

FILED
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STATE OF NEVADA
E.M.R.B.

EMRB CASE 2024-020

AUDIT REPORT OF THE REQUEST FOR ELECTION

Filed by

**AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, LOCAL 4041**

For

UNIT C – TECHNICAL EMPLOYEES

Background Information

On June 6, 2024, the American Federation of State, County and Municipal Employees, Local 4041 (“AFSCME”) filed an Application for Designation of AFSCME, Local 4041 as Exclusive Representative of Bargaining Unit C (“Request for Election”) pursuant to NRS 288.525. The purpose of the Request for Election is to seek to be recognized as the exclusive representative of State bargaining unit C. The employees in this bargaining unit are technical employees employed both by the State proper and by the Nevada System of Higher Education (“NSHE”). A list of the job classifications in Unit C is attached as Exhibit 1.

Also submitted by AFSCME concurrent with the Request for Election were the following:

1. An Excel spreadsheet (“List”) of employees in Unit C who are already members of AFSCME or who have signed authorization cards, called conversion cards. The Excel spreadsheet delineates for each person on the list whether they are a member or a signee of a conversion card. The List also designated each employee as working for the State or NSHE.
2. Three binders containing copies of membership cards;
3. Two binders containing copies of conversion cards; and
4. A Declaration of E.J. Serrano in support of the Request for Election stating that the materials provided were authentic and correct.

Separate from the above, the EMRB received a clean copy of the various types of cards, copies of which are attached as Exhibit 2.

Subsequent to the filing of the Request for Election and backup materials, AFSCME sent additional conversion cards on two occasions. These additional conversion cards were not included in the audit.

State Law

The relevant statute is NRS 288.525. Section 1 speaks to the situation in which a bargaining unit does not have a labor organization designated as an exclusive representative. Conversely, section 2

addresses the situation in which a bargaining unit already has a labor organization designated as an exclusive representative. Section 1 applies in this instance as Unit C is currently unrepresented.

NRS 288.525 Requirements for designating labor organization as exclusive representative for bargaining unit following election.

1. If no labor organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:

(a) A labor organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that it has been authorized to serve as a representative by at least 30 percent but not more than 50 percent of the employees within the bargaining unit; and

(b) No other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. If the Board designates a labor organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or pursuant to NRS 288.520, the Board shall order an election:

(a) If either:

(1) Another labor organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that the labor organization has been authorized to serve as a representative by at least 50 percent of the employees within the bargaining unit; or

(2) A group of employees within the bargaining unit files with the Board a written request for an election which includes a list or other evidence showing that more than 50 percent of the employees within the bargaining unit have requested that an election be conducted to change or discontinue representation;

(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days and not less than 225 days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Methodology

In addition to using the documents submitted by AFSCME, staff also obtained four additional documents: two from the State Division of Human Resource Management and two from human resources within NSHE. The first document from the State was a spreadsheet of all classified employees currently employed by the State as of June 13, 2024 ("State Master Roster"). The spreadsheet not only contains the names of classified employees but also contains, among other information, each employee's job title and code. Staff extracted from this document the job classifications found in the list in Exhibit 1 and the resulting document was entitled the State Unit C Roster.

The second document was a spreadsheet of all classified employees currently having dues to AFSCME withheld from their paychecks (“AFSCME Dues List”). This spreadsheet was also dated as of June 13, 2024. Like the first document, this document was also filtered for the job classifications only within Unit C. This second document was entitled the State Unit C Dues List.

The EMRB also received two documents from NSHE. Both were similar to the two documents received from the State DHRM and both were also filtered for just job classifications within Unit C. These were entitled NSHE Unit C Roster and NSHE Unit C Dues List. The former was dated as of June 17, 2024 while the latter was dated as of June 14, 2024.

For those that AFSCME contends were members staff first checked to see whether the employee on the List was either on the State Unit C Roster or the NSHE Unit C Roster. For those that were, EMRB staff then also checked to see whether that person was having dues deducted by either the State or NSHE, which could be determined by looking at either the State Unit C Dues List or the NSHE Unit C Dues List.

