii) If the governor and the exclusive bargaining representative
40 of a bargaining unit of individual providers who contract with the

1 department of social and health services, family child care
2 providers, adult family home providers, or language access providers
3 enter into a collective bargaining agreement that(~~÷~~

4 ~~(i) Includes a union security provision authorized in RCW~~
5 ~~41.56.122, the state as payor, but not as the employer, shall,~~
6 ~~subject to (c) of this subsection, enforce the agreement by deducting~~
7 ~~from the payments to bargaining unit members the dues required for~~
8 ~~membership in the exclusive bargaining representative, or, for~~
9 ~~nonmembers thereof, a fee equivalent to the dues; or~~

10 ~~(ii))~~ includes requirements for deductions of other payments
11 ~~((other than the deduction under (b)(i) of this subsection)),~~ the
12 state, as payor, but not as the employer, shall, subject to (c) of
13 this subsection, make such deductions upon ~~((written))~~ authorization
14 of the individual provider, family child care provider, adult family
15 home provider, or language access provider.

16 (c)(i) The initial additional costs to the state in making
17 deductions from the payments to individual providers, family child
18 care providers, adult family home providers, and language access
19 providers under this section shall be negotiated, agreed upon in
20 advance, and reimbursed to the state by the exclusive bargaining
21 representative.

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

39 ~~((d) The governor and the exclusive bargaining representative of~~
40 ~~a bargaining unit of family child care providers may not enter into a~~

1 ~~collective bargaining agreement that contains a union security~~
2 ~~provision unless the agreement contains a process, to be administered~~
3 ~~by the exclusive bargaining representative of a bargaining unit of~~
4 ~~family child care providers, for hardship dispensation for license-~~
5 ~~exempt family child care providers who are also temporary assistance~~
6 ~~for needy families recipients or WorkFirst participants.))~~

7 (2) This subsection (2) applies only if the state does not make
8 the payments directly to a language access provider. ~~((a))~~ Upon the
9 ~~((written))~~ authorization of a language access provider within the
10 bargaining unit and after the certification or recognition of the
11 bargaining unit's exclusive bargaining representative, the state
12 shall require through its contracts with third parties that:

13 ~~((i))~~ (a) The monthly amount of dues as certified by the
14 secretary of the exclusive bargaining representative be deducted from
15 the payments to the language access provider and transmitted to the
16 treasurer of the exclusive bargaining representative; and

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

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

24 ~~(i) The monthly amount of dues required for membership in the~~
25 ~~exclusive bargaining representative as certified by the secretary of~~
26 ~~the exclusive bargaining representative, or, for nonmembers thereof,~~
27 ~~a fee equivalent to the dues, be deducted from the payments to the~~
28 ~~language access provider and transmitted to the treasurer of the~~
29 ~~exclusive bargaining representative; and~~

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

32 (3) This subsection (3) applies only to individual providers who
33 contract with the department of social and health services. ~~((If the~~
34 ~~governor and the exclusive bargaining representative of a bargaining~~
35 ~~unit of individual providers enter into a collective bargaining~~
36 ~~agreement that meets the requirements in subsection (1) (b) (i) or (ii)~~
37 ~~of this section, and the state as payor, but not as the employer,~~
38 ~~contracts with a third-party entity to perform its obligations as set~~
39 ~~forth in those subsections, and that third-party contracts with the~~
40 ~~exclusive bargaining representative to perform voluntary deductions~~

1 ~~for individual providers, the exclusive bargaining representative may~~
2 ~~direct the third-party to make the deductions required by the~~
3 ~~collective bargaining agreement, at the expense of the exclusive~~
4 ~~bargaining representative, so long as such deductions by the~~
5 ~~exclusive bargaining representative do not conflict with any federal~~
6 ~~or state law.)) The exclusive bargaining representative of individual
7 providers may designate a third-party entity to act as the individual
8 provider's agent in receiving payments from the state to the
9 individual provider, so long as the individual provider has entered
10 into an agency agreement with a third-party entity for the purposes
11 of deducting and remitting voluntary payments to the exclusive
12 bargaining representative. A third-party entity that receives such
13 payments is responsible for making and remitting deductions
14 authorized by the individual provider. The costs of such deductions
15 must be paid by the exclusive bargaining representative.~~

