

AAUP

OCTOBER 22, 2009

**AGENCY FEE REBATE NOTICE TO NONMEMBERS OF AAUP (page 2)
AND POLITICAL ACTION REBATE NOTICE
TO MEMBERS/NONMEMBERS OF AAUP (page 4)**

Each year, the UConn Chapter of the AAUP provides a rebate, in advance, of individual shares of non-collective bargaining costs to nonmembers who request the rebate. The rebate is for those costs incurred by the Chapter on behalf of all but for which nonmembers may seek rebate since the expenses were not attributable to the cost of collective bargaining. Some element of the National AAUP operational cost is similarly rebatable.

The National AAUP pioneered American academic freedom and tenure guidelines; that is the reason so many faculty chose the AAUP at the inception of collective bargaining at UConn. A federal tax law ruling has reasoned that activities of the National AAUP in defense of academic freedom and tenure were technically “charitable works” since the National AAUP defends academic rights without regard to individual membership.

The purpose of the rebate option is to return to nonmembers that portion of the agency fee collected but spent on matters deemed to be unrelated to the collective bargaining activities for which nonmembers are assessed. The U.S. Supreme Court has provided some guidance in these determinations (*Chicago Teachers Union v. Hudson*, 106 S. Ct. 1066 [1986], *Ellis v. Railway Clerks*, 466 U.S. 435 [1984]), and local officials exercise their best judgment where direction is not clear.

For example, it has been found that staff and office expenses are collective bargaining expense generally, but that the portion of the time and expense associated with political (as opposed to the lobbying) activity is not chargeable to agency cost. Meetings of the National AAUP and local social functions (which are related to Chapter development and/or public relations) are chargeable, but costs associated with attempts to organize other chapters for collective bargaining are not chargeable. Contract negotiation, grievance work, and legal defense work are chargeable to members and nonmembers alike. Connecticut State AAUP Conference dues and the Nutmeg Scholarship costs are examples of rebatable costs.

Nonmembers seeking a rebate are encouraged to specify whether they wish to seek: a) the local non-collective bargaining costs of \$0.49, b) the National AAUP non-collective bargaining cost of \$100.09, or c) a total of \$116.54. Breaking out the rebate options this way will allow for choice of support of local and National activities given the interests of the profession in preserving academic freedom and tenure standards.

Based upon the projected budget of UConn AAUP, nonmembers of the AAUP who object to the use of agency fee for certain non-collective bargaining activity are entitled to a rebate according to the following calculations:

Nonmembers Estimated Non-Collective Bargaining Expense 2009-2010 Budget

Non-Collective Bargaining Cost - \$1,000/2036 in unit	\$ 00.49
National Dues Affiliation (not chargeable to collective bargaining) - \$264,000 x .7719 (77.19%) = \$203,781.60/2036	100.09
Connecticut State Conference Dues - \$11,280/2036	5.54
Joan Hall Nutmeg Scholarship - \$21,210/2036	<u>10.42</u>
TOTAL	<u>\$ 116.54</u>

(see page 4 for PAC rebate)

OBJECTIONS:

Objectors who wish to apply for the rebate need only to submit a signed request in writing to the AAUP office within *thirty (30) days* of the publication of this newsletter. The Chapter statement on principle and procedures for further challenge of the method of calculation is as follows:

It is the policy and intent of UConn Chapter AAUP to utilize agency fee payments solely for purposes related to collective bargaining agent for teaching and research faculty of the University of Connecticut.

Permanent part-time faculty are eligible for a rebate based upon the percentage of appointment they hold, i.e., 50%, 60%, etc. Special payroll lecturers would be eligible based upon a prorating of their salary as compared with the average full-time faculty. For example, if the salary were equal to 10% of an average salary of \$98,692, the rebate would be 10% of \$116.54 or \$11.65 for the full rebate.

PROCEDURES:

1) Before the commencement of each fiscal year, the Chapter Treasurer shall include in his/her proposed budget a line item designated to include the projected costs of Chapter activities unrelated to collective bargaining and contract enforcement for the coming year. The amount so expended for such purposes during the previous fiscal year shall serve as a guide in this regard taken together with any increases or decreases from the previous year known at the time the budget is established.