For those individuals that AFSCME contends were not yet members but had duly signed a conversion card, staff first compared each name on the List (provided by AFSCME) to a conversion card to ensure that such a card existed. In this regard EMRB staff found several individuals who had signed more than one conversion card. In these instances EMRB staff used the most recently signed card. EMRB staff then checked to see whether the employee on the List was also on the State Unit C Roster or the NSHE Unit C Roster. Each conversion card was also reviewed for both a date within the prior 12 months as well as a signature on the card. Staff noted the dates of conversion cards older than 12 months as this was an issue raised by AFSCME in its Request for Election (and which is addressed below).

Limitations on the Audit

The audit only looked at the four corners of the conversion cards, the documents provided by AFSCME and the spreadsheets as provided by the State and NSHE. The audit did not seek to verify the accuracy of any of the signatures on the authorization cards nor did the staff conduct any interviews of

those signing authorization cards for the purpose of determining whether a given employee’s signature may have been unlawfully obtained.

Audit Results

Below are the results of the audit:

Table 1: Size of Bargaining Unit C

Total Count from State Unit C Roster	2,864
Total Count from NSHE Unit C Roster	412
Total Number of Employees in Unit C	3,276

Table 2: Results of the Audit with Respect to the State Proper

<u>Category</u>	<u>Members</u>	<u>Cards</u>	<u>Total</u>
Total Count Claimed by AFSCME ¹	620	577	1,197
Less: Those Not Found on State Unit C Roster	9-	15-	24-
Less: Those Listed as Both Members and as a Card ²	1-	69-	70-
Less: Those Without a Conversion Card ³	0	6-	6-
Less: Date Older Than One Year on Conversion Card	0	95-	95-
<u>Less: Those Not Found on the State Unit C Dues List</u>	<u>14-</u>	<u>0</u>	<u>14-</u>
Total Number for Which Credit is Recommended	596	392	988

Table 3: Results of the Audit with Respect to NSHE

<u>Category</u>	<u>Members</u>	<u>Cards</u>	<u>Total</u>
Total Count Claimed by AFSCME	50	83	133
Less: Those Not Found on State Unit C Roster	7-	3-	10-
Less: Those Listed as Both Members and as a Card ⁴	0	1-	1-
Less: Those Without a Conversion Card	0	0	0
Less: Date Older Than One Year on Conversion Card	0	23-	23-
<u>Less: Those Not Found on the State Unit C Dues List</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Number for Which Credit is Recommended	43	56	99

¹ Staff found four individuals with a conversion card but who were not on the List provided by AFSCME and added those four individuals to the List.

² When EMRB staff sorted the Excel spreadsheet by last name, first name instead of by type (i.e., member or conversion card) it became readily apparent that a number of people on the List provided by AFSCME were listed twice, both as a member and as having signed a conversion card. These duplicates were eliminated.

³ Six individuals listed on the List provided by AFSCME as having signed a conversion card actually had no conversion card in the binders provided by AFSCME.

⁴ When EMRB staff sorted the Excel spreadsheet by last name, first name instead of by type (i.e., member or conversion card) it became readily apparent that a number of people on the List provided by AFSCME were listed twice, both as a member and as having signed a conversion card. These duplicates were eliminated.

Table 4: Summary Table

<u>Category</u>	<u>Credit</u>	<u>Size</u>	<u>Percent</u>
State	988	2,864	34.5%
NSHE	99	412	24.0%
Totals	1,087	3,276	33.2%

Table 5: Summary Table Allowing Cards with Dates Older Than One Year

<u>Category</u>	<u>Credit</u>	<u>Size</u>	<u>Percent</u>
State	1,083	2,864	37.8%
NSHE	122	412	29.6%
Totals	1,205	3,276	36.8%

Summary

Based on the audit conducted, EMRB staff concludes that the minimum 30% threshold has been met as AFSCME shows support by 33.2% of the employees in the bargaining unit, excluding conversion cards older than one year. The support rises to 36.8% when disregarding the dates on the cards.

Analysis of the Request for Election and Conformance to State Law

NRS 288.525(1) lists two requirements for the Board to call for an election when there is no labor organization already designated as an exclusive representative for a bargaining unit.

