



**TENTATIVE AGREEMENT
REGARDING DUES DEDUCTIONS
Per California Government Code Section 3505.1
Between
the City of Carson and
the American Federation Of State, County, And Municipal Employees Union, Council 36,
Local 1017, Representing the Confidential Employee Bargaining Unit**

The previous Memorandum of Understanding ("MOU") between the City of Carson ("City") and the American Federation Of State, County, And Municipal Employees Union, Council 36, Local 1017, ("Union" or "AFSCME") representing the Confidential Employee Bargaining Unit expired on June 30, 2016 ("AFSCME MOU 2015-16"). The City and Union representatives began negotiating in June 2016 regarding a successor AFSCME MOU. The parties reached a tentative agreement on the terms for a successor AFSCME MOU covering the period July 1, 2016 thru June 30, 2021, the deal points of which set forth and affirmed by the execution of a written Tentative Agreement by the parties' labor representatives, which was ratified by the Union on September 11, 2018 and approved by City Council on January 8, 2019.

The AFSCME MOU 2015-16 contains Agency Shop and mandatory dues deduction language under Article VIII Union Rights, Sections 1 thru 4. On June 27, 2018, the United States Supreme Court decided Janus v. American Federation of State, County, & Municipal Employees, Council 31, 138 S.Ct. 2448 (2018), holding that the application of public sector union fees to non-members is a violation of the First Amendment. As a result, the Union delivered a letter to the City dated that same day directing the City to immediately cease deducting any agency or fair share fees from employees in the represented bargaining Unit who were not current members of the Union, cease remitting such funds to the Union, and refund such funds being currently held by the City. The Union also requested to immediately meet and confer over the impacts of the Janus decision.

Immediately after the U.S. Supreme Court decided Janus, Governor Brown signed Senate Bill 866 as urgency legislation that applied to all California public employers effective June 27, 2018. Among other things, S.B. 866 amended the Government Code and created new state laws regulating: employee organization membership dues and membership-related fees; employer communications with employees about their rights to join or support, or refrain from joining or supporting unions; and the disclosure of the date, time, and place of the union's access to new employee orientations.

The City and the Union did not have sufficient time to negotiate the effects and impacts of these legal changes prior to ratification of their Tentative Agreement for a successor MOU. In

addition, the parties have not yet drafted and/or approved the successor MOU itself. However, the parties have since come to agreement on new dues deduction language to be included in the successor MOU and intend hereby to adopt such provisions and practices effective immediately through this new Tentative Agreement dated July 14, 2020.

This Tentative Agreement shall not become effective until accepted, approved, and adopted by the City of Carson City Council per California Government Code Section 3505.1, which provides:

“If a tentative agreement is reached by the authorized representatives of the public agency and a recognized employee organization or recognized employee organizations, the governing body shall vote to accept or reject the tentative agreement within 30 days of the date it is first considered at a duly noticed public meeting. A decision by the governing body to reject the tentative agreement shall not bar the filing of a charge of unfair practice for failure to meet and confer in good faith. If the governing body adopts the tentative agreement, the parties shall jointly prepare a written memorandum of understanding.”

All terms and conditions of the prior AFSCME MOU 2015-16 and prior Tentative Agreement approved by City Council on January 8, 2019, except those prohibited by law, shall be maintained unless expressly modified or changed herein until the successor AFSCME MOU is accepted, approved and adopted by City Council, which shall then supersede and replace this Tentative Agreement.

ARTICLE VIII

UNION RIGHTS AND SECURITY

SECTION 1. UNION DUES DEDUCTION: Delete exiting MOU language under Sections 1.1 and 1.2, and replace with the following:

- 1.1 Union may request that the City deduct membership dues, initiation fees, and general assessments, as well as payment of any other membership benefit program sponsored by the Union, from the wages and salaries of Union members. Union hereby certifies that Union has and shall maintain all such deduction authorizations signed by the individual from whose salary or wages the deduction is to be made and shall not be required to provide a copy of an individual authorization to the City unless a dispute arises about the existence or terms of the authorization. Accordingly, Union membership dues shall be deducted each pay period in accordance with the City procedures and provisions of applicable law from the salary of each employee whose name is provided by the Union. Remittance of the aggregate amount of all such monies shall be made by the City to the Union at the conclusion of each month payroll period in which said dues were deducted. Union shall defend, indemnify and hold the City harmless against any liability arising from any claims, demands, or other action relating to the City's compliance with this section.

- 1.2 Changes to the payroll deduction shall commence on the pay period after the authorization or written notification is received by the City.

SECTION 2. UNION DUES DEDUCTION RELIGIOUS EXEMPTION: Change title of Section to MAINTENANCE OF MEMBERSHIP. Delete Section 2 in its entirety and replace with the following new language:

Any represented employees who have authorized Union dues deductions on the effective date of this Tentative Agreement, or at any time subsequent to the effective date of this Tentative Agreement shall continue to have such dues deduction made by the City; provided, however, that any requests to revoke or change Union membership deductions must be referred to the Union.

SECTION 4. UNION DUES DEDUCTION INDEMNIFICATION OF CITY: Replace reference in this section to "agency fee" with "dues deductions."

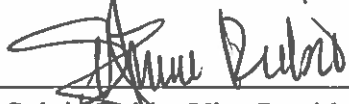
AFSCME LOCAL 1017



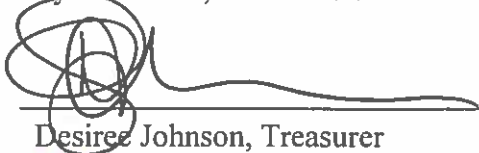
Priscilla Kinnard, President



Bob Adams, Business Representative



Sylvia Rubio, Vice President

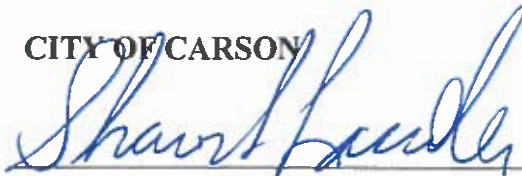


Desiree Johnson, Treasurer

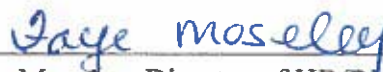


LaKeina Johnson, Secretary

CITY OF CARSON



Sharon Landers, City Manager



Faye Moseley, Director of HR/Risk Mgmt.



Colin J. Tanner, Deputy City Attorney