

If you would like to exercise your right not to pay full union dues and think you may need free legal aid, complete and return the attached coupon, or call 1-800-336-3600.

For additional information contact us at:

www.nrtw.org
or
e-mail us at:
legal@nrtw.org

National Right to Work
Legal Defense Foundation
8001 Braddock Road
Springfield, VA 22151-9988

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SPECIAL NOTICE TO PRIVATE SECTOR EMPLOYEES

Employer and union treatment of nonmembers

It is illegal for either an employer or a union to discriminate against nonmembers in the terms, conditions, wages, benefits, etc., of employment covered by a collective bargaining agreement. Nonmembers are not subject to union discipline or fines or employer discipline or retribution for objecting to paying full union dues.

It is only in the area of *internal* union affairs (including any benefits and rights provided under the union's internal policies) that nonmembers can be treated differently than union members.

Nonmembers can be denied the right to vote on the collective bargaining agreement, union officers, representatives, and delegates. A union may deny internal benefits to nonmembers, but a union may not interfere with benefits provided through the collective bargaining agreement, including normal seniority, wages, and other benefits.

A union may fine former union members for pre-resignation conduct, so resignations should be delivered to the union *before* the employee begins any activity that may violate the union's constitution or bylaws. For example, if there is a strike and an employee intends to work, a letter of resignation could be sent by an overnight delivery service. It should arrive at the union's office *before* the work shift begins in order to avoid a union-imposed fine.

(For a more thorough explanation of the rights of nonmembers, contact the National Right to Work Legal Defense Foundation at 1-800-336-3600 and ask for the article "Rights and Responsibilities of Employees Confronted with Union Discipline.")

The decision whether or not to be a union member is yours. This brochure is not intended to advocate any one position. Rather, it is intended to explain your legal and constitutional rights in a "union or agency shop" situation.

Payroll deduction of union fees

All employees, members and nonmembers alike, have the right to choose whether to authorize payroll deduction of collective bargaining fees.

Even if you have signed a form which authorizes deduction of a fee greater than the cost of collective bargaining, you are immediately eligible to pay the reduced fee despite any claims of any escape period called a "window." But to avoid complications where you are charged for more than the cost of collective bargaining, nonmembers who choose to have union fees automatically deducted from their pay should only sign a form which authorizes the deduction of the collective bargaining or "financial core" fee (not full dues or dues-equivalent amounts) if such a form is provided.

Nonmembers who do not sign a deduction authorization form can make periodic payments of collective bargaining fees directly to the union in the same manner that full members pay dues.

This brochure is intended as general, educational information, not as legal advice. The facts and legal principles applicable to specific situations may vary. Individuals with legal problems should consult competent counsel and should not rely on this brochure for making any legal decisions.

The National Right to Work Legal Defense Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism.

To learn more about how you can exercise your rights or help others to do so, contact:

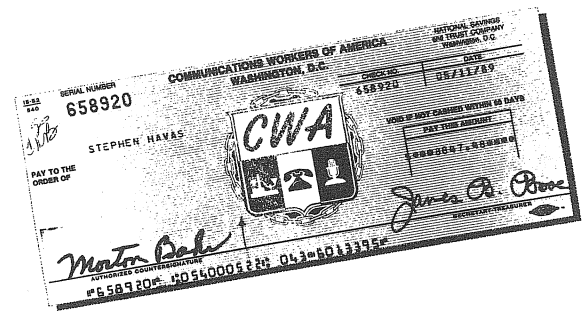


**National Right to Work
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8001 Braddock Road
Springfield, Virginia 22160
1-800-336-3600 703-321-8510
Fax 703-321-9613 www.nrtw.org

PRIVATE SECTOR EMPLOYEES

It's Your Money!



Do you ever wonder how much of your union dues payment is being misused to elect politicians or lobby Congress on all kinds of far-out causes?

Harry Beck did. He challenged the secrecy of union spending and fought the union brass all the way to the Supreme Court. Along the way, Harry found out that up to 79 percent of his union dues were being spent on political campaigning, lobbying, organizing protest marches, and so on.

Finally, the Court ruled that no private sector employee can be forced to pay compulsory union dues for anything but collective bargaining.

As an employee of a business, you have the right to know how your money is being spent and probably to pay only a small part of what you're now paying.

But to have your payments reduced, you need to exercise your rights. Steve Havas did. After years of paying compulsory agency fees to a union, he got back \$8,847.48.

