

Article 4
ORGANIZATIONAL SECURITY

- 4.1 Unless expressly provided otherwise, every faculty employee shall, as a condition of continued employment during the term of this *Agreement*, either become a dues-paying member of FA, or pay FA a service fee in an amount not to exceed the periodic dues and general assessments of the Association. The Board shall inform all new employees of their obligations under this article.
- 4.2 Each employee who is required to pay dues or service fees pursuant to Section 4.1, and has not paid the annual dues or service fee in advance as provided in 4.2.1, shall, within 30 days of his or her initial employment, or within 30 days of the effective date of this article, whichever is later, file an appropriate payroll deduction form provided by the Board authorizing and instructing the Board to deduct from each salary warrant due the employee for services the sum necessary to meet the employee's financial obligation to FA.

The payroll deduction form shall be filed with the Office of Human Resources.

- 4.2.1 In lieu of filing a payroll deduction authorization form as provided in Article 4.2, an employee may pay the annual dues or service fees in advance directly to FA within 30 days of his or her employment in any given year, or within 30 days of the effective date of this article, whichever is later. As an alternative to advance payment of the annual amount of dues or fees, a temporary employee may make direct advance payment of the dues or services fees for each quarter in which he or she is hired within ten days after initial employment in that quarter.
- 4.3 Upon receipt of a properly executed payroll deduction form pursuant to Section 4.2, the Board shall forward a copy of the form to FA and deduct from each salary warrant due the employee an amount determined by the current FA dues or service fee schedule, provided, however, that each change to the schedule is received by the Board on or before the tenth day of the month during which the change is to become effective. Within ten working days after the deduction has been made, the Board shall remit the entire amount deducted (less the actual cost, if any, of making the deduction) to FA. If the Board does not remit the amount due within ten working days, the Board shall pay FA interest on the amount due at the rate of 7% per annum. The Board shall have no other obligation with respect to the amount deducted pursuant to this article, whether express or implied.
- 4.4 Together with the aggregate amount deducted from the payroll and payable to FA, the Board shall transmit to FA an alphabetical list of faculty employees who have had dues or service fees deducted from their salaries.
- 4.5 The Board shall immediately notify FA if any employee has failed to comply with Section 4.2 of this article or has revoked his or her prior authorization.
- 4.6 Upon receipt of notice from the Board pursuant to Section 4.5 that a faculty employee has failed to comply with the requirements of Section 4.2 of this article, FA shall notify each employee involved who has not paid in advance in accordance with Section 4.2.1 that compliance with this article is a condition of continued employment as specified in Gov. Code Sec. 3540.1(i)(2) and that he or she has 30 days in which to comply with the requirements as specified in Section 4.2.

- 4.7 If any employee who has been sent the notice prescribed by Section 4.6 does not, within 30 days from the date of the notice, authorize through payroll deduction or pay directly to FA the required dues, service fees or scholarship contributions, FA may send a written notice to the District requesting automatic payroll deduction in order to comply with this article. Upon receipt of the request, the District shall commence automatic payroll deduction from each salary warrant the sum necessary to meet the employee's financial obligation to FA. Such sum shall include not only the amount of dues, service fees or scholarship contributions for the month in progress, but also amounts for all previous months the employee has not met his financial obligation to FA.
- 4.8 Notwithstanding any other provisions of this article, any faculty employee hired after July 1, 1995 may file an "Objection to Payment of Fees" under Section 4.9 provided he or she is a member of a religious body whose traditional tenets or teachings include objections to joining or financially supporting employee organizations.
- 4.8.1 Faculty hired prior to July 1, 1995 may follow the 1992-95 *Agreement* provisions for exemption.
- 4.9 An "Objection to Payment of Fees" shall be filed with the FA and the Vice Chancellor of Human Resources in writing and shall include a statement signed by the employee identifying his or her religious affiliation and explaining the tenet or teaching under which the objection is made.
- 4.10 In lieu of dues or service fees, any employee who qualifies under Section 4.8 and files in accordance with Section 4.9 may pay through monthly payroll deduction, monthly amounts equal to the service fee to either the FA Scholarship Fund or any tax-exempt charitable organization for which payroll deductions may be made under Subsection 3.3.9.
- 4.11 Scholarships from the FA Scholarship Fund shall be awarded to students of the District on the basis of need and scholastic achievement only. The fund, including earned interest, shall be administrated by FA for this purpose.
- 4.12 As provided in Government Code Section 3546.3, if any employee who qualifies under Sections 4.8 and 4.9 requests the assistance of FA in using the conciliation and grievance procedure set forth in Article 5, or in representing the employee in individual issues related to terms and conditions of employment, FA may charge the employee for the reasonable cost of providing these services.