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DECISION

THE COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-196978 DATE: August 14, 1980

MATTER OF: Margaret Jackson - [Withdrawal of Allotment of Union Dues]

DIGEST: The Department of the Army received from an employee a signed authorization to have union dues allotted directly to a union. The employee then requested that the authorization be returned to her before any dues had been allotted to the union and the agency agreed. The union filed a grievance and the agency settled the grievance in favor of the union and the dues were allotted to the union. Under the CSRA, 5 U.S.C. 7115(a), an agency must honor a written authorization for allotment of union dues when it is received and the employee may not have the union dues returned to her.

This is in response to a request for an advance decision by Lieutenant Colonel A. T. Holder, Chief, Finance and Accounting Division, Department of the Army, concerning the request of Mrs. Margaret Jackson to have her dues allotment cancelled.

On May 24, 1979, Margaret Jackson signed a Request and Authorization for Voluntary Allotment of Compensation for Payment of Employee Organization Dues (Standard Form 1187). This form was signed by a Ms. Kilgore of the American Federation of Government Employees (AFGE) on May 25, 1979, and was sent to payroll for processing where it was received on May 30, 1979. The form provided that the allotment would become effective the first full pay period following its receipt in payroll and in this case the allotment would have been effective on June 10, 1979.

On May 31, 1979, Mrs. Jackson changed her mind and decided to withdraw from the Union and requested that her allotment not be processed and that the form be returned to her. Initially, payroll complied with these requests. The Union then filed a grievance and on July 31, 1979, the Union and agency agreed that upon receipt of Standard Form 1187, the Civil Service Reform Act mandated that the agency honor

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the assignment and make an appropriate allotment. Therefore, the agency and Union agreed that Standard Form 1187 should not have been returned to the employee and allotments were made to the Union. Mrs. Jackson then requested that the deduction of Union dues from her pay be discontinued and that she be refunded all monies deducted.

The provision of the Civil Service Reform Act, Public Law 95-454, which covers allotments to representatives is contained in 5 U.S.C. § 7115 and provides in part:

> "(a) If an agency has received from an employee in an appropriate unit a written assignment which authorizes the agency to deduct from the pay of the employee amounts for the payment of regular and periodic dues of the exclusive representative of the unit, the agency shall honor the assignment and make an appropriate allotment pursuant to the assignment. * * *. Except as provided under subsection (b) of this section, any such assignment may not be revoked for a period of 1 year."

The clear language of this statute requires an agency to honor the written assignment once it is received and make an appropriate allotment. Standard Form 1187 states that it will become effective the pay period following its receipt in the agency's payroll office. This statement only shows when the dues allotment will start to be withheld from the employee's salary and does not mean that the authorization can be withdrawn before that time. Although Mrs. Jackson argues that Standard Form 1187 was not effective until June 11, 1979, the statutory language plainly indicates that the agency must honor the authorization upon receipt. The statute does not permit withdrawal after the form is received in the payroll office. After that time, the employee can revoke the allotment only after 1 year.

The only exception to the 1-year revocation rule is contained in 5 U.S.C. § 7115(b) which provides:

> "(b) An allotment under subsection (a) of this section for the deduction of dues with respect to any employee shall terminate when--

"(1) the agreement between the agency and the exclusive representative involved ceases to be applicable to the employee; or

"(2) the employee is suspended or expelled from membership in the exclusive representative."

Obviously, section (b)(2) does not apply since Mrs. Jackson was neither expelled nor suspended from the Union. Section (b)(1) applies to situations where the employee is promoted to a management position or leaves the employ of the agency. See H.R. Rep. No. 1403, 95th Cong., 2d Sess. 49 (1978). In this situation Mrs. Jackson was still a member of the bargaining unit but chose to leave the Union. In that regard, 5 U.S.C. 7114 states that "A labor organization which has been accorded exclusive recognition is the exclusive representative of the employee in the Union it represents and is entitled to act for, and negotiate collective bargaining agreements, covering all employees in the unit." Section (b)(1) does not apply to Mrs. Jackson under these circumstances. Therefore Mrs. Jackson could not revoke the allotment once it was received by the agency for 1 year. Compare 5 U.S.C. 7115(c), applicable where a labor organization is not an exclusive representative.

Therefore, we hold that Mrs. Jackson may not be refunded any monies properly allotted to the Union.

Milton J. Socolar

For The Comptroller General
of the United States