

It is the Opinion of the Board of Ethics that the members and Chair of the Rent Guidelines Board are subject to the provisions of subdivision b thereof.

The Board now also says, reversing to such extent Opinion No. 669, that the Chair of the Loft Board is subject, like the Chair of the Rent Guidelines Board, to subdivision c of Section 2604 of the Charter but not subdivision b thereof.

Dated: December 11, 1986

POWELL PIERPOINT, CHAIR: BARBARA SCOTT PREISKEL: FREDERICK A.O. SCHWARZ, JR., CORPORATION COUNSEL: JUDITH A. LEVITT, DIRECTOR OF PERSONNEL.

OFFICE OF THE MAYOR

Executive Order No. 107
December 29, 1986

Procedures for Orderly Payroll Check-Off of Union Dues and Agency Shop Fees

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Prior Order Superseded. Executive Order No. 99, dated October 1, 1969, is hereby superseded for those unions only who have accepted the new procedures set forth herein for payroll check-off of union dues and agency shop fees.

Section 2. Procedures for Orderly Payroll Check-Off of Union Dues and Agency Shop Fees.

(a) The individual employee union local shall reimburse the City for the cost of administering the check-off and agency shop fee system at the following rates:

- (i) 8 cents for monthly paid employees.
- 3.6923 cents for bi-weekly paid employees.
- 1.8462 cents for weekly paid employees.
- 4.000 cents for semi-monthly paid employees.

In addition, there shall be a distribution fee of three (3) cents per employee per month.

(ii) Each payroll deduction for union dues shall be predicated upon a written authorization by the employee in a form prescribed by the Office of Payroll Administration (OPA). The authorization card shall be signed by each individual employee and filed by the employee organization with the payroll office of the department or agency where the member is employed.

(iii) When an employee transfers from one department or agency to another, but remains in the same bargaining unit, the employee shall continue to be covered by the same dues check-off authorization and shall not be required to sign another authorization card.

(iv) Authorization for dues deduction shall be subject to revocation by written notice duly signed by the employee and filed in the payroll office of the department or agency in which the employee is employed.

(v) Authorization for dues deductions, revocations and agency shop fees shall be administered pursuant to directives of the OPA.

(vi) No dues or agency shop fees will be deducted for membership in more than one employee organization on any one payroll.

(vii) The authorization card shall show the dues amount in an exact figure per pay period of dollars and cents or a percentage as negotiated.

(viii) A change in the amount of union dues shall only be effective on the first payroll subsequent to January 1, or July 1, following the date on which notice of such change is furnished as provided in paragraph (ix). Requests for dues rate changes shall be filed not less than two months before such effective date. However, subject to the approval of the OPA, employee organizations may request changes of dues rates to be effected not less than two months after such request is filed during other periods of the year.

(ix) Notice of change in amount of dues deductions must be furnished by the employee organization to OPA, together with the certified copies of any resolution of such employee organization authorizing such changes in amount of dues deductions and certified copies of any instruments of such change necessary or ordinarily required to be filed with any governmental agencies.

(x) Check-off deductions will be applied to regular payrolls only and such payrolls shall only be bi-weekly for employees covered by PMS and employees of HHC.

(xi) No assessments of any kind or nature will be collected through the check-off.

(xii) No arrears of any kind or nature will be collected through the check-off.

(xiii) In instances of employees earning insufficient compensation, employee organization dues will be considered last in arithmetical sequence; therefore, where residual amount of pay after other deductions is less than full amount of dues, no fractional amount of dues deduction will be made or carried over for dues deduction in any subsequent payroll period.

(xiv) In cases of unearned salaries or wages refunded to appropriation accounts and in cases of salaries or wages transferred to "UNCLAIMED" account, necessary adjustments in dues accounts will be made by recovery from available unpaid employee organization check-off fund balances and returned to the City Treasury or the Treasury of related covered employers. Payments will be made to the unions via a procedure to be issued by the OPA.

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(xv) The City of New York and/or its officials and employees shall not be liable in the operation of the employee organization dues deductions or check-off system for any mistake, error or judgment or any other act or omission or commission, and each participating employee organization shall agree in writing to hold the City and/or its officials and employees harmless against any claim whatsoever arising out of the operation of said check-off system and the payment of dues deductions to the proper participating employee organizations.

(xvi) No employee organization shall be permitted to participate in the payroll deduction of employee organization dues in accordance with these rules and regulations unless first certified by the City Director of Labor Relations to the OPA as a bona fide employee organization organized for the primary purpose of representing its members concerning wages, hours, and working conditions. An appeal from an adverse decision by the City Director of Labor Relations may be taken by the affected organization to the Office of Collective Bargaining. The decision of the Office of Collective Bargaining shall be final and binding. Employee organizations currently participating in the dues check-off program need not be re-certified by the Director of Labor Relations.

(xvii) An employee organization which (1) discriminates with regard to the terms and conditions of membership because of race, color, creed or national origin; or (2) is engaged in or advocates the violent overthrow of the government of the United States or of any State or any political subdivision thereof; or (3) is not in full compliance with all applicable laws of the City and State of New York, and the United States of America, shall be ineligible to participate in the payroll check-off of the employee organization dues.

(xviii) Upon receipt of an authorization for deduction of dues made out and filed in accordance with the rules and regulations set forth in this Order, the payroll office of the department or agency shall be given written notice to the employee of the filing or the authorization, the amount of dues to be deducted periodically, and the date on which such deductions will begin. A copy of this notice shall also be sent to the employee organization designated in the authorization.

(xix) Each participating employee organization shall file with the City Director of Labor Relations a bi-monthly statement showing:

a. The names and addresses of the five principal officers;

b. The amounts of dues deductions which were distributed to it by the OPA during the preceding two month period;

c. The basis upon which such amounts were determined;

d. The date on which each distribution was made.

A copy of such statement shall be made available for examination by employee members at the offices of the participating union.

(xx) Upon written authorization of any employee organization participating in the payroll check-off employee organization dues, the OPA shall adjust the amount to be paid to the affected organization by an amount equal to that organization's cost allocation as a member of the Municipal Labor Committee, pursuant to Section 1174, subd. a, of the New York Charter and Article 7 of the Rules of the Municipal Labor Committee, adopted October 13, 1967, or as duly amended thereafter, and pay such amount directly to the Municipal Labor Committee set forth in the procedures of OPA.

(xxi) Any employee organization which willfully fails to comply with the provisions of this Order may be suspended by the City Director of Labor Relations from the participation in the payroll deduction of employee organization dues, pursuant to this Order, for a period to be determined by the City Director of Labor Relations. Appeals from such determination by the City Director of Labor Relations may be taken by the affected employee organization to the Office of Collective Bargaining. The decision of the Office of Collective Bargaining shall be final and binding.

(xxii) Whenever necessary, the City Director of Labor Relations may issue an opinion interpreting or construing the provision of this Order.

Section 3. Effective Date. This Order shall take effect immediately.

Executive Order No. 108
December 29, 1986

Amendment of Executive Order No. 50
(April 25, 1980)

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Prior Order Amended.

a. Section 6(a) of Executive Order No. 50, dated April 25, 1980, is amended to read as follows:

"Submission Requirements. No contracting

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