

Notice to Employees Covered by Local 791's Union Security Agreement in 2023

Your collective bargaining agreement between Shaw's and Local 791 includes a "union security" provision stating that employees must become and remain members of the union as a condition of employment. In the private sector, the National Labor Relations Act permits employers and unions to negotiate these clauses and they allow employees to fulfill their "union security" obligations either by joining the union and thereby enjoying the full rights and benefits of union membership or by simply fulfilling their financial obligations to the union.

Employees who elect to become agency fee payers — that is, who choose not to become full-fledged 791 members — forfeit the right to enjoy a number of benefits available only to union members. For example, only union members are entitled to the Union's death benefits; to scholarships; to attend and participate in union meetings; to run for union office; and to nominate and vote for candidates for union office; to participate in the development and formulation of Local 791 policies; and to serve as delegates to the International Convention.

Agency fee payers are subject to the dues and initiation fees uniformly required of 791 members. However, agency fee payers who object to supporting certain union activities may pay a reduced fee to ensure that none of their money is used to support those activities. In particular, objectors are charged only for activities or projects that are reasonably related to collective bargaining. Examples of such "chargeable" activities are negotiating collective bargaining agreements; meeting with employer representatives; meeting with employees on employment-related issues; participating in proceedings on behalf of workers under the grievance procedure, including arbitration; and managing internal union affairs. Among activities considered "nonchargeable," which objectors are not required to support, are support of political causes, general

community service, legislative activities, certain costs of affiliation with non-UFCW organizations, and members-only benefits.

1. The UFCW Agency Fee Payers Objection Plan.

This establishes the procedure for obtaining a fee reduction. No special form is required to register an objection. However, please include your full name, your mailing address, the store or facility where you work and your Social Security number. In addition, if you move, please advise the union of your new address.

Dues and fees paid by employees covered by UFCW bargaining agreements consist of a portion retained by the local union and a portion transferred to the International. During April of each year, the local union will provide information explaining the basis for agency fee reduction. The reductions are based on the percentage of the unions' expenditures that were devoted to "chargeable" and "nonchargeable" activities during the previous fiscal year, as defined above.

The non-chargeable amount varies, but over the last three years the amount of reduction has averaged \$1.65 per week.

2. Nonmembers' Right to Object.

Any employee who is not a member of 791 and who pays agency fees to the local union pursuant to this collectively bargained union securities provision, has the right to object to expenditures of his or her fees for activities that are not reasonably related to collective bargaining. For purposes of this plan, such activities will be referred to as "nonchargeable activities." The agency fees paid by a fee payer who perfects an objection under the procedures set forth below may be reduced to reflect the expenditures of the union that are used for "chargeable activities" (including, for example, negotiating and enforcing collective bargaining agreements, dealing with employers

on employment-related concerns, and union administration).

3. Procedure for Filing Objections.

Each fee payer who wishes to file an objection must do so in writing, addressed to:

UFCW Local 791
55 Norfolk Avenue
South Easton, MA 02375

4. Reduction in Agency Fees.

Local 791 will then mail to each objector who has perfected his or her objection under this plan a check reflecting the reduction in payments to which he or she is entitled for that calendar year, or will otherwise advise the objectors whether their payments will be reduced for the year. Unless advised otherwise by the union, objectors will be expected to remit the full amount of fees charged.

5. Appeal to Impartial Arbitrator.

a. An objector who has filed a timely objection and who believes that the per capita reduction provided by the Local does not accurately reflect the expenditures on chargeable activities may appeal to an independent arbitrator. The appeal must be made in writing and must be received in the office of the Union within 30 days of the date on which Local 791 mails the objector his or her per capita reduction check. The appeal should explain the basis of the challenge.

b. The impartial arbitrator will be appointed by the American Arbitration Association (AAA) through its Rules for Impartial Determination of Union Fees, issued on June 1, 1986.

c. Such appeals will be consolidated to the extent practicable and heard as soon as the AAA can schedule the arbitration. The presentation to the arbitrator will be either in writing or at a hearing, if requested by any objector(s). If a hearing is held, any objector who does not wish to attend may submit his or her views in writing by the date of the hearing. If a hearing is not requested, the arbitrator will set a date by which all written submissions must be received and will decide the case based on the records submitted. The Local will bear the burden of justifying its calculations.

d. The costs of the arbitrator's services and any proceedings before the arbitrator will be borne by the Local. Individually incurred costs will be borne by the party incurring them.

e. While the appeal is pending, the Union will hold in escrow a portion of the fees paid by objectors in an amount sufficient to insure that the portion of the fee reasonably in dispute will not be expended during the appeal procedure. In the event the impartial arbitrator determines that the objectors are entitled to a greater reduction in their fee payments than that calculated by the Local, additional checks will be issued for the balance of the reduction due, as determined by the arbitrator.