

A Fee-Payer still receives full bargaining unit representation. Their wages, benefits, and job obligations are all bargained for under the union's bargaining unit, even if one chooses not to be a full union member.

Fair share payers are also entitled to grievance resolution under the union.

However, such fair share payers are not entitled to vote in union elections, run for union office, or attend union meetings.

Should you choose this option, you will be paying your fair share only and you will **not** be denied representation by your union. The union will have to continue to represent you fairly and without discrimination in all matters subject to collective bargaining and you cannot be denied any benefits under the labor contract with your employer because of non-membership

***Q. What is fair share fee?***

**A.** The law states that the exclusive bargaining representative has the duty of their fair representation. This means that the exclusive bargaining representative (ETA) is charged with the duty to represent each member of its bargaining unit fairly and without discrimination. Since all employees in the bargaining unit, including non-members, have a right to be fairly represented, they have a corresponding duty to bear a proportionate share of the cost of such representation. The fair share fee for non-members is equal to the unified dues amount that members pay. Ohio Revised Code (ORC) 4117.09 allows for fair share fee if negotiated in the local association bargaining contract. ETA has bargained such a contract.

***Q. Why should employees be required to support an organization against their will?***

**A.** The support is not ideological; it is financial only. The time has come for non-members to pay their fair share. Fair share fee requires that those whom association must represent to help cover the costs of representing them. Keep in mind that members not only support the association financially, but they do all the work as well, an all too frequent point taken for granted by non-members.

***Q. Doesn't fair share fee amount to the same thing as compulsory unionism?***

**A.** No. Fair share fee preserves an individual's right to join or not join ETA. No one will lose their job because they didn't join ETA. The school district will merely deduct the fair share fee along with other payroll deductions beginning January 15<sup>th</sup>.

***Q. Do fee payers have all the rights and privileges of membership?***

**A.** No. Fair share fee payers are not members. They do not have any voting rights or the right to participate in the governance of the local association—ETA, including the inability to vote on ratification of contracts for OEA, NEA, or NEOEA. They do not receive any membership benefits or promotional materials that are given to all members. They may not serve on committees that have been defined by our negotiated contract. Also, in the case of strike or other crisis situation, they will not be eligible to interest free loans or guaranteed health benefits, which are limited to members only. Starting in the 2008-09 membership year, Fair Share Fee Payers will receive OEA/NEA Legal Services for employment related problems, but do not get the benefits of the Attorney Referral Program for personal legal issues nor do they get Educator Employment Liability protection coverage.

***Q. How much will fair share fee payers be required to pay?***

**A.** The fair share payer will be required to pay the unified dues amount (minus ETA dues which is currently \$75). If OEA requests a yearly audit of ETA, the association will also be allowed to collect ETA dues from fair share fee payers. Currently, OEA has not requested an audit. ETA conducts annual internal audits.

***Q. How does fair share fee differ from membership dues?***

**A.** Court decisions have held that non-members cannot be required to support the political or ideological activities of the association unrelated to the terms and conditions of employment. These are “non-chargeable” expenditures. The definition of fair share fee in the Public Employees Collective Bargaining law is consistent with these court decisions. The local will collect 100% of the fee. Non-chargeable expenditures will be sent by OEA as an advance reduction of objecting fair share fee payers that file a timely demand.

***Q. Who determines the amount of the fair share fee advance rebate?***

**A.** The OEA will make that determination for the local, district, state, and national associations by reviewing its budgets, financial statements, and other documentation to determine the chargeable portion of unified dues. The chargeable portion cannot reflect any expenditure for political or ideological causes not germane to the realm of collective bargaining, contract administration, or contract enforcement. Fee payers who object to the association's non-chargeable expenditures will be entitled to an advance fee reduction check and to arbitrate the dispute. The American Arbitration Association (AAA) will select an arbitrator, and a hearing will be conducted in accordance with the AAA rules for an Impartial Determination of Union Fees.

***Q. What if I refuse to complete the enrollment form?***

**A.** An enrollment will be completed for the fair share fee payer; it just won't include their signature. The OEA uses this enrollment form information to mail the fair share fee payers important financial disclosure documents, including the Advance Reduction Procedures, in a timely manner.

***Q. Can a fair share fee payer switch his/her membership to a member?***

**A.** Yes, provided that the fair share fee payer has not received an advance rebate. An enrollment form is required to be filled out and signed by the member. If the fair share fee payer has received an advance rebate, he/she can change his/her status to a member by returning the advance rebate, along with his/her completed and signed enrollment form to OEA (through your ETA treasurer).

***Q. Can an ETA member switch his/her membership status to a fair share fee payer?***

**A.** Yes. Once your local has sent the enrollment forms and continuous rosters to OEA (October 15th) and your school district's payroll department, a member can change from a member to a fair share fee payer. However, dues from the current year will continue to be collected and specific rights, including notification rights due to fee payers, will begin in the subsequent membership year.

