

CWA DEMAND AND RETURN POLICY FOR OBJECTING NEW JERSEY PUBLIC SECTOR AGENCY FEE PAYERS

1. The "dues year" for purposes of setting representations fee shall be July 1 to June 30. The representation fee charged during that period shall be based on statements of the International Union's and the Local Union's expenditures for the most recently audited fiscal year. The majority representative's fiscal year is May 1 through April 30.
2. The representation fee shall not exceed 85% of the regular membership dues, fees and assessments charged to members of CWA. Subject to this maximum, the representation fee shall be set in an amount equal to the regular dues, fees and assessments charged to CWA members reduced by the percentage amount spent during the most recently audited fiscal year by the International Union and the Local Union on benefits available to or benefiting only CWA members and in aid of activities or causes of a partisan political or ideological nature only incidentally related to the terms and conditions of employment.
3. Prior to the commencement of each dues year, CWA shall provide all persons subject to the representation fee with an adequate explanation of the basis of the fee. This explanation shall state the amount of the fee for the coming dues year, the methods by which the Union's calculation of the fee may be challenged, the name and address of the financial institution holding in escrow portions of representation fees in dispute, and the interest rate for the escrow account. Provided with the explanation shall be made available a copy of this demand and return system and *instructions to enable the recipient to access, via a secure website*, the statements for the International Union and the Local Union of expenditures for *the* most recently audited fiscal year.
4. The statements of the International Union and the Local Union on which the representation fee is based, and which are provided with the explanation sent to each fee payer, shall set forth the major categories of expenditures and shall also identify expenditures of the International and Local Union which are in aid of activities or causes of a partisan political or ideological nature only incidentally related to the terms and conditions of employment or applied toward the cost of benefits only available to members of the majority representative. These statements shall be verified by an independent auditor or by some other suitable method.
5. Representation fee payers may challenge the Union's calculation of the fee by filing a request for review within thirty days of receiving the explanation of the fee. Fee payers may file a challenge by writing to the Agency Fee Administrator of the International Union at 501 Third Street, N. W., Washington, D. C. 20001-2797. Fee payers filing a timely challenge with the Union shall be allowed to submit their challenge to a neutral arbitrator during a hearing held promptly after the filing of their challenge. The arbitrator shall be chosen through a process that insures neutrality, and shall render a written decision within thirty days of the close of proceedings. In this arbitration, the Union shall bear the burden of proving the accuracy of its calculation. A challenger may appeal the arbitrator's decision to the New Jersey Public Employment Relations Commission (PERC) Appeal Board. Alternatively, fee payers may bring their challenges directly to the New Jersey PERC Appeal Board without exhausting CWA's challenge procedure.
6. The portion of any fee paid by an employee who has filed a timely challenge that is reasonably in dispute shall be held in an interest-bearing escrow account until the challenge is finally resolved.
7. Upon resolution of a challenge, any excess fee paid by a challenger shall be paid to that employee out of the escrow account with interest and the fee for the remainder of the dues year shall be reduced by the appropriate amount. The remaining funds in the escrow account shall then be paid over to the International Union for distribution between itself and the Local Union.
8. This demand and return system is to be administered in conformity with the Representation Fee Rules of the New Jersey PERC Appeal Board.