

## Fair Share Service Fee

### ***Challenge Procedures: Challenge to the Determination of the Non-Chargeable Amount.***

#### **Introduction:**

The purpose of filing a *Challenge to the Determination of the Non-Chargeable Amount* (*Challenge*) is to question the results of the audit report that establishes the proportion of chargeable and non-chargeable expenses and to establish a different proportion of chargeable/non-chargeable expenses.

Note: This *Challenge* does not accomplish the refund of money for the payment of the proportion of non-chargeable expenses that you may object to paying. To get a refund of the proportion of non-chargeable expenses, and to prevent them from being deducted from your paycheck for the year, you must file a *Request for Reduction of Fair Share Service Fee* (see enclosed *Request Procedures: Request for Reduction of Fair Share Service Fee.*)

#### **Challenge Procedures:**

1. Each year the All Faculty Association (AFA) shall send a *Notice* to non-members informing them of its determination of the Fair Share Service Fee.
2. Included with this *Notice* shall be a detailed written description of the expenditures of AFA, including the delineation of which expenses are “chargeable” and which are “non-chargeable”. This information shall be verified by a Certified Public Accountant.
3. A statement of anticipated proportion of chargeable and non-chargeable expenses for the following year shall be made, based on the actual expenditures made during the previous (audited) year.
4. Non-members who wish to challenge AFA’s calculation of the non-chargeable amount must inform AFA of their *Challenge to the Determination of the Non-Chargeable Amount* by the date specified on the *Notice*. A minimum of 30 days from the date of the *Notice* will be provided before the specified date. The *Challenge* must:
  - be in writing;
  - be directed to the President of AFA;
  - include your name, address, social security number, and signature;
  - set forth the basis for the challenge to AFA’s determination of the non-chargeable amount, and
  - be sent by certified mail or delivered in person to the AFA office by the specified deadline.
5. Upon receipt of the *Challenge*, the amount in dispute shall be placed in a separate interest-bearing escrow account, until the matter has been resolved.
6. The All Faculty Association Executive Council shall review each *Challenge* within 15 days after the specified deadline for filing a *Challenge*. AFA will respond to each *Challenge* in writing within 15 days of the meeting held to review the *Challenge*.
7. AFA reserves the sole right to resolve any such *Challenge* by refunding the entire disputed amount, plus interest from the escrow account, and henceforth not deducting the disputed amount from your paycheck for the academic year.
8. If, after the AFA Executive Council reviews your *Challenge*, a satisfactory settlement or resolution cannot be reached, the dispute may be referred to arbitration with the American Arbitration Association.
9. You may withdraw a *Challenge* at any time.