

SUBMITTED BY: Muskingum-Coshocton Chapter 6000

SUBJECT: Refunds, Credits and Assessments

RATIONALE: Section 2(A) – The percentage of rebates to chapters has remained the same for several years, yet the cost to maintain chapters to serve local membership needs and provide local chapter representation at OCSEA functions such as the biennial convention, training and conferences have increased in addition to the costs associated with inflation. Beginning in 2005 OCSEA changed the manner in which quarterly rebates were paid to chapters. Payments had been made for all active members and all fair share fee payers. By constitution this was a mistake. However the loss of income from the fair share fee payers rebate percentage has caused an undue hardship on chapters. Fairshare fee payers must be represented by these bodies without prejudice.

BE IT RESOLVED THAT ARTICLE XII, SECTION 2(A) AND SECTION 5 OF THE OCSEA CONSTITUTION BE AMENDED AS FOLLOWS:

1 **Article XII - Dues**

2
3 **Section 1. Amount**

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

7 (B) Membership dues shall be payable through payroll deduction or by cash payment to
8 the OCSEA Central Office. Any member will be considered in good standing who is paying dues
9 through regular payroll deduction for so long as such person continues to pay through such
10 deduction method, or who pays cash dues by the 14th day following the end of the payroll period
11 for which the payment is due. A member who fails to pay dues in accordance with the terms
12 described herein shall be an inactive member upon failure to pay dues for two consecutive
13 payroll periods.

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

18 (D) Members who have dues payments interrupted as a result of workers' compensation
19 or disability leave shall not be suspended as a result of non-payment of dues for the first 13 pay
20 periods of such interruption. Dues payments are not interrupted as long as members receive sick
21 leave, disability benefits or other employer provided remuneration. Thereafter, the dues shall be

22 set at the current amount established by the AFSCME International Constitution for members-at-
23 large for the remainder of the period of the interruption of dues deduction.

24 (E) A member who becomes inactive under the provisions of this section may be
25 reinstated to active membership upon payment of all arrearages or upon payment of a
26 reinstatement fee equal to two months' dues, not to exceed \$25.00.

27 (F) Members on military leave shall remain active members for the duration of any
28 period in excess of paid military leave.

29 (G) In the event that an OCSEA officer, Board Member, Chapter, District Council, or
30 Assembly officer becomes delinquent in payment of dues, that person shall be notified in writing
31 by certified and regular mail by the OCSEA Secretary-Treasurer of his/her delinquency status. If
32 such person does not become a member in good standing by payment of all arrearages within 14
33 calendar days of such notice, he/she shall stand removed from the office(s) which he/she holds
34 and such office(s) will be filled pursuant to the appropriate provision of this Constitution.

35 **Section 2. Refunds, Credits, and Assessments**

36 (A) Each active Chapter as defined in Article VII, Section 7 shall receive a quarterly
37 refund in an amount equivalent to ~~8% (eight percent)~~ **12% (TWELVE PERCENT)** with a
38 minimum of ~~\$800~~ **\$1,200** for Chapters with less than fifty (50) members and a minimum of
39 ~~\$1000~~ **\$1,500** for Chapters with fifty (50) or more, of the bi-weekly dues received for each active
40 member and fair share fee payer who has paid monies in advance for one or more months in said
41 quarters and for those who, under the payroll deduction method, have caused to be remitted dues
42 for one or more of the months of said quarter. Chapters shall receive rebates in the same manner
43 for fair share fee payers, **AND SUCH REBATES TO CHAPTERS SHALL NOT BE**
44 **REDUCED.**

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

49 (C) The Union shall credit .85% of the dues received bi-weekly to the convention fund
50 for use in defraying the expenses of the biennial and special conventions and the President's
51 conference. Such amounts shall be taken from the dues of each active member who has paid

52 his/her dues directly or caused dues to be remitted to the Union before the end of the month of
53 said action.

54 **(D)** When dues are remitted to the Union by cash members and annual members, the
55 Union shall remit the above amounts to the Chapters, District Councils and assemblies and shall
56 credit the convention fund in the amount specified above which will cover the period of such
57 advancements.

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

62 **Section 3. Qualifications for Refunds**

63 To qualify for such Chapter, District Council or Assembly refund, each active Chapter,
64 District Council or Assembly, as defined in Article VII, Section 7, shall file quarterly financial
65 statements with state headquarters on a form prescribed by the Board of Directors. Upon failure
66 of a Chapter, District Council or Assembly to meet any of the conditions required by the State
67 Constitution and State By-Laws to qualify for a refund, the Board of Directors shall withhold
68 payment of such refund until such requirements are met. A request for Chapter, District Council
69 or Assembly refunds more than four quarters in arrears shall not be honored. Disputes
70 concerning timeliness shall be referred to the Judicial and Internal Affairs Committee for
71 recommendation to the Board of Directors whose decisions in the matter are final.

72 **Section 4. Initial Refund**

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

78 **Section 5. Dues Distribution**

79 Effective with the pay period including ~~September~~ **JANUARY 1, 2005 2008** all dues and
80 fair share fee monies received shall be credited to the following accounts:

81 1. General Fund ~~89.15%~~ **85.15%** (~~eighty-nine~~ **EIGHTY-FIVE** and fifteen
82 hundredths percent)

- 83 2. Chapter Refund ~~8%~~ **12%** (~~eight~~ **TWELVE** percent but no less than ~~\$800~~
84 **\$1,200** for Chapters with less than fifty (50)
85 members and ~~\$1000~~ **\$1,500** for Chapters
86 with fifty (50) members or more.)
- 87 3. District Refund 1% (one percent)
- 88 4. Assembly Refund 1% (one percent or \$500 whichever is
89 greater)
- 90 5. Convention Fund .85% (eighty-five hundredths percent)