

Fact Sheet
Agency Fee Objector Policy - Private Sector Workers

Q. *What is an agency fee?*

A. An agency fee is the amount equal to union dues that non-members must pay as a condition of employment where there is an agency shop agreement in the contract. These workers, called agency fee payers, include newly hired employees who have not yet signed a membership card to join the union and those who have resigned their membership.

Q. *What is an agency fee objector?*

A. Agency fee payers who have requested to have their fees reduced are called “objectors,” as they object to supporting the union’s activities that are not germane to collective bargaining, contract administration and grievance handling.

Q. *What is the agency fee objector policy?*

A. The agency fee objector policy is a CWA policy designed to ensure that the Union complies with various Supreme Court and lower court decisions. These rulings concern the rights of non-members who pay agency fees as a condition of employment.

Q. *What are the Supreme Court decisions?*

A. The three primary rulings apply to three categories of workers. Those private sector workers who are organized under the National Labor Relations Act are covered under the dictates of the *Beck* case. Those who are organized under the Railway Labor Act (CWA’s airline employees) are covered by the *Ellis* case, while the ruling in the Hudson case applies to public sector workers.

Q. *Why should CWA be concerned with the rights of non-members?*

A. CWA must obey the law. Intentionally not complying with Court rulings could be financially and legally disastrous to the International and to any Local that ignores the dictates of the courts.

Q. *What are the rights of non-member agency fee payers?*

A. *Ellis* and *Beck* require the Union to permit non-member agency fee payers to object to being charged for more than the cost of activities and expenses germane to collective bargaining, contract administration and grievance adjustment. These expenses are called “chargeable.” Those that are not germane are called “non-chargeable” and include such things as organizing, legislation, charitable contributions, community service and members-only benefits. Objectors have their agency fees reduced by the non-chargeable percentage.

Q. How are agency fee payers notified of their right to object?

A. The International informs agency fee payers of their objector rights by publishing the **Notice Regarding Union Security Agreements and Agency Fee Objections** in the spring issue of the *CWA News* each year. The notice advises agency fee payers to file their objection during the May window period for the upcoming July through June year.

New agency fee payers (newly hired workers and newly resigned members) are sent a flyer entitled *Your Rights with Respect with Union Representation, Union Security Agreements and Agency Fee Objections* within a month of their hire or resignation date. The window period for filing an objection for these workers is 30 days from their hire/resignation date.

Q. How does the Union determine the percentage of expenditures that are non-chargeable?

A. The determination of chargeable and non-chargeable expenditures is made as part of the International's annual audit.

Q. Does the Local also have to prepare such a report?

A. CWA does not factor in the Local's non-chargeable activities and expenses when calculating the agency fee reduction. Experience has shown that locals spend less on non-chargeable expenditures. By not using the local's figures, the objector gets a slightly larger reduction payment, but the Local saves the expense of preparing annual chargeable expenditure reports. However, so we can demonstrate our claim Locals with objectors must have one such report on file within the last three years.

Q. What is the average non-chargeable?

A. The average non-chargeable for the International is about 25-30%.

Q. So objectors have their agency fees reduced by the non-chargeable percentage. How is the reduction handled? Do objectors have their payroll deduction or billing statements changed?

A. No. Payroll deductions or billing statements are not changed. Objectors have their agency fees reduced by means of a lump-sum, advance reduction payment sent during July for the July through June year. Mid-year objectors (new agency fee payers) are sent their checks within 30 days of their objection.

Q. Does the advance reduction payment cover both the International's per capita and local dues?

A. Yes. It is a reduction of all the fees paid by the worker to the union. The International bills the Local for its share of the reduction payment.

Q. So objectors get the money upfront. What if they leave during the year? Can we get the money back?

A. Regrettably, no. While the advance reduction system is not perfect, it is the only practical way to reduce the fees of objectors on a large scale.

Q. *Is objector status permanent or do objectors have to renew each year?*

A. Agency fee objector status is generally good for one year and must be renewed annually. However, objectors may make a continuing challenge, which the CWA will honor every year while the objector remains in the bargaining unit. If the objector leaves the bargaining unit at any point, he or she will have to renew his or her objection or continuing objection.

Q. *Objectors send their letters to the International. What happens when they are received?*

A. Letters of objection are sent to CWA in Washington where they are reviewed for eligibility. If the objector applicant appears to be eligible, the Local is contacted for verification of eligibility. If the objector applicant appears to be ineligible (because he is a member or has left the unit), the applicant is so notified and advised to contact the Local if he believes the records are wrong. Locals are copied on all correspondence with objector applicants.

Q. *What if a member asks for objector status?*

A. Members who file timely objections are sent a letter reminding them of the benefits of membership and that the policy is for non-members and as a result, it does not pertain to them.

Q. *What is the Local's role in the objector policy?*

A. Locals are responsible for membership data including agency fee status. Locals review the list of their provisionally eligible objector applicants prior to the advance reduction payments being mailed. If objector applicants send their letters to the Local, the Local should forward them to the International for processing.

Q. *What if the agency fees payer files an objection outside the window period?*

A. The agency fees payer is notified that the objection is not timely and the local is copied on the letter.

Q. *Who should Locals contact with questions about the agency fee objector policy?*

A. Locals should contact the Agency Fee Administrator in the Secretary Treasurer's office at CWA, 501 Third Street, NW, Washington, DC 20001-2797, agency-fee-admin@cwa-union.org