2) Following the approval of the new Chapter budget by the Executive Committee, the Treasurer shall calculate the per person dollar amount of projected expenditures unrelated to collective bargaining and contract enforcement according to the following method: The projected costs of expenditures unrelated to collective bargaining and contract enforcement shall be divided by the average bargaining unit membership for the past fiscal year thus establishing a per person portion of Chapter expenditures subject to agency fee reduction/rebate. To this amount will be added the dollar amount, if any, calculated for agency fee reduction/rebate by the National AAUP thus establishing the total per person dollar amount subject to agency fee reduction/rebate.

3) Upon determination of the agency fee reduction/rebate appropriate for the fiscal year in question, members of the bargaining unit will be notified of the availability of an agency fee reduction/rebate and the amount of said reduction/rebate. Timely notice shall be provided through the vehicle of the Chapter *Newsletter*. The notice of available fee reduction/rebate shall also include a statement of the Chapter's approved budget (shown below) for the coming fiscal year and the procedure to be followed by a fee payer in seeking the fee reduction/rebate.

4) Any agency fee payer may obtain the appropriate agency fee reduction/rebate by making a request in writing to the Chapter office within thirty (30) days of the publication of the notice of availability. The reduction/rebate refunds will be issued as quickly as possible and no later than thirty (30) days of receipt of a fee reduction/rebate request.

5) At the conclusion of each fiscal year, the Treasurer, as part of the standard audit of Chapter income and expense for that year, shall identify and publish in the Chapter *Newsletter* the actual expenditure of funds on matters unrelated to collective bargaining and contract enforcement. If the actual expenditures are greater than the expenditures projected at the beginning of the fiscal year, that overage shall be divided by the average unit membership for the fiscal year and the resulting *per capita* amount rebated to agency fee payers on record as having requested said reduction/rebate for that fiscal year.

Should the amount of actual expenditures be less than that projected, fee payers having already received the inflated agency fee reduction/rebate shall be informed of the difference and further informed that the overpayment will be adjusted by the appropriate revision of the agency fee reduction/rebate published at the beginning of the next fiscal year.

**The American Association of University Professors
The University of Connecticut Chapter**

Budget 2009-2010

Income (Dues/fees plus investments):	\$1,433,500
Expenditures:	
Salaries	314,111
Benefits & Taxes	274,680
Office Operations	118,210
Communications	24,900
Lobbying/Public Relations	95,000
Nutmeg Scholarship	21,210
Non-Collective Bargaining	1,000
Affiliation Dues	275,280
Legal	52,940
Reimbursement & Travel	40,700
Building Expenses	36,100
Contingency (growth factor for reserves)	<u>179,369</u>
Total Expenditures	<u>\$1,433,500</u>

COMPLAINTS:

1) Any agency fee payer feeling aggrieved by the amount or method of the agency fee reduction/rebate provided for the fiscal year shall address that complaint to the Chapter Executive Committee. Chapter audit records shall be made available to the aggrieved fee payer for review upon request and an opportunity provided for the fee payer to meet personally with the Executive Committee should the fee payer wish.

- 2) If the complaint of the fee payer is not resolved by the Executive Committee to the satisfaction of the fee payer within thirty (30) days, the fee payer may request binding arbitration of the specific dispute in question.
- 3) The arbitration of disputed agency fee questions shall be conducted under the auspices and rule of the American Arbitration Association. The selection of an arbiter shall be the joint responsibility of the Chapter and the aggrieved fee payer, but the cost of retaining an arbiter shall be borne solely by the Chapter. The arbitration shall be conducted in as timely a fashion as possible with each party bearing the costs of its own representation. Results of the arbitration shall be final and binding on both parties and shall serve as the binding precedent for any subsequent agency fee disputes arising in that fiscal year.
- 4) Appeals to the Chapter Executive Committee according to Section 1 above shall be entertained for a period of sixty (60) days from the publication of agency fee reduction or agency fee rebate information to the members of the bargaining unit. Similarly, those wishing to utilize binding arbitration of an agency fee reduction or rebate decision of the Executive Committee shall make such appeal to the Chapter within thirty (30) days of notification of the Executive Committee's decision in Step 1 above.

**Members and Nonmembers Anticipated Contributions and Expenditures to
Political Action Committee 2009-2010 Budget**

Anticipated contribution \$0.00/2036 in unit = \$0.00

No percentage of your annual dues will be contributed to the AAUP Political Action Committee FY2009-2010 budget this year.

Tax Deduction

Dues for 2009 for full-time employees in the amount of \$138 (\$168 dues less \$30 for *Academe*) are tax deductible as a charitable contribution.