

AGENCY FEE OBJECTION PROCEDURE

Pursuant to Article 6, Section 2 of the Collective Bargaining Agreement and in accordance with 3 VSA Section 902 (19) and 962 (10) (the sections of the state of Vermont law that deal with public sector collective bargaining agency fees)***, United Professionals is required to:

- 1) provide access to an audited financial statement that identifies the major categories of expenses and divides them into chargeable and non-chargeable expenses,
- 2) provide agency fee payers with an opportunity to object to the amount of the agency fees sought and to place into escrow any amount reasonably in dispute, and
- 3) submit the dispute to resolve any objection over the amount of the agency fee to prompt arbitration by the Vermont Labor Relations Board in accordance with its rules and procedures.

The following describes the procedure for such objection.

The Agency Fee has been calculated on the basis of the fraction of United Professionals' expenses that are chargeable to collective bargaining activities per the latest agency fee audit. This information is available on the United Professions AFT Vermont web site at <<http://www.upvaft.org/>> and may also be obtained by contacting the Treasurer*, or by calling United Professions AFT Vermont at 802-658-3113. The percentage of total expenses that are chargeable to collective bargaining activities, or 85%, whichever is less, is then applied to the dues rate to yield the amount of the agency fee. The maximum percentage of dues that can be collected as an agency fee is limited by law to 85% of the dues rate.

Although these calculations have been verified by an independent certified public accountant, Agency Fee payers have the right to challenge the calculation. Annually, on or before September 1, or within 10 days of the completion of the audit if later than September 1, United Professionals shall notify members in writing of the right to challenge the calculation. A bargaining unit member who wishes to challenge the Agency Fee must notify United Professionals in writing that she/he wishes to inspect the Union's accounts. This notification must be received by the Treasurer within 20 days** of annual notice of this procedure.

Upon receipt by the Treasurer of the bargaining unit member's request, the bargaining unit member will be given the opportunity to review the Union's accounts and the accountant's breakdown of chargeable expenses. Normally, this review shall take place within 20 days of the written request.

If after this review, the bargaining unit member wishes to advance the objection, a written notice of appeal specifying the amount of the agency fee objected to and the reasons therefore must be filed with the Treasurer within 20 days following the review of the accounts and the accountant's breakdown. (See 3 VSA 962 (10) (B) below)

The Treasurer shall provide an opportunity for the bargaining unit member to appear before either a regularly scheduled or specially called meeting of the Executive Council who shall hear and consider the appeal. This meeting shall be held within 20 days of the receipt of the written appeal, and the Executive Committee shall issue a written decision within 10 days following completion of the meeting.

If the bargaining unit member is not satisfied with the decision of the Executive Committee, an appeal may be filed for arbitration with the Vermont Labor Relations Board (<http://www.state.vt.us/vlrb/>) in accordance with its procedures.

* The Treasurer is Ginger Johnston at ginger.johnston@castleton.edu

** A day is defined as Monday through Friday excluding official college holidays

***Noted Vermont State Statutes

3VSA 902 (19)

(19) "Collective bargaining service fee" means a fee deducted by an employer from the salary or wages of an employee who is not a member of an employee organization, which is paid to the employee organization which is the exclusive bargaining agent for the bargaining unit of the employee. The collective bargaining service fee shall not exceed 85 percent of the amount payable as dues by members of the employee organization, and shall be deducted in the same manner as dues are deducted from the salary or wages of members of the employee organization, and shall be used to defray the costs incurred by the employee organization in fulfilling its duty to represent the employees in their employment relations with the state. (Added 1969, No. 113, § 1; amended 1971, No. 193 (Adj. Sess.), § 5, eff. April 3, 1972; 1975, No. 152 (Adj. Sess.), § 1; 1977, No. 109, §§ 4, 4a, 33(e); 1987, No. 177 (Adj. Sess.), § 2; 1993, No. 227 (Adj. Sess.), § 27; 1997, No. 92 (Adj. Sess.), §§ 1, 2; 2003, No. 156 (Adj. Sess.), § 15.)

3 VSA 962 (10)

(10) To charge a collective bargaining fee negotiated pursuant to section 904 of this title unless such employee organization has established and maintained a procedure to provide nonmembers with:

(A) an audited financial statement that identifies the major categories of expenses, and divides them into chargeable and nonchargeable expenses;

(B) an opportunity to object to the amount of the agency fee sought, any amount reasonably in dispute to be placed in escrow;

(C) prompt arbitration by the board to resolve any objection over the amount of the collective bargaining fee. (Added 1969, No. 113, § 1; amended 1977, No. 109, § 11, eff. July 3, 1977; 1993, No. 227 (Adj. Sess.), § 31.)

Annual Publication Dates: