


MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Deduction of Union Dues	Number: 590.3 Amended
Date: June 27, 2018	By Direction of:  Sharon P. Minnich, Secretary of Administration
Contact Agency: Office of Administration, Office of Human Resources and Management, Bureau of Employee Relations, 717-787-5514	

This directive contains policy and procedures relative to the deduction of union dues. This amendment is being revised to provide additional guidance on the initiation, maintenance and cancellation of union dues and to incorporate changes to Enclosure 1. Marginal dots have been excluded due to major changes.

- 1. PURPOSE.** To establish policy, responsibilities, and procedures relative to the deduction of union dues. This amendment is being revised to provide additional guidance on the initiation, maintenance and cancellation of union dues and to incorporate changes to Enclosure 1.
- 2. SCOPE.** Applies to all agencies under the Governor's jurisdiction.
- 3. OBJECTIVE.** To outline policy and procedures regarding the deduction of union dues for employees who are covered by collective bargaining agreements or memoranda of understanding.
- 4. DEFINITIONS.**
 - a. Union dues.** An amount certified to the commonwealth by an employee organization to be deducted biweekly from the wages of employees who are members of the organization. The amount certified may be a specific dollar amount, a certain percent of the member's biweekly wages, or some other rate such as amount equivalent to the member's regular hourly rate. Each employee organization also determines the wage types from which union dues are to be deducted. As with dues, the wage types from which deductions are taken vary by union.

- b. **Union Dues Authorization.** The payment of union dues by payroll deduction. The terms union dues deduction authorization and check-off are synonymous.
- c. **Validation of union dues authorization.** The determination by a human resource or employee relations office that an employee who submits a dues deduction authorization card is eligible for dues check-off.
- d. **Resignation from union membership/revocation of check-off.** An action initiated by an employee to discontinue membership in an employee organization and cancel the payroll deduction of union dues.
- e. **Union code.** A number corresponding to a specific union but not necessarily corresponding to a single collective bargaining or meet and discuss unit. Union code 01, for example, corresponds to the American Federation of State, County, and Municipal Employees, AFL-CIO. Thus, the union code is 01 for employees covered under the AFSCME Master Agreement and the AFSCME Master Memorandum.
- f. **Collective bargaining unit.** A series of job classifications grouped on the basis of a broad community of interest. Units are formed for the purpose of bargaining or meeting and discussing collectively over wages, hours, and conditions of employment.
- g. **Organizational unit.** Consists of all those bureaus, divisions, offices, or institutions which are grouped together for personnel purposes.
- h. **Delimit.** To change a validity period (start and end date) of an object or infotype record. The validity period determines the length of time objects and infotype records officially exist within the system.

5. POLICY.

- a. *The Public Employee Relations Act of July 23, 1970, Act 195*, provides that the commonwealth may agree to the payroll deduction of **membership dues**, upon the written consent of an employee, and to the transmittal of those dues from the commonwealth to the employee representative.
- b. Deduction of union dues is to be initiated within a reasonable period after the agency's receipt of valid dues deduction authorization from either an employee or their union or upon an employee's authorization of payroll deductions through Employee Self Service (ESS). Retroactive deductions are not appropriate unless the start of deductions has been delayed by administrative error and unless the retroactivity has been approved by the OA, Bureau of Employee Relations. Retroactive deductions cannot be processed by an agency in SAP; contact BCPO to have the union dues taken retroactively. **Exception:** Retroactive union dues owed to PSEA, bargaining units D4, E4, E7 and S4 for either the current or prior union membership year are to be deducted upon receipt of:
 - (1) valid dues deduction authorization executed for the appropriate membership year.

