



Public Sector Labor-Management Council

Civil Service Commission Central Office Building
Batasang Pambansa Complex, Constitution Hills, Diliman, 1126 Quezon City
Telefax No.: 931-4149

**PAYMENT OF AGENCY FEE
FROM NON-MEMBERS OF THE
ACCREDITED / RECOGNIZED
EMPLOYEES' ASSOCIATION**

Re: Amendment to PSLMC
Resolution No. 1, s. 1993

Number: 17, s. 2013

Promulgated: 25 JUN 2013

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PSLMC RESOLUTION

WHEREAS, the 1987 Constitution, Executive Order No. 180 and its Amended Implementing Rules and Regulations (IRR) recognize the right of employees in the public sector to self-organization and enter into collective negotiations;

WHEREAS, PSLMC Resolution No. 1, s. 1993 dated November 15, 1993 and Administrative Order No. 135 dated December 27, 2005 authorized the grant of CNA Incentives;

WHEREAS, PSLMC Resolution No. 1, s. 1993 authorizes accredited Sole and Exclusive Negotiating Agents (SENAs) with CNAs with management to assess agency fee from non-members of employees' associations receiving CNA benefits;

WHEREAS, in the aforesaid PSLMC Resolution the agency fee refers to the reasonable assessment deducted from non-members of the employees' association which should be equivalent to the dues and other fees paid by its members;

WHEREAS, upon the ratification of the forged CNA between the management of the organizational unit and the employees association, rank-and-file employees who are not members of the employees' association also benefit from the ratified CNA, thus, justifying the deduction of corresponding agency fee;

WHEREAS, despite the clear definition of agency fee, the Council receives numerous requests for definitive ruling and/or legal opinion on the proper application of "reasonableness of the agency fee".

WHEREFORE, the Council **RESOLVES**, as it hereby **RESOLVED**, to adopt the following guidelines in determining the reasonable amount of agency fees to be assessed and collected from non-member rank-and-file employees who benefit from CNA incentives. The agency fee assessed and collected under any of the following circumstances shall be deemed reasonable: *A*

1. It is equivalent to all dues and other fees paid by a member in a particular year where CNA incentive is granted.
2. Equivalent to a certain amount as determined in a resolution duly approved by the members of the employees' association in a General Assembly and carried as one of the stipulation in the Collective Negotiation Agreement (CNA) duly concurred by the management of the employee unit and ratified by the members of the negotiating unit, provided, it is not unconscionable.

RESOLVED FINALLY, that any dispute anent the assessment of agency fee or similar issue involving a non-member of employees' association in relation to CNA incentive shall be resolved through the Grievance Machinery or any equivalent Committee/Machinery stipulated in the CNA.

This PSLMC Resolution shall take effect immediately.

Quezon City, Philippines.

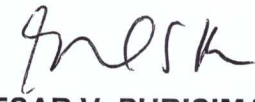

FRANCISCO T. DUQUE III
Chairman, Civil Service Commission
CHAIRMAN


ROSALINDA DIMAPIUS-BALDOZ
Secretary, Department of Labor and Employment
VICE-CHAIRMAN

Dept. of Labor & Employment
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LEILA M. DE LIMA
Secretary, Department of Justice
MEMBER

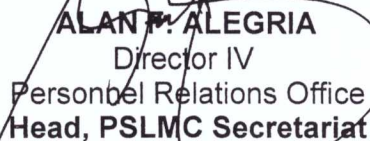

CESAR V. PURISIMA
Secretary, Department of Finance
MEMBER


FLORENCIO B. ABAD
Secretary, Department of Budget and Management
MEMBER

Department of Justice
CN : 0201304521



Attested by:


ALAN F. ALEGRIA
Director IV
Personel Relations Office
Head, PSLMC Secretariat