16 **Sec. 11.** RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each
17 amended to read as follows:

18 A collective bargaining agreement may(~~+~~

19 ~~(1) Contain union security provisions: PROVIDED, That nothing in~~
20 ~~this section shall authorize a closed shop provision: PROVIDED~~
21 ~~FURTHER, That agreements involving union security provisions must~~
22 ~~safeguard the right of nonassociation of public employees based on~~
23 ~~bona fide religious tenets or teachings of a church or religious body~~
24 ~~of which such public employee is a member. Such public employee shall~~
25 ~~pay an amount of money equivalent to regular union dues and~~
26 ~~initiation fee to a nonreligious charity or to another charitable~~
27 ~~organization mutually agreed upon by the public employee affected and~~
28 ~~the bargaining representative to which such public employee would~~
29 ~~otherwise pay the dues and initiation fee. The public employee shall~~
30 ~~furnish written proof that such payment has been made. If the public~~
31 ~~employee and the bargaining representative do not reach agreement on~~
32 ~~such matter, the commission shall designate the charitable~~
33 ~~organization. When there is a conflict between any collective~~
34 ~~bargaining agreement reached by a public employer and a bargaining~~
35 ~~representative on a union security provision and any charter,~~
36 ~~ordinance, rule, or regulation adopted by the public employer or its~~
37 ~~agents, including but not limited to, a civil service commission, the~~
38 ~~terms of the collective bargaining agreement shall prevail.~~

1 ~~(2))~~ provide for binding arbitration of a labor dispute arising
2 from the application or the interpretation of the matters contained
3 in a collective bargaining agreement.

4 **Sec. 12.** RCW 41.59.060 and 2018 c 247 s 3 are each amended to
5 read as follows:

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

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) An employee's written, electronic, or recorded voice
21 authorization to have the employer deduct membership dues from the
22 employee's salary must be made by the employee to the exclusive
23 bargaining representative. If the employer receives a request for
24 authorization of deductions, the employer shall as soon as
25 practicable forward the request to the exclusive bargaining
26 representative.

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

31 (d) 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 (e) An employee's request to revoke authorization for payroll
35 deductions must be in writing and submitted by the employee to the
36 exclusive bargaining representative in accordance with the terms and
37 conditions of the authorization.

38 (f) After the employer receives confirmation from the exclusive
39 bargaining representative that the employee has revoked authorization

1 for deductions, the employer shall end the deduction effective on the
2 first payroll after receipt of the confirmation.

3 (g) The employer shall rely on information provided by the
4 exclusive bargaining representative regarding the authorization and
5 revocation of deductions.

6 (3) 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 RCW~~
10 ~~41.59.100, the employer must enforce the agreement by deducting from~~
11 ~~the payments to bargaining unit members the dues required for~~
12 ~~membership in the exclusive bargaining representative, or, for~~
13 ~~nonmembers thereof, a fee equivalent to the dues; or~~

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

18 **Sec. 13.** RCW 41.76.020 and 2002 c 356 s 7 are each amended to
19 read as follows:

20 The commission shall certify exclusive bargaining representatives
21 in accordance with the procedures specified in this section.

22 (1) No question concerning representation may be raised within
23 one year following issuance of a certification under this section.

24 (2) If there is a valid collective bargaining agreement in
25 effect, no question concerning representation may be raised except
26 during the period not more than ninety nor less than sixty days prior
27 to the expiration date of the agreement: PROVIDED, That in the event
28 a valid collective bargaining agreement, together with any renewals
29 or extensions thereof, has been or will be in existence for more than
30 three years, then a question concerning representation may be raised
31 not more than ninety nor less than sixty days prior to the third
32 anniversary date or any subsequent anniversary date of the agreement;
33 and if the exclusive bargaining representative is removed as the
34 result of such procedure, the collective bargaining agreement shall
35 be deemed to be terminated as of the date of the certification or the
36 anniversary date following the filing of the petition, whichever is
37 later.

38 (3) An employee organization seeking certification as exclusive
39 bargaining representative of a bargaining unit, or faculty members

1 seeking decertification of their exclusive bargaining representative,
2 must make a confidential showing to the commission of credible
3 evidence demonstrating that at least thirty percent of the faculty in
4 the bargaining unit are in support of the petition. The petition must
5 indicate the name, address, and telephone number of any employee
6 organization known to claim an interest in the bargaining unit.