First, a labor organization must file with the Board a request for an election and demonstrate through evidence that it is authorized to serve as a representative by at least 30 percent, but not more than 50 percent, of the employees in the bargaining unit. As previously mentioned, staff believes that AFSCME has shown an authorization percentage of 33.2%.

Secondly, no other such election must have occurred within the preceding 12 months for the bargaining unit in question, which is true in this case.

It is the province of the Board to make the final determination as to whether the above two conditions have been met but staff believes that the two conditions have been met.

EXHIBIT 1

Bargaining Unit (BU) C

Technical aides to professional employees, including without limitation, computer programmers, tax examiners, conservation employees and regulatory inspectors.
(sorted by title code)

Title Code	Job/Position Title	BU	Union
01.134	Agricultural Inspector III	C	TBD
01.135	Agricultural Inspector I	C	TBD
01.139	Agricultural Inspector II	C	TBD
01.407	Weights and Measures Inspector II	C	TBD
01.410	Weights and Measures Inspector I	C	TBD
01.413	Weights and Measures Assistant (seasonal)	C	TBD
01.510	Brand Inspector III	C	TBD
01.511	Livestock Inspector	C	TBD
01.512	Brand Inspector II	C	TBD
01.514	Brand Inspector I	C	TBD
01.747	Conservation Aid I	C	TBD
01.776	Fish Hatchery Technician III	C	TBD
01.778	Fish Hatchery Technician II	C	TBD
01.780	Fish Hatchery Technician I	C	TBD
01.785	Wildlife Area Technician III	C	TBD
01.786	Wildlife Area Technician II	C	TBD
01.787	Wildlife Area Technician I	C	TBD
01.790	Conservation Aid III	C	TBD
01.791	Conservation Aid II	C	TBD
01.822	Fire Control Dispatcher III	C	TBD
01.823	Seasonal Fire Control Dispatcher II	C	TBD
01.824	Seasonal Fire Control Dispatcher I	C	TBD
01.826	Fire Control Dispatcher II	C	TBD
01.827	Fire Control Dispatcher I	C	TBD
01.918	Life Guard II (Seasonal)	C	TBD
01.919	Life Guard I (Seasonal)	C	TBD
01.920	Park Aide I	C	TBD
01.928	Park Ranger Technician I (Seasonal)	C	TBD
01.955	Park Aide II	C	TBD
01.958	Park Ranger Technician III	C	TBD
01.960	Park Ranger Technician II (Seasonal)	C	TBD
04.116	Library Technician III	C	TBD
04.117	Library Technician II	C	TBD
04.122	Library Technician I	C	TBD
05.166	Teacher Assistant I	C	TBD
05.167	Teacher Assistant II	C	TBD
05.168	Community Based Instructor IV	C	TBD
05.169	Community Based Instructor III	C	TBD
05.170	Community Based Instructor II	C	TBD
05.171	Community Based Instructor I	C	TBD
06.308	Engineering Technician IV	C	TBD
06.313	Engineering Technician III	C	TBD

