

Article 77 - Dispute Concerning the Amount of Agency Fee

Any dispute concerning the amount of agency fee pursuant to 33 V.S.A. Section 3603(e)(3) may be grieved to the Board by affected nonmember(s) of an labor organization in accordance with the Board's rules concerning grievances. Accordingly, such dispute will be heard by the Board provided that any nonmember(s) objecting to the amount of the agency fee files notice of such dispute with the Board within 30 days after receipt of the final decision of the labor organization addressing the objection of the nonmember(s) to the amount of the agency fee. Proceedings before the Board with respect to such disputes shall conform to the following provisions:

- (A) A notice of dispute shall be in writing and signed by the person(s) filing the dispute or such person(s)' representative.
- (B) The notice of dispute shall contain:
 - (1) The full name and address of the person(s) filing the notice of dispute;
 - (2) The full name and address of the labor organization involved;
 - (3) A concise statement of relevant facts and the nature of the dispute, including the amount of the agency fee assessed by the labor organization; the particular expenditures of the labor organization which are disputed, if known by the disputant; and the disputant's position as to what amount is appropriate to assess for the agency fee; and
 - (4) the date the disputant received the final decision of the labor organization addressing the objection of the nonmember(s) to the amount of the agency fee.
- (C) The labor organization shall have the right to file an answer within 20 days after service of the notice of dispute. Upon application, the Board may extend the time within which the answer shall be filed.
- (D) The answer shall admit or deny each specific allegation contained in the notice of dispute or shall indicate any lack of knowledge or information thereof sufficient to form a belief. An allegation in the notice of dispute not specifically denied in the answer, unless the party asserts it is without knowledge or information thereof sufficient to form a belief, shall be deemed admitted and shall be so found by the Board. Allegations of new matter in the answer shall be deemed denied without the necessity of a reply.

(E) Failure to file a timely answer may be deemed by the Board to constitute an admission of the material facts alleged in the notice of dispute and a waiver by the labor organization of an evidentiary hearing, leaving a question or questions of law to be determined by the Board.