

SUBMITTED BY: OCSEA Board of Directors

SUBJECT: Article XII – Dues; Sections 3(A) & 6

RATIONALE: Housekeeping change in Sections 3 & 6 eliminating references to fair share fee payers because the payment of fair share fees was declared to be unconstitutional by the U.S. Supreme Court in the *Janus* decision.

BE IT RESOLVED THAT ARTICLE XII OF THE OCSEA STATE CONSTITUTION BE AMENDED AS FOLLOWS:

**Article XII - Dues**

**Section 1. Amount**

(A) Dues shall be 1.25% of the member's base rate of pay per bi-weekly pay period, effective September 17, 1995. Those not paying on a bi-weekly basis shall be prorated accordingly.

(B) Membership dues shall be payable through payroll deduction, electronic fund transfers or by cash payment to the OCSEA Central Office. Cash payments, which include checks, money orders and bank drafts, shall only be accepted when payroll deduction is not available, including, but not limited to times when a member is in an active or non-active pay status, such as, unpaid disability, leave of absences, workers' compensation or the exceptions listed in section 2(A) or 2(B) of this Article. Cash payments will be accepted from retirees for their annual dues. Any member will be considered in good standing who is paying dues through regular payroll deduction for so long as such person continues to pay through such deduction method, or who pays cash dues by the fourteenth (14<sup>th</sup>) day following the end of the payroll period for which the payment is due. A member who fails to pay dues in accordance with the terms described herein shall be an inactive member upon failure to pay dues for two consecutive payroll periods.

**Section 2. Exceptions**

(A) However, a member who has been terminated, laid off or suspended and has a grievance pertaining to the adverse job action which remains unresolved, or who is on a sanctioned strike or is locked out shall not be required to make dues payments in order to remain in active status while not on the payroll.

(B) Members who have dues payments interrupted as a result of workers' compensation or disability leave shall not be suspended as a result of non-payment of dues for

Committee Assign \_\_\_\_\_ Committee Recommend \_\_\_\_\_ Convention Action \_\_\_\_\_ Requires 2/3 Vote

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25 the first 13 pay periods of such interruption. Dues payments are not interrupted as long as  
26 members receive sick leave, disability benefits or other employer provided remuneration.  
27 Thereafter, the dues shall be set at the current amount established by the AFSCME International  
28 Constitution for members-at-large for the remainder of the period of the interruption of dues  
29 deduction.

30 (C) A member who becomes inactive under the provisions of this section may be  
31 reinstated to active membership upon payment of all arrearages or upon payment of a  
32 reinstatement fee equal to two months' dues, not to exceed twenty-five dollars (\$25.00).

33 (D) Members on military leave shall remain active members for the duration of any  
34 period in excess of paid military leave.

35 (E) In the event that an OCSEA officer, Board Member or Chapter, District Council,  
36 or Assembly officer becomes delinquent in payment of dues, that person shall be notified in  
37 writing by certified and regular mail by the OCSEA Secretary-Treasurer of his/her delinquency  
38 status. If such person does not become a member in good standing by payment of all arrearages  
39 within fourteen (14) calendar days of such notice, he/she shall stand removed from the office(s)  
40 which he/she holds and such office(s) will be filled pursuant to the appropriate provision of this  
41 Constitution. Where an OCSEA officer, Board Member or Chapter, District Council or  
42 Assembly officer is a part-time employee, the arrearage shall be calculated based upon the  
43 average of the last six (6) pay periods prior to the delinquency.

44 (F) Where a bargaining unit member is in a permanent, seasonal position, he/she shall be  
45 eligible to run for and hold an elected office under the following conditions:

- 46 1. They have been an active OCSEA member for at least two continuous calendar  
47 years; and  
48 2. All membership dues have been properly made during their employment; and

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3. During the seasonal interruptions, dues at the current amount established by the AFSCME International Constitution for member-at-large shall be paid for each month or portion thereof until the month of their reinstatement/recall.

4. In the event the member is not reinstated/recalled, payments shall continue to be made at the members-at-large rate, subject to their rights and obligations under Article 18 of the current Collective Bargaining Agreement and Article XII of the OCSEA State Constitution.

