



# Transport Workers Union of America, AFL-CIO

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**"AMERICA'S FIGHTING DEMOCRATIC UNION"**

**VIA EMAIL and Regular Mail**

July 1, 2021

Mr. Tony Utano  
President  
Transport Workers Union Local 100  
195 Montague  
9<sup>th</sup> Floor  
Brooklyn, New York 11201



**Re: Dues Exoneration Letter to Local 100**

Dear President Utano:

This letter is in response to your inquiry related to exonerations.

Under Article XIII, section 3, membership dues are to be paid "on the first day in each calendar month." There is a two-week grace period in the Constitution and "[a]ny member who fails to pay his/her dues for a particular month on or before the fifteenth day of each month shall be in bad standing." Further, where dues check-off is available, but for whatever reason the employer fails to remit dues to the Union, such member (or members) "shall remain in good standing until thirty days after the mailing to him/her by registered mail of a notice informing him/her of his/her indebtedness."

Also, Article XVII, section 4 states that "[a]ny member who is prevented by illness, injury, or lay-off from earning any wages<sup>1</sup> in a calendar month shall be excused from paying dues for such month and such non-payment shall not affect his/her good standing." (For the sake of clarity, the Constitution does not regard a disciplinary suspension/termination as the basis for an exoneration.)

Importantly, the Constitution states that "[i]n order to be excused, such member shall be required to file with his/her Local Financial

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<sup>1</sup> Wages means any compensation totaling 75% or more of the member's regular monthly income.

Secretary Treasurer a request for exoneration.”<sup>2</sup> The written request procedure is a necessary component of the exoneration process because the exoneration, if approved, becomes a substitute for payment of a member’s monthly dues. The approved exoneration acts as a forgiveness of the payment obligation and, as such, permits an exonerated member to remain in good standing from that point forward until his/her return to work. However, nothing in the Constitution suggests that the exoneration request operates retroactively.

Because dues must be paid no later than the fifteenth day of the month, a Local Union is required, under the Constitution, to deem any member who has not paid dues in a timely manner to be in bad standing. A member who pays his/her dues after the fifteenth of the month would not “cure” a period of bad standing by remitting payment later. (There have been circumstances in the past where members who have remitted dues a few hours past the deadline have been deemed to be in bad standing for that month.) The exoneration operates in the same way. If it is submitted in a timely fashion, it excuses the payment obligation until the cessation of the triggering event (illness, injury or lay-off) or the expiration of the time period the exoneration permits (twelve months for illness or injury or three months for layoff).

It is important to note that the Constitution differentiates between circumstances where dues check-off is available, and where it is not. This provision is about notice. A member whose pay stub reflects that Union dues are being deducted would have no way of knowing that the Employer has not forwarded such remittances to the Union. On the other hand, a member who is not receiving wages because of injury, illness or layoff *does not have dues check-off available*. S/he is on notice that no wages are being earned that could be used to pay union dues. As such, the provision of Article XIII, section 3 relating to written notice to the member from the Union by registered mail *does not apply*. Nor would that provision apply to a member whose pay has been disrupted for disciplinary reasons. In these circumstances, the member’s obligation is to make the dues payment directly, or request an exoneration (in cases involving illness, injury or layoff).

To summarize, based upon my review of the relevant provisions of the TWU Constitution and my authority pursuant to Article V, section 1, I can confirm the following:

1. Exoneration request(s) must be submitted, in writing, by the member seeking the exoneration.

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<sup>2</sup> Local 100’s substitute procedure provides that the Local accepts requests in writing that are not necessarily on the form supplied by the International. Local 100 does not require Executive Board approval for exoneration requests to be granted.

2. Exoneration requests at Local 100 must be approved by the Financial Secretary Treasurer, and in Local 100 such requests do not need to be approved by the Local 100 Executive board.
3. Exonerations are a substitute for a payment of monthly dues.
4. Exonerations are limited to the circumstances set forth in the Constitution relating to an impairment of earnings in a given month. A member who earns in excess of the earnings threshold is not eligible for an exoneration and s/he must pay his/her dues on or before the fifteenth day of the month.
5. Exoneration requests must be submitted prior to the date upon which monthly dues are to be paid.
6. Exoneration requests that are submitted after the date monthly dues are to be paid do not affect whether such member is in good standing or bad standing. A late exoneration request is the same as a late payment. The member is in bad standing, unless the member has paid his/her dues in a timely manner.
7. Members who pay their dues by check-off whose employer has not remitted dues to the Union will only be placed in bad standing after notice to them in the procedure described in Article XIII, section 3 of the TWU Constitution.
8. Members who are ill, injured or subject to layoff (whose income falls below the threshold set forth in the Constitution) are not on dues check-off and, as such, without further notice from the Union must either a) remit their dues in a timely manner or b) obtain an exoneration *prior to the time* provided for in the Constitution; if they do neither of these options, they will be deemed in bad standing for the month or months of the non-payment (non-exoneration).

I trust this resolves your inquiry.

Fraternally,

A handwritten signature in cursive script that reads "John Samuelson".

John Samuelson  
International President