

EMPLOYEE UNION DUES OPTIONS POLICY AND PROCEDURES - Internal	
DHR-Policy #: To be assigned.	Authority: § 9003D.; § 9007D.(a)(2); <i>Janus v. American Federation of State, County, and Municipal Employees, Council 31, (2018)</i> ; 19 Del. C. §1304; 19 Del C. §1604
Effective Date: October 31, 2022	Supersedes: N/A
Application: Executive Branch Agencies	Signature: 

1. Policy Purpose Statement

To establish policy for properly maintaining employees’ union dues options and processing dues deduction in compliance with the U.S. Supreme Court’s *Janus v. AFSCME* decision.

2. Scope

This policy applies to Executive Branch agencies with union covered units whose collective bargaining certification and agreements are managed by DHR Employee and Labor Relations. The terms of this policy supersede any statewide or related Agency policy procedure, or guideline pertaining to this issue.

Elected Agency Officials and the Judiciary branch are encouraged to implement the policy and procedures if they have requested/are receiving collective bargaining assistance from DHR ELR.

3. Definitions and Acronyms

- **Agency** – Executive Branch Agencies with union units
- **Department of Human Resources (DHR) Lead** – the DHR representative at an agency assigned to the leadership role for that agency’s HR function who is proficient in DHR policy, procedure, and practice and their state agency’s business operations, mission, goals, and objectives.

4. Policy

- a. All agencies with union-covered positions shall implement this policy and procedure to assure proper compliance with employees’ union dues selection within collective bargaining agreements.
- b. Agencies shall effectively communicate with union representatives.

- c. An employee in a union-designated position may opt-out of paying union dues by notifying their respective union representative upon assuming the position or per 19 Del. C. §1304.
- d. Agencies will create and maintain a designated mailbox to receive employee union dues information, using the following format: *AgencyName_UnionCards@delaware.gov*.
- e. Each agency shall designate a Human Resources (HR) representative and a designee to monitor this mailbox daily.
- f. The HR representative or designee shall process the employee union dues information in a timely fashion.
- g. The HR representative or designee shall assure that payroll has implemented the dues deduction as directed.

5. Procedures

- a. Upon hire, agencies will confirm with employees regarding their position as union covered.
- b. The agency's HR representative or designee shall acknowledge receipt of employee union dues information to the union sender within one business day.
- c. If the agency receives employee union dues information from a union in the designated mailbox, it shall be processed as follows:
 - 1) The HR representative or designee shall acknowledge receipt of the information by using "Reply All" and confirming receipt to all recipients on the original email.
 - 2) The HR representative or designee shall review the dues deduction authorization card to assure the employee's name and signature are noted, the employee is assigned to that agency, and the employee is in that agency's union unit (Local).
 - 3) The HR representative or designee shall address any errors with the Union sender by using "Reply All" in emails.
 - 4) The HR representative or designee shall update the Union Reconciliation box in PHRST according to the employee union dues information received.
 - 5) The HR representative or designee shall note the date any dues deductions are to begin based on applicable collective bargaining agreement (CBA) terms or established historical standards. Dues deductions are effective the first day of the first pay period following receipt of the dues deduction or according to the CBA terms, whichever governs.
 - 6) The HR representative or designee shall inform their agency's payroll representative of the effective date and the amount of the dues deduction and provide the payroll representative a copy of the dues deduction card.
 - 7) The HR representative or designee shall place dues deduction information into the employee's Personnel File.
 - 8) The HR representative or designee shall inform Union that the dues deduction request is complete by using "Reply All" and sending it to all the recipients included in the union's original email.

- d. The HR representative or designee shall reconcile union-designated employees opting for union dues deductions that have been implemented monthly by using the Union Reconciliation report.
- e. The HR representative or designee shall periodically audit employee files to verify that all employees who have agreed to deductions from pay have signed the authorization form with a copy in their employee personnel file.

6. Exclusions or Exceptions

- This Policy does not apply to non-union designated positions or employees.

7. Dissemination and Training

- a. This Policy will be distributed to Executive Branch Agency Department of Human Resources (DHR) Leads, who will review with their designated HR representative and designee.
- b. This Policy shall be acknowledged by Executive Branch Agency DHR Leads and their designated HR staff who manage union-covered positions within 30 days of the request from the Delaware Learning Center.
- c. A list of State of Delaware Labor Union contacts and agreements can be found on the Benefits and DHR Representatives Webpage (*see Section 9*).

8. Data Reporting

- a. DHR Leads will be responsible for adhering to any procedure reporting requirements.
- b. DHR Leads will be responsible for tracking that all union cardholders have signed acknowledgment for union dues to be taken from their biweekly salary.
- c. DHR Leads are to keep a monthly report of active and non-active union members.

9. Associated Policy/Regulations/Information

- [Benefits and DHR Representatives Labor Relations Webpage](#)
- [Janus v. AFSCME U.S. Supreme Court Decision](#)

10. Policy Owner

- Division Name: Division of Employee & Labor Relations
- Policy Administrator: ELR Director
- Website: [DHR – Division of Employee and Labor Relations](#)