

## **ARTICLE 40. Payroll Deductions**

### **A. General Conditions**

1. Upon receipt of a written individual employee authorization from the Union or an employee covered by this Agreement on a form mutually agreed to by the parties, the University will deduct from the pay due such employee the monthly amount certified by the Union to be the dues required for the employee's membership in the Union.
2. The amount of dues or agency fee deducted from an employee's paycheck will be calculated by the University on the basis of information provided by the Union, in writing, concerning its dues or agency fee structure.
3. The Union agrees to reimburse the University for all costs actually incurred by the University as a result of changes made by the Union in the structure or method of calculations of the Union's dues or agency fee during the term of this Agreement.
4. The Union agrees to hold the University harmless from liability for any errors in withholding or transmitting dues or agency fees except for liability to the Union for monies actually withheld, but not transmitted. The Union further agrees to refund to the University any overpayment of money made to the Union pursuant to this Article through error or oversight on the part of the University.
5. The University agrees to send a check to the Union for all dues and agency fees for employees covered by this agreement. The cost of processing the check shall be Ten Dollars (\$10.00). In addition, the University will charge the Union seven cents (\$0.07) for each dues or agency fee deduction made from an employee's paycheck.
6. Where an employee's monthly paycheck does not cover the costs of the monthly dues or agency fee, there will be no deduction taken in that month.

### **B. Cancellation of Dues Deductions.**

1. The authorization for dues deduction shall remain in full force and effect during the life of this Agreement, provided, however, that any employee may withdraw from the Union by delivering a signed withdrawal letter or cancellation form.
2. Following notification to the Union of such cancellation, an employee's payroll deduction shall revert from dues to agency fees for the next payroll cycle unless conscientious objector status has been previously authorized by the Union.

### **C. Agency Fees**

Upon written notification to the University of the amount of agency fees by the Union, employees who choose not to become dues paying members of the Union, shall be required to pay an agency fee as a continued condition of employment. The amount of the agency fee shall be determined by the Union and shall not exceed the monthly dues that are payable by members of the Union. The amount of the fee shall be deducted by the University from the wages or salary of the employee earned in the unit and paid to the Union.

1. The agency fee is a flat fee and is the same for all unit employees, regardless of whether or not the employee has a full or part-time appointment.
2. The payment of the agency fee is dependent on the employee's status as of the first of the month. If an employee is in the unit on the first of the month, he/she owes the whole

agency fee amount, even if the employee was appointed into the unit mid-month in the previous month. If an employee separates from employment or leaves a unit position (due to transfer, reclassification or promotion) during the month, he/she is not subject to an agency fee deduction on the first of the following month.

3. For any employees who pay dues directly to the Union, the Union will be responsible for refunding agency fee amounts deducted from the employee's paycheck.

D. Exemption from Agency Fee

Any employee who is a member of a bona fide religion, body, or sect that has historically held conscientious objections to joining or financially supporting public employee organizations, shall not be required to join or financially support the Union as a condition of employment. The University and the Union have designated the following list of non-religious, non-labor charitable funds exempt from taxation under the Internal Revenue Service code for the employee to choose from:

American Cancer Society  
American Heart Association, or  
Make a Wish Foundation

1. The Union will be responsible for determining whether or not an employee qualifies as a conscientious objector and will then notify the University accordingly.
2. Upon notification by the Union that an employee qualifies for conscientious objector status, the University will deduct an amount equivalent to the agency fee deduction from the employee's paycheck and remit these monies to one of the designated charities chosen by the employee from the pre-approved list.

E. Severability

In the event that the agency fee or "fair share" provisions of the Higher Education Employer-Employee Relations Act (amendments to HEERA by SB 645, 1999) are declared invalid or void by statute or judicial decision, the parties agree that the understandings codified in this Article regarding agency fees will be null and void. It is the express intention of the parties that all other provisions of this Article not declared invalid or void shall remain in full force and effect.