

Review of the enforcement provisions of the proposed Washington state collective bargaining agreement for 2015-17

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June 2015

Key Findings

1. *The legislature is debating whether to adopt and fund state employee contracts negotiated in closed-door bargaining sessions last summer.*
2. *A state worker's relationship with union executives is based on coercion. Union executives want uncooperative state workers fired.*
3. *State agencies must use public resources to collect money for unions each pay period.*
4. *State employees must give part of their salary to the union "as a condition of employment."*
5. *Religious objectors must pay into a program the union determines is consistent with the worker's conscience.*
6. *Workers who are uncomfortable with having to pay the union attract unwanted attention from the union and place their livelihood at risk.*
7. *Even if state employees are denied right-to-work protections, lawmakers should at least end the shroud of secrecy that surrounds negotiations.*

Introduction

The legislature is debating whether to adopt and fund state employee contracts that Governor Inslee negotiated in a closed-door bargaining process with union executives last summer. The contract language was completed in secret, so neither lawmakers nor the public know what concessions the governor made to reach an agreement.

The House version of the new state budget proposes adoption of the contracts as is; lawmakers are not permitted to offer amendments or suggest changes under the collective bargaining process. This is the position supported by the Governor. The Senate proposes approving the contract provisions, but only if collective bargaining reforms are implemented first.

In either case, state workers covered by the contract would be required to give up part of their earnings to union executives. Paying dues or fees to a union is not voluntary, so these contract provisions have as much impact on the daily lives of state workers as the proposed pay raises. This paper reviews the secrecy and enforcement provisions of the contracts agreed to by the Governor, and which may be adopted by the legislature during the 2015 legislative session.

No right-to-work protection

In the 25 states with right-to-work protections, no one can be forced to pay a union against his or her will. Washington is not a right-to-work state. In Washington, a state worker's relationship with union executives is based on coercion. The

enforcement provisions of collective bargaining agreements, like the one being debated in the legislature, show that union executives want uncooperative state workers fired. The message from union executives to state agency managers is clear: “You must terminate any state worker who refuses to make salary payments to us.” These provisions are explained in the sections below.

The public and the press are excluded from secret talks

Collective bargaining talks over public spending on state payroll, health care and retirement benefit are held in closed-door sessions from which the public, TVW (the state’s public access channel) and other media are barred. Union executives, however, are exempted from this rule, which allows their “generally communicating” with their own members and permits them to generate support for the union position. State officials can “generally communicate” as well, but cannot release details. This exemption is explained in Article 39 of the proposed agreement.

“Confidentiality/Media Communication (Article 39)”

“Bargaining sessions will be closed to the press and the public unless agreed otherwise by the chief spokespersons. No proposals will be placed on the parties’ web sites. The parties are not precluded from generally communicating with their respective constituencies about the status of negotiations while they are taking place.

“There will be no public disclosure or public discussion of the issues being negotiated until resolution or impasse is reached on all issues submitted for negotiations.”

Collecting mandatory dues and fees

State agencies must use public resources to collect money for unions each pay period. The funds are taken from salaries and wages before employees receive their pay, and the money is electronically transferred to union-controlled bank accounts each month. Mandatory union payments are provided under Article 40.

“Article 40 - Dues deduction/status reports - 40.1 union dues”

“A. When an employee provides written authorization to the Employer, the Union has the right to have deducted from the employee’s salary an amount equal to the fees or dues required to be a member of the Union. The Employer will provide payments for all said deductions to the Union at the Union’s official headquarters each pay period.”

Union executives notify state officials of the maximum amount of required dues or fees officials are to take from workers salary payments. Union executives, with the approval of membership, can increase the amount they take from worker paychecks.

“Article 40 - Dues deduction/status reports - 40.1 union dues”

“B. Forty-five (45) calendar days prior to any change in dues and/or fees, the Union will provide the Office of Financial Management’s Labor Relations Office the percentage and maximum dues and/or fees to be deducted from the employee’s salary.”

Required notice to employees

State officials are required to inform new employees and workers who have changed their employment status when they must join the union or pay a union fee, that union executives hold a monopoly

position in the workplace, and that failure to pay will result in dismissal.

