

Agency Fee Payers' Notice
October 4, 2010

TO: Agency Fee Payers

FROM: Blanche Monary, President , Foothill-De Anza Community College
Association of Classified Employees

RE: Explanation of agency fee and opportunity to challenge the fees

As the exclusive bargaining agent for certain designated classified employees of Foothill-De Anza Community College, the Association of Classified Employees (ACE) represents all unit members. As such, the union incurs significant costs representing you, whether you choose to be a member or not. For this reason, under the organizational security provision of the collective agreement between ACE and the District *if you do not choose to join ACE, a service fee in an amount equivalent to 90% of ACE membership dues will be deducted from your salary.* Recognizing the principle that all should share in the costs of representation, the California Legislature has approved the deduction of such "fair share fees." California courts and the Supreme Court have further upheld the legality of such fees.

As your collective bargaining representative, we strongly urge you to join ACE. The benefits of ACE membership include the right to fully participate in the governance and the internal activities of the union. Furthermore, your membership in the union will result in greater bargaining strength in negotiations to provide you with better wages, benefits and working conditions. ***The fact that a service fee is being deducted from your paycheck does not make you a member of ACE. You may join the ACE by signing the membership form enclosed in this letter or on the ACE website at acefhda.org.***

Your service fees, together with membership dues and other contributions, are necessary for ACE to protect and advance the professional and economic interests of all the employees that it represents. One of the most valuable of these services is negotiation of the contract that governs your earnings and other economic benefits and conditions under which you work. To sum, service fees and membership dues pay the costs of our collective bargaining efforts to protect your rights and improve your working conditions and benefits.

An extremely small percentage of the budget of ACE, may be used in relation to issues and legislation only incidentally related to the terms and conditions of employment, or applied towards the cost of benefits available only to union members. *You are entitled to request a rebate of that percentage of the service fee you have paid that corresponds to the percentage of the union 's total budget that is used for these purposes.*

ACE had an independent auditor audit its financial statements from inception to June 30, 2010. Based upon the enclosed schedule of chargeable and non chargeable expenses the auditor determined that 10% of your fees are not chargeable to agency fees. ACE currently charges 90% of dues for fair share fee payers, so you are currently paying the proper amount for agency fees.

You may elect to challenge ACE's determination of the percentage of chargeable and non-chargeable expenditures. To do so, you must inform ACE of your objection within 30 days of the receipt of this notice. Your objection must be in writing, and must set forth the basis upon which you challenge our determination. Within forty-five (45) days after the close of the period for filing objections, ACE will request a prompt hearing before an impartial arbitrator, unless the objection of the challenger is withdrawn, settled, or resolved by refunding the disputed amount (plus interest) to the individual and agreeing to no longer charge the individual for the disputed amount for the applicable year.

The cases of individual challengers may be consolidated into one arbitration hearing. The fee and any expenses of the arbitrator will be paid by ACE. Challengers will be responsible for paying the costs of their own representation and their incidental costs. While the challenges are pending, the service fees of the objectors will be held in an escrow account.

If you have any questions, please contact ACE headquarters.

We invite you to become a member of ACE. Your participation can help us build a stronger and more effective union in order to promote educational excellence and serve the needs of our classified staff.