

Initiative Measure No. 737

filed April 20, 2015

BILL REQUEST - CODE REVISER'S OFFICE

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BRIEF DESCRIPTION:

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Employee Rights Act

AN ACT Relating to restoring employee rights; amending RCW 28B.52.020, 28B.52.025, 28B.52.045, 41.56.113, 41.56.122, 41.59.060, 41.59.140, 41.76.045, 41.80.050, 41.80.100, 47.64.130, 49.66.010, and 49.66.050; adding new sections to chapter 49.36 RCW; creating a new section; repealing RCW 41.59.100 and 47.64.160; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** This act may be known as the employee rights act.

NEW SECTION. **Sec. 2.** The people find that:

- (1) No one should be forced to join a union.
- (2) The first amendment rights of freedom of speech and association are inalienable and belong to all people.

(3) In 1935, Congress passed the Wagner act, which allowed employers and union management to enter into agreements requiring union membership as a condition of employment. Passage of the Taft-Hartley act in 1947 authorized states to restore the right to work.

(4) States that have restored employee's rights of association and speech have a higher standard of living, lower unemployment, and more growth, especially among families with children.

NEW SECTION. **Sec. 3.** The people declare that it is the policy of the state of Washington that:

(1) The right to work may not be denied or abridged on account of an employee's free exercise of the right to form, join, or assist labor organizations, or to refrain from any such activity;

(2) A person may not be required by an employer to become or remain a member of a labor organization as a condition of employment; and

(3) The right to work may not be denied or abridged on account of an employee's choice not to pay any dues, fees, or other charges of any kind or amount, if not a member, to any labor organization, or on a decision not to pay to any charity, political committee, or other third party, in lieu of such payments, in any amount equivalent to a pro rata portion of dues, fees, or other charges.

NEW SECTION. **Sec. 4.** A person's inherent right to work and to bargain freely with the person's employer, individually or collectively, for terms of the person's employment may not be denied or infringed by law or by any organization.

NEW SECTION. **Sec. 5.** It is unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless:

(1) The employee has first presented, and the employer has received, a signed written authorization of the deductions;

(2) The employee's written authorization for deduction of dues, fees, assessments, or other charges may be revoked by the employee at any time by giving written notice of the revocation thirty days in advance of its effective date;

(3) Every employer who receives an authorization from an employee has a duty to promptly notify the employee in writing that the employee may revoke an authorization at any time by giving the employer thirty days' written notice; and

(4) The employee's written authorization for deduction of dues, fees, assessments, or other charges remains in effect no longer than twelve months and must be affirmatively renewed at least annually by the employee.

NEW SECTION. **Sec. 6.** (1) A person may not be denied employment based on membership or nonmembership in a labor union.

(2) A contract is void if it requires that, to work for an employer, employees or applicants for employment: (a) Must be or may not be members of a labor union; or (b) must remain or may not remain members of a labor union.

NEW SECTION. **Sec. 7.** (1) A labor union, a labor organizer, or an officer, member, agent, or representative of a labor union may not collect, receive, or demand, directly or indirectly, a fee as a work permit or as a condition for the privilege to work from a person who is not a member of the union.

(2) A labor union that violates this section is liable for a civil penalty not to exceed one thousand dollars for each violation. The civil penalty may be recovered in the name of the state, acting through an enforcement officer, in a court of competent jurisdiction.

(3)(a) A superior court has jurisdiction, on the application of the state acting through an enforcement officer, to issue a restraining order, a temporary or permanent injunction, or any other writ of process appropriate to enforce this section.

(b) A proceeding under (a) of this subsection must be instituted, prosecuted, and tried in the same manner as another civil case of a similar nature in the superior court.

(4)(a) A labor union officer or a labor organizer commits an offense if the person violates this section.

(b) An offense under (a) of this subsection is a misdemeanor punishable by: (i) A fine of not more than five hundred dollars; (ii) imprisonment in the county jail for not more than sixty days; or (iii) both the fine and imprisonment.

(5) The attorney general, and each prosecuting attorney within the attorney's respective jurisdiction must: (a) Prosecute all criminal proceedings under this section; and (b) institute and maintain all civil proceedings under this section.

NEW SECTION. **Sec. 8.** (1)(a) The right of a person to work may not be denied or abridged because of membership or nonmembership in a labor union or other labor organization.

