




FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 10, 2003

MEMORANDUM

TO: The Commission

THROUGH: James A Pehrkon
Staff Director

FROM: Allan D. Silberman 
Director, ADR Office

SUBJECT: Recommendation to Dismiss **ADR 098**

On February 4, 2003, the Commission assigned **ADR 098/MUR 5290** to the ADR Office (ADRO) for processing. The case was forwarded to ADRO from OGC on December 6, 2002. The Respondent, Kaiser Permanente – Colorado, was advised of the Commission's action on February 5, 2003 and of the ADR option available to them. No response was received from the Respondent including a phone message left on March 6, 2003. On March 7, 2003, ADRO received a letter (copy attached) from the complainant, Local 7 of the United Food and Commercial Workers Union (UFCWU), withdrawing the complaint.

The complaint pertained to a request that the Respondent refused to provide the Union with a payroll deduction plan similar to that provided company executives and administrative staff that enabled them to make voluntary contributions to a separate segregated fund. The company's refusal, a violation of 2 U.S.C. § 441b(b)(6), was in part based on any reference in the parties' collective bargaining agreement to the matter. The letter from the complainant, dated February 28, 2003, noted that the parties ratified, on August 8, 2002, a National Agreement that provided for voluntary check-off for employee contributions to the Union's political action fund. The agreement went into effect on October 1, 2002. The letter from the complainant also advised that the respondent requested, on August 23, 2002, that the complaint be withdrawn.

2 U.S.C. § 441b(b)(6) provides that any corporation, including its subsidiaries, and branches that utilizes a method of soliciting voluntary contributions shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expense incurred, to a labor organization representing any members working for the corporation or its subsidiaries. Seeing that the issue that gave rise to the complaint has been addressed to the satisfaction of the complainant there is no value in pursuing the matter. Accordingly, we recommend that the case be closed and the appropriate letter be sent.

Recommendation: We recommend that the Commission take no further action regarding ADR 098/MUR 5290, close the file and send the appropriate letter.