



A Union of Professionals

Memorandum

American Federation
of Teachers, AFL-CIO

AFT Teachers
AFT PSRP
AFT Higher Education
AFT Public Employees
AFT Healthcare

555 New Jersey Ave. N.W.
Washington, DC 20001
202/879-4400
www.aft.org

To: Affiliated Locals and State Federations

From: Lorretta Johnson, Secretary-Treasurer *LJ*

Date: August 1, 2013

Subject: Agency Fees 2013-2014

The American Federation of Teachers has engaged in extensive consultation with attorneys and auditors on the issue of the portion of the agency fee (fair share fee) that is chargeable and the amount that is non-chargeable (rebateable) to the agency fee payer.

The attached AFT agency fee report includes the calculation of chargeable and non-chargeable expenses and related chargeable and non-chargeable percentages of the AFT and the report of the Independent Auditors, Calibre CPA Group, PLLC for the year ended April 30, 2013. Based on the allocation of total expenses for the year, the AFT agency fee per capita for the 2013-2014 year is calculated as follows:

AFT Convention approved per capita rates effective 9/1/13 for the 2013-2014 year:

July 2013 through August 2013	2 months @ 17.10 = \$ 34.20
September 2013 through June 2014	10 months @ 17.78 = \$177.80

The estimated chargeable fees for 2013-2014 are	\$212.00 * 71.46% = \$151.50
Therefore, non-chargeable fees for 2013-2014 are	\$212.00 * 28.54% = \$60.50

No expenses have been included in the AFT agency fee calculation for the occupational liability or AD&D insurance. If your local provides these insurances (one or both) to an agency fee payer, they should be listed on your local's agency fee calculation as a chargeable expense.

This entire AFT calculation and the accompanying auditors report must be combined with your local and state federation reports as well as a copy of its challenge procedures and be provided to agency fee payers at least 30 days prior to the collection of the first agency fee for the 2013-2014 school year, or the number of days required by applicable state law.

LJ:JFF

Enclosure



AMERICAN FEDERATION OF TEACHERS, AFL-CIO

COMBINED STATEMENT OF GENERAL FUND,
MILITANCY/DEFENSE FUND AND SOLIDARITY FUND EXPENSES
AND ALLOCATION BETWEEN CHARGEABLE
EXPENSES AND NON-CHARGEABLE EXPENSES

YEAR ENDED APRIL 30, 2013



AMERICAN FEDERATION OF TEACHERS, AFL-CIO

**COMBINED STATEMENT OF GENERAL FUND, MILITANCY/DEFENSE
FUND AND SOLIDARITY FUND EXPENSES AND ALLOCATION BETWEEN CHARGEABLE
EXPENSES AND NON-CHARGEABLE EXPENSES**

YEAR ENDED APRIL 30, 2013

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CERTIFIED PUBLIC ACCOUNTANTS
AND BUSINESS ADVISORS

7501 WISCONSIN AVENUE
SUITE 1200 WEST
BETHESDA, MD 20814

202.331.9880 PHONE
202.331.9890 FAX

566 WEST LAKE STREET
SUITE 300
CHICAGO, IL 60661

312.920.9400 PHONE
312.920.9494 FAX

www.calibrecpa.com



REPORT OF INDEPENDENT AUDITORS

The Secretary-Treasurer
American Federation of Teachers, AFL-CIO

We have audited the accompanying combined statement of General Fund, Militancy/Defense Fund and Solidarity Fund expenses and allocation between chargeable expenses and non-chargeable expenses of the American Federation of Teachers, AFL-CIO (the Federation) for the year ended April 30, 2013, and the related notes to the statement.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of this statement, as modified for the accounts and funds described in Note 1b, and the allocated combined expenses between chargeable and non-chargeable expenses, on the basis of the definitions and significant factors and assumptions described in Notes 2 and 3; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on this statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Federation's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Federation's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the combined statement referred to above presents fairly, in all material respects, the combined expenses of the American Federation of Teachers, AFL-CIO for the year ended April 30, 2013, as modified for the accounts and funds described in Note 1b, and the allocated combined expenses between chargeable and non-chargeable expenses, on the basis of the definitions and significant factors and assumptions described in Notes 2 and 3.

