

FAIR SHARE FEE PAYERS

Fair share fee payers are **not members** for governance purposes. A fair share fee payer pays his/her “fair share” to the recognized organization for the services it renders to the **non-member** in its capacity as the exclusive bargaining representative. For additional questions contact [Nancy Kaczmarek \(kaczmarekn@weac.org\)](mailto:kaczmarekn@weac.org), Legal Counsel, at 1-800-362-8034 x314.

All organizational services funded by membership fees are typically available to fee payers including receipt of *OnWEAC In Print*, *NEA Today* and *Today's Education*, unless they specify no mail. Fair share fee payers are also eligible for DuShane Fund assistance and other membership-fee supported programs, but are not eligible for insurance programs or other economic service programs which operate on a self-sustaining basis.

Arranging deductions for fair share fee payers should not be difficult. Locals are advised to call the [WEAC Membership Office \(membership@weac.org\)](mailto:membership@weac.org) at 1-800-362-8034 or their UniServ office if there are issues with payroll deduction.

FAIR SHARE REBATE FAQ'S FOR LOCAL REPRESENTATIVES

The following information is provided to association representatives for the purpose of responding to inquiries regarding fair share. This written information is not intended for general dissemination.

1. What is a fair share agreement?

⇒ It is an agreement between the school district and the union wherein employees in the collective bargaining unit are required to pay their proportionate share of the cost of the “collective bargaining process and contract administration” as measured by the amount of dues uniformly required of all members. Such an agreement contains a provision requiring the employer to deduct dues from an employee, as certified by the union (See e.g., §111.70, Wis. Stats).

2. What is a fair share fee payer?

⇒ A fair share fee payer is a unit member who elects **not to be a union member**. Fair share fee payers are required to pay that portion of dues related to collective bargaining and contract administration. Fair share fee payers may request a rebate for activities that relate to charitable contributions, lobbying and organizing efforts. Fees used for direct political action are automatically rebated to all fee payers ([Refer to #10](#)).

3. Can a fair share fee payer also be a union member?

⇒ **No.** A union member who wishes to become a fair share fee payer must direct a signed, written letter to WEAC's President or their Local President requesting termination of union membership.

4. What benefits/rights are fair share payers entitled to?

⇒ Fair share fee payers are provided the same representation in all employment matters as full dues-paying members. They *may* participate in contract ratification votes, pursuant to local approval. Union-negotiated benefits, including union-negotiated insurance plans, such as the WEA insurance plans and WEATSA, are also available to fair share fee payers.

5. What union benefits/rights do fair share fee payers lose?

⇒ Fair share fee payers are ineligible to participate in internal union governance decisions. They are not allowed to vote in union elections, hold union office, or influence union policies or activities. Fee payers are generally not entitled to NEA supplemental membership benefits such as the NEA life insurance policy or reduced travel fees.

- ⇒ The NEA's Educator's Employment Liability (EEL) insurance program is also a "member-only" benefit and, as such, fair share fee payers are technically ineligible for participation. WEAC has adopted the position, however, that fair share fee payers who do not request a rebate are entitled to EEL insurance coverage because, in effect, they have paid for the policy. The NEA does not agree with this position, but, nevertheless, allows WEAC to enroll those fair share employees who do not request a fee rebate in the EEL program.
- ⇒ WEAC will continue to urge the NEA to allow fair share employees who do not seek a rebate to maintain EEL benefits; however, state affiliates have no authority to alter NEA rules. In the future, the NEA may decide to limit EEL coverage to members only, and the only way to guarantee EEL coverage then would be to maintain union member status.

6. Are fair share fee payers' assessed full dues?

- ⇒ Yes. Under most local association fair share procedures, deductions initially are made for the full amount of the NEA/WEAC/UniServ/Local dues, and fair share rebates are subsequently issued by the WEAC.

7. What is the procedure for requesting a rebate?

- ⇒ Near the beginning of each fiscal year, the Association forwards to fair share fee payers a large packet of information regarding budgeted expenditures for the upcoming year. Fair share fee payers are provided 30 days from receipt of those materials to indicate whether they wish to request a rebate for expenditures unrelated to collective bargaining. Upon receipt of such request, WEAC notifies objectors of their options, including the right to accept the standard rebate offer or proceed to arbitration. Fair share objectors who accept WEAC's rebate offer can generally expect to receive payment in December of the fiscal year wherein a rebate request has been made.

8. How is the rebate amount determined?

- ⇒ The rebate percentages for the NEA and the WEAC are based upon detailed analyses of expenditures; the WEAC rebate is subject to approval by the Board of Directors. Fair share fee payers are offered a standard 25% rebate of local dues. However, because legal precedent suggests that a local budget cannot be deemed valid unless a formal audit is performed to verify expenditures, fair share fee payers are offered the option of selecting up to a 100% rebate if an independent audit or verification is not performed in their local.

9. Can a fair share employee challenge WEAC's fair share calculations?

- ⇒ Fee payers can request arbitration. Under this option, an escrow account is established which holds 100% of the contested dues deductions. However, because WEAC has sought to provide more in the standard rebate offer than its calculations indicate it may owe, it is possible that a fee payer will receive a smaller rebate through arbitration. In the most recent arbitration for which WEAC has a decision, the arbitrator sustained a rebate amount slightly lower than that which the Association projected and offered.

10. Do fair share fee payers need to request a rebate for the Political Action Committee (PAC) assessment?

- ⇒ No. Fair share fee payers are automatically refunded their WEAC and UniServ PAC assessment.

If you are currently a Fair Share Fee Payer and would like to change your membership designation, please contact the WinnebagoLand UniServ office, phone # (800) 236-9887 or email us at winnebagoLand@weac.org .