

**Side Letter of Understanding
Between Tulare County
and the
Tulare County Corrections Association (TCCA)**

This side letter is to confirm that the County of Tulare and the Tulare County Corrections Association (TCCA) met and conferred on the U.S. Supreme Court issued decision on *Janus v. AFSCME* that deemed collecting agency fees unconstitutional for agency shop unions. In addition, Governor Brown signed into law that day Senate Bill 866 that amends and creates new State law regulating: (1) how public employers and employee organizations manage organization membership dues deductions; (2) how public employers communicate with employees about their rights to join or support, or refrain from joining or supporting, employee organizations; and (3) making the location of employee orientations confidential.

It is the County's intent to remain compliant with Federal and State law as outlined in *Janus*, and Senate Bill 866.

Article 28 ~~UNIT~~ UNION MEMBERSHIP 22

Article 14 EMPLOYEE BENEFIT PLAN

Instead of independent County contributions to Health, Dental, Vision, Life and Long Term Disability insurance, the County has implemented a cafeteria style benefits program as follows in which a Benefit Amount granted pursuant to this MOU shall be used for the benefits specified in this article and may be used and/or supplemented by payroll deduction for the specified benefits and for other voluntary benefits subject to the limitations of the County's Section 125 plan document. TCCA has an independent, Union operated benefit plan that provides all benefits mandated by the County's plan. All bargaining unit TCCA members are required to participate in TCCA's plan. ~~TCCA Bargaining unit~~ members shall therefore use their employee benefit dollars to purchase benefits from the TCCA plan, not the County's plan.

6) The County will collect a County Administration Fee of \$3.00 per pay period from each ~~TCCA represented Bargaining Unit 12~~ employee (includes both enrolled and waived) by payroll deduction. This County Administration Fee will be remitted to the County to cover costs associated with the administration of the Benefit Amount and necessary communication and coordination of coverage with TCCA's Health Plan Administrator.

Article 28 ~~UNIT~~ UNION MEMBERSHIP (AGENCY SHOP)

The County shall exclusively provide TCCA in writing, ~~quarterly~~ monthly each year from the effective date of this Memorandum, a list of all employee's subject to this M.O.U., of such employee's name, Employee I.D. Number, class and job location.

~~On March 21, 2003 the State of California Department of Industrial Relations Mediation and Conciliation Service certified that the employees in bargaining unit 12 voted in the affirmative for Agency Shop.~~

~~1. Agency Shop~~

~~Agency Shop requires that all employees in the bargaining unit to either, a) join the employee organization as a Union Member, b) be an agency Fee Payer, or c) qualify for a Religious Exemptions.~~

~~A. For employees in the unit that are not currently Union Members, such employees will be automatically enrolled as agency Fee Payers as of July 1, 2014. The Union shall notify such Fee Payers that an agency Fee deduction shall commence by County payroll deduction on July 1, 2015.~~

~~B. New employees hired on or after July 2, 2015 will be automatically enrolled as agency Fee Payers upon their date of hire. Employees will remain agency Fee Payers unless they join the employee organization as a Union Member or qualify for a Religious Exemption (see E. below).~~

~~C. The County will convert an Agency Fee payer to a Union Member upon the County's receipt of an employee signed union Membership Card that authorizes a County payroll deduction for union dues. Such cards shall be sent by the Union to the Auditor's Office Payroll Division for processing. The County shall convert the employee to a Fee Payer as soon as administratively possible.~~

~~D. Employees shall be able to convert from a Union Member to a Fee Payer upon the County's receipt of written notice that the employee has withdrawn from being a Union Member. At such point, the County shall convert the employee to a Fee Payer as soon as administratively possible.~~

~~E. Any employee who is a member of a bona fide religion, body or sect whose traditional tenets or teachings include objections to joining or financially supporting employee organizations shall not be required to pay an agency fee. Such employees shall pay by means of mandatory payroll deduction an amount equal to the agency fee to a non-religious, non-labor charitable organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. Such organization shall be chosen by the employee from the following list of charitable organizations: 1) United Way, or 2) Court Appointed Special Advocates, or 3) Wish Upon a Star Foundation.~~

~~To qualify for the Religious Exemption, the employee must provide to the Union, with a copy to the County, an appropriate written Statement of Objection. If the Union does not approve of the Statement of Objection, the Union shall notify the employee and County within thirty (30) days of receipt of the Statement of Objection.~~

~~If the Union challenges the employee's claim for Religious Exemption, the deduction to the charity of the employee's choice will commence but will be held in an account pending resolution of the challenge in accordance with the Union's dispute resolution procedure.~~

~~The County shall not be made a party to any dispute between the Union and employee pertaining to whether the employee qualifies for the religious exemption.~~

21. Payroll Deductions and Dues/Fees Remittance

A. The Union shall notify the County, in writing, of the name and title of the Union officer authorized to receive such Union Dues ~~and Agency Fee~~ deductions. Each pay period, the County shall remit such deductions to TCCA for handling in accordance with the Union's bylaws.

~~C. The Agency Fee to be charged shall be determined by the Union subject to applicable law, and shall be an amount not to exceed the normal Membership Dues and general assessments applicable to Union members. Any change to the Agency Fee amount shall be made as soon as administratively possible, however, no longer than thirty (30) calendar days of receipt of such notice.~~

The County shall not be obligated to put into effect any new, changed or discontinued deduction until a payroll deduction card certified list of employees who have provided the Union with deduction authorization forms is submitted to the Payroll department in sufficient time to permit normal processing of the change or deduction.

~~F. Notification to Non-Member of Agency Fee (Hudson Notice): The Union shall comply with applicable law and regulations regarding disclosure and allocation of its expenses.~~

~~G. In compliance with PERB regulations 32992-32994, the Union shall provide an expeditious appeals procedure for employees who object to the payment of any portion of their Agency Fee.~~

5. Term

~~Agency Shop shall remain in full force and effect for as long as TCCA is the recognized bargaining representative for unit 12 or unless the agreement is rescinded pursuant to Government Code Section 3502.5(b) or any other statutory provisions that apply.~~

Article 47 PERSONNEL RULES AND POLICY REVISIONS

The County and TCCA ~~will continue to meet~~ met and conferred on revisions to the Personnel Rules and came to agreement on such revisions. Additionally, the County and TCCA agreed on revisions to the Employment Relations Policy and to the new Information & Communication Technology policies (Mobile Devices and Theft). The County shall also provide a form to TCCA bargaining unit members to either opt in/out of the Counties obligation to release their personal cell phone number to other unions or employee associations in accordance with AB 2843.

This side letter of agreement was reached through the meet and confer process with TCCA on these topics, this side letter of agreement is subject to approval by the Board of Supervisors.

For TCCA

Date

For Tulare County
Rhonda Sjostrom

Date