



## Ohio Administrative Code Rule 4117-11-01 Challenges to rebate procedure.

Effective: January 2, 2005

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(A) Any employee organization representing public employees pursuant to Chapter 4117. of the Revised Code shall prescribe an internal procedure conforming to federal law to determine a rebate, if any, for nonmembers who are required pursuant to a collective bargaining agreement to pay a fair share fee to the employee organization. The internal rebate procedure shall provide for a rebate of expenditures in support of partisan politics or ideological causes not germane to the work of employee organizations in the realm of collective bargaining. Any employee who has paid to the employee organization a fair share fee may apply to the employee organization for a rebate for such expenditures.

(B) An employee who has applied to an employee organization for a rebate may challenge the employee organization's determination of the rebate within thirty days of the date of the determination by filing a petition with the board. Such petition shall include:

- (1) The name of the employee;
- (2) The name of the employee organization;
- (3) The name of the employer;
- (4) The amount of the employee's fair share fee;
- (5) A copy of the rebate determination by the employee organization, or, if not available, a statement of the rebate determination including the date of rebate determination and amount of rebate, if any;
- (6) A statement of the reasons why the rebate determination was arbitrary and capricious;
- (7) Proof of service upon an officer of the employee organization pursuant to paragraph (B) of rule 4117-1-02 of the Administrative Code.



(C) Within ten days of service of the petition, the employee organization may file with the board and serve upon the employee objections to the petition.

(D) The board may investigate or hold a hearing to determine whether the employee organization's determination of a rebate was arbitrary and capricious. The board shall notify the parties of its determination. If the board determines that the employee organization's determination of a rebate was arbitrary and capricious, the board may order such relief as will effectuate the policies of Chapter 4117. of the Revised Code.