

IBEW Local Union 1600 Agency Fee Payers Objection Plan

NONMEMBER'S RIGHT TO OBJECT

1. Any employee who is not a member of the IBEW and who pays agency fees to IBEW Local Union 1600 pursuant to the union security provision in the Local's collective bargaining agreement, has the right to object to expenditures of his or her fees for activities which are not reasonably related to collective bargaining or undertaken to advance the employment-related interests of employees represented by the Local. For purposes of this Plan, such activities will be referred to as "nonchargeable activities". The agency fees paid by a fee payer who perfects an objection under the procedures set forth below will be reduced by an amount reflecting the portion of the overall expenditures of the Local Union that are used for nonchargeable activities.

2. Agency fees are composed of a portion forwarded to the International Office as monthly per capita payments, and a portion retained by the Local Union. As explained in greater detail below, an objector who requests a reduction under the terms of this Plan will receive appropriate reductions in both portions of their fees. To register for a reduction, however, the objector need only file one request, with the International Office, as specified in paragraph 3.

PROCEDURE FOR FILING OBJECTIONS

3. Objections must be made annually and will be effective for a single calendar year (January 1 – December 31). Each fee payer who wishes to file an objection must do so in writing, addressed to the International Secretary-Treasurer (I.S.T.) at the International Office of the IBEW, 900 7th Street N.W., Washington, DC 20001. The International Secretary-Treasurer will forward all timely objections to Local 1600. In registering their objections, objectors must include their name, address, social security number, the Local Union to which they pay fees, and their nonmember identification number, if known. Objections must be postmarked during the month of November preceding the calendar year for which the objection will be in effect, or during the first thirty days (30) after an employee becomes an agency fee payer (either by being hired or transferred into the bargaining unit, or by resigning from union membership) and becomes obligated to pay agency fees to the Local Union as required by a collective bargaining agreement. All objections must be renewed annually during the month of November.

4. The International will publish an annual notice of the procedure for filing objections. The Local Union will also provide notice to agency fee payers who join the bargaining unit during the year.

5. During the course of the year, objectors will be expected to remit the full amount of fees charged by the Local Union. However, by no later than January 31 (or as soon as possible in the case of timely mid-year objections), the Local Union will mail a check to each individual who perfects a timely objection, reflecting the reduction in the Local's portion of agency fees to which he or she will be entitled for the twelve month period (or the period remaining in the current calendar year). Under separate cover, the objector will also receive a check from the International Office, reflecting the reduction in monthly per capita payments to which the objector is entitled.

6. Before the beginning of the calendar year, the Financial Secretary will calculate the reduction to which the objectors are entitled in the Local Union's portion of the fees as follows: the Financial Secretary will determine the Local's total operating

expenditures for all purposes during the preceding year, the expenditures made for activities which are chargeable to objectors, and the nonchargeable expenditures. The Financial Secretary will then calculate the percentage of the Local's total expenditures devoted to chargeable and nonchargeable expenditures. These calculations will be verified by an independent auditor. The Financial Secretary will apply the nonchargeable percentage to the Local Union's portion of the objectors' monthly fee, to determine the fee reduction to which the objector is entitled.

7. The Financial Secretary will mail each objector a reduction check, accompanied by an explanation of how the amount was determined and an explanation of the appeal procedure.

8. An objector who disagrees with the proportional allocation made by the Local Union, in the belief that it does not accurately reflect the Local Union's expenditure on chargeable activities, may appeal the Local's determination to an impartial arbitrator appointed by the American Arbitration Association (AAA) through its rules for Impartial Determination of Union Fees, issued on June 1, 1986.

A. The appeal must be made in writing and must be received in the office of the Financial Secretary within thirty (30) days of the date on which the Financial Secretary mailed the reduction check to the objector. The appeal should explain the basis of the objector's challenge.

B. While the appeal is pending, the Local Union will hold in escrow a portion of the fees paid by all objectors who received a reduction from the Local, in an amount sufficient to insure that the portion of the fee which is reasonably in dispute will not be expended during the appeal procedure. In the event that the impartial arbitrator determines that objectors are entitled to a greater reduction in their fee payments than that which they receive from the Local, additional checks will be issued by the Financial Secretary at the close of the appeal procedure to all of the Local's objectors for the balance of the reduction due, as determined by the arbitrator.

C. All such appeals will be consolidated and heard as soon as the arbitration can be scheduled. The presentation to the arbitrator will either be in writing, or at a hearing if requested by any objector(s). If a hearing is held, any objector who does not wish to attend may submit his or her views in writing by the date of the hearing. If a hearing is not requested, the arbitrator will set a date by which all written submissions will be received, and will decide the case based on the records submitted. The Local Union will bear the burden of justifying its calculations.

D. The cost of the arbitrator's services and the cost of any proceedings before the arbitrator will be borne by the Local Union. Individually incurred costs will be borne by the party incurring them.

9. Any objector who disagrees with the reduction in monthly per capita payments made by the International Office, in the belief that it does not accurately reflect the IBEW's expenditures on chargeable activities, may appeal the International Secretary-Treasurer's determination through the procedures set forth in the IBEW Agency Fee Payers Objection Plan. In the event an objector challenges both the reductions received from International Secretary-Treasurer and from the Local Union, such appeals will be coordinated.