7 (4) A petition filed by an employer must be supported by credible
8 evidence demonstrating the good faith basis on which the employer
9 claims the existence of a question concerning the representation of
10 its faculty.

11 (5) Any employee organization which makes a confidential showing
12 to the commission of credible evidence demonstrating that it has the
13 support of at least ten percent of the faculty in the bargaining unit
14 involved is entitled to intervene in proceedings under this section
15 and to have its name listed as a choice on the ballot in an election
16 conducted by the commission.

17 (6) The commission shall determine any question concerning
18 representation by conducting a secret ballot election among the
19 faculty members in the bargaining unit, except under the following
20 circumstances:

21 (a) If only one employee organization is seeking certification as
22 exclusive bargaining representative of a bargaining unit for which
23 there is no incumbent exclusive bargaining representative, the
24 commission may(~~(, upon the concurrence of the employer and the~~
25 ~~employee organization,)) determine the question concerning
26 representation by conducting a cross-check comparing the employee
27 organization's membership records or bargaining authorization cards
28 against the employment records of the employer. A determination
29 through a cross-check process may be made upon a showing of interest
30 submitted in support of the exclusive bargaining representative by
31 more than fifty percent of the employees; or~~

32 (b) If the commission determines that a serious unfair labor
33 practice has been committed which interfered with the election
34 process and precludes the holding of a fair election, the commission
35 may determine the question concerning representation by conducting a
36 cross-check comparing the employee organization's membership records
37 or bargaining authorization cards against the employment records of
38 the employer.

39 (c) The commission may adopt rules to implement this subsection
40 (6).

1 (7) The representation election ballot must contain a choice for
2 each employee organization qualifying under subsection (3) or (5) of
3 this section, together with a choice for no representation. The
4 representation election shall be determined by the majority of the
5 valid ballots cast. If there are three or more choices on the ballot
6 and none of the three or more choices receives a majority of the
7 valid ballots cast, a runoff election shall be conducted between the
8 two choices receiving the highest and second highest numbers of
9 votes.

10 (8) The commission shall certify as the exclusive bargaining
11 representative the employee organization that has been determined to
12 represent a majority of faculty members in a bargaining unit.

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

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

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

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

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

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

38 (e) An employee's request to revoke authorization for payroll
39 deductions must be in writing and submitted by the employee to the

1 exclusive bargaining representative in accordance with the terms and
2 conditions of the authorization.

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

7 (g) The employer shall rely on information provided by the
8 exclusive bargaining representative regarding the authorization and
9 revocation of deductions.

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

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

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

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

36 **Sec. 15.** RCW 41.80.050 and 2002 c 354 s 306 are each amended to
37 read as follows:

38 Except as may be specifically limited by this chapter, employees
39 shall have the right to self-organization, to form, join, or assist

1 employee organizations, and to bargain collectively through
2 representatives of their own choosing for the purpose of collective
3 bargaining free from interference, restraint, or coercion. Employees
4 shall also have the right to refrain from any or all such activities
5 (~~except to the extent that they may be required to pay a fee to an~~
6 ~~exclusive bargaining representative under a union security provision~~
7 ~~authorized by this chapter~~)).

8 NEW SECTION. **Sec. 16.** A new section is added to chapter 41.80
9 RCW to read as follows:

10 If only one employee organization is seeking certification as
11 exclusive bargaining representative of a bargaining unit for which
12 there is no incumbent exclusive bargaining representative, the
13 commission may determine the question concerning representation by
14 conducting a cross-check comparing the employee organization's
15 membership records or bargaining authorization cards against the
16 employment records of the employer. A determination through a cross-
17 check process may be made upon a showing of interest submitted in
18 support of the exclusive bargaining representative by more than fifty
19 percent of the employees. The commission may adopt rules to implement
20 this section.