### **Section 3. Refunds, Credits and Assessments**

(A) Each active Chapter, as defined in Article VII, Section 7 of the State By-Laws, shall receive a quarterly refund in an amount equivalent to 9% (nine percent) with a minimum of nine hundred dollars (\$900) for Chapters with less than fifty (50) members and a minimum of one thousand one hundred dollars (\$1,100) for Chapters with fifty (50) or more, of the bi-weekly dues received for each active member ~~and fair share fee payer~~ who has paid monies in advance for one or more months in said quarters and for those who, under the payroll deduction method, have caused to be remitted dues for one or more of the months of said quarter. ~~Chapters shall receive rebates in the same manner for fair share fee payers.~~

(B) Each chartered District Council and chartered Assembly shall receive a quarterly refund in an amount equivalent to 1% (one percent) of the dues received bi-weekly for each active member in the District or Assembly under the terms described above for Chapters. However, the quarterly refund made to an Assembly shall not be less than \$500.

(C) The Union shall credit eighty-five hundredths of one percent (.85%) of the dues received bi-weekly to the convention fund for use in defraying the expenses of the biennial and special conventions and the President's conference. Such amounts shall be taken from the dues

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72 of each active member who has paid his/her dues directly or caused dues to be remitted to the  
73 Union before the end of the month of said action.

74 (D) When dues are remitted to the Union by cash members and annual members, the  
75 Union shall remit the above amounts to the Chapters, District Councils and Assemblies and shall  
76 credit the convention fund in the amount specified above which will cover the period of such  
77 advancements.

78 (E) Any Chapter, with the approval of the Board of Directors, may levy voluntary  
79 assessments on its members. Where allowable by Ohio law, membership dues may be remitted to  
80 the Chapter by the state or political subdivision thereof with the approval of the State Board of  
81 Directors, and individual Chapters will be responsible to send dues to central office.

82 **Section 4. Qualifications for Refunds**

83 (A) To qualify for such Chapter, District Council or Assembly refund, each active  
84 Chapter, District Council or Assembly, as defined in Article VII, Section 7 of the OCSEA State  
85 Constitution, shall file quarterly financial statements with state headquarters on a form  
86 prescribed by the Board of Directors. Upon failure of a Chapter, District Council or Assembly to  
87 meet any of the conditions required by the State Constitution and State By-Laws to qualify for a  
88 refund, the Board of Directors shall withhold payment of such refund until such requirements are  
89 met. A request for Chapter, District Council or Assembly refund more than four quarters in  
90 arrears shall not be honored. Disputes concerning timeliness shall be referred to the Judicial and  
91 Internal Affairs Committee for recommendation to the Board of Directors whose decisions in the  
92 matter are final.

93 (B) Failure to hold elections during the month of the expiration of the term of office  
94 shall result in the withholding of one-third (1/3) of the current quarter's rebate. An additional  
95 one-third (1/3) shall be withheld for every month thereafter until elections are held and results

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forwarded to OCSEA Central Office. At the end of the original election month, a letter shall be sent to all members of the affected subordinate body outlining the upcoming penalties, remedies and timelines. The cost of said mailing shall be deducted from the subordinate body's rebate.

(C) Funds may be released upon receipt of the election results, subject to any other provision of this constitution and by-laws. Disputes concerning these funds shall be forwarded to the office of the State Secretary-Treasurer for review and recommendation to the Board of Directors whose decision(s) in the matter is final.

#### **Section 5. Initial Refund**

Whenever a new Chapter, District Council, or Assembly is organized and some of the members have previously been members of another Chapter, District Council, or Assembly, the funds and assets of the Chapter, District Council, or Assembly to which the members had previously been members shall be divided between the affected bodies in such manner or proportions as the Board of Directors may deem fair and reasonable.

#### **Section 6. Dues Distribution**

Effective with the pay period including January 1, 2008, all dues ~~and fair share fee monies~~ received shall be credited to the following accounts:

- |                    |   |
|--------------------|---|
| 1. General Fund    | 88.15% (eighty-eight and fifteen hundredths percent)  |
| 2. Chapter Refund  | 9% (nine percent but no less than nine hundred dollars (\$900) for Chapters with less than fifty (50) members and one thousand one hundred dollars (\$1,100) for Chapters with fifty (50) members or more.) |
| 3. District Refund | 1% (one percent)  |
| 4. Assembly Refund | 1% (one percent or five hundred dollars (\$500) whichever is greater)   |

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120                    5. Convention Fund                    .85% (eighty-five hundredths of one percent)  
121