

March 8, 2019

Your Rights With Respect to Union Representation, Union Security Agreements and Agency Fee Objections

FAIR REPRESENTATION

Communications Workers of America (CWA) has been chosen through the democratic processes provided by the National Labor Relations Act or the Railway Labor Act as the exclusive collective bargaining representative for this workplace. CWA negotiates and enforces the contract with your employer that sets the terms and conditions of your employment. A copy of that contract is available from your Union representative.

In most locations there will be a CWA steward on the job as your Union representative. Your CWA steward is a fellow worker who has been specially trained to help you understand your contract rights. If you believe the contract has been violated, the CWA steward or representative is the person you should contact. If the problem cannot be handled informally, the first step in securing a remedy is the filing of a grievance. Where a grievance is not resolved through discussions with management, the contract permits it to be resolved by a neutral arbitrator.

Any employee who is faced with possible adverse action by management has the right to Union representation at investigatory interviews. If you are called into an interview that you believe could lead to discipline against you, be sure to tell whoever calls you to the interview that you want to have a Union representative present.

UNION MEMBERSHIP

CWA has a membership of 700,000 working men and women throughout the country. The Union is an organization of your fellow workers who have come together to improve their terms of employment and protect their rights on the job. Within CWA all decisions are made democratically, either by the members' directly in Local meetings or by the members' elected representatives at conventions and Executive Board meetings. The officers, chosen by the Union members in elections every three years, are Union members themselves, and either now works or recently worked in places like the one where you are employed.

You have the right to join CWA and to fully participate in its affairs. The rights of Union members are spelled out in the CWA Constitution and in your Local's bylaws. These are available from your CWA representative.

You also have the right not to join CWA. If you do not join, you will be fairly represented. But you will not have the right to participate in the election of the officers who represent you on the job or to participate in meetings where Union decisions are made.

Negotiating and enforcing your contract are costly endeavors. To spread these costs fairly, those private sector employees who do not join the Union may still be required to pay an agency fee for representational duties. The non-member's fee is generally equal to the dues paid by members. Those non-member agency fee payers with conscientious religious objections to financially supporting a labor organization may arrange to make charitable contributions equal in amount to Union dues instead of paying the agency fee to the Union. In addition, those non-member agency fee payers who conscientiously oppose the Union's efforts in non-collective bargaining areas such as charitable fund-raising, lobbying to improve terms of employment, and organizing to prevent your employer from being undercut by competitors paying substandard wages, may file an objection in accord with the policy on agency fee objections.

UNION SECURITY AGREEMENTS

As a general matter, private sector employees covered by a collective bargaining agreement containing a Union security clause are required, as a condition of employment, to pay an agency fee equal to normal Union dues (and, where applicable, initiation fees). While the wording of these clauses is not perfectly uniform, none requires more than the payment of this agency fee to retain employment.

AGENCY FEE OBJECTIONS

Communications Workers of America policy on agency fee objections is the Union's means of meeting its legal obligations to employees covered by Union security clauses and of effectuating those employees' legal rights as stated in the applicable decisions of the United States Supreme Court. These decisions include *CWA v. Beck* for employees of private companies under the National Labor Relations Act and *Ellis v. BRAC* for employees of private companies under the Railway Labor Act, as well as other lower court and labor agency decisions. Under CWA policy, employees who are not members of the Union, but who pay agency fees pursuant to a Union security clause, may request a reduction in that fee based on their objection to certain kinds of Union expenditures.

The policy provides an objection period each year during May, followed by a reduction in the objector's fee for the twelve months beginning with July and running through June of the following year.

Briefly stated, CWA's objection policy works as follows:

1. The agency fee payable by objectors will be based on the Union's expenditures for those activities or projects "germane to collective bargaining, contract administration, and grievance adjustment" within the meaning of applicable United States Supreme Court decisions.

Among these "chargeable" expenditures are those going for negotiations with employers, enforcing collective bargaining agreements, informal meetings with employer representatives, discussion of work-related issues with employees, handling employees' work-related problems through the grievance procedure, administrative agencies, or informal meetings, and Union administration. In the past, approximately 70-75% of the International Union's expenditures have gone for such activities. The percentages of Local Union expenditures on "chargeable" activities have generally been higher.

Among the expenditures treated as "nonchargeable," which objectors will not be required to support, are those going for community service (including participating in charitable events), legislative activity, cost of affiliation with non-CWA organizations, lobbying, support of political candidates, participating in political events, recruitment of members to the Union, and members-only benefits (including members-only social events). In the past, approximately 25-30% of the International Union's expenditures have gone for such "nonchargeable" expenditures. The percentages of Local Union expenditures on "nonchargeable" activities have generally been lower.

2. Objectors will be given a full explanation of the basis for the reduced fee charged to them. That explanation will include a more detailed list of the categories of expenditures deemed to be "chargeable" and those deemed to be "nonchargeable," and the independent certified public accountants' report showing the Union's expenditures on which the fee is based. In addition to any other avenue of relief available under the law, objectors will have the option of challenging the Union's calculation of the reduced fee before an impartial arbitrator appointed by the American Arbitration Association, and a portion of the objector's fee shall be held in escrow while he or she pursues that challenge. Details on the method of making such a challenge and the rights accorded to those who do so will be provided to objectors along with the explanation of the fee calculation.

3. Objections for the period of July through June must be sent during May. Objections will be honored for one year unless the objection specifically states that it is continuing in nature. Continuing objections will be honored for as long as the agency fee payer remains in the bargaining unit. Agency fee payers who are new to the bargaining unit, or who are returning to the bargaining unit, may object within thirty days of receiving this notice. In addition, employees who resign Union membership may object within thirty days of becoming an agency fee payer. Employees filing these objections in either circumstance should so state that circumstance in their letter of objection. New bargaining unit members are to receive this notice prior to any demand being made upon them for the payment of agency fees. If, however, for any reason a new unit member begins paying agency fees prior to the receipt of this notice, he or she may object retroactively to the commencement of such payments and for the duration of the current annual objection period.

The letter of objection should include name, address, CWA Local number, and employer. Objections must be sent to the Agency Fee Administrator, CWA, 501 Third Street, NW, Washington, DC 20001-2797.