21 **Sec. 17.** RCW 41.80.080 and 2002 c 354 s 309 are each amended to
22 read as follows:

23 (1) The commission shall determine all questions pertaining to
24 representation and shall administer all elections and cross-check
25 procedures, and be responsible for the processing and adjudication of
26 all disputes that arise as a consequence of elections and cross-check
27 procedures. The commission shall adopt rules that provide for at
28 least the following:

- 29 (a) Secret balloting;
- 30 (b) Consulting with employee organizations;
- 31 (c) Access to lists of employees, job classification, work
32 locations, and home mailing addresses;
- 33 (d) Absentee voting;
- 34 (e) Procedures for the greatest possible participation in voting;
- 35 (f) Campaigning on the employer's property during working hours;
- 36 and
- 37 (g) Election observers.

1 (2) (a) If an employee organization has been certified as the
2 exclusive bargaining representative of the employees of a bargaining
3 unit, the employee organization may act for and negotiate master
4 collective bargaining agreements that will include within the
5 coverage of the agreement all employees in the bargaining unit as
6 provided in RCW 41.80.010(2)(a). However, if a master collective
7 bargaining agreement is in effect for the exclusive bargaining
8 representative, it shall apply to the bargaining unit for which the
9 certification has been issued. Nothing in this section requires the
10 parties to engage in new negotiations during the term of that
11 agreement.

12 (b) This subsection (2) does not apply to exclusive bargaining
13 representatives who represent employees of institutions of higher
14 education.

15 (3) The certified exclusive bargaining representative shall be
16 responsible for representing the interests of all the employees in
17 the bargaining unit. This section shall not be construed to limit an
18 exclusive representative's right to exercise its discretion to refuse
19 to process grievances of employees that are unmeritorious.

20 (4) No question concerning representation may be raised if:

21 (a) Fewer than twelve months have elapsed since the last
22 certification or election; or

23 (b) A valid collective bargaining agreement exists covering the
24 unit, except for that period of no more than one hundred twenty
25 calendar days nor less than ninety calendar days before the
26 expiration of the contract.

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

29 ~~(1) ((A collective bargaining agreement may contain a union
30 security provision requiring as a condition of employment the
31 payment, no later than the thirtieth day following the beginning of
32 employment or July 1, 2004, whichever is later, of an agency shop fee
33 to the employee organization that is the exclusive bargaining
34 representative for the bargaining unit in which the employee is
35 employed. The amount of the fee shall be equal to the amount required
36 to become a member in good standing of the employee organization.
37 Each employee organization shall establish a procedure by which any
38 employee so requesting may pay a representation fee no greater than
39 the part of the membership fee that represents a pro rata share of~~

1 expenditures for purposes germane to the collective bargaining
2 process, to contract administration, or to pursuing matters affecting
3 wages, hours, and other conditions of employment.

4 ~~(2) An employee who is covered by a union security provision and~~
5 ~~who asserts a right of nonassociation based on bona fide religious~~
6 ~~tenets, or teachings of a church or religious body of which the~~
7 ~~employee is a member, shall, as a condition of employment, make~~
8 ~~payments to the employee organization, for purposes within the~~
9 ~~program of the employee organization as designated by the employee~~
10 ~~that would be in harmony with his or her individual conscience. The~~
11 ~~amount of the payments shall be equal to the periodic dues and fees~~
12 ~~uniformly required as a condition of acquiring or retaining~~
13 ~~membership in the employee organization minus any included monthly~~
14 ~~premiums for insurance programs sponsored by the employee~~
15 ~~organization. The employee shall not be a member of the employee~~
16 ~~organization but is entitled to all the representation rights of a~~
17 ~~member of the employee organization.~~

18 ~~(3)(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))~~ (2)(a) If the employer and the exclusive bargaining
26 representative of a bargaining unit enter into a collective
27 bargaining agreement that ~~((:~~

28 ~~(i) Includes a union security provision authorized under~~
29 ~~subsection (1) of this section, the employer must enforce the~~
30 ~~agreement by deducting from the payments to bargaining unit members~~
31 ~~the dues required for membership in the exclusive bargaining~~
32 ~~representative, or, for nonmembers thereof, a fee equivalent to the~~
33 ~~dues; or~~

34 ~~(ii))~~ includes requirements for deductions of other payments
35 ~~((other than the deduction under (b)(i) of this subsection)),~~ the
36 employer must make such deductions upon ~~((written))~~ authorization of
37 the employee.