- (2) a written request from the union specifying the affected employee and the amount owed.
 - (3) Agencies must notify BCPO to initiate retroactive deductions upon receipt of these documents from PSEA.
- c. Change in an employee's union dues deduction authorization status may be brought about by promotion, demotion, reassignment, suspension, or expulsion from membership in an employee organization, or resignation from membership in/revocation of check-off to an employee organization.
- d. Union dues are to be processed as follows when an employee is retroactively reclassified into management or into a bargaining unit represented by a different union:
 - (1) union dues should continue to be deducted until the date the information is changed on the SAP HR/Payroll system data base.
 - (2) union dues are not to be refunded for the period of retroactivity.
 - (3) when an employee moves from one union to another, the employee's union dues obligation to the gaining union is effective with the date the information is changed on the SAP HR/Payroll system data base, i.e., there is no retroactive obligation.
- e. Union dues are to be deducted from the back pay of an employee who returns to work from a suspension, discharge, or furlough with full or partial pay at the rate in effect when the payment is made. Deductions are to be made from retroactive payments (e.g., general pay increases and promotions) at the rate in effect when the payment is made, when the payment is one for which the commonwealth, for that union, takes deductions.
- f. Union dues deductions are to be reinstated for a union member recalled from furlough or returned to work through the placement provisions of an agreement or memorandum to a class represented by the same employee organization. Check-off must be reinstated whether the position is permanent or temporary and whether the employee returns to the furloughing agency or another agency. The only two situations in which check-off is not reinstated are:
 - (1) when a union member returns from a furlough to work in a classification not represented by the union of which he or she was a member.
 - (2) when an individual returns to commonwealth employment after his or her recall period has expired.
- g. Union dues are not to be deducted for an employee assigned to an agency but not receiving a biweekly paycheck; e.g., an employee on educational leave without pay. Deductions will not be made retroactively to cover such a period but, upon the return of the employee, regular deductions will resume. (**Exception:** Retroactive union dues are to be deducted from the wages of an employee represented by the United Food and Commercial Workers, bargaining units M1 and M7, upon the employee's return from a leave without

pay, but only after the union has submitted a written request specifying the affected employee and the amount owed.)

- h.** Resignation from union membership/revocation of dues deduction authorization.
 - (1)** An employee must notify the commonwealth, by letter or memorandum, of his or her intent to resign from the union and revoke check-off.
 - (2)** An employee may resign his or her union membership/revoke his or her dues deduction authorization:
 - (a)** within the 15-day period prior to the expiration date of an agreement or memorandum of understanding.
 - (b)** within the 15-day period prior to the expiration date of any extension to an agreement or memorandum that has been agreed to, in writing, by the commonwealth and the employee organization.
 - (c)** during the period after an agreement or memorandum has expired and when the parties have not executed a written extension of the expired agreement or memorandum or when the written extension does not include a specific expiration date.
 - (d)** when the employee has been suspended or expelled from union membership. The employee must present documentation of suspension or expulsion to the human resources or employee relations office. The documentation is then to be forwarded to the OA, Bureau of Employee Relations for verification before any action to cancel union dues deduction authorization is taken.
 - (3)** The effective dates for the cancellation of union dues deduction authorization pursuant to one of the reasons set forth in Section 4.h.(2) are:
 - (a)** 4.h.(2)(a) – Cancel union dues deduction effective the beginning of the first full pay period following the expiration of the agreement or memorandum.
 - (b)** 4.h.(2)(b) – Cancel union dues deduction effective the beginning of the first full pay period following the expiration of the extension to the agreement or memorandum.
 - (c)** 4.h.(2)(c) – Cancel union dues deduction effective the beginning of the first full pay period following receipt of the employee's letter.
 - (d)** 4.h.(2)(d) – Deduction of union dues is to continue until authorization to cancel deductions and an effective date is received from the OA, Bureau of Employee Relations.

- (4) When requested by an employee seeking to resign union membership and cancel union dues deduction authorization, an agency representative may offer advice regarding any procedural requirements contained in the applicable agreement or memorandum of understanding.
 - (5) An agency representative who receives from an employee a written request to resign union membership and revoke union dues deduction authorization which does not satisfy the procedural requirements set forth in the applicable agreement or memorandum is to notify the employee that the request cannot be processed and shall notify the employee of the reason(s) why it does not satisfy the requirements.
- i. Union dues deductions may be cancelled for an employee upon request of the union. This generally occurs when an employee is paying his or her membership dues directly to the union. Authorization from the OA, Bureau of Employee Relations is required to cancel deductions.

6. RESPONSIBILITIES.

- a. **The Office of Administration (OA)** shall authorize an agency to cancel deduction of union dues from an employee's wages when requested by the union which represents the employee.
- b. **The Office of the Budget** shall:
- (1) deduct union dues from wages of employees who receive payment as the result of a grievance settlement/arbitration award as provided in Section 4.f.
 - (2) deduct retroactive union dues from employees' wages as provided in Sections 4.b. and 4.g.
 - (3) refund union dues deducted from employees' wages upon authorization by OA, Bureau of Employee Relations or an agency human resource office.
 - (4) remit union dues deducted from employees' wages to the appropriate employee organization.
 - (5) Maintain union dues calculations, rates, and related tables on the SAP HR/Payroll System.
- c. **Agency or Institution** shall:
- (1) process union dues deduction authorization requests. [Note: Employees with ESS access may self-initiate deduction of union dues as provided in paragraph "d" below. In that case, no agency/institution action is required. Employees may not, however, self-initiate cancellation of their union dues.]

