

**ARTICLE FOUR  
FEDERATION DUES AND AGENCY FEES**

4.1 Membership in the Federation is a matter of personal choice to be determined by each Faculty member covered by this Agreement. Any Faculty member covered by this Agreement choosing not to join the Federation shall be required, as a condition of employment, to pay an Agency Fee as a contribution toward the administration of any collective bargaining agreement, such fee to be in an amount determined by the Federation, but not to exceed the regular monthly dues. Failure to authorize either Federation Dues or an Agency Fee deduction shall result in termination of employment as provided for in Article 4.4. However, if a Faculty member covered by this Agreement decides as a matter of conscience not to pay Dues or the Agency Fee, Article 4.4 will not be invoked if the Faculty member covered by this Agreement agrees to make a monthly contribution in an amount equal to the Agency Fee to the general scholarship fund of Franklin Pierce University.

4.1.1 Faculty members wishing to become members of the Federation shall execute a Dues Authorization Form (Appendix A). Those individuals choosing not to become members of the Federation shall execute an Agency Fee or Scholarship Fund Contribution Form (Appendix B or C) to authorize alternative payroll deductions. One of the forms specified must be filed within thirty (30) calendar days of hire.

4.1.2 The executed Dues, Agency Fee or Scholarship Fund Contribution Deduction Authorization Form (either Appendix A, B, or C) shall be returned to the Human Resources Department where a copy will be made and submitted to the Federation within fifteen (15) calendar days of receipt.

4.2 The Federation will provide the Human Resources Department with copies of the forms in Appendices A, B, C, and D. The Human Resources Department will issue these forms, a copy of this Agreement, and a copy of the letter shown in Appendix D to all new Faculty members covered by this Agreement together with other pertinent material regarding their employment at the University. Appendices A, B, C, and D will be enclosed with the offer of employment contract. The Federation shall also be afforded a 45-minute, independent meeting time with all new Faculty at one agreed-upon time and location as part of their Orientation day.

4.2.1 The Human Resources Department shall provide the Federation on the eighth (8<sup>th</sup>) day of each month the following information:

- a. Names and current addresses of all Faculty to include new Faculty
- b. The amount being deducted and identification of the Appendix form executed.
- c. Names and current addresses of any Faculty from whom deductions are not being taken.

4.2.2 As soon as possible after the discovery of an error in reporting the correct status of the Dues, Agency Fee or Scholarship Fund deduction of any Faculty member, the Human Resources Department shall inform the Federation President or Treasurer of the error. Within three (3) business days of discovery, the Human Resources Department shall provide a letter to the President of the Federation. This letter shall acknowledge the University's error, and in so far as possible, provide an explanation for its cause.

4.3 Upon receipt by the Human Resources Department of a properly executed Federation Dues, Agency Fee, or Scholarship Fund Contribution Authorization Form (Appendix A, or B, or C), it is agreed that Federation dues, agency fees, and scholarship fund contributions will be collected as payroll deductions from Faculty members covered by this Agreement, excepting only those Faculty members addressed in Article 4.3.2. Such Federation dues and agency fee deductions shall be remitted, together with the reports specified in Article 4.2.1, to the Federation no later than the eighth (8<sup>th</sup>) day of the month following that in which deductions are made. Signed Authorization Forms shall be kept on file in the Human Resources Department and may be changed only between Sept. 1 and Sept. 15 of each year by written letter from a Faculty member covered by this Agreement to the Human Resources Department. Copies of all previously filed forms shall be provided to the Federation no later than thirty (30) calendar days after implementation of this Agreement. The Human Resources Department shall notify and copy the Federation within fifteen (15) calendar days of any new or revised Dues, Agency Fee, or Scholarship Fund Contribution Authorization forms. Should there be any dispute between an employee and the RFF over the matter of deductions, the RFF agrees to defend, indemnify, and hold harmless the University in any such dispute.

4.3.1 The University will notify Faculty members failing to file a timely Deduction Authorization form that they (the Faculty members) are required to pay the University the correct amount due. The University will disburse those amounts, once collected, according to the Faculty member's authorization.

4.3.2 Those part-time Faculty members whose gross earnings are less than the equivalent of the dollar value of three (3) contact hours for a semester and Library Faculty who are members of the Collective Bargaining Unit who work less than ten (10) hours a week are exempt from making any of the payments required in Article 4.1. The Human Resources Department shall notify the Federation of the names of any Faculty member exempted under this Article. The Federation shall hold the University harmless for unintentional violation to this Article resulting from unanticipated fluctuation in a part-time Faculty member's compensation which occurs after an initial determination of average salary for a semester is made.

- 4.3.3 Any Faculty member who does not cooperate with the Federation in paying previously unpaid Dues, Agency Fee, or Scholarship Fund Contribution which s/he was obligated to make, as a condition of employment under this Article, shall be subject to Article 4.4.
- 4.4 Any Faculty member subject to the provisions of this Article who fails or refuses to submit a properly executed Federation Dues, Agency Fee or Scholarship Fund Contribution Authorization Form within the prescribed time following hire shall be terminated in accordance with Articles 4.4.1. Further, s/he shall not be rehired by the University unless the provisions of this Article are complied with, beginning from his/her initial date of hire.
- 4.4.1 Upon a Faculty member's failure to submit a properly executed Federation Dues, Agency Fee, or Scholarship Fund Contribution Authorization Form within ten (10) calendar days of the start of Fall or Spring classes, the University shall notify the Federation and provide the Federation with all valid contact information. The Federation shall notify that Faculty member in writing of his or her obligations under Article Four, with a copy of the notification being sent to the Human Resources Department. This written notification shall require the Faculty member to submit a properly executed Federation Dues, Agency Fee, or Scholarship Fund Authorization Form to the Human Resources Department, with a copy to be delivered to the President of the Federation, within fifteen (15) calendar days of the date of the written notification, and to make the payment specified in Article 4.3.1. Failure or refusal to submit an Authorization Form within the specified time allotted shall result in immediate termination as specified in Article 4.4. The University shall provide the Federation with a copy of said termination.
- 4.5 The University will automatically cancel Federation Dues, Agency Fee, or Scholarship Fund payroll deductions for any Faculty member who becomes ineligible for bargaining unit membership.
- 4.6 The Federation shall hold the University harmless in the event of any liability resulting from implementation of this Article.