38 ~~((4) Employee organizations that before July 1, 2004, were~~
39 ~~entitled to the benefits of this section shall continue to be~~
40 ~~entitled to these benefits.))~~ (b) An employee's written, electronic,

1 or recorded voice authorization to have the employer deduct
2 membership dues from the employee's salary must be made by the
3 employee to the exclusive bargaining representative. If the employer
4 receives a request for authorization of deductions, the employer
5 shall as soon as practicable forward the request to the exclusive
6 bargaining representative.

7 (c) Upon receiving notice of the employee's authorization, the
8 employer shall deduct from the employee's salary membership dues and
9 remit the amounts to the exclusive bargaining representative.

10 (d) The employee's authorization remains in effect until
11 expressly revoked by the employee in accordance with the terms and
12 conditions of the authorization.

13 (e) An employee's request to revoke authorization for payroll
14 deductions must be in writing and submitted by the employee to the
15 exclusive bargaining representative in accordance with the terms and
16 conditions of the authorization.

17 (f) After the employer receives confirmation from the exclusive
18 bargaining representative that the employee has revoked authorization
19 for deductions, the employer shall end the deduction effective on the
20 first payroll after receipt of the confirmation.

21 (g) The employer shall rely on information provided by the
22 exclusive bargaining representative regarding the authorization and
23 revocation of deductions.

24 **Sec. 19.** RCW 47.64.090 and 2011 1st sp.s. c 16 s 25 are each
25 amended to read as follows:

26 (1) Except as provided in RCW 47.60.656 and subsections (2) and
27 (4) of this section, or as provided in RCW 36.54.130 and subsection
28 (3) of this section, if any party assumes the operation and
29 maintenance of any ferry or ferry system by rent, lease, or charter
30 from the department of transportation, such party shall assume and be
31 bound by all the provisions herein and any agreement or contract for
32 such operation of any ferry or ferry system entered into by the
33 department shall provide that the wages to be paid, hours of
34 employment, working conditions, and seniority rights of employees
35 will be established by the commission in accordance with the terms
36 and provisions of this chapter and it shall further provide that all
37 labor disputes shall be adjudicated in accordance with chapter 47.64
38 RCW.

1 (2) If a public transportation benefit area meeting the
2 requirements of RCW 36.57A.200 has voter approval to operate
3 passenger-only ferry service, it may enter into an agreement with
4 Washington State Ferries to rent, lease, or purchase passenger-only
5 vessels, related equipment, or terminal space for purposes of loading
6 and unloading the passenger-only ferry. Charges for the vessels,
7 equipment, and space must be fair market value taking into account
8 the public benefit derived from the ferry service. A benefit area or
9 subcontractor of that benefit area that qualifies under this
10 subsection is not subject to the restrictions of subsection (1) of
11 this section, but is subject to:

12 (a) The terms of those collective bargaining agreements that it
13 or its subcontractors negotiate with the exclusive bargaining
14 representatives of its or its subcontractors' employees under chapter
15 41.56 RCW or the National Labor Relations Act, as applicable;

16 (b) Unless otherwise prohibited by federal or state law, a
17 requirement that the benefit area and any contract with its
18 subcontractors, give preferential hiring to former employees of the
19 department of transportation who separated from employment with the
20 department because of termination of the ferry service by the state
21 of Washington; and

22 (c) Unless otherwise prohibited by federal or state law, a
23 requirement that the benefit area and any contract with its
24 subcontractors, on any questions concerning representation of
25 employees for collective bargaining purposes, may be determined by
26 conducting a cross-check comparing an employee organization's
27 membership records or bargaining authorization cards against the
28 employment records of the employer. A determination through a cross-
29 check process may be made upon a showing of interest submitted in
30 support of the exclusive bargaining representative by more than fifty
31 percent of the employees.

