

REQUESTING FINANCIAL CORE WITHIN THE AFM

Two form letters with instructions

The following is a letter that can be used by musicians engaged under a CBA (Collective Bargaining Agreement) containing a union security agreement where they have not yet joined the union. At a minimum, the musician may eventually be required to pay some portion of the union dues uniformly imposed on union members (an agency fee). If the union has not adopted a procedure for determining agency fees, the union may not legally collect any fees at all. If anyone threatens to fire a musician who refuses to join the union, an Unfair Labor Practice charge must be filed immediately with the National Labor Relations Board.

The letter (on the following page, below) should be sent to the union by Certified Mail, Return Receipt Requested. The musician should keep a photocopy of all correspondence sent.

Date:

Mr./Ms. (Name of Official) , President

(Name of Union) Local (Number) , AFM

Address:

City: State: Zip:

Dear Mr./Ms. (Name of Official)

As a musical employee engaged by (Name of Company), I have chosen to exercise my right to refrain from becoming a member of the union pursuant to the decision of the United States Supreme Court in *NLRB v. General Motors* (1963). As a non-member of the union, I am also exercising my right to protest the payment of a dues equivalent (agency fee) which is beyond my proportionate share of the union's expenses in negotiating and administering the applicable collective bargaining agreement and the processing of grievances arising thereunder, pursuant to the United States Supreme Court's decision in *Communications Workers of America v. Beck* (1988).

Please furnish me with the union's adopted procedure relating to the determination of agency fees and any dispute resolution procedure the union may have adopted where there may be a dispute regarding the union's determination of an agency fee. Also, with the union's tendering of the information requested above, please advise me of the reduced dues equivalent I am required to pay in order to comply with the collective bargaining agreement's union security provision. Thank you for your cooperation in furnishing the information I have requested.

Sincerely,

Full Name

Below (on the following page) is the body of a letter for AFM members working under a CBA with a union security provision who wish to resign their membership and become a financial core employee.

It should be noted that employees who do not work for the same employer for at least 30 days are not subject to a union security provision in the applicable CBA. Also, where employment is for more than 30 days and the union wishes to obligate an employee to pay either dues as a member, or an agency fee as a non-member, that the union is obligated to inform that employee of his or her right to refrain from union membership, or to resign if already a member, as well as that employee's right if a non-member to protest the payment of a full dues equivalent and to pay only that proportionate share of the union's representational expenses (an agency fee) for negotiating and administering the CBA as well as processing grievances that may arise thereunder.

The letter should be sent to the union by Certified Mail, Return Receipt Requested. The musician should keep a photocopy of all correspondence sent.

Situations other than these will need individual advice.

Date:

Mr./Ms. (Name of Official) , President

(Name of Union) Local (Number) , AFM

Address:

City: State: Zip:

Dear Mr./Ms. (Name of Official) :

Exercising my rights as specified in section 7 of the National Labor Act, as well as those contained in the United States Supreme Court's decisions in *General Motors v. NLRB* (1963) and *Pattern Makers v. NLRB* (1985), I hereby resign my membership in the union effective immediately. As a non-member, I also wish to protest the payment of a dues equivalent (agency fee) that exceeds my proportionate share of the union's representational expenses on behalf of my bargaining unit, in accordance with the United States Supreme Court's decision in *Communications Workers of America v. Beck* (1988).

Please inform me of my agency fee and the computations the union used in arriving at that figure, as well as the union's adopted procedure to dispute that figure in the event I happen to disagree with the union's computation of my agency fee.

Thank you for your prompt consideration of this request.

Sincerely,

(Full Name)