

IBEW LOCAL UNION 949
AGENCY FEE PAYERS OBJECTION PLAN

1. Any employee who is not a member of the IBEW and who pays agency fees to IBEW Local Union 949 pursuant to the union security provision in the Local's collective bargaining agreements will have 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 "non-chargeable 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 non-chargeable 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 reduction of their fees. To register for a reduction, the objector must file with the International, as specified in Paragraph 3.
3. 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 Seventh Street N.W. Washington, D.C. 20001. The I.S.T. will forward all timely objections to the Local. In registering their objections, objectors must state their name and address and that they pay fees to this Local Union, and provide their Social Security number. Objections must be post-marked during the first thirty (30) days 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 paying agency fees to the Local Union as required by a collective bargaining agreement or, for nonmembers currently in the bargaining unit, during the month of November. (The open period may be extended in Convention years.) Objections will be effective for as long as the objector is in the Local's bargaining unit.
4. The International will publish an annual notice of the procedure for filing objections in the October issue of *The Electrical Worker*. 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, objector(s) will be expected to remit the full amount of fees charged by the Local. However, no later than January 31 (or within thirty (30) days after a nonmember newly employed in the bargaining unit files his or her objection), 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 a twelve (12) month period (or the period remaining in the Local's fiscal year), reflecting the reduction in per capita to which the objector is entitled.
6. The Financial Secretary (F.S.) will mail each objector a reduction check accompanied by an explanation of how the amount was determined and an explanation of the appeal procedure.

7. An objector who disagrees with the proportional allocation made by the Local Union, in the belief that it does not accurately reflect the Local's expenditures on non-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 July 1, 1986.
 - a. The appeal must be made in writing and must be received in the office of the F.S. within thirty (30) days of the date on which the F.S. mails 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 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 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 received from the Local, additional checks will be issued by the F.S. 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 view 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 will bear the burden of justifying the amount of its reduction.
 - d. The cost of the arbitrator's services and the costs of any proceedings before the arbitrator will be borne by the Local Union. Individually incurred costs will be borne by the party incurring them.
 - e. The decision of the impartial arbitrator will be final and binding.
8. In the event any objector challenges both the reduction received from the I.S. and from the Local Union, such appeals will be coordinated.