32 (3) If a ferry district is formed under RCW 36.54.110 to operate
33 passenger-only ferry service, it may enter into an agreement with
34 Washington State Ferries to rent, lease, or purchase vessels, related
35 equipment, or terminal space for purposes of loading and unloading
36 the ferry. Charges for the vessels, equipment, and space must be fair
37 market value taking into account the public benefit derived from the
38 ferry service. A ferry district or subcontractor of that district
39 that qualifies under this subsection is not subject to the
40 restrictions of subsection (1) of this section, but is subject to:

1 (a) The terms of those collective bargaining agreements that it
2 or its subcontractors negotiate with the exclusive bargaining
3 representatives of its or its subcontractors' employees under chapter
4 41.56 RCW or the national labor relations act, as applicable;

5 (b) Unless otherwise prohibited by federal or state law, a
6 requirement that the ferry district and any contract with its
7 subcontractors, give preferential hiring to former employees of the
8 department of transportation who separated from employment with the
9 department because of termination of the ferry service by the state
10 of Washington; and

11 (c) Unless otherwise prohibited by federal or state law, a
12 requirement that the ferry district and any contract with its
13 subcontractors, on any questions concerning representation of
14 employees for collective bargaining purposes, may be determined by
15 conducting a cross-check comparing an employee organization's
16 membership records or bargaining authorization cards against the
17 employment records of the employer.

18 (4) The department of transportation shall make its terminal,
19 dock, and pier space available to private operators of passenger-only
20 ferries if the space can be made available without limiting the
21 operation of car ferries operated by the department. These private
22 operators are not bound by the provisions of subsection (1) of this
23 section. Charges for the equipment and space must be fair market
24 value taking into account the public benefit derived from the
25 passenger-only ferry service.

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

28 (1) A collective bargaining agreement may include ((union
29 security provisions including an agency shop, but not a union or
30 closed shop. If an agency shop provision is agreed to,)) a provision
31 for members of the bargaining unit to authorize the deduction of
32 membership dues from their salary, and the employer shall enforce it
33 by deducting from the salary payments to members of the bargaining
34 unit the dues required of membership ((in the bargaining
35 representative, or, for nonmembers thereof, a fee equivalent to such
36 dues. All union security provisions shall safeguard the right of
37 nonassociation of employees based on bona fide religious tenets or
38 teachings of a church or religious body of which such employee is a
39 member. Such employee shall pay an amount of money equivalent to

1 ~~regular dues and fees to a nonreligious charity or to another~~
2 ~~charitable organization mutually agreed upon by the employee affected~~
3 ~~and the bargaining representative to which such employee would~~
4 ~~otherwise pay the dues and fees. The employee shall furnish written~~
5 ~~proof that such payment has been made. If the employee and the~~
6 ~~bargaining representative do not reach agreement on such matter, the~~
7 ~~commission shall designate the charitable organization)). An~~
8 employee's written, electronic, or recorded voice authorization to
9 have the employer deduct membership dues from the employee's salary
10 must be made by the employee to the exclusive bargaining
11 representative. If the employer receives a request for authorization
12 of deductions, the employer shall as soon as practicable forward the
13 request to the exclusive bargaining representative.

14 (2) (a) Upon receiving notice of the employee's authorization from
15 the exclusive bargaining representative, the employer shall deduct
16 from the employee's salary membership dues and remit the amounts to
17 the exclusive bargaining representative.

18 (b) The employee's authorization remains in effect until
19 expressly revoked by the employee in accordance with the terms and
20 conditions of the authorization.

21 (c) An employee's request to revoke authorization for payroll
22 deductions must be in writing and submitted by the employee to the
23 exclusive bargaining representative in accordance with the terms and
24 conditions of the authorization.

25 (d) After the employer receives confirmation from the exclusive
26 bargaining representative that the employee has revoked authorization
27 for deductions, the employer shall end the deduction effective on the
28 first payroll after receipt of the confirmation.

29 (e) The employer shall rely on information provided by the
30 exclusive bargaining representative regarding the authorization and
31 revocation of deductions.

32 NEW SECTION. Sec. 21. A new section is added to chapter 49.39
33 RCW to read as follows:

34 If only one employee organization is seeking certification as
35 exclusive bargaining representative of a bargaining unit for which
36 there is no incumbent exclusive bargaining representative, the
37 commission may determine the question concerning representation by
38 conducting a cross-check comparing the employee organization's
39 membership records or bargaining authorization cards against the

1 employment records of the employer. A determination through a cross-
2 check process may be made upon a showing of interest submitted in
3 support of the exclusive bargaining representative by more than fifty
4 percent of the employees. The commission may adopt rules to implement
5 this section.

