

**INITIATIVE 777**

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 777 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to the individual freedom of choice in the pursuit  
2 of employment, to encourage a climate conducive to economic growth;  
3 amending RCW 49.36.010 and 41.56.040; adding new sections to chapter  
4 49.36 RCW; adding new sections to chapter 41.56 RCW; and prescribing  
5 penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.36 RCW  
8 to read as follows:

9 It shall hereby be declared the public policy of the state of  
10 Washington that a person's inherent right to work and bargain freely,  
11 individually, or collectively, with the person's employer, for terms of  
12 the person's employment may not be denied or infringed by law or by any  
13 organization, and that all persons shall be protected in the exercise  
14 of that right, freely and without fear of retaliation or reprisal to  
15 form, join, and assist labor organizations or to refrain from any such  
16 activities.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.36 RCW  
18 to read as follows:

1 The definitions in this section apply throughout section 1 of this  
2 act, RCW 49.36.010, and sections 4 through 8 of this act unless the  
3 context clearly requires otherwise.

4 (1) "Labor organization" means any organization of any kind, or  
5 agency, or employee representation committee or union, in which  
6 employees participate, which exists in whole or in part of bargaining  
7 collectively with employers on behalf of employees concerning wages,  
8 rates of pay, hours of work, employee benefits and compensation, and  
9 other conditions of employment.

10 (2) "Employer" includes all persons, firms, associations,  
11 corporations, the state, its counties, cities, school districts, and  
12 other political subdivisions.

13 (3) "Employee" includes any person employed by an employer, within  
14 the public or private sector, regardless of race, sex, creed, sexual  
15 orientation, age, or political affiliation, and not limited to  
16 employees of a particular employer.

17 **Sec. 3.** RCW 49.36.010 and 1919 c 185 s 1 are each amended to read  
18 as follows:

19 ~~((It shall be lawful for working men and women to organize  
20 themselves into, or carry on labor unions for the purpose of lessening  
21 the hours of labor or increasing the wages or bettering the conditions  
22 of the members of such organizations; or carry out their legitimate  
23 purposes by any lawful means.))~~ (1) No person shall be required by an  
24 employer to abstain or refrain from membership in any labor  
25 organization as a condition of employment or continuation of  
26 employment. The right to work shall not be denied or abridged on  
27 account of an employee's choice to bargain collectively through a labor  
28 organization.

29 (2) No person shall be required by an employer to become or remain  
30 a member of a labor organization as a condition of employment. The  
31 right to work shall not be denied or abridged on account of an  
32 employee's choice not to pay any dues, fees, or other charges of any  
33 kind or amount, if not a member, to any labor organization, or on a  
34 decision not to pay to any charity, political committees, or other  
35 third party, in lieu of such payments, any amount equivalent to a pro  
36 rata portion of dues, fees, or other charges.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 49.36 RCW  
2 to read as follows:

3        (1) No employer shall deduct from the wages, earnings, or other  
4 forms of compensation, any dues, fees, or other sums of money to be  
5 paid over to a labor organization, or political committee, unless the  
6 employee has first presented, and the employer received, a signed  
7 written authorization of such deductions to be specified as to the  
8 length of period of contract.

9        (2) Actual deductions and expenses may be assessed only in  
10 instances in which a nonmember employee has specifically requested  
11 representation by the labor organization. A nonmember employee shall  
12 not be coerced to pay any expenses incurred by a labor organization in  
13 the course of general contract negotiations or collective bargaining.  
14 This section does not abridge or interfere in any way the rights  
15 guaranteed to employees generally under the labor management reporting  
16 and disclosure act of 1959 (29 U.S.C. et seq).

17        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 49.36 RCW  
18 to read as follows:

19        Any contract, agreement, or practice, entered into after January 5,  
20 2002, written or oral, between any employer and labor organization in  
21 violation of any provision of this act is hereby declared null and  
22 void, and of no legal authority. The provisions of this act shall not  
23 apply to any lawful contract in effect before January 5, 2002.

