

REPRESENTATION FEE DEMAND AND RETURN PROCEDURE

1. Any member of the bargaining unit who pays representation fee instead of dues and who objects to the UNION's use of any portion of such payments as not properly chargeable may object in writing and receive a refund of any part of the representation fee payment that was used for improper purposes.
2. The UNION fiscal year commences on July 1; the UNION dues year commences on January 1.
3. No later than November 1 prior to the start each dues year, the UNION will send a notice to all represented employees who are not members of the UNION providing them with: the amount of their representation fees, how that amount was calculated, the schedule of deductions, the procedures for filing an objection, a breakdown of income and expenditures for the last fiscal year verified by an independent auditor, the location of the objectors' escrow account, and the amount of interest currently being paid on such account.
4. Objections to the deduction of representation fees in any dues year (January 1 – December 31) must be filed between November 1 and December 15 of the year prior to the commencement of the dues year. An objection must be filed in writing by certified mail or by any other manner that provides a verifiable proof of date of delivery.
5. The objector may indicate to the UNION which expenses he or she believes have been improperly incurred. Any portion of the representation fee allocated for the contested expenses will be put into an interest bearing account (objector escrow account). The amount placed in the account described here will not be used by the UNION without the consent of the objector until there is a final resolution of the objection.
6. By January 1, The UNION President or her/his designee will notify the objector of the grounds upon which the UNION contests the objection, if any. On the same date, the UNION will transmit all objections and the UNION answers to the Representation Fee Review Committee ("Committee").
7. By January 15, the UNION and the objector may submit any documentary evidence to the Committee in support of their positions. In addition, the objector and the UNION will have the right to request that the Committee obtain documents, records or information from the other party. The Committee will allow an objector a reasonable opportunity to review records reasonably related to the objection, under the supervision of the UNION, prior to January 15.
8. Any evidence that is provided to the Committee by any party voluntarily or at the request of the Committee will be made available to the other party. The evidence will be made available at reasonable times at the office of the UNION. A party may obtain copies of the evidence submitted provided that he or she remits the reasonable costs of copying.
9. By February 1, any party may submit a written statement of position to the Committee. There will be no further right to submit a reply.
10. By March 1, the Committee will issue its decision on the objection.

11. For good cause, the Committee may grant an extension of time for submissions at any step of this proceeding.

12. The burden of proof will be on the UNION at every step of the proceeding. Any allegation not answered by the UNION will be deemed admitted and true for the purposes of this procedure. The UNION must prove that it did not use any part of the representation fee in question for the objected-to improper purposes. If the UNION does not comply with the prescribed time limits, the allegations in the objection will be deemed true. If the objector does not comply with the prescribed time limits, the Committee may make its decision on the basis of the evidence properly submitted.

13. By March 15, the President of the UNION will accept, reject or modify the decision of the Committee. Notwithstanding the President's action, the individual objector will receive a refund in the amount set by the Committee for the first quarter of the dues year, with accrued interest, along with the final decision of the President. Thereafter, the UNION will refund the amount set by the Committee on a quarterly basis, with accrued interest, within 15 days following the end of each quarter of the dues year.

14. Newly hired employees are forwarded the notice specified in Section 3 as soon as the UNION is informed of their employment by the EMPLOYER. Notwithstanding the dates set in other sections of this procedure for processing an objection, newly hired employees who were hired after November 15 and were thus unable to file an objection by December 15 will have a period of thirty (30) days from receipt of the notice specified in Section 3 to file an objection in writing by certified mail or by any other manner that provides a verifiable proof of date of delivery. The UNION will answer the objection within 15 days from receipt thereof. Such newly hired employees whose objections have not been previously considered by the Committee will have the option of accepting the decision of the President with respect to other objections filed or of submitting additional evidence to the President. In the event that any such newly hired objector decides to submit evidence and/or a state of position in support of the objection, he or she will do so within 30 days from receipt of the UNION answer to the objection. The UNION may also submit additional evidence during this 30 day period. The President will make a final determination on the objection within 30 days from the last date to submit evidence. Except as specifically modified by this section, all other provisions of this procedure apply to newly hired employees.

15. Any act required by this procedure on a date that is not a working day may be performed on the first working day thereafter. For the purposes of this procedure "working days" are defined to be all days that the administrative offices of the EMPLOYER are open for business and that employees are required to be in attendance.

16. The Committee will be composed of three bargaining unit members or retirees appointed by the Executive Board of the UNION. The Committee can be reached at: Representation Fee Review Committee, UNION Local ADDRESS.

17. If the objector is dissatisfied with the decision of the Committee, he or she may appeal to the Public Employment Relations Commission Representation Fee Appeal Board as provided in N.J.S.A. 34:13A-5.6.

18. A decision on an objection becomes final when the President of the UNION renders his/her decision or, if appealed to the PERC Appeal Board, on final adjudication by PERC.