PRIVATE SECTOR EMPLOYEES' BILL OF RIGHTS

Private sector employees (except railway and airline employees and employees on "federal enclaves" subject to exclusive federal jurisdiction) in the 21 states with Right to Work laws cannot be required to join or pay anything to a union to keep their jobs.

Those states are: Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming.

Private sector employees (as opposed to government workers) who do not work in a Right to Work state have rights established by law, as interpreted by U.S. Supreme Court rulings. *These rulings are the law of the land and must be obeyed by labor unions and employers, regardless of what you might otherwise be told.*

The following is a list of your rights as a private sector employee under these Supreme Court rulings even if you do not work in a Right to Work state:

- **Employees have the right to choose whether to join formally the labor union at their workplace.** Private sector employees may not be compelled to join the union at any time.
- **Private sector employees who are members of the union have the right to resign at any time.*** Most restrictions limiting resignations, including timing restrictions, are illegal in the private business sector. Private sector employees may resign at any time regardless of any restrictions that may appear in the union's constitution or bylaws. However, requirements that a resignation be in writing and sent to a specific union official have been found lawful in some cases. Therefore, you should check the union's constitution and bylaws for procedural restrictions on resigning your membership.

* See the sample resignation letter in this brochure for instructions on how to resign your union membership. Consult an attorney before acting.

- **Nonmembers can only be required to pay for their proportionate part of the union's proven bargaining expenses.** Private sector employees may not be compelled to pay full dues or for any union expenses other than collective bargaining, contract administration, and grievance adjustment. To pay only the costs of collective bargaining, you must resign from the union and request to be charged only for collective bargaining expenses (often called a "financial core fee" or "agency fee").

- **Nonmembers may not be compelled to pay any fees for union services until the costs have been stated and explained.** Before unions can demand fees, they must provide nonmembers with an independent accountant's verification of the union's expenses which shows how those costs are derived.

- **Nonmembers have the right to challenge the cost of collective bargaining fees as provided by the union.** Employees have the right to challenge the union's calculation of the financial core fee if they believe it to be incorrect.

- **Employees whose sincere religious beliefs prevent them from joining or paying any money to the union have special rights.** Sincere religious objectors may have the right to redirect the entire union fee from the union to a nonunion, nonreligious charity. NOTE: Religious objectors should not use the sample resignation letter at the right. For information on exercising your rights as a religious objector, call 1-800-336-3600 and ask for the publication describing the rights of religious objectors. This and other valuable information is also easily accessible at www.nrtw.org.

This brochure is written expressly for private sector employees. If you are a government employee or a teacher, please call the National Right to Work Legal Defense Foundation at 1-800-336-3600 for a brochure which details your rights.

EXAMPLE OF A LETTER YOU CAN USE TO RESIGN YOUR UNION MEMBERSHIP*

Today's date

Union Officer's Name
 Union's Name
 Address
 City, State ZIP

Dear (Union Officer's Name):
 In accordance with the U.S. Supreme Court's decision in *Patriot Makers v. NLRB*, I hereby resign as a member of (Union's Name), effective immediately.

Under the U.S. Supreme Court's decisions in *Communications Workers v. Beck* and *Ellis v. Railway Clerks*, I hereby declare myself protected by financial-core status as defined in those decisions.

Please return any dues owed to me, and charge me for the new appropriate amount that complies with *Beck* and *Ellis*.

Sincerely,
 Your signature
 Your name (printed)
 Your home address
 Your employer's name
 Your work location

**Religious objectors should not use this letter to resign their union membership.
 Consult union bylaws or constitutions, or other controlling documents, for possible specific directions and procedures for processing resignations from union membership. Union officials generally cannot restrict the timing of a resignation; however, some unions require that resignations be directed to a specific officer, such as the "Secretary -Treasurer."

TO RESIGN YOUR UNION MEMBERSHIP:

1. Draft a letter like the one above (hand-written letters are acceptable) and make two copies of your signed letter.
2. Mail the original by certified mail (return receipt requested) to the labor union from which you are resigning.
3. Mail one copy of your letter to your employer, to the attention of the payroll department.
4. Keep the other copy of your letter for your records.



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YES, I believe I have been victimized by abuses of compulsory unionism. Please contact me regarding free legal aid.

Name _____
 Address _____
 City _____ State _____ ZIP _____
 Phone (____) _____ Best time to call _____
 Employer's Name _____
 City _____ State _____
 Name of the union at your workplace _____
 I am: a union member not a union member