- (2) process employee transaction to initiate, maintain, or delimit union dues deductions, as appropriate in accordance with 6. PROCEDURES below.
- (3) forward union dues deduction authorization requests of employees transferred or reassigned to other agencies or organizational units to the gaining agencies and organizational units.
- (4) Process Forms STD-432 submitted by the collective bargaining agent to change an employee's local union number.
- (5) reinstitute dues deduction authorization for members of a union who are either recalled from furlough or returned to work through the placement provisions of an agreement or memorandum to a class represented by the same employee organization as his or her previous position.
- (6) cancel the deduction of union dues as provided in Section 4.h.

d. Employees shall:

- (1) authorize any deduction of union dues via completion of ESS screen "Payroll Information, Union memberships", or a signed dues deduction card serves this function.
- (2) present evidence, when applicable, of suspension or expulsion from union membership to the human resource or employee relations office.

7. PROCEDURES.

- a. For detailed instructions on maintaining the union dues deduction, refer to the procedures titled "IT0057 (Membership Fees)." These procedures are located on the IES website (www.ies.state.pa.us), under the Human Resources & Payroll, Business Process Procedures. These procedures apply either when the action is one of those described in Procedure 1-6 below or when the action being performed is one of the following:
 - (1) employee is hired into a position which is union-covered.
 - (2) employee is hired into a position that is not union-covered or a confidential position.
 - (3) a new duty assignment (promotion, demotion, reassignment, downward reclassification) action within the same union is performed
 - (4) a new duty assignment (promotion, demotion, reassignment, downward reclassification) to a different union is performed.
 - (5) a new duty assignment (promotion, demotion, reassignment, downward reclassification) from a union-covered position to a position that is not union- covered or is a confidential position is performed.
 - (6) employee is separating from commonwealth service.

Procedure 1: Initiating Union Dues Check-Off. This procedure is used to process a union dues deduction authorization card for a new employee or for an incumbent employee. [When an employee uses the ESS system to authorize union dues deductions, no action by the human resource office is required.] The Institution/Agency/Delivery Center Human Resource or Employee Relations Office:

- (1) accepts authorization request from union representative.
- (2) validates authorization request as follows:
 - a) ensures request contains the union name, union local number, and employee's signature.
 - b) using personnel records and Enclosure 1, verifies that employee is represented by the union for which the authorization request was issued. If they do not match, the request is to be returned to appropriate union. If they match but the employee is employed in another agency or organizational unit, forwards authorization request to the appropriate agency human resource office or organizational unit.
- (3) processes an employee transaction to start union dues deductions for validated authorization request.

Procedure 2: Reinstating Union Dues Deduction Authorization Upon Placement or Return From Furlough. This procedure is used when an agency recalls or appoints an individual known to have been furloughed. An employee recalled by the agency from which furloughed or hired by another agency from a placement list falls into this category. The Institution/Agency/Delivery Center Human Resource or Employee Relations Office:

- (1) Determines date of furlough and employee organization, if any, which represented the employee at the time of furlough. If that organization is different from the employee organization, if any, that represents the employee in his or her new position, union dues deduction is not appropriate. No action required.
- (2) If the same employee organization, proceeds, using furlough date determined in Step 1.
 - a) If recall or placement is in the same or prior calendar year as furlough, use Infotype 0057 (Membership Fees) display to determine whether union dues deduction was in effect during employee's previous employment.
 - 1 If no, union dues deduction is not appropriate. Proceed no further.
 - 2 If yes, process employee transaction to initiate dues deduction.

b) If recall or placement has not occurred in the same or subsequent calendar year as the furlough, contacts Payroll Processing unit in the Bureau of Commonwealth Payroll Operations and requests whether dues deduction was in effect when the employee was furloughed.