06.328	Engineering Technician II	C	TBD
06.334	Engineering Technician I	C	TBD
06.355	Architectural/Engineering Drafter III	C	TBD
06.358	Architectural/Engineering Drafter II	C	TBD
06.360	Architectural/Engineering Drafter I	C	TBD
06.364	Cartographic/Graphics Technician III	C	TBD
06.366	Cartographic/Graphics Technician II	C	TBD
06.368	Cartographic/Graphics Technician I	C	TBD
06.370	Engineering Drafter III	C	TBD
06.371	Engineering Drafter II	C	TBD
06.377	Engineering Drafter I	C	TBD
06.615	Seismic Data Technician III	C	TBD
06.618	Seismic Data Technician II	C	TBD
06.621	Seismic Data Technician I	C	TBD
06.965	Digital Telecommunications Specialist II	C	TBD
06.966	Development Technician IV	C	TBD
06.967	Digital Telecommunications Specialist I	C	TBD
06.973	Communications System Specialist I	C	TBD
06.977	Communications System Specialist II	C	TBD
06.978	Development Technician III	C	TBD
06.979	Development Technician II	C	TBD
06.980	Development Technician I	C	TBD
06.981	Electronics Technician II	C	TBD
06.986	Electronics Technician III	C	TBD
06.987	Electronics Technician IV	C	TBD
06.988	Electronics Technician I	C	TBD
07.127	Retirement Technician	C	TBD
07.141	Accountant Technician II	C	TBD
07.143	Accountant Technician I	C	TBD
07.255	Tax Examiner II	C	TBD
07.256	Tax Examiner I	C	TBD
07.265	Contributions Examiner II	C	TBD
07.266	Contributions Examiner I	C	TBD
07.311	Purchasing Technician III	C	TBD
07.319	Purchasing Technician II	C	TBD
07.320	Purchasing Technician I	C	TBD
07.713	Transportation Technician III	C	TBD
07.715	Transportation Technician II	C	TBD
07.716	Transportation Technician I	C	TBD
07.724	Traffic Center Technician II	C	TBD
07.725	Traffic Center Technician I	C	TBD
07.726	Traffic Center Technician Trainee	C	TBD
07.745	Statistician II	C	TBD
07.747	Statistician I	C	TBD
07.807	Assistant Costumer	C	TBD
07.815	Photographer II	C	TBD
07.827	Photographer I	C	TBD

07.829	Sales & Promotion Representative I	C	TBD
07.833	Audiovisual Technician II	C	TBD
07.836	Audiovisual Technician I	C	TBD
07.850	Sales & Promotion Representative II	C	TBD
07.853	Radio Broadcaster/Production Assistant	C	TBD
07.862	Graphic Designer II	C	TBD
07.864	Graphic Designer I	C	TBD
07.928	IT Technician VI	C	TBD
07.931	IT Technician V	C	TBD
07.935	IT Technician IV	C	TBD
07.940	IT Technician III	C	TBD
07.941	IT Technician II	C	TBD
07.943	IT Technician Trainee	C	TBD
07.957	IT Technician I	C	TBD
09.201	Equipment Operation Instructor	C	TBD
09.402	Piano Technician	C	TBD
09.436	Facility Mechanical Technician Trainee	C	TBD
09.437	Events Center Technician I	C	TBD
09.438	Facility Mechanical Technician	C	TBD
09.470	Theater Technician I	C	TBD
09.493	Exhibit Technician	C	TBD
09.501	National Guard Range Specialist	C	TBD
09.545	Meat Plant Technician Trainee	C	TBD
09.546	Meat Plant Technician I	C	TBD
09.547	Meat Plant Technician II	C	TBD
09.580	Research Technician	C	TBD
09.726	Reprographics Technician II	C	TBD
09.727	Reprographics Technician I	C	TBD
09.753	License Plate Production Technician I	C	TBD
10.726	Laboratory Technician II	C	TBD
10.729	Laboratory Assistant II	C	TBD
10.733	Laboratory Technician I	C	TBD
10.736	Laboratory Assistant I	C	TBD
10.740	Radiological Technologist	C	TBD
10.769	Staff Research Associate IV	C	TBD
10.770	Staff Research Associate III	C	TBD
10.771	Staff Research Associate II	C	TBD
10.772	Staff Research Associate I	C	TBD
11.122	Public Safety Dispatcher III	C	TBD
11.124	Public Safety Dispatcher II	C	TBD
11.126	Public Safety Dispatcher I	C	TBD
11.129	N.C.J.I.S. Program Specialist	C	TBD
11.130	N.C.J.I.S. Program Specialist Trainee	C	TBD
11.133	Fingerprint/Records Examiner III	C	TBD
11.134	Fingerprint/Records Examiner II	C	TBD
11.135	Fingerprint/Records Examiner I	C	TBD
11.243	Military Security Officer I	C	TBD