“40.2 Notification to Employees”

“The Employer will inform new, transferred, promoted, or demoted employees in writing prior to appointment into positions included in the bargaining unit(s) of the Union’s exclusive recognition and the union security provision.”

“The Employer will furnish the employees appointed into bargaining unit positions with a payroll deduction authorization form. The Employer will inform employees in writing when they are appointed to a position that is not in a bargaining unit.”

All covered employees must begin paying the union within 30 days

This provision requires that state employees covered by a collective bargaining agreement must give part of their salary or wages to the union “as a condition of employment.”

“40.3 Union Security”

“All employees covered by this Agreement will, as a condition of employment, either become members of the Union and pay membership dues or, as non-members, pay a fee as described in Subsection 40.3 A, B, and C below, no later than the 30th day following the effective date of this Agreement or the beginning of their employment.”

Employees who object must begin paying a regular fee set by union executives within 30 days

“A. Employees who choose not to become union members must pay to the Union, no later than the 30th day following the beginning of employment, an agency shop fee equal to the amount required

to be a member in good standing of the Union.”

Religious objectors must pay a fee into a program the union determines is consistent with the worker’s personal conscience

“B. An employee who does not join the Union based on bona fide religious tenets, or teachings of a church or religious body of which he or she is a member, will make payments to the Union that are equal to its membership dues, less monthly union insurance premiums, if any.

“These payments will be used for purposes within the program of the Union that are in harmony with the employee’s conscience. Such employees will not be members of the Union, but are entitled to all of the representational rights of union members.”

Employees may pay a fee instead of required union dues

“C. The Union will establish a procedure that any employee who makes a request may pay a representation fee equal to a pro rata share of the full membership fee that is related to collective bargaining, contract administration and the pursuit of matters affecting wages, hours and other terms and conditions of employment rather than the full membership fee.”

Workers who fail to comply with union requirements face loss of employment

“D. If an employee fails to meet the union security provisions outlined above, the Union may notify the Employer. If the Union notifies the Employer, the Union will inform the employee that his or her employment may be terminated.”

State agencies collect money for the union

“40.4. The Employer agrees to deduct the membership dues, agency shop fee, non-association fee, or representation fee from the salary of employees who request such deduction in writing within thirty (30) days of receipt of a properly completed request submitted to the appropriate agency payroll office. Such requests will be made on a Union payroll deduction authorization card.”

Employees who seek to leave the union, or not pay fees, face loss of employment

“40.5 Dues/Fees Cancellation”

“An employee may cancel his or her payroll deduction of dues or fees by written notice to the Employer and the Union. Every effort will be made to make the cancellation effective on the first payroll, and not later than the second payroll, after receipt of the notice. However, the cancellation may cause the employee to be terminated, subject to Section 40.3 [employee termination], above.”

Conclusion

The strong enforcement provisions of the proposed collective bargaining agreement indicate that relations between union executives and state workers involve an element of fear, otherwise union leaders would not insist that these tough provisions be included.

It is part of the culture of working in state government that the union is a powerful force that an individual cannot fight or resist. Not surprisingly most state workers comply, giving up part of the money they earn to remain in good standing with the union. The provisions of Article 40 described above indicate that union executives want any public employee who does not comply to be fired.

Most state jobs pay well and come with good benefits compared to many private sector jobs. State workers who secure such jobs and are uncomfortable with having to pay the union remain silent, to avoid attracting unwanted attention from the union and placing their livelihood at risk.

At the same time, state employment contracts should not be negotiated in secret. The public provides the money for these agreements. Taxpayers should be allowed to follow the process and hold government officials accountable for the spending decisions they make on our behalf. Open meetings would identify whether one side is being unreasonable, and would quickly reveal whether anyone is acting in bad faith.

A broader conversation is needed about the collective-bargaining process, which took effect in 2004. Even if state employees are denied right-to-work protections, lawmakers should at least end the shroud of secrecy that surrounds negotiations. The offers and counteroffers submitted by the state or unions should be publicly available before each negotiating meeting occurs, so the public can know what promises and tradeoffs are being proposed that will be funded with their tax dollars.

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