

MEMORANDUM

TO: All NATCA Local FacReps

FROM: NATCA National Executive Board

DATE: December 10, 2009

RE: Timely Submission of New Membership Applications

Dear NATCA Local FacRep:

It has recently been brought to NATCA's attention that the submission of new membership applications is intentionally being delayed at some NATCA Locals until the end of the three month period for the waiver of the initiation fee for new members. If this practice is occurring at your NATCA Local, it poses serious issues for the prospective member, the Local, and the National Union. The National Executive Board would like all NATCA Locals to review their practice on the submission of new membership applications to the NATCA National Membership Department and to take any and all steps necessary to ensure that new membership applications are forwarded to the National Office as soon as they are received from the prospective member.

Standing Rule D-10 of the NATCA National Constitution provides that, "no initiation fee shall be assessed for individuals who become members within three months of being eligible for the first time for membership." SRD-10 does not allow for the intentional withholding of the submission of new membership applications until the end of the three-month grace period.

Any failure to submit new membership applications in a timely fashion has a number of negative consequences for both NATCA and your Local. First, the intentional withholding of the submission of new membership applications violates the NATCA National Constitution. Prospective members whose applications are withheld are having their entry into NATCA unduly delayed. These new members will not be permitted to exercise their constitutional rights and responsibilities as members until their membership applications have been received by the NATCA National Membership Department. Violations of the NATCA National Constitution of this sort provide the grounds for an internal grievance.

Additionally, when new membership applications are not submitted in a timely fashion, your Local is being deprived of its full dues rebate thereby causing less revenue to be

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returned to your Local. Moreover, if it is found that the withholding caused a new member(s) to miss an open enrollment period, the member will incur an initiation fee that cannot be waived under the terms of the NATCA Constitution.

Finally, the Federal Service Labor-Management Relations Statute provides that “[e]ach employee shall have the right to form, join, or assist any labor organization . . . and each employee shall be protected in the exercise of such right.” 5 U.S.C. § 7102. Section 7116(b)(1) of the Statute makes it an unfair labor practice for a labor organization to “interfere with, restrain, or coerce any employee in the exercise by the employee of any right under this chapter.” A member whose application is intentionally withheld by a representative of the Union until the end of the three-month grace period for joining the Union may have a legitimate unfair labor practice charge against the union for violation of 5 U.S.C. § 7102.

In closing, if the intentional withholding of membership applications until the end of the three-month grace period is occurring at your Local, please ensure that it is discontinued. As explained above, it does not benefit your Local or prospective members in any way and could result in the filing of an internal grievance, the filing of an unfair labor practice charge, and/or the incursion of an unwaivable initiation fee.

Please feel free to contact NATCA General Counsel Marguerite L. Graf if you require any additional guidance on this matter.

In solidarity,

The NATCA National Executive Board