

Statement of Need and Reasonableness

Proposed Amendments to Rules Relating To Fair Share Fee Assessment.

- 5510.1410, Subpart 1, D. Chicago Teachers Union, Local No. 1, AFT, AFL-CIO, et al. v. Hudson, et al., U.S. Supreme Court, No. 84-1503, March 4, 1986, established procedural safeguards to assure that non-union employees are given adequate information prior to deduction of a fair share or similar fee. This rule has been changed to meet the procedural requirements of Hudson and to eliminate any existing procedural inadequacies.
- 5510.1410, Subpart 2. Legitimate reasons have been advanced by individuals affected to change the mandatory provision of this subpart. The amendment allows compliance with statutory requirements, yet protects certain individuals where a valid reason exists to justify an alternate method of disclosure of information necessary for proper notice, i.e., undercover police agents. Such alternate methods of notice might include providing an individual's work address rather than home-mailing address.
- 5510.1410, Subpart 3. Same as 5510.1410, Subpart 2.
- 5510.1510, Subpart 1, I. Because Chicago Teachers Union, Local No. 1, AFT, AFL-CIO, et al. v. Hudson, et al., U.S. Supreme Court, No. 84-1503, March 4, 1986, suggests disclosure of information beyond that of members-only benefits, it is reasonable to conclude that the requested reduction of the fair share fee might encompass an amount greater than members-only benefits. The amendment allows petitioners to incorporate reductions based on all issues challenged and thus the rule requirement is less restrictive.
- 5510.1510, Subpart 1, J. Same as 5510.1510, Subpart I. If petitioner's suggested reduction in the fee extends beyond members-only benefits, it is reasonable that the basis for such requested reduction be identified. This change corresponds to the amendment of Subpart 1, I, in terms of recognizing the broader scope of potential challenges.

- 5510.1510, Subpart 1, K. This amendment represents a change in alphabetical sequence only because the old "K" provision was incorporated into "I".
- 5510.1510, Subpart 4. Public comments received by the Bureau suggested that procedural information should be provided to petitioners in a timely fashion. This amendment codifies agency practice and ensures such information is received by petitioners at the earliest possible date.
- 5510.1510, Subpart 5. The amendment clarifies previous language by explicitly notifying the petitioner of the consequences of noncompliance. The change is not substantive in nature.
- 5510.1710 The amendment changes the title to more accurately describe the contents of this section. The change is not substantive in nature.