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

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

15 (2) (a) An employee's written, electronic, or recorded voice
16 authorization to have the employer deduct membership dues from the
17 employee's salary must be made by the employee to the exclusive
18 bargaining representative. If the employer receives a request for
19 authorization of deductions, the employer shall as soon as
20 practicable forward the request to the exclusive bargaining
21 representative.

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

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

29 (d) An employee's request to revoke authorization for payroll
30 deductions must be in writing and submitted by the employee to the
31 exclusive bargaining representative in accordance with the terms and
32 conditions of the authorization.

33 (e) After the employer receives confirmation from the exclusive
34 bargaining representative that the employee has revoked authorization
35 for deductions, the employer shall end the deduction effective on the
36 first payroll after receipt of the confirmation.

37 (f) The employer shall rely on information provided by the
38 exclusive bargaining representative regarding the authorization and
39 revocation of deductions.

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

4 ~~(a) Includes a union security provision authorized under RCW~~
5 ~~49.39.090, the employer must enforce the agreement by deducting from~~
6 ~~the payments to bargaining unit members the dues required for~~
7 ~~membership in the exclusive bargaining representative, or, for~~
8 ~~nonmembers thereof, a fee equivalent to the dues; or~~

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

13 **Sec. 23.** RCW 49.39.090 and 2010 c 6 s 10 are each amended to
14 read as follows:

15 A collective bargaining agreement may(~~÷~~

16 ~~(1) Contain union security provisions. However, nothing in this~~
17 ~~section authorizes a closed shop provision. Agreements involving~~
18 ~~union security provisions must safeguard the right of nonassociation~~
19 ~~of employees based on bona fide religious tenets or teachings of a~~
20 ~~church or religious body of which the symphony musician is a member.~~
21 ~~The symphony musician must pay an amount of money equivalent to~~
22 ~~regular union dues and initiation fee to a nonreligious charity or to~~
23 ~~another charitable organization mutually agreed upon by the symphony~~
24 ~~musician affected and the bargaining representative to which the~~
25 ~~symphony musician would otherwise pay the dues and initiation fee.~~
26 ~~The symphony musician must furnish written proof that the payment has~~
27 ~~been made. If the symphony musician and the bargaining representative~~
28 ~~do not reach agreement on this matter, the commission must designate~~
29 ~~the charitable organization;~~

30 ~~(2))~~ provide for binding arbitration of a labor dispute arising
31 from the application or the interpretation of the matters contained
32 in a collective bargaining agreement.

33 **Sec. 24.** RCW 53.18.050 and 1967 c 101 s 5 are each amended to
34 read as follows:

35 A labor agreement signed by a port district may contain:

36 (1) Provisions that the employee organization chosen by a
37 majority of the employees in a grouping or unit will be recognized as

1 the representative of all employees in the classification included in
2 such grouping or unit;

3 (2) Maintenance of membership provisions including dues (~~check-~~
4 ~~off~~) cross-check arrangements as provided in section 8 of this act;
5 and

6 (3) Provisions providing for binding arbitration, the expenses
7 being equally borne by the parties, in matters of contract
8 interpretation and the settlement of jurisdictional disputes.

9 NEW SECTION. **Sec. 25.** A new section is added to chapter 4.24
10 RCW to read as follows:

11 Public employers and an employee organization, or any of their
12 employees or agents, are not liable for, and have a complete defense
13 to, any claims or actions under the law of this state for requiring,
14 deducting, receiving, or retaining membership dues from public
15 employees under sections 5, 8, 16, and 21 of this act and RCW
16 28B.52.045, 41.56.060, 41.56.110, 41.56.113, 41.56.122, 41.59.060,
17 41.76.020, 41.76.045, 41.80.050, 41.80.080, 41.80.100, 47.64.090,
18 47.64.160, 49.39.080, 49.39.090, and 53.18.050; current or former
19 public employees do not have standing to pursue these claims or
20 actions.

21 NEW SECTION. **Sec. 26.** RCW 41.59.100 (Union security provisions—
22 Scope—Agency shop provision, collection of dues or fees) and 1975 1st
23 ex.s. c 288 s 11 are each repealed.

24 NEW SECTION. **Sec. 27.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

--- END ---