

## **AGENCY SHOP NOTICE**

### **AGENCY FEE REFUND PROCEDURE**

1. **Notification of Dissent:** Any person paying an agency fee to NYSCOPBA may annually notify the Union of his/her dissent from the expenditure of any portion of fees paid by NYSCOPBA in aid of activities or causes of a political or ideological nature only incidentally related to terms and conditions of employment. Notification shall be made by individual letter sent to NYSCOPBA's Treasurer by regular, registered or certified mail during the period between November 1 – November 30 of the year preceding the fiscal year of the Union (January 1 – December 31) to which the notification applies. A person who is newly employed or re-employed at any time during the fiscal year to which his/her notification applies must send his/her notification, in the manner described above, within thirty (30) calendar days of receipt of his/her first payroll check from which agency fee deductions are made. Once a notice of dissent is received, the dissent will be treated as permanent, and thereby applicable in subsequent years without the need to file an annual notice, until the person: (1) withdraws his/her dissent; or (2) becomes a Union member; or (3) is no longer employed in a position in the Security Services Unit.
2. **Estimated Refund:** Each person who notifies the Union as provided in paragraph 1 shall, pending NYSCOPBA's final refund determination, receive an estimated refund at the beginning of the fiscal year to which the notification applies. This estimated refund shall represent the dissenter's approximate **pro rata** share of expenditures by NYSCOPBA in aid of causes of a political or ideological nature only incidentally related to terms and conditions of employment.
3. **Refund:** The approximate proportion of agency fees actually spent by NYSCOPBA during the fiscal year in aid of causes of a political or ideological nature only incidentally related to terms and conditions of employment shall be determined annually, after the close of each fiscal year of NYSCOPBA. This determination shall be promptly communicated, in writing, to each dissenter. If this determination is for an amount greater than the estimated refund, the difference, with interest at the statutory rate, shall promptly be transmitted to each dissenter.
4. **Objections/ Neutral Hearing:** If a dissenter is dissatisfied with NYSCOPBA's refund determination, an objection may be made within thirty (30) days of receipt of the refund. Objections shall be made to NYSCOPBA's Treasurer by regular, registered or certified mail. All objections will be expeditiously submitted by NYSCOPBA, for hearing and resolution, to a neutral party appointed by the American Arbitration Association from its panel of arbitrators. NYSCOPBA, at its option, may consolidate all objections and have them resolved at one hearing. An objector may present his/her objection to the neutral in person. The cost of this hearing shall be borne by NYSCOPBA.

5. **Escrow:** The balance of a dissenter's agency fee payments during the fiscal year in question shall be held in an interest-bearing segregated account until NYSCOPBA's refund determination is made and any objection by the dissenter is finally determined under the procedure set forth in paragraph four.