24        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 49.36 RCW  
25 to read as follows:

26        It shall be unlawful for any labor organization, or officer, or  
27 representative thereof, or employer, officer, or representative  
28 thereof, or any person acting alone or in conspiracy with one or more  
29 persons:

30        (1) By any threatened or actual intimidation of an employee or  
31 prospective employee or his or her parents, spouse, children,  
32 grandchildren, or any other person in close relations to the  
33 prospective employee, or by any damage or prospective damage to his or  
34 her property, to compel or attempt to compel any employee to join,  
35 affiliate with, or financially support a labor organization or to  
36 refrain from doing so, or to otherwise forfeit his or her rights as  
37 guaranteed in this act;

1 (2) To cause him or her to be denied employment because he or she  
2 is not a member of a labor organization by inducing or attempting to  
3 induce any other person to refuse to work with such persons.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 49.36 RCW  
5 to read as follows:

6 (1) Any person, group of persons, corporation, labor organization,  
7 or representative thereof, who violates any provision of this act shall  
8 be guilty of a misdemeanor, and upon conviction thereof, shall be fined  
9 in sum not less than five hundred dollars, nor more than five thousand  
10 dollars, or imprisonment for not less than sixty days, or both such  
11 fine and imprisonment.

12 (2) Any person, group of persons, corporation, labor organization,  
13 or representative thereof, who knowingly signs, approves, or enters  
14 into a contract that violates the provisions of this act shall be  
15 guilty of a misdemeanor and subject to the same penalties prescribed in  
16 subsection (1) of this section. Each day the unlawful contract or  
17 agreement is in effect shall be deemed a separate offense and shall be  
18 punishable as provided in this section.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 49.36 RCW  
20 to read as follows:

21 It shall be the duty of the prosecuting attorney of each county and  
22 of the attorney general of this state, to investigate allegations of  
23 violation or threatened violations of the provisions of this act, and  
24 to prosecute all persons, groups of persons, firms, corporations, or  
25 labor organizations violating any of its outlined provisions, and to  
26 take all means within their authority to ensure its appropriate  
27 enforcement.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.56 RCW  
29 to read as follows:

30 It shall hereby be declared the public policy of the state of  
31 Washington that a person's inherent right to work and bargain freely,  
32 individually, or collectively, with the person's employer, for terms of  
33 the person's employment may not be denied or infringed by law or by any  
34 organization, and that all persons shall be protected in the exercise  
35 of that right, freely and without fear of retaliation or reprisal to

1 form, join, and assist labor organizations or to refrain from any such  
2 activities.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 41.56 RCW  
4 to read as follows:

5 The definitions in this section apply throughout section 9 of this  
6 act, RCW 41.56.040, and sections 12 through 16 of this act unless the  
7 context clearly requires otherwise.

8 (1) "Labor organization" means any organization of any kind, or  
9 agency, or employee representation committee or union, in which  
10 employees participate, which exists in whole or in part of bargaining  
11 collectively with employers on behalf of employees concerning wages,  
12 rates of pay, hours of work, employee benefits and compensation, and  
13 other conditions of employment.

14 (2) "Employer" includes all persons, firms, associations,  
15 corporations, the state, its counties, cities, school districts, and  
16 other political subdivisions.

17 (3) "Employee" includes any person employed by an employer, within  
18 the public or private sector, regardless of race, sex, creed, sexual  
19 orientation, age, or political affiliation, and not limited to  
20 employees of a particular employer.

21 **Sec. 11.** RCW 41.56.040 and 1967 ex.s. c 108 s 4 are each amended  
22 to read as follows:

23 (~~No public employer, or other person, shall directly or~~  
24 ~~indirectly, interfere with, restrain, coerce, or discriminate against~~  
25 ~~any public employee or group of public employees in the free exercise~~  
26 ~~of their right to organize and designate representatives of their own~~  
27 ~~choosing for the purpose of collective bargaining, or in the free~~  
28 ~~exercise of any other right under this chapter.)) (1) No person shall  
29 be required by an employer to abstain or refrain from membership in any  
30 labor organization as a condition of employment or continuation of  
31 employment. The right to work shall not be denied or abridged on  
32 account of an employee's choice to bargain collectively through a labor  
33 organization.~~

34 (2) No person shall be required by an employer to become or remain  
35 a member of a labor organization as a condition of employment. The  
36 right to work shall not be denied or abridged on account of an  
37 employee's choice not to pay any dues, fees, or other charges of any

1 kind or amount, if not a member, to any labor organization, or on a  
2 decision not to pay to any charity, political committees, or other  
3 third party, in lieu of such payments, any amount equivalent to a pro  
4 rata portion of dues, fees, or other charges.

