

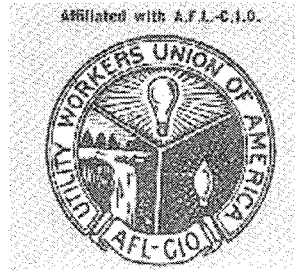
# UTILITY WORKERS UNION OF AMERICA

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October 4, 1999

Dear UWUA Local Union Leaders:

Questions and concerns have been raised regarding practices throughout the country on Per Capita Payments and exoneration of dues. The following policy was adopted by the National Executive Board to deal with these issues, but was never officially communicated to the Local Union Leadership. Please review the policy and correct any practices which may be inconsistent with the policy, or make any requests for exoneration of dues to the National Executive Board as noted. The National Office is unaware of any pending requests, so if there have been any requests for exoneration of dues which may have been submitted and not answered, please resubmit the request(s) for consideration prior to October 20, 1999, to be considered at the next Executive Board Meeting in October.

## UWUA POLICY ON PER CAPITA PAYMENTS

In order to create a fair, uniform system for per capita payments to the National Union from local unions, the National Executive Board has approved the following policy, to be effective April 1, 1999. This policy is consistent with and arises out of the National Constitution, particularly Article VI.

Local unions are responsible to pay to the National Union the constitutionally mandated per capita payment for every member of the local union. Recognizing that circumstances may arise which warrant that the per capita be waived, reduced or delayed, guidelines have been established to address those situations. The only body which has the authority to waive, reduce or delay a per capita payment is the National Executive Board. The decision of the National Executive Board shall be final and binding on the local union and the affected employee.

This policy has been structured to address both the procedural steps to be taken by a local union when it wants to request exoneration from or delay of per capita payments for a particular member or group of members, and the substantive basis on which the per capita payment can be changed.

A local union requesting a change in the per capita payment for a member or members must submit the request in writing, including the name and address of the member(s), the basis of the request, and the anticipated duration, to the national secretary-treasurer at the National Office. Requests from individual members will not be considered and will be forwarded to the local union for proper submission.

The secretary-treasurer will report the matter to the National Executive Committee, which will make a preliminary determination on the request. Its decision will be reviewed by the National Executive Board at its next scheduled meeting. The national secretary-treasurer will notify the local union in writing of the decision of the National Executive Board and/or National Executive Committee with a copy to the member(s).

The local union can choose, if it so desires, to pay the per capita of any member or members directly from its treasury, provided that said payment or the procedure for such payment has been approved by the local union under its bylaws.

Any local union can request a payment schedule for the payment of retroactive per capita if full, immediate payment would represent a hardship for the local union. The national secretary-treasurer has been authorized by the National Executive Board to determine the payment schedule. His/her decision is final and binding on the local union and the member.

Any local union wishing to raise a policy question involving per capita payment not covered by this policy may submit the issue in writing to the national secretary-treasurer. It shall be reviewed at the first subsequent National Executive Board meeting at which there is an opportunity to place it on the agenda. Thereafter, the national secretary-treasurer shall advise the local union, in writing, as to what action, if any, was taken.

The National Executive Board will consider the request of a local union to waive, reduce or delay per capita. The Executive Board recognizes that the employment status of employees is more fluid, diverse and flexible than at any previous time in the history of our union. The Executive Board has made every effort to balance the many factors involved in this issue in issuing these policy guidelines.

#### GUIDELINES:

1. Exoneration of per capita for unemployment due to a duly authorized strike, lockout or other job action, shall be determined consistent with Article VI, Section 6 of the Constitution.

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2. Per capita shall be waived for any member in active military service (not Reserves or National Guard).
3. Per capita shall be waived for any member laid off during the period of layoff. However, if a local union under its bylaws later collects dues for the period of layoff, it shall forward to the National the per capita portion of the dues collected.
4. Per capita shall be delayed for any discharged employee if arbitration is pending. If the employee is reinstated with back pay, per capita shall be owed for the entire period when the employee was out of work. If the employee is reinstated with seniority, but without back pay, per capita shall be owed for the entire period, not to exceed one year, when the employee was out of work.
5. Per capita shall be owed for all employees out of work under the Family and Medical Leave Act.
6. Per capita shall be owed for all employees out of work collecting either workers compensation or non-industrial disability benefits for the first two years of the disability.
7. Per capita shall be paid for any employee on a voluntary leave of absence.
8. If any collective bargaining agreement provides for per capita payments that are different from the guidelines established herein, the collective bargaining agreement will govern.

Please understand that the local union can assist with any hardship cases by properly approving such assistance by motion at a meeting or in accordance with existing by-laws. The policy and guidelines are for fair and consistent administration of Per Capita throughout the country and to correct mixed and/or varied practices.

Please call if you have any questions.

Fraternally,

Gary M. Ruffner  
National Secretary-Treasurer

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