

Representation Fee Demand and Return Procedure

Pursuant to N.J.S.A. 34:13A-5.4, Section 2, the majority representative, IFPTE, Local 195, and the State of New Jersey have an agreement whereby the majority representative shall be entitled to a representation fee in lieu of dues from all non-union member employees for services rendered by the majority representative. The representation fee in lieu of dues shall be in an amount equivalent to the regular union membership dues, initiation fees, and assessments charged by the majority representative to its own members less the cost of benefits financed through dues, fees and assessments which are available to or benefiting only union members, but in no event shall such fees exceed 85% of the regular membership dues, fees and assessments. Any non-union member public employee who pays a representation fee in lieu of dues shall have the right to demand and receive from the majority representative, under the following procedure, a return of any part of the fee paid by him/her which represents the non-union member's additional pro-rata share of expenditures by the majority representative that is either in aid of activities or causes a partisan political or ideological nature only incidentally related to the terms and conditions of employment or applied toward the cost of any other benefit available only to members of the majority representative. The pro-rata share subject to refund shall not reflect, however, the costs of support of lobbying activities designed to foster policy goals in collective negotiations and contract administration or to secure for employees represented advantages in wages, hours and other conditions of employment in addition to those secured through collective negotiations with the public employee.

1. A demand for the return of that portion of the representation fee used either in the aid of activities or causes of a partisan political or ideological nature only incidentally related to terms and conditions of employment or applied toward the cost of any other benefits available only to members of the majority representative may be made by a non-union member assessed with said fee or his/her attorney only in writing by certified mail, return receipt requested to:

Rebate Committee
c/o Timothy Rudolph, President
IFPTE, Local 195
186 North Main Street
Milltown, NJ 08850

2. The written demand must include the name and address of the non-union member, identify the non-member's work location and job title, and must specify the portion or portions of the representation fee demanded to be returned and the reasons therefore.
3. A three-member committee shall convene for the purpose of hearing demands for returns of the representation fee received by the union during the year preceding the current contract year.
 - a. The committee shall be selected by the Executive Board of the majority representative.
 - b. All non-union members of their attorneys submitting demands for the return of a portion of the representation fee shall receive written notification of the date, site, and time of the hearings on such demands, a minimum of 10 days prior to the scheduled date of the hearing.
4. At such hearings, the majority representative shall have the burden of proving that the portion of the representation fee demanded to be returned by the non-union member has not been used in the aid of activities or causes of a partisan or ideological nature only incidentally related to the terms and conditions of employment or applied toward the cost of any other benefits available only to members of the majority representative.
5. All non-union member employees shall be accorded a full and fair hearing on their demand before the three-member committee.
6. If, at the conclusion of the hearings, the committee determines that the majority representative has failed to prove that a portion or portions of the representation fee were not used in the aid of activities or causes of a partisan or ideological nature only incidentally related to terms and conditions of employment, and were not applied toward the cost of any other benefits available only to members of the majority representative, committee shall order the majority representative to return to the non-union member employee all parts of the representation fee which were determined by the committee represents the non-union member's additional pro-rata share of expenditures by the majority representative that is either in aid of activities or causes partisan or ideological nature only incidentally related to terms and conditions of employment or have been applied toward the cost of any other benefits available only to members of the majority representative.
7. Any non-union member who is party to such a hearing may appeal the determination and order of the committee to the three-member board to be appointed by the Governor pursuant to N.J.S.A. 34:13A-5.4, Section 3, pursuant to rules and regulations promulgated by P.E.R.C.