5 NEW SECTION. Sec. 12. A new section is added to chapter 41.56 RCW  
6 to read as follows:

7 (1) No employer shall deduct from the wages, earnings, or other  
8 forms of compensation, any dues, fees, or other sums of money to be  
9 paid over to a labor organization, or political committee, unless the  
10 employee has first presented, and the employer received, a signed  
11 written authorization of such deductions to be specified as to the  
12 length of period of contract.

13 (2) Actual deductions and expenses may be assessed only in  
14 instances in which a nonmember employee has specifically requested  
15 representation by the labor organization. A nonmember employee shall  
16 not be coerced to pay any expenses incurred by a labor organization in  
17 the course of general contract negotiations or collective bargaining.  
18 This section does not abridge or interfere in any way the rights  
19 guaranteed to employees generally under the labor management reporting  
20 and disclosure act of 1959 (29 U.S.C. et seq).

21 NEW SECTION. Sec. 13. A new section is added to chapter 41.56 RCW  
22 to read as follows:

23 Any contract, agreement, or practice, entered into after January 5,  
24 2002, written or oral, between any employer and labor organization in  
25 violation of any provision of this act is hereby declared null and  
26 void, and of no legal authority. The provisions of this act shall not  
27 apply to any lawful contract in effect before January 5, 2002.

28 NEW SECTION. Sec. 14. A new section is added to chapter 41.56 RCW  
29 to read as follows:

30 It shall be unlawful for any labor organization, or officer, or  
31 representative thereof, or employer, officer, or representative  
32 thereof, or any person acting alone or in conspiracy with one or more  
33 persons:

34 (1) By any threatened or actual intimidation of an employee or  
35 prospective employee or his or her parents, spouse, children,  
36 grandchildren, or any other person in close relations to the

1 prospective employee, or by any damage or prospective damage to his or  
2 her property, to compel or attempt to compel any employee to join,  
3 affiliate with, or financially support a labor organization or to  
4 refrain from doing so, or to otherwise forfeit his or her rights as  
5 guaranteed in this act;

6 (2) To cause him or her to be denied employment because he or she  
7 is not a member of a labor organization by inducing or attempting to  
8 induce any other person to refuse to work with such persons.

9 NEW SECTION. **Sec. 15.** A new section is added to chapter 41.56 RCW  
10 to read as follows:

11 (1) Any person, group of persons, corporation, labor organization,  
12 or representative thereof, who violates any provision of this act shall  
13 be guilty of a misdemeanor, and upon conviction thereof, shall be fined  
14 in sum not less than five hundred dollars, nor more than five thousand  
15 dollars, or imprisonment for not less than sixty days, or both such  
16 fine and imprisonment.

17 (2) Any person, group of persons, corporation, labor organization,  
18 or representative thereof, who knowingly signs, approves, or enters  
19 into a contract that violates the provisions of this act shall be  
20 guilty of a misdemeanor and subject to the same penalties prescribed in  
21 subsection (1) of this section. Each day the unlawful contract or  
22 agreement is in effect shall be deemed a separate offense and shall be  
23 punishable as provided in this section.

24 NEW SECTION. **Sec. 16.** A new section is added to chapter 41.56 RCW  
25 to read as follows:

26 It shall be the duty of the prosecuting attorney of each county and  
27 of the attorney general of this state, to investigate allegations of  
28 violation or threatened violations of the provisions of this act, and  
29 to prosecute all persons, groups of persons, firms, corporations, or  
30 labor organizations violating any of its outlined provisions, and to  
31 take all means within their authority to ensure its appropriate  
32 enforcement.

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