

NON-MEMBER SERVICE FEE REBATE PROCEDURE

Filing Objections to the Service Fee

Each year, the Part Time Faculty United at College of the Canyons, AFT 6262 shall send a notice to non-members informing them of their rights to demand a rebate for part of their service fee which has been identified as rebatable under current law. In addition, the Federation shall provide a detailed written explanation showing what chargeable expenditures, including collective bargaining and contract administration, are anticipated, based upon expenditures made during the previous year and projected activities. The explanation shall also set forth a projection of anticipated expenditures which are not within the chargeable areas of expenditures. These projected expenditures, expressed as a percentage of the total budget derived from dues, assessments, and fair share fees, shall be identified as the “rebatable percentage” which will be rebated to non-members who request such a rebate.

Any non-member who wishes to request a rebate, as provided under current law, shall inform the Federation of his or her demand within 30 days after the date of the notice. Rebates are available only to those non-members who file such requests in writing with the Federation. The rebate will be paid by a reduction in the amount of the service fee. No rebate check will be issued.

Non-members who wish to challenge the Federation’s calculation of the rebatable amount must inform the Federation of their challenge within this 30-day period. The notification must be in writing, directed to the president of the Federation, and must set forth the basis for the challenge.

If more than one non-member has challenged the calculation of the rebatable amount, their claims will be consolidated for a single arbitration hearing. The Federation reserves the right to attempt to make a settlement with the appellant without incurring the costs of arbitration.

An arrangement shall be made with the American Arbitration Association (AAA) for the selection of a single arbitrator to conduct all service fee arbitration hearings. The AAA shall randomly select an arbitrator from a panel of five arbitrators compiled by it. Each panel member shall have been certified by the AAA as a labor arbitrator for three years, and shall not be employed by a law firm or consulting firm to represent either labor union or management in labor disputes. The fee and any expenses of the arbitrator shall be paid by the Federation. Appellants will be responsible for paying the costs of their own representation, and their incidental costs (e.g., including, but not limited to, transcripts, document reproduction, transportation, lodging, and meals).

Arbitrator’s Award

The arbitrator shall issue a written decision, based on the evidence and relevant provisions of the collective bargaining agreement and the law, determining whether the service fee was appropriately calculated and, if not, what the appropriate calculations should have been. The arbitrators shall have no power to grant a remedy to persons who have not filed for arbitration.

As of the date of the arbitrator’s decision, and thereafter, the “rebatable percentage” applied to the service fees of all non-members who have filed for arbitration shall be adjusted to coincide with the decision of the arbitrator, and reductions shall thereafter be calculated accordingly. The arbitrator’s decision concludes the challenge process.