11.263	Security Officer	C	TBD
11.271	University Parking Enforce Officer II	C	TBD
11.273	University Parking Enforce Officer I	C	TBD
11.423	DMV Services Technician IV	C	TBD
11.424	DMV Services Technician III	C	TBD
11.425	DMV Services Technician II	C	TBD
11.426	DMV Services Technician I	C	TBD
11.431	Motor Vehicle Inspector II	C	TBD
11.433	Motor Vehicle Inspector I	C	TBD
11.434	Motor Vehicle Appraiser	C	TBD
11.550	Taxicab Vehicle Inspector I	C	TBD
11.553	Commercial Vehicle Safety Inspector II	C	TBD
11.554	Commercial Vehicle Safety Inspector I	C	TBD
11.555	Emission Control Technician II	C	TBD
11.557	Emission Control Technician I	C	TBD
11.560	Manufactured Housing Inspector II	C	TBD
11.561	Manufactured Housing Inspector I	C	TBD
12.374	Family Services Specialist III	C	TBD
12.376	Family Services Specialist II	C	TBD
12.379	Family Services Specialist I	C	TBD
12.442	Rehabilitation Technician III	C	TBD
12.443	Rehabilitation Technician II	C	TBD
12.444	Rehabilitation Technician I	C	TBD

EXHIBIT 2



AFSCME Local 4041, AFL-CIO
Yes! I am AFSCME Strong. I want a strong voice at work and in my community.
AFSCME Membership and Dues Authorization

I hereby choose to become a member of AFSCME, and to abide by its constitution and bylaws. By signing below, I authorize my employer to deduct from my pay the membership dues and benefit program payments established by AFSCME Local 4041 currently and as may be modified in the future. Membership dues are currently 1% of base compensation pay before taxes per pay period; probationary employees dues are 1/2% (and are not tax-deductible as charitable contributions). This authorization will automatically renew from year to year, and without regard to whether I remain a member of the union, unless I give written notice to AFSCME Local 4041 and the State Controller of my decision to revoke this authorization during the two weeks preceding each anniversary date of this authorization.

Last Name First Name MI

Signature Date

Home Street Address

Name of Employer EIN

City State Zip

Department Job Classification

Date of Birth Date of Hire Circle (Y or N)
Registered Voter

Worksite

Cell Phone* Home Email

Office Use Only	
Date Received Circle (Y or N)	Start Date
Probationary	Chapter
Probation End Date	Received By

*By providing your cell phone number you consent to receive calls (including recorded or autodialed calls, or texts) at that number from AFSCME and its affiliated labor, political and charitable organizations on any subject matter. Your carrier's rates may apply. You may modify your preferences at: <https://www.afscme.org/lcpa>.





AFSCME Local 4041, AFL-CIO

AFSCME Conversion Card

I hereby apply for membership in AFSCME, Local 4041, and its successor or assign (hereafter the "Union"), and I agree to abide by its Constitution and Bylaws. I authorize the Union to act as my exclusive bargaining representative for purposes of collective bargaining with respect to wages, hours and other terms and conditions of employment with my Employer. This card may be used to establish or obtain recognition of the Union with my Employer, with or without an election. Upon the Union being designated as the exclusive representative for my designated bargaining unit, I hereby voluntarily authorize and direct my Employer to deduct from my pay each pay period, regardless of whether I am or remain a member of the Union, the amount of dues certified by the Union, and as they may be adjusted periodically by the Union, and to authorize my Employer to remit such amount monthly to the Union. This voluntary authorization and assignment shall be irrevocable, regardless of whether I am or remain a member of the Union, and for a period of one year from the date of execution, and for year to year thereafter unless I give the Union written notice of revocation not less than ten (10) days and not more than twenty (20) days before the anniversary date of this authorization. This card supersedes any prior check-off authorization card I signed. I recognize that my authorization of dues deductions, and the continuation of such authorization from one year to the next, is voluntary and not a condition of my employment. Payment to the Union are not deductible as charitable donations for federal income tax purposes. However, state law may extend favored tax treatment.

Signature Date

Last Name First Name MI Date of Birth

Street Address

City State Zip

Billing Address (if Different From Street Address)

Cell Phone* Personal Email

Name of Employer EIN Date of Hire

Department Worksite Job Classification

*By providing my cell phone number and email address, I understand that the Union and its affiliates may use automated email, calling technologies, and/or text message me on my cell phone on a periodic basis. The Union will not charge for text message alerts; carrier message and data rates may apply to such texts.