(b) In the exercise of the right to work, each person must be free from threats, force, intimidation, or coercion.

(2)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of this section.

(b) The superior courts must grant injunctive relief when a violation of this section is made apparent.

(3) Not later than the second day after the receipt of notice of institution of a cause of action under this section, a party to the cause of action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge must immediately assign a superior court judge from within the county who must hear all proceedings in the cause of action.

NEW SECTION. **Sec. 9.** Any person harmed as a result of any violation or threatened violation of the provisions of this chapter is entitled to injunctive relief against any and all violators or

persons threatening violation and may also recover any or all damages of any character, including costs and reasonable attorneys' fees, resulting from the violation or threatened violation. A court may, in its discretion, increase the award of damages up to an amount not to exceed three times the actual damages sustained. Such remedies are independent of, and in addition to, the penalties and remedies prescribed in other provisions of this chapter.

Sec. 10. RCW 28B.52.020 and 1991 c 238 s 146 are each amended to read as follows:

As used in this chapter:

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

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

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

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

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

(6) (~~"Union security provision" means a provision in a collective bargaining agreement under which some or all employees in~~

~~the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay an agency fee equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative.~~

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

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

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

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

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

Sec. 11. RCW 28B.52.025 and 1987 c 314 s 5 are each amended to read as follows:

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

Sec. 12. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

~~((1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious~~

~~tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.))~~ It is unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless:

(1) The employee has first presented, and the employer has received, a signed written authorization of the deductions;

(2) The employee's written authorization for deduction of dues, fees, assessments, or other charges may be revoked by the employee at any time by giving written notice of the revocation thirty days in advance of its effective date;

(3) Every employer who receives an authorization from an employee has a duty to promptly notify the employee in writing that the employee may revoke an authorization at any time by giving the employer thirty days' written notice; and

(4) The employee's written authorization for deduction of dues, fees, assessments, or other charges remains in effect no longer than twelve months and must be affirmatively renewed at least annually by the employee.

Sec. 13. RCW 41.56.113 and 2010 c 296 s 4 are each amended to read as follows:

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

(a) Upon the written authorization of an individual provider, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that(+

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

~~(ii))~~ includes requirements for deductions of payments ((other than the deduction under (a)(i) of this subsection)), the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions upon written authorization of the individual provider, family child care provider, adult family home provider, or language access provider. Upon receipt of written authorization for deduction of dues, fees, assessments, or other charges, the state, as payor, must promptly notify the individual provider, family child care provider, adult family home provider, or language access provider in writing that:

(i) The authorization may be revoked at any time by giving thirty days' written notice;

(ii) The written authorization for deduction of dues, fees, assessments, or other charges remains in effect no longer than twelve months and must be affirmatively renewed at least annually by the individual provider, family child care provider, adult family home provider, or language access provider to remain in effect; and

(iii) The requirements for deductions of payments may not include union security provisions.

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

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

~~((d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be~~

~~administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.)~~)

(2)(a) This subsection (2) applies only if the state does not make the payments directly to a provider.

~~((a) Upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:~~

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

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

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

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

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

(b) The state must require through its contracts with third parties for language access providers that:

(i) Upon receipt of written authorization for deduction of dues, fees, assessments, or other charges, the contractor must promptly notify the individual language access provider in writing that the authorization may be revoked at any time by giving thirty days' written notice;

(ii) The written authorization for deduction of dues, fees, assessments, or other charges remains in effect no longer than twelve months and must be affirmatively renewed at least annually by the individual language access provider to remain in effect; and

(iii) The requirements for deductions of payments may not include union security provisions.

Sec. 14. RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may(+

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

~~service commission, the terms of the collective bargaining agreement shall prevail.~~

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

Sec. 15. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

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

(2) (~~The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.~~) It is unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless:

(a) The employee has first presented, and the employer has received, a signed written authorization of the deductions;

(b) The employee's written authorization for deduction of dues, fees, assessments, or other charges may be revoked by the employee at any time by giving written notice of the revocation thirty days in advance of its effective date;

(c) Every employer who receives an authorization from an employee has a duty to promptly notify that employee in writing that the employee may revoke an authorization at any time by giving the employer thirty days' written notice; and

(d) The employee's written authorization for deduction of dues, fees, assessments, or other charges remains in effect no longer than twelve months and must be affirmatively renewed at least annually by the employee.

