

**American Association of University Professors
Cincinnati State Chapter**

Fair Share Fee Notification – August 2015

Members of the faculty who are represented by the Cincinnati State AAUP for the purpose of collective bargaining but who do not become members of the Cincinnati State AAUP Chapter are required under the Collective Bargaining Agreement to pay a “fair share” fee.

Under Ohio law, the fair share fee cannot exceed the amount of dues paid by the members of the Cincinnati State AAUP chapter. Based upon an independent audit of Cincinnati State AAUP expenditures, the Chapter Executive Committee has determined that the fair share fee equals 78.7 percent of the Cincinnati State AAUP dues of .0075, or **0.0059** of the faculty member’s annual salary.

This assessment fee is divided by 26, and that amount will be deducted automatically from each paycheck of the fair-share-payer faculty member, in accordance with Ohio Revised Code 4117.09 (C). This method of calculation is effective for the duration of the current Collective Bargaining Agreement. These automatic payroll deductions begin with the fair-share-payer faculty member’s first full pay period and will appear on the check received one week after the first pay period ends.

The fair share fee was calculated to ensure that fair-share-payer faculty members do not pay for expenditures for political or ideological activities which are unrelated to the Cincinnati State AAUP’s role as the bargaining representative for all members of the faculty bargaining units.

The Fair share fee was determined in conformity with an official analysis and audit of Cincinnati State AAUP expenditures, conducted by an independent auditor. A copy of the audit report is available. It lists the Cincinnati State AAUP expenditures as “chargeable” or “non-chargeable” according to criteria approved by the courts.

FAIR SHARE FEE OBJECTIONS AND APPEALS PROCEDURES

Under Ohio law, a member of the faculty bargaining unit has the right to object to the payment of fair share fees on the following grounds: (1) Because the faculty member has *bona fide* historically-held religious objections or (2) Because the faculty member alleges that the fair share fee was calculated in a manner contrary to federal or state law.

Religious or Conscientious Objections:

Any objection to the payment of a fair share fee which is based upon religious beliefs shall be handled in accordance with Ohio Revised Code 4117.09 (C), which provides:

Any public employee who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion or religious body which has historically-held conscientious objections to joining or financially supporting an employee organization and which is exempt from taxation under the provisions of the Internal Revenue Code shall not be required to join or financially support any employee organization as a condition of employment. Upon submission of proper proof of religious conviction to the State Employment Relations Board, the Board shall declare the employee exempt from becoming a member of or financially supporting an employee organization. The employee shall be required, in lieu of the fair share fee, to pay an amount of money equal to such fair share fee to a nonreligious charitable fund exempt from taxation under section 501 (c) (3) of the Internal Revenue Code mutually agreed upon by the employee and the representative of the employee organization to which the employee would otherwise be required to pay the fair share fee. The employee shall furnish to the employee organization written receipts evidencing such payment, and failure to make such payment or to furnish such receipts shall subject the employee to the same sanctions as would nonpayment of dues under the applicable collective bargaining agreement.

Allegations that the Fees Were Calculated in a Manner Contrary to Law:

Any non-chapter-member of Cincinnati State AAUP who is a member of the bargaining unit may challenge the fair share fee on the grounds that the calculation of that fee was made in a manner contrary to federal or state law.

Challenge Procedure:

If you wish to make such a challenge, you must send a letter by hand delivery, or by way of the United States Postal Service postmarked no later than thirty (30) days after the receipt of this notice, to the Treasurer, Cincinnati State AAUP, 3250 Central Parkway, Cincinnati, Ohio 45223. The letter must state your objections, your desire to invoke the Cincinnati State AAUP fair share challenge procedure, and the amount that you allege is reasonably in dispute. The letter must contain your current mailing address and your signature. You have the right to inspect any of the Cincinnati State AAUP financial records which were used as the basis for the calculation of the fair share fee, either before or after you make a challenge, by contacting the President of the Cincinnati State AAUP.

Upon receipt of your letter challenging the fair share fee, the Cincinnati State AAUP will deposit in an interest-bearing escrow account, separate from all other Cincinnati State AAUP accounts or funds, the amount of any fee payments that you have fairly placed at issue in your letter.

The escrow funds will remain intact until there is a final disposition. The escrow funds will terminate and the fund therein will be distributed only by the term of an ultimate award, determination, or judgment including any appeals, or by the terms of mutually agreed-upon settlement between the Cincinnati State AAUP and you, the objector.

Within thirty (30) days following the deadline for receiving such challenges, the Cincinnati State AAUP shall submit copies of any such challenges, along with the names and mailing addresses of the challengers, to the American Arbitration Association (AAA). At that time, the Cincinnati State AAUP shall request the AAA commence arbitration proceedings pursuant to the AAA's *Rules for Impartial Determination of Union Fees*.

Thereafter, the AAA will appoint an arbitrator, select a hearing date, and otherwise administer the arbitration proceeding in accordance with such *Rules*.

Arbitration Proceedings:

The Cincinnati State AAUP shall pay the arbitrator's fees and expenses. If you are filing a challenge, you shall bear your own expenses for representation at the arbitration hearing. The Cincinnati State AAUP shall provide a verbatim transcription of the hearing and pay for a copy of the transcript for the Arbitrator, as well as a copy for the Cincinnati State AAUP. As a challenger, if you desire a copy of the transcript, you may obtain one at your own expense.

If you have not officially objected, you shall not be entitled to any portion of escrow funds, nor shall you be entitled to any rebate of fair share fees already paid, should the arbitrator order a reduction of the fair share fee in the year in question.

If the arbitrator rules that the fair share calculation should be changed or reduced, the fair share fees of all non-chapter-members of the Cincinnati State AAUP who are members of the bargaining unit shall from that date forward be reduced accordingly.

The Cincinnati State AAUP shall not be responsible for the payment of any lost wages or compensation, or any other costs incurred by the challenger(s) as a result of participating in the arbitration.

The decision of the arbitrator with respect to the objection(s) made to the fair share fee shall be final and binding on all parties.