Return to 601 S. Rancho Drive, Suite C-24,
Las Vegas, NV 89106



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AFSCME Local 4041, AFL-CIO

Yes! I am AFSCME Strong. I want a strong voice at work and in my community.

AFSCME Membership and Dues Authorization

Last Name *

First Name *

Middle Initial

Home Street Address *

Address 2

City *

State *

ZIP code *

- Select -

Date of Birth *

Month ▾ Day ▾ Year ▾

Date of Hire *

Month ▾ Day ▾ Year ▾

Registered Voter (Y/N) *

- Yes
 No

Cell Phone †

† By providing your cell phone number you consent to receive calls (including recorded or autodialed calls, or texts) at that number from AFSCME and its affiliated labor, political and charitable organizations on any subject matter. Your carrier's rates may apply. You may modify your preferences at: <https://www.afscma.org/tpa>.

Personal Email Address *

Name of Employer *

EM *

Please enter your 8-digit Employee Number.

Department *

Job Classification *

Worksite *

Authorization

I hereby choose to become a member of AFSCME, and to abide by its constitution and bylaws. By signing below, I authorize my employer to deduct from my pay the membership dues and benefit program payments established by AFSCME Local 4041 currently and as may be modified in the future. Membership dues are currently 1% of base compensation pay before taxes per pay period; probationary employees dues are 3% (and are not tax-deductible as charitable contributions). This authorization will automatically renew from year to year, and without regard to whether I remain a member of the union, unless I give written notice to AFSCME Local 4041 and the State Controller of my decision to revoke this authorization during the two weeks preceding each anniversary date of this authorization.

Signature

Please sign using your mouse or your finger on a touchscreen.



(<https://www.nvafscme.org>)

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for the latest updates!

(/ORGANIZE)

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MEMBERSHIP CARD ([HTTPS://WWW.NVAFSCME.ORG/AFSCME-LOCAL-4041-DIGITAL-MEMBERSHIP-CARD](https://www.nvafscme.org/afscme-local-4041-digital-membership-card))

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([HTTPS://FACEBOOK.COM/NVAFSCME4041](https://facebook.com/nvafscme4041))

AFSCME Local 4041 Conversion Card

Yes! I am AFSCME Strong. I want a strong voice at work and in my community.

First Name *

Middle (initial)

Last Name *

Address *

Address 2

City *

State *

- Select -

ZIP code *



Personal Email Address *

Cell Phone †

† By providing my cell phone number and email address, I understand that the Union and its affiliates may use automated email, calling technologies, and/or text message me on my cell phone on a periodic basis. The Union will not charge for text message alerts; carrier message and data rates may apply to such texts.

Employer *

EIN

Date of Hire

Month ▼ Day ▼ Year ▼ 

Department

Worksite *

Job Classification

Authorization

I hereby apply for membership in AFSCME, Local 4041, and its successor or assign (hereafter the "Union"), and I agree to abide by its Constitution and Bylaws. I authorize the Union to act as my exclusive bargaining representative for purposes of collective bargaining with respect to wages, hours and other terms and conditions of employment with my Employer. This card may be used to establish or obtain recognition of the Union with my Employer, with or without an election.

Upon being covered by an agreement with my Employer, I hereby voluntarily authorize and direct my Employer to deduct from my pay each pay period, regardless of whether I am or remain a member of the Union, the amount of dues certified by the Union, and as they may be adjusted periodically by the Union, and to authorize my Employer to remit such amount monthly to the Union. This voluntary authorization and assignment shall be irrevocable, regardless of whether I am or remain a member of the Union, for a period of one year from the date of execution, and for year to year thereafter unless I give the Union written notice of revocation not less than ten (10) days and not more than twenty (20) days before the anniversary date of this authorization. This card supersedes any prior check-off authorization card I signed.

I recognize that my authorization of dues deductions, and the continuation of such authorization from one year to the next, is voluntary and not a condition of my employment. Payment to the Union are not deductible as charitable donations for federal income tax purposes. However, state law may extend favored tax treatment.

Signature

4