Other Matter

The total expenses reflected in Column A of the combined statement are based on the expenses of the Federation for the year ended April 30, 2013, as modified for the accounts and funds described in Note 1b. The allocation of combined expenses between chargeable (column B) and non-chargeable (column C) is based on the definitions and significant factors and assumptions described in Notes 2 and 3.

This report is intended solely for the information and use of the American Federation of Teachers, AFL-CIO and its agency fee payers, outside the State of California, and is not intended to be and should not be used by anyone other than these specified parties.

Calibre CPA Group, PLLC

Bethesda, MD
July 29, 2013

AMERICAN FEDERATION OF TEACHERS, AFL-CIO

**COMBINED STATEMENT OF GENERAL FUND, MILITANCY/DEFENSE FUND
AND SOLIDARITY FUND EXPENSES AND ALLOCATION BETWEEN
CHARGEABLE EXPENSES AND NON-CHARGEABLE EXPENSES FOR THE**

YEAR ENDED APRIL 30, 2013

	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>	
	Total	Chargeable	Non-chargeable	
	Expenses	Expenses	Expenses	Notes
DIRECT EXPENSES				
Salaries	\$ 37,180,370	\$ 33,049,460	\$ 4,130,910	3a
Fringe benefits	14,655,887	13,154,581	1,501,306	3b
Payroll and other taxes	2,792,808	2,484,377	308,431	3b
Severance and vacation pay	1,331,544	1,184,492	147,052	3b
Travel and related expenses	4,645,069	4,020,399	624,670	3b
Dues, donations, and membership fees	4,934,527	-	4,934,527	3c
Publications:				
<u>American Teacher</u>	1,296,713	406,933	889,780	3d
<u>American Educator</u>	1,131,401	151,404	979,997	3d
<u>Health Wire</u>	115,951	63,990	51,961	3d
<u>Public Employee Advocate</u>	160,059	56,581	103,478	3d
<u>On Campus</u>	383,005	104,524	278,481	3d
<u>PSRP Reporter</u>	307,845	148,232	159,613	3d
AFT-COPE and related activities	6,346,720	-	6,346,720	3e
Affiliation fees	10,550,685	-	10,550,685	3f
Educational training programs	353,527	332,384	21,143	3g
Regional conferences and training	3,082,816	2,970,295	112,521	3g
AFT Teach conference	469	469	-	3g
Assistance and collective bargaining	25,084,518	25,084,518	-	3h
State federation rebates	1,660,653	1,660,653	-	3i
Militancy Fund	38,999	-	38,999	3j
Defense Fund	8,456,738	8,456,738	-	3k
Solidarity Fund - National	9,685,328	1,070,000	8,615,328	3l
Solidarity Fund - State Federations	7,239,310	7,239,310	-	3l
Legal, audit, and consulting	2,447,841	1,969,646	478,195	3m
Legal, audit, and consulting - agency shop	114,177	114,177	-	3m
Legislative activities (non-collective bargaining)	1,768,231	-	1,768,231	3n
Public affairs activities	65,372	-	65,372	3n
Member benefits activities	1,448,796	-	1,448,796	3n
International affairs activities	215,082	-	215,082	3n
Convention and executive council meetings	2,812,685	2,812,685	-	3o
Departmental meetings and projects	9,787,809	7,291,903	2,495,906	3p
Funding Our Priorities	5,678,357	4,555,790	1,122,567	3q
Regional offices	<u>279,640</u>	<u>271,315</u>	<u>8,325</u>	3r
Total direct expenses	\$ <u>166,052,932</u>	\$ <u>118,654,856</u>	\$ <u>47,398,076</u>	

See report of independent auditors and accompanying notes to combined statement.

