
MEMORANDUM

To: Presidents of FEA, FESS, & AFSCME

From: Jason P. Demerath, Director of Business Services

Cc: Dr. James Fitzpatrick, District Administrator; Board of Education; All Staff

Date: May 16, 2012

Re: Union Dues Deductions After July 1, 2012

This memo is in response to an inquiry from Corey Fiamoncini asking if the District will continue deducting union dues after the expiration of the current collective bargaining agreements. Given the recent court ruling striking the prohibition on union dues deductions, we felt it necessary to clarify to you the District's process moving forward. It is important to note that this court ruling does not mandate dues deductions by employers, it simply does not prohibit them as the original law did.

After consultation with the District's legal counsel, we wanted to inform you that as of July 1, 2012 (September 1, 2012 for FEA), we will no longer be deducting union dues for any individual employee unless we have an original written voluntary authorization to make the deduction and said authorization is signed by the employee. Our reasoning for this is as follows:

1. As of July 1, 2012 the current collective bargaining agreements expire and therefore, the dues deductions and fair share clauses of those agreements expire. Since this is now a prohibited subject of bargaining, dues deductions and fair share clauses will not exist in any successor agreements. (Please note that we will continue to deduct dues for FEA through August 31, 2012 due to summer payroll procedures.)
2. The District is not allowed to make a deduction from an employee's pay without that individual employee's consent unless mandated by law (i.e. Social Security). Similar to how the current 403(b) program operates, the District would need a voluntary salary reduction authorization to make a deduction for union dues.

With this in mind, the District is willing to make voluntary union dues deductions from applicable employee's paycheck if we are provided with the following for each employee:

1. Written authorization to make the applicable deduction signed by the employee (originals only, copies will not be accepted);
2. The amount of dues per paycheck to withhold for the employee;
3. Who to send the deducted amount to.

The District will leave it up to each individual union as to how these required materials are gathered and submitted to my office. Once we receive the materials required for a voluntary authorized dues deduction, we will begin making that deduction as soon as is feasible in the payroll cycle. A submitted dues deduction authorization shall remain in effect until we receive written notice from the employee to cease the deduction. Should a situation arise where we are making a deduction for an employee and they contest that we should not be making the deduction, the District will continue to make the deduction until we receive written notice from the employee to cease the deduction as we are viewing the submitted materials as accurate and authentic.

Should you or any of your members have any questions regarding this process, please do not hesitate to contact me. Thank you!