



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 23, 2018

Subject: Resolution No. 2018/548- CCC Defenders Association Side Letter to Delete Section 35.5 Union Dues and Modify Section 2 Association Security

RECOMMENDATION(S):

ADOPT Resolution No. 2018/548 approving the Side Letter between the County of Contra Costa and the Contra Costa County Defenders Association, deleting Section 35.5 - Union Dues and modifying Section 2 - Association Security of the Memorandum of Understanding.

FISCAL IMPACT:

This is a change to administrative process and has no direct fiscal impact.

BACKGROUND:

AB 119, which mandates union access to new employee orientations, was passed on June 27, 2017 and took effect immediately. The bill places an affirmative burden on public agencies to immediately begin doing three things:

1. Providing 10 days' advance notice of any new employee orientation (Gov. Code §3556);
2. Providing to the union the name, job title, department, work location, work, home, personal cellular telephone number, personal email address, and home address of any new employee within 30 days of hire or by the first pay period of the month following

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/23/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 23, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Lisa Driscoll, County
Finance Director (925) 335-1023

By: June McHuen, Deputy

hire (Gov. Code §3558);

BACKGROUND: (CONT'D)

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3. Providing to the union the information in #2 every 120 days for all employees(Gov. Code §3558).

Most of the County's current memoranda of understanding include a procedure for unions to access employees during orientation. Several of our bargaining groups requested that the County bargain over the structure, time, and manner of access of the union to a new employee orientation.

Janus v. American Federation of State, County, and Municipal Employees, Council 31 was decided by the United States Supreme Court in June 2018. The decision declared that it is unconstitutional to require public sector employees as a condition of employment to either join a union or pay a service fee (agency shop). As a result of this decision, the County can no longer collect service fees from non-union members as a condition of employment. The attached side letter updates the MOU with the CCC Defenders Association to remove the agency shop provisions and update the dues deductions provisions of the MOU to be consistent with the *Janus* decision.

The County and the CCC Defenders Association agree to incorporate the attached side letter into Section 2 - Association Security of the Memorandum of Understanding. Section 35.5 - Union Dues is no longer needed as pertinent language is now included under Section 2 - Association Security.

CONSEQUENCE OF NEGATIVE ACTION:

If the side letter of agreement is not approved, language regarding dues deductions and other association security will be inconsistent with current law until an alternative process is adopted.

ATTACHMENTS

Resolution No. 2018/548

CCCDA Side Letter dated 10/10/18