Sec. 16. RCW 41.59.140 and 2012 c 117 s 93 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~((1) Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition~~

~~of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.))~~

It is unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless:

(1) The employee has first presented, and the employer has received, a signed written authorization of the deductions;

(2) The employee's written authorization for deduction of dues, fees, assessments, or other charges may be revoked by the employee at any time by giving written notice of the revocation thirty days in advance of its effective date;

(3) Every employer who receives an authorization from an employee has a duty to promptly notify the employee in writing that the employee may revoke an authorization at any time by giving the employer thirty days' written notice; and

(4) The employee's written authorization for deduction of dues, fees, assessments, or other charges remains in effect no longer than twelve months and must be affirmatively renewed at least annually by the employee.

Sec. 18. RCW 41.80.050 and 2002 c 354 s 306 are each amended to read as follows:

Except as may be specifically limited by this chapter, employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Employees shall also have the right to refrain from any or all such activities (~~((except to the extent that they may be required to pay a fee to an exclusive bargaining representative under a union security provision authorized by this chapter))~~).

Sec. 19. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

~~((1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount~~

~~required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.~~

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

~~(3) Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.~~

~~(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be~~

~~entitled to these benefits.))~~ It is unlawful for any employer to deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless:

(1) The employee has first presented, and the employer has received, a signed written authorization of the deductions;

(2) The employee's written authorization for deduction of dues, fees, assessments, or other charges may be revoked by the employee at any time by giving written notice of the revocation thirty days in advance of its effective date;

(3) Every employer who receives an authorization from an employee has a duty to promptly notify the employee in writing that the employee may revoke an authorization at any time by giving the employer thirty days' written notice; and

(4) The employee's written authorization for deduction of dues, fees, assessments, or other charges remains in effect no longer than twelve months and must be affirmatively renewed at least annually by the employee.

Sec. 20. RCW 47.64.130 and 2011 1st sp.s. c 16 s 19 are each amended to read as follows:

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

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

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

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of

employment, or any term or condition of employment(~~(, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160. However, nothing prohibits the employer from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization))~~);

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

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

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

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

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

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

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

Sec. 21. RCW 49.66.010 and 1973 2nd ex.s. c 3 s 1 are each amended to read as follows:

It is the public policy of the state to expedite the settlement of labor disputes arising in connection with health care activities, in order that there may be no lessening, however temporary, in the quality of the care given to patients. It is the legislative purpose by this chapter to promote collective bargaining between health care activities and their employees, to protect the right of employees of health care activities to organize and select collective bargaining units of their own choosing.

~~((It is further determined that any agreements involving union security including an all union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee must pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the department shall designate such organization.))~~

Sec. 22. RCW 49.66.050 and 2010 c 8 s 12063 are each amended to read as follows:

It shall be an unfair labor practice and unlawful, for any employee organization or its agent to:

(1) Restrain or coerce (a) employees in the exercise of their right to refrain from self-organization, or (b) an employer in the selection of its representatives for purposes of collective bargaining or the adjustment of grievances;

(2) Cause or attempt to cause an employer to discriminate against an employee in violation of RCW 49.66.040(3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other

than his or her failure to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) Refuse to meet and bargain in good faith with an employer, provided it is the duly designated representative of the employer's employees for purposes of collective bargaining;

~~(4) ((Require of employees covered by a union security agreement the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the director finds excessive or discriminatory under all the circumstances. In making such a finding, the director shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;~~

~~(5))~~ Cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

~~((6))~~ (5) Enter into any contract or agreement, express or implied, whereby an employer or other person ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting, or otherwise dealing in any of the products or services of any other employer or person, or to cease doing business with any other employer or person, and any such contract or agreement shall be unenforceable and void; or

~~((7))~~ (6) Engage in, or induce or encourage any individual employed by any employer or to engage in, an activity prohibited by RCW 49.66.060.

NEW SECTION. **Sec. 23.** The following acts or parts of acts are each repealed:

(1) RCW 41.59.100 (Union security provisions—Scope—Agency shop provision, collection of dues or fees) and 1975 1st ex.s. c 288 s 11; and

(2) RCW 47.64.160 (Union security provisions) and 1983 c 15 s 7.

NEW SECTION. **Sec. 24.** Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired.

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

NEW SECTION. **Sec. 26.** Sections 1 through 9 of this act are each added to chapter 49.36 RCW.

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