

Notice of Conscientious Objection Procedure

To All Bargaining Unit Members:

Ohio law provides that public employees who have conscientious objections to joining or financially supporting an employee organization may be exempt from fair share fee payment. Section 4117(C) of the Ohio Revised Code provides, in pertinent part:

Any public employee who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion or religious body which has historically held conscientious objections to joining or financially supporting an employee organization and which is exempt from taxation under the provisions of the Internal Revenue Code shall not be required to join or financially support any employee organization as a condition of employment. Upon submission of proper proof of religious conviction to the board [State Employment Relations Board], the board shall declare the employee exempt from becoming a member of or financially supporting an employee organization. The employee shall be required, in lieu of the fair share fee, to pay an amount of money equal to the fair share fee to a nonreligious charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code mutually agreed upon by the employee and the representative of the employee organization to which the employee would otherwise be required to pay the fair share fee. The employee shall furnish to the employee organization written receipts evidencing such payment, and failure to make the payment or furnish the receipts shall subject the employee to the same sanctions as would nonpayment of dues under the applicable collective bargaining agreement.

The procedure for applying for such an exemption is set forth in Section 4117-11-02 of the Ohio Administrative Code:

(A) An employee who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion or religious body which has historically held conscientious objection to joining or financially supporting an employee organization and which is exempt from taxation under the provisions of the Internal Revenue Code, may apply to the board to be held exempt from joining or financially supporting any employee organization as a condition of employment. Such application shall include:

- (1) The name of the employee;
- (2) The name of the employee organization;
- (3) The name and address of the employer;
- (4) A statement of the reasons why the employee should be held exempt, including a copy of tenets with designation of applicable sections;
- (5) The name of the religion or religious body of which the employee is a member, and length of time the employee has been a member;
- (6) Proof of service upon an officer of the employee organization pursuant to paragraph (B) of rule 4117-1-02 of the Administrative Code.

(B) Within ten days of service of the application, the employee organization may file with the board and serve upon the employee objections to the granting of a religious objection.

(C) The board may investigate or hold a hearing to determine whether the employee has proven an exemption. The board shall notify the parties of its determination.

(D) If the employee has proven an exemption, the board shall declare the employee exempt from becoming a member of or financially supporting the employee organization. The board shall thereupon require the employee, in lieu of the fair share fee, to pay an amount of money equal to such fair share fee to a nonreligious charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code, such charitable fund to be mutually agreed upon by the employee and the employee organization to which the employee would otherwise be required to pay the fair share fee. The board shall further require that the employee furnish to the employee organization written receipt evidencing payment to the agreed-upon charitable fund and failure to make such payment or furnish such receipt shall subject the employee to the same sanctions as would nonpayment of dues under the applicable collective bargaining agreement.

If you feel that you have a conscientious objection to becoming a member of or financially supporting the American Association of University Professors, University of Akron Chapter, which is not accommodated by the above procedure, please contact this Chapter to discuss alternative means of accommodation, consistent with federal and state law.

Very truly yours,

John E. Hebert

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President

American Association of University Professors,
University of Akron Chapter