AMERICAN FEDERATION OF TEACHERS, AFL-CIO

**COMBINED STATEMENT OF GENERAL FUND, MILITANCY/DEFENSE FUND AND
SOLIDARITY FUND EXPENSES AND ALLOCATION BETWEEN CHARGEABLE
EXPENSES AND NON-CHARGEABLE EXPENSES**

YEAR ENDED APRIL 30, 2013

	Column A	Column B	Column C	Notes
	Total	Chargeable	Non-Chargeable	
	Expenses	Expenses	Expenses	
GENERAL, ADMINISTRATIVE, AND OPERATING EXPENSES				3s
National office and equipment rental	\$ 2,775,728	\$ 1,983,425	\$ 792,303	
Depreciation and amortization	1,321,463	944,265	377,198	
Repairs and maintenance	472,661	337,745	134,916	
Information technology	79,480	56,793	22,687	
Computer implementation	603,176	431,006	172,170	
General insurance	605,316	432,535	172,781	
General legal, audit, and consulting	2,722,102	1,945,106	776,996	
Postage, express and delivery, and telephone	391,335	279,633	111,702	
Office supplies, subscriptions, books, and other	1,966,558	1,405,225	561,333	
Total general, administrative, and operating expenses	10,937,819	7,815,732	3,122,087	
Total expenses	\$ 176,990,751	\$ 126,470,588	\$ 50,520,163	
	100%	71.46%	28.54%	

See report of independent auditors and accompanying notes to combined statement.

AMERICAN FEDERATION OF TEACHERS, AFL-CIO

NOTES TO COMBINED STATEMENT OF GENERAL FUND, MILITANCY/
DEFENSE FUND AND SOLIDARITY FUND EXPENSES AND ALLOCATION BETWEEN
CHARGEABLE
EXPENSES AND NON-CHARGEABLE EXPENSES

YEAR ENDED APRIL 30, 2013

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

- a. **Basis of Presentation** - The accompanying combined statement was prepared for the purpose of determining the fair share cost of services rendered by the American Federation of Teachers, AFL-CIO (the Federation) for employees represented by, but not members of, the Federation and its affiliated local unions. The accompanying combined statement is not intended to be a complete presentation of the Federation's financial position, changes in its net assets, or its cash flows in accordance with generally accepted accounting principles.
- b. **Accounts and Funds Excluded from the Combined Statement** - The expense of providing accident and liability insurance to members and agency fee payers is recovered through premium charges to locals and has been excluded from the combined expense statement. Rent and various other operating expenses associated with the subletting operations of the Federation, which are accounted for in the Federation's Building Fund, have been excluded from the combined expense statement.
- c. **Income Taxes** - The Federation is exempt from Federal income taxes under Section 501(c)(5) of the Internal Revenue Code, except on net income from unrelated business activities.
- d. **Retirement Plans** - The Federation contributes a percentage of eligible employees' salaries to retirement plans. The amount of the contribution is included in net periodic pension expense. The adjustment required as a result of the change in the liability to recognize the underfunded status of the Plan is not reflected in these statements.
- e. **Severance and Accumulated Vacation** - The Federation accrues accumulated severance and vacation expense as it is earned by its employees under various contracts and agreements.
- f. **Depreciation and Amortization** - Depreciation and amortization are computed using the straight-line method over the estimated useful lives of the assets.

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

- g. **Leases** - The Federation occupies office space in a building which is owned by a limited partnership of which the Federation, through its wholly owned subsidiary, 555 New Jersey Avenue, N.W., Inc., is the controlling partner. Annual rental payments were approximately \$2,852,000 of which 96 percent or approximately \$2,786,000, is charged to the General Fund based on the space occupied by the Federation.
- h. **Estimates** - The preparation of financial statements requires management to make estimates and assumptions that affect the reported expenses during the reporting period and the allocation of expenses between chargeable and non-chargeable. Actual results could differ from those estimates.
- i. **Subsequent events review** - Subsequent events have been evaluated through July 29, 2013, which is the date the financial statements were available to be issued. This review and evaluation revealed no new material event or transaction which would require an additional adjustment to or disclosure in the accompanying financial statement.

NOTE 2. DEFINITIONS

The following definitions of chargeable and non-chargeable expenses are based on existing law and the Federation's interpretation of court cases.

Chargeable Expenses - Chargeable expenses are those incurred by the Federation that reflect the share of the costs of operations of the Federation which are considered necessarily and reasonably incurred for the purpose of assisting state federations and local unions and councils in the performance of their duties as a representative of the employees in dealing with the employer on labor management issues, including the costs of: negotiating and administering the collective bargaining contract; settling grievances and disputes by mutual agreement, or in arbitration, court or otherwise; activities and undertakings normally and reasonably employed to implement the duties of the local union or council as representative of the employees in the bargaining unit; and the maintenance of the Federation's, state federations', local unions' and councils' associational existence.

