



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: February 26, 2019

Subject: Resolution No. 2019/57 - Deputy Sheriffs Association Side Letters to Modify MOUs Pursuant to AB 119, SB 866 and Janus Supreme Court Decision

RECOMMENDATION(S):

ADOPT Resolution No. 2019/57, approving the attached three side letters, dated February 8, 2019, between Contra Costa County and the Deputy Sheriffs Association:

- Rank and File Unit to modify Section 2 – Association Security of the Memorandum of Understanding pursuant to AB 119, SB 866 and the *Janus* Supreme Court decision.
- Management Unit to modify Section 2 – Association Security of the Memorandum of Understanding pursuant to AB 119, SB 866 and the *Janus* Supreme Court decision.
- Probation and Probation Supervisors Units to modify Section 2 – Association Security, Section 44.5 - Temporary Employee Grievances and delete Section 44.6 –

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/26/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ABSENT: Diane Burgis, District III Supervisor

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

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: February 26, 2019

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

By: June McHuen, Deputy

RECOMMENDATION(S): (CONT'D)

Association Dues of the Memorandum of Understanding pursuant to AB 119, SB 866 and the *Janus* Supreme Court decision.

FISCAL IMPACT:

This change to the administrative process 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 hire (Gov. Code §3558);
3. Providing to the union the information in #2 every 120 days for all employees (Gov. Code §3558).

Several of our bargaining groups, including the Deputy Sheriffs Association 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 of 2018. The decision declared “agency shop” provisions unconstitutional, which required a public sector employee to pay dues to either join a union or pay a service fee to the union as a condition of employment. As a result of this decision, the County may no longer collect service fees from non-union members as a condition of employment. The attached side letters update the MOUs to remove the agency shop provisions and update the dues deductions provisions of the MOUs to be consistent with the *Janus* decision.

SB 866 was passed in June of 2018. SB 866 amended the Government Code to require public agencies to honor union requests to deduct union membership dues from employee wages, and to rely on union certifications that the union has and will maintain member dues authorizations (Gov. Code §§ 1152, 1157.3). The attached side letters update the MOUs to reflect this change in the law.

The County and the Deputy Sheriffs Association Rank and File Unit and the Deputy Sheriffs Association Management Unit agree to incorporate the attached side letters into their respective Memorandums of Understanding, both titled Section 2 – Association Security.

The Deputy Sheriffs Association Probation and Probation Supervisors Units agree to incorporate the attached side letter into Section 2 – Association Security of the Memorandum of Understanding. Section 44.5 – Temporary Grievances is being amended to remove references to agency shop. Section 44.6 – Association Dues is being removed in its entirety and will be covered 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 2019/57

DSA Management Unit Side Letter dated 2-8-19

DSA Rank and File Unit Side Letter dated 2-8-19

DSA Probation and Probation Supervisors Units Side Letter dated 2-8-19