

# Agency Fee Objection Policy

NYSNA's agency fee objection policy, which will be published annually in the January edition of *New York Nurse*, works as follows:

To become an objector, a non-member who is represented by NYSNA shall notify NYSNA. Such objection must be in writing, signed by the non-member and mailed to the NYSNA Dues & Membership Department at 131 West 33rd Street, New York, NY 10001. The objection must be postmarked within 30 days of resignation of membership, or, if the non-member did not resign within the prior twelve months, in the month of February. A non-member employee who initially becomes a bargaining unit member after February in a particular year and who desires to be an objector must submit written signed notification to the NYSNA Membership Department within thirty (30) days after the employee has become subject to union security obligations and been provided with notice of these procedures. Public sector employees may revoke their dues deduction authorization and resign membership in accordance with applicable law and the terms of any signed dues deduction authorization card.

Agency fees payable by non-member objectors will be based on NYSNA's expenditures for those activities undertaken by NYSNA to advance the employment-related interests of the employees the Union represents. These "chargeable" expenditures include: preparation for and negotiation of collective bargaining agreements; contract administration including investigating and processing grievances; organizing within the same competitive market as bargaining unit members; meetings, including meetings of governing bodies, conferences, administrative, arbitral and court proceedings, and pertinent investigation and research in connection with work-related subjects and issues; handling work-related problems of employees; communications with community organizations, civic groups, government agencies, and the media regarding NYSNA's position on work-related matters; maintaining membership; employee group programs; providing legal, economic, and technical expertise on behalf of employees in all work-related matters; education and training of members, officers, and staff to better perform chargeable activities or otherwise related to chargeable activities; and overhead and administration related to or reflective of chargeable activities. Non-chargeable expenses are those of a political nature. The term "political" is defined as support for or against a candidate for political office of any level of government as well as support for or against certain positions that NYSNA may take, which are not work-related. The following are examples of expenditures classified as arguably non-chargeable: lobbying, electoral or political activities outside of areas related to collective bargaining; litigation expenses to the extent related to non-chargeable activities; and member-only activities.

NYSNA shall retain an independent auditor who shall submit an annual report verifying the breakdown of chargeable and arguably non-chargeable expenditures and calculating the percentage of arguably non-chargeable to chargeable expenditures (the "fair share percentage"). The auditor's re-

port shall be completed promptly after the conclusion of the fiscal year. The report shall be provided to any non-member who submits an objection.

Non-members and new employees will be given the foregoing explanation of the basis of the reduced agency fees charged to them. That explanation will include a list of the major categories of expenditures deemed to be "chargeable" and those deemed to be arguably "non-chargeable."

The fees paid by non-member objectors shall be handled as follows.

**Newly-Hired Non-Members.** NYSNA will place or maintain in an interest-bearing escrow an amount at least equal to the agency shop fees remitted by newly-hired non-member(s) (or by an employer on behalf of newly-hired non-member employee(s)). A newly hired non-member employee will be mailed a copy of this Policy. The non-member will have the later of the date he/she is subject to the obligations of the union security clause or thirty (30) days from the date of mailing to remain a non-member, object or to join NYSNA. If the non-member employee joins NYSNA, then the full agency shop fee remitted on his/her behalf is credited from the escrow account to the Association's general treasury. If the newly-hired employee does not join NYSNA and does not file an objection within the thirty-day objection period, then the escrowed amount will be credited to NYSNA's general treasury. If the newly-hired non-member timely objects, an amount at least equal to the fair share percentage shall continue to be escrowed pending resolution of a challenge (if any) by the objector. Once the challenge is resolved, the amount of the non-chargeable balance plus interest will be returned to the non-member from the escrow.

**Resignation.** In the case of an employee who resigns NYSNA membership (or who continues in non-member status) and who timely objects, NYSNA will place or maintain in an interest-bearing escrow account an amount at least equal to the fair share percentage of the agency fees received from the non-member or employer on behalf of the non-member and the non-member is permitted to challenge the fair share fee percentage during the thirty (30) day period noted in

the annual publication of the Association's objection procedure. If the non-member files a timely challenge, amounts at least equal to agency fees collected from the non-member employee or employer will continue to be placed or maintained in the escrow account pending resolution of any challenge. If the non-member does not file a challenge within the challenge period, then the fair share fee amount will be credited to NYSNA's general treasury and the balance (if any) paid to the non-member from the escrow plus interest.

A non-member objector may file a written challenge to the calculation of the fair share fee and percentage, challenging any of the items of the expenditures as chargeable. Such a challenge must be submitted within thirty (30) days of the date the non-member objector is provided an explanation of the basis of the reduced agency fees and initiation fees charge to them. Such a challenge must be in writing, signed by the non-member and sent to the NYSNA Dues & Membership Department at 131 West 33rd Street, New York, NY 10001. If NYSNA does not agree with the challenge either as to the expenditures or as to the percentage of amount of dues to be paid, it will notify the timely objecting non-member in writing that he/she has thirty (30) days thereafter to request arbitration; and if he/she fails to do so within that time, then such non-member waives the right to arbitration. A request for arbitration must be in writing, signed by the person filing the request, and sent to the NYSNA Executive Director, 131 West 33rd Street, New York, NY 10001.

If more than one challenging non-member objector timely requests arbitration, NYSNA will consolidate all such challenges into one annual arbitration proceeding. NYSNA will provide an impartial arbitration proceeding through the American Arbitration Association and will pay the administrative costs and the arbitrator's fees. The challenger will be responsible for any fees associated with his or her representation at the hearing.

NYSNA will administer this policy in a manner that is consistent with the objectives of the policy and the applicable federal and state law to provide a fair and equitable procedure regarding nonmember employees. NYSNA reserves the right to change the policy set forth above.

## Beck Notification

If you are represented for collective bargaining by NYSNA, you have the right to be or stay a nonmember and pay an agency fee equivalent to dues. If you choose to be a non-member, you are entitled to object to paying for activities unrelated to the association's duties as a bargaining agent and to obtain a reduction in fees for such activities. If you submit a timely objection, the agency fee that you will be required to pay will include costs incurred by the union for expenditures related to collective bargaining, contract administration, grievances and arbitration, and other matters affecting wages, hours, and other conditions of employment. In 2024, the most recent calendar year for which a calculation was done, the agency fee charged to timely non-member objectors

represented 84.60% of the dues amount for that year.

If you choose to be a nonmember, please be aware that you will deny yourself the opportunity to exercise the full rights and benefits of union membership. Full membership rights include, among other things, the rights to: (1) vote on acceptance or rejection of proposed contracts covering your wages and working conditions, thereby ensuring your input on issues central to your working life; (2) participate in development of contract proposals; and (3) vote for your union officers.

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