The following are examples of expenditures classified as chargeable: preparation for and negotiations of collective bargaining agreements; contract administration including investigating and processing grievances; meetings, conferences, administrative, arbitral and court proceedings, and pertinent investigation and research in connection with work-related subjects and issues; handling work-related problems of employees; communications with community organizations, civic groups, government agencies, and the media regarding the Federation's position on work-related matters; maintaining membership; employee group programs; and providing legal, economic, and technical expertise on behalf of employees in all work-related matters.

NOTE 2. DEFINITIONS (CONTINUED)

Non-chargeable Expenses - Non-chargeable expenses are those of an ideological or political nature and those that are not germane to work-related interests of employees.

The term "political" is defined as support for or against candidates for political office of any level of government and any office in the union structure. The term "ideological" is defined as support for or against certain positions that the union may take which are not work-related.

The following expenses are classified as non-chargeable: lobbying, electoral or political activities outside the limited context of contract ratification or implementation; litigation expenses that do not concern the objecting employees' bargaining unit; and public relations efforts designed to enhance the reputation of the teaching profession.

NOTE 3. SIGNIFICANT FACTORS AND ASSUMPTIONS USED IN THE ALLOCATION OF COMBINED EXPENSES BETWEEN CHARGEABLE AND NON-CHARGEABLE

- a. **Salaries** - Salary expenses of executives, editorial department editors and administrative staff, as well as salary expenses for personnel responsible for office management, finance, travel and meetings have been allocated between chargeable and non-chargeable activities based on time spent by personnel on such activities. The salary expense of the employees in the Committee on Political Education (COPE), legislative, public affairs, and international affairs departments were previously determined to be 100 percent non-chargeable. Effective May 1, 2011, the salary expenses of these departments are now allocated based on time spent on chargeable and non-chargeable activities as are all other departments. The salaries of office and clerical personnel are allocated between chargeable and non-chargeable in the same percentage as their supervisors.
- b. **Fringe Benefits, Payroll and Other Taxes, Severance and Vacation Pay, and Travel and Related Expenses** - These expenses are allocated on the basis of salary expense allocations described in Note 3a above.
- c. **Dues, Donations, and Membership Fees** - Dues, donations, and membership fees to all organizations are considered to be 100 percent non-chargeable.
- d. **Publications** - Direct printing and publishing expenses of the publications are allocated based on the specific content of articles in the publications as determined by the Federation's editorial department. Expenses allocable to articles considered political or ideological in nature are deemed not to benefit nonmembers and are non-chargeable. Expenses allocable to reporting on legislative and lobbying activities, litigation activities, public relations activities, illegal strike activities, and articles relating to enhancement of the reputation of the teaching profession as a whole are non-chargeable, except for those related to collective bargaining. The content of articles deemed chargeable were reviewed by editorial staff and are directly related to issues in collective bargaining, contract administration, and grievance matters.

NOTE 3. SIGNIFICANT FACTORS AND ASSUMPTIONS USED IN THE ALLOCATION OF COMBINED EXPENSES BETWEEN CHARGEABLE AND NON-CHARGEABLE (CONTINUED)

Chargeable articles include topics such as collective bargaining contracts negotiated by locals throughout the country and arbitrations won by the Federation's locals. Chargeable articles also include topics such as salary and fringe benefit improvements, health and welfare areas such as asbestos removal, etc. Other chargeable articles deal with specific topics like class size and educational reform issues on new and advanced methods of classroom instruction. Expenses allocable to advertising, net of advertising revenue, are considered non-chargeable.

- e. **AFT-COPE and Related Activities** - Expenses related to the Federation's Committee on Political Education (COPE) Fund are considered to be 100 percent non-chargeable.
- f. **Affiliation Fees** - Affiliation fees are considered to be 100 percent non-chargeable.
- g. **Educational Training Programs and Conferences** - Educational training programs and conferences are for local, state, and national staff and are to enhance staff skills in collective bargaining, grievance handling, and contract administration. These educational training programs and conferences are considered to be 100 percent chargeable, except that items of a political or public relations nature contained within the programs are non-chargeable.

