



ASSOCIATION OF COMMUTER RAIL EMPLOYEES

November 7, 2003

Mr. James W. Ekberg
40 Lumur Drive
Sayville, New York 11782

Dear Sir and Brother:

Thank you for your inquiry concerning ACRE's Fees Objector Policy. ACRE's policy is designed to comply with current case law which provides employees working in a craft governed by a union shop agreement the opportunity to become a non-member agency fee payer. The purpose of this policy, and the case law that has created it, is simply to allow employees to remain non-members and obtain relief from the amount of money paid by active members for purposes or services that will not ultimately inure to the benefit of the members by virtue of their membership in the parent organization. These purposes fall primarily under the categories of charitable causes such as funeral arrangements for deceased members and their families, contributions to organizations like the Jimmy Fund and Archway, and certain political activities not germane to the collective bargaining agreement or to the union's representational role. Thus, under current law, no one is required to be a member of an organization in order to maintain a job, however all employees subject to a union security obligation are required to pay certain union fees and dues.

An individual who chooses to exercise his or her rights under this policy becomes a non-member agency fee payer. As a non-member, a person loses his or her right to attend or participate in local division or organizational meetings, seek elected office, serve on committees, vote for the election of officers, vote on the ratification of collective bargaining agreements negotiated by ACRE, or participate in the operation of the organization. This policy, although it may seem complex, closely mirrors the dues objector policies of almost all other rail labor organizations.

Under ACRE's policy, an active dues paying member wishing to become a non-member must notify ACRE's Executive Board Secretary/Treasurer of their desire by first-class mail postmarked during the month of November preceding the calendar year to which her or she wishes to become a non-member fees objector. The notification letter should be clear and written in such a manner so as to leave no doubt to the intent of the objector. Non-members wishing to continue their objection from year to year must renew their objection each year.

In addressing your concerns about the dues structure itself, I can only advise you that the amount of dues that members are required to pay to the Executive Board's General Fund has already been established by Article VIII of ACRE's Constitution. What you have addressed by your desire to withhold your personal funding of the Executive

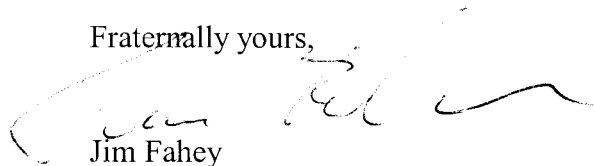
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Board's General Fund would require a change in ACRE's Constitution and the Local Divisions' Bylaws. If you would like to pursue this avenue, the process is covered by Article X of ACRE's Constitution.

We are currently in the process of re-evaluating the chargeable and non-chargeable percentages of fees that can be applied to non-member fee objectors in the year 2004. If you wish to become a non-member of ACRE for the year 2004, notify the Executive Board's Secretary/Treasurer as I previously indicated and those non-chargeable fees will be returned to you when they are determined in accordance with current law.

I am glad you took the time to write and I hope this letter has provided you the necessary clarification on this subject. As is the case with all ACRE's representatives, I always enjoy providing information and clarification on issues affecting our members and the organization as a whole.

Fraternaly yours,



Jim Fahey
Executive Director
Association of Commuter Rail Employees

Enclosure (1) Acre Constitution

cc: Executive Board Members
Joseph Lindenberg/Division 9 Secretary Treasurer