1 If no, dues deduction is not appropriate. Proceed no further.

2 If yes, processes employee transaction to initiate dues deduction.

Procedure 3: Union Initiated Changes to Local Number. Changes require the submission of a Union Dues Deduction Status, Form STD-432, from the union. If changes are being made for more than one employee, the union may submit a list of employees to be changed attached to a single Form STD-432. When Forms STD-432 are submitted for members of the American Federation of State, County, and Municipal Employees, AFL-CIO, the change must be authorized by the appropriate AFSCME Council and is to read: "Approved – AFSCME, AFL-CIO, Council _____" in the space provided for the signature of the union representative. The Institution/ Agency Human Resource or Employee Relations Office processes an employee transaction to change the union local number.

Procedure 4: Refunding Union Dues. Union dues deducted in error from an employee's wages are to be refunded to the employee.

(1) **The Institution/Agency/Delivery Center Human Resource or Employee Relations Office** notifies Payroll Processing unit, BCPO, via email message of the reason for the refund and the approximate time period for which the refund is due.

(2) **The BCPO** refunds to employee amounts erroneously deducted.

Procedure 5: Deducting Retroactive Union Dues. Retroactive union dues are to be deducted only in accordance with Sections 4.b.

(1) **The Institution/Agency/Delivery Center Human Resource or Employee Relations Office:**

a) notifies Payroll Processing unit, BCPO, via email message of the reason for the retroactive deduction and the approximate time period for which deductions are owed.

b) notifies employee of retroactive amount to be deducted and the period over which deductions will be made.

(2) **The BCPO** deducts amounts owed from employee's wages.

Procedure 6: Canceling Union Dues. This procedure is used to cancel the deduction of union dues when an employee resigns union membership/revokes dues deduction authorization or when the cancellation of union dues has been authorized by the OA, Bureau of Employee Relations. **The effective dates for canceling dues deductions when employees resign union membership/ revoke dues deduction authorization are set forth in Section 4.h.(2) and (3).**

- (1) The OA, Bureau of Employee Relations** authorizes cancellation of union dues deductions (not required when an employee resigns membership/revokes dues deduction authorization pursuant to Section 4.h.(2)).
- (2) The Institution/Agency Human Resource or Employee Relations Office** processes an employee transaction to delimit IT0057 (Membership Fees) which will cancel the deduction of union dues.

This directive replaces, in its entirety, Management Directive 590.3, Deduction of Union Dues/Fair Share Fees, dated May 22, 2006.

Enclosure 1 - Bargaining/Meet-and-Discuss Units and Codes

BARGAINING/MEET-AND-DISCUSS UNITS, CODES

Bargaining/Meet-and-Discuss units and codes are listed below. Only units that are represented by an employee organization for purposes of collective bargaining or meet and discuss are listed.

AFSCME	=	American Federation of State, County, and Municipal Employees
ALES	=	Association of Liquor Enforcement Supervisors
CIVEA/PSEA/NEA	=	Correctional Institution Vocational Education Association, PSEA/NEA
FOP-LODGE #85	=	Fraternal Order of Police, Lodge #85, Capitol Police
FOP – Lodge #114	=	Fraternal Order of Police, Pennsylvania Conservation Police Officers, Lodge #114
FOSCEP	=	Federation of State Cultural and Educational Professionals, PFT/AFT
ISSU	=	Independent State Store Union
NTTCEA/PSEA/NEA	=	Non-Tenured Teachers Commonwealth Education Association, PSEA/NEA
OPEIU	=	Office and Professional Employees International Union, Healthcare Pennsylvania, Local 112
PA PUC BAR ASSOCIATION	=	Pennsylvania Public Utility Commission Bar Association
PDA	=	Pennsylvania Doctors Alliance
PLEA	=	Pennsylvania Liquor Enforcement Association
PSCOA	=	Pennsylvania State Corrections Officers Association
PSEA/NEA	=	Pennsylvania State Education Association
PSRA	=	Pennsylvania State Rangers Association
PSTA	=	Pennsylvania State Troopers Association, Fraternal Order of Police
SEIU HCPA	=	Service Employees International Union, Healthcare Pennsylvania

SEIU Local 668 = Service Employees International Union, Local 668
PSSU = Pennsylvania Social Services Union
UFCW = United Food and Commercial Workers
UGSOA = United Government Security Officers Association

