

2011 Fees Objector Policy

1. Employees Rights

a. Any employee covered by a union or agency shop agreement in the United States has the legal right to be or remain a nonmember of the Union. Nonmembers have the legal right (1) to object to paying for Union activities not related to collective bargaining, contract administration and grievance adjustment, and to obtain a reduction in fees for such activities; (2) to be given sufficient information to intelligently decide whether to object; and (3) to be apprised of internal Union procedures for filing objections. Employees who choose to object have the right to be apprised of the percentage of the reduction, the basis for the calculation, and the right to challenge these figures.

b. To the extent permitted by law, nonmembers may not participate in Union elections as a voter or as a candidate; attend Union meetings; serve as delegates to the Convention, or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.

2. Publication of Policy

The fees objector policy shall be published annually in the BLET's newsletter in the month preceding the objection notice period and mailed annually to each objector. It shall also be provided to each new employee when s/he first becomes subject to a union shop agreement.

3. Making Objection Known

Objecting nonmembers shall provide notice of objection by notifying the National Secretary-Treasurer of the objection by first-class mail postmarked during the month of November preceding the calendar year to which s/he objects, or within (30) days after s/he first begins paying fees and receiving notices of these procedures. The objection shall contain the objector's current home address. Nonmembers wishing to continue their objection from year to year must renew their objection each year as specified in this paragraph. Objections may only be made by individual employees. No petition objections will be honored.

4. Major Categories of Chargeable Expenses

All objectors shall pay their fair share of expenses germane to collective bargaining including:

- a. All expenses concerning the negotiation of agreements, practices and working conditions;
- b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;
- c. Conversion expenses and other union internal governance and management expenses;
- d. Social activities and union business meeting expenses;

e. Publication expenses to the extent coverage is related to chargeable activities;

f. Expenses of litigation related to collective bargaining, contract administration and internal governance;

g. Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;

h. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;

i. All costs of strikes and other lawful economic actions.

5. Determination of Chargeable Share

The BLET shall perform an independent audit of the records of the National Division. The BLET shall determine the percentage of expenditures that fall within the categories specified in Section 4. The amount of expenditures that fall within Section 4 shall be the basis for calculating the reduced fees that must be paid by the objector. The auditing firm conducting the annual audit of the BLET National Division shall give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 10, and later will verify the existence and the audits of money in any escrow account.

6. Report of Chargeable Share and Basis of Its Calculation

The BLET shall report the determination no later than September 30. This report shall include an analysis of the major categories of union expenses that are chargeable and nonchargeable. A copy of the report shall be sent to all nonmembers whose timely objections have not been revoked.

7. Challenge Procedure

Each person entitled to receive the BLET's report may challenge the validity of the calculations by filing an appeal with the National Secretary-Treasurer. Such appeal must be made by sending a letter to the National Secretary-Treasurer postmarked no later than October 31.

8. Arbitration of Challenges

a. After the close of appeals period, the National Secretary-Treasurer shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator pursuant to its Rules for Impartial Determination of Union Fees. The AAA shall inform the National Secretary-Treasurer and the appellant(s) of the arbitrator selected.

b. The arbitration shall commence by December 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

c. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator's

fees and expenses. The balance of such fees and expenses shall be paid by the BLET.

d. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the National Division during normal business hours.

e. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing closes.

f. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing.

g. The National Division shall have the burden of establishing that the reduced fees set forth in the report are lawful.

h. If the arbitrator shall determine that more than one day of hearings is necessary, hearings all be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case no more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.

i. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

9. Payment of Reduced Fees

Objectors shall pay reduced monthly fees based on the most recent report pending determination of the objection year's chargeable ratio.

10. Escrow of Disputed Funds

All monthly fees paid by objectors shall be placed in an interest-bearing escrow account pending final determination of the chargeable share. Escrowed funds shall be disbursed to objectors and the Union upon issuance of the arbitrator's decision or fifteen (15) days after the conclusion of the appeal period if there are no challenges to the determination.