The AFT Teach conference is a biennial conference that concentrates on educational reform and new instructional methods. As this conference focuses on education related issues, the related expenses are considered to be 100 percent chargeable.

- h. **Assistance and Collective Bargaining** - Expenses of organizing, collective bargaining, assistance to local unions, grievance handling, contract administration, etc. are 100 percent chargeable.
- i. **State Federation Rebates** - State federation rebates are required by the Federation's constitution and are therefore 100 percent chargeable. These funds are to be used to hire staff at the state and local level, to negotiate collective bargaining agreements, and to enforce contract administration. Also, funds are used to service members directly.
- j. **Militancy Fund** - The Militancy Fund supports members and locals involved in strikes. These expenses are considered to be 100 percent non-chargeable.

NOTE 3. SIGNIFICANT FACTORS AND ASSUMPTIONS USED IN THE ALLOCATION OF COMBINED EXPENSES BETWEEN CHARGEABLE AND NON-CHARGEABLE (CONTINUED)

k. **Defense Fund** - The Defense Fund is a legal defense fund available to members and nonmembers which grants assistance to local and state bodies to help protect the rights of teachers, career service personnel, and other educational workers, as well as, health care and Federal, state, and local employees. Matters involving contract administration, grievance handling, and litigation involving the defense of the Federation are considered to be chargeable. Expenses of litigation unrelated to an objecting employee's unit and not germane to the Federation's duties as exclusive bargaining representative are not considered to be chargeable as defined in Lehnert v. Ferris Faculty Association (1991). However, based on Locke v. Karass, U.S. Supreme Court, January 21, 2009, nonmembers could be charged by the local or national union for national litigation expenses as long as the subject matter of the extra-local litigation was of a kind that would be chargeable if the litigation were local and the charge was reciprocal in nature. This fund is administered through a committee comprised of Vice Presidents, the Secretary-Treasurer and the General Counsel, all of the Federation.

l. **Solidarity Funds** - Solidarity Fund - National expenses consist of payments made related to political and legislative activities. These payments are considered to be 100 percent non-chargeable unless the expense is directly related to improving the wages, hours, or working conditions of the members of the bargaining unit(s).

Solidarity Fund - State - State expenses consist of payments made to AFT State Federation Solidarity Funds as required by the Federation's Constitution and are considered 100 percent chargeable.

m. **Legal, Audit and Consulting Expenses** - Legal, audit, and consulting expenses related to specific projects are allocated based on the chargeable percentages of the related departments, except that legal, audit and consulting expenses primarily for non-chargeable activities are considered to be 100 percent non-chargeable.

Legal, audit, and consulting expenses - agency shop are fees paid to outside lawyers, auditors, and consultants for services directly relating to agency shop matters. These expenses are considered to be 100 percent chargeable.

General legal, audit and consulting expenses are allocated as described in Note 3s below.

NOTE 3. SIGNIFICANT FACTORS AND ASSUMPTIONS USED IN THE ALLOCATION OF COMBINED EXPENSES BETWEEN CHARGEABLE AND NON-CHARGEABLE (CONTINUED)

- n. **Legislative Activities (non-collective bargaining), Public Affairs Activities, Member Benefits Activities and International Affairs Activities** - Activities related to legislative (non-collective bargaining), public affairs, member benefits, and International affairs expenses are generally considered to be 100 percent non-chargeable.
- o. **Convention and Executive Council Meetings** - Expenses related to the Federation's biennial convention and periodic Executive Council meetings are considered to be 100 percent chargeable.
- p. **Departmental Meetings** - Departmental meeting expenses are allocated based on the chargeable percentages of the related departments, except that meeting expenses primarily for non-chargeable activities are considered to be 100 percent non-chargeable.
- q. **Funding Our Priorities (formerly Special Projects)** - Funding Our Priorities expenses are allocated based on the chargeability or non-chargeability of each project.
- r. **Regional Offices** - Regional offices expenses are allocated based on the chargeable percentages of the regional office directors.
- s. **General, Administrative, and Operating Expenses** - General, administrative, and operating expenses have been allocated to chargeable and non-chargeable expenses based on the same ratio as total direct expenses.