Barg. Code	Unit	Supervisory Level	Union	Employee Rep.	Un. Dues	Int. Fee
A-1	Clerical, Administrative & Fiscal	Non-Supervisory	01	AFSCME	Yes	No
A-2	Clerical, Administrative & Fiscal	Supervisory	01	AFSCME	Yes	No
A-4	Professional, Administrative & Fiscal	Non-Supervisory	01	AFSCME	Yes	No
A-7	Limited Term Clerks	Non-Supervisory	01	AFSCME	Yes	No
B-1	Technical Services	Non-Supervisory	01	AFSCME	Yes	No
B-2	Technical Services	Supervisory	01	AFSCME	Yes	No
B-4	Engineering & Scientific	Non-Supervisory	01	AFSCME	Yes	No
C-4	Educational & Cultural	Non-Supervisory	14	FOSCEP	Yes	No
C-5	Educational & Cultural	Supervisory	14	FOSCEP	Yes	No
D-4	Instructional-Tenured	Non-Supervisory	10	PSEA	Yes	No
E-4	Adult Correction Education	Non-Supervisory	08	CIVEA/PSEA/NEA	Yes	No
E-7	Corrections Boxing Instructors	Non-Supervisory	08	CIVEA/PSEA/NEA	Yes	No
F-1	Social & Rehabilitative Services	Non-Supervisory	09	SEIU Local 668	Yes	No
F-2	Social & Rehabilitative Services	Supervisory	09	SEIU Local 668	Yes	No
F-4	Social & Rehabilitative Services	Non-Supervisory	09	SEIU Local 668	Yes	No
F-5	Social & Rehabilitative Services	Supervisory	09	SEIU Local 668	Yes	No
G-1	Inspection, Investigation & Safety	Non-Supervisory	01	AFSCME	Yes	No
G-2	Inspection, Investigation & Safety	Supervisory	01	AFSCME	Yes	No
G-4	Inspection, Investigation & Safety	Non-Supervisory	01	AFSCME	Yes	No
G-5	Inspection, Investigation & Safety	Supervisory	01	AFSCME	Yes	No
H-1	Corrections Officers & Forensic Security	Non-Supervisory	24	PSCOA	Yes	No

	Employees					
I-5	Hearing Officers	Supervisory	09	SEIU Local 668	Yes	No
J-1	Maintenance & Trades	Non-Supervisory	01	AFSCME	Yes	No
J-2	Maintenance & Trades	Supervisory	01	AFSCME	Yes	No
K-1	Law Enforcement, Fish & Boat Laws	Non-Supervisory	01	AFSCME	Yes	No
K-2	Law Enforcement, Fish & Boat Laws	Supervisory	01	AFSCME	Yes	No
K-4	Law Enforcement, Liquor Control Laws	Non-Supervisory	18	FOP-LCB	Yes	No
K-5	Law Enforcement, Liquor Control Laws	Supervisory	19	ALES	Yes	No
K-8	Law Enforcement, Game Laws	Non-Supervisory	01	FOP - Lodge #114	Yes	No
L-1	State Police	Non-Supervisory	04	PSTA	No	No
L-4	Capitol Police	Non-Supervisory	17	FOP-LODGE#85	Yes	No
M-1	Liquor Store Clerks	Non-Supervisory	02	UFCW Local 23 Local 27 Local 1776	Yes Yes Yes	Yes Yes Yes
M-2	Liquor Store Managers	Supervisory	05	ISSU	Yes	No
M-7	Liquor Store Clerks, Seasonal	Non-Supervisory	02	UFCW Local 23 Local 27 Local 1776	Yes Yes Yes	Yes Yes Yes
N-2	Human Services	Supervisory	01	AFSCME	Yes	No
N-7	Temporary Custodial Workers	Non-Supervisory	01	AFSCME	Yes	No
P-4	Medical & Supportive Services	Non-Supervisor	22	SEIU HCPA	Yes	Yes
P-5	Medical & Supportive Services	Supervisory	06	OPEIU	Yes	No
P-7	PRN Nurses	Non-Supervisory	22	SEIU HCPA	Yes	Yes
R-1	Security	Non-Supervisory	25	UGSOA	Yes	Yes
R-2	Security	Supervisory	25	UGSOA	Yes	Yes
R-4	Park Rangers	Non-Supervisory	20	PSRA	Yes	No
S-4	Instructional, Non-Tenured	Non-Supervisory	15	NTTCEA/PSEA	Yes	No
T-4	Physicians & Related Occupations	Non-Supervisory	11	PDA	Yes	No
T-5	Physicians & Related Occupations	Supervisory	11	PDA	Yes	No
Z-4	PUC Attorneys	Non-Supervisory	16	PA PUC BAR ASSOCIATION	Yes	No