

MEMORANDUM OF UNDERSTANDING
between
Allan Hancock Joint Community College District and
Faculty Association of Allan Hancock College

**Replacement of Article 7 Due to Supreme Court *Janus* Decision and California
Senate Bill 866**

The parties to this Memorandum of Understanding are the Allan Hancock Joint Community College District ("the District"), and the Faculty Association of Allan Hancock College ("FA").

WHEREAS, on June 27, 2018, the U.S. Supreme Court issued the 5-4 decision in *Janus v. AFSCME* ruling that public-sector unions may no longer collect "agency" fees from non-members and prohibits the collection of fees from public sector employees without the employee's affirmative consent; and

WHEREAS, on June 27, 2018, Governor Brown signed Senate Bill 866 (2018) amending Educational Code sections 87833 and 88167 that provided new protocols on how deductions for membership dues should be handled in community college districts and unions that represent community college district employees, including provisions that directly impact the manner in which union membership dues and fees are collected and managed; and

WHEREAS Article 8 of the Collective Bargaining Agreement, Severability, allows for, in the event of a court decision or law by a governmental authority which renders an agreement invalid, the Faculty Association and the District to meet and negotiate a mutually satisfactory replacement for such article ; and


WHEREAS Article 7, Organizational Security, contains invalid provisions due to the *Janus* decision and Senate Bill 866; and

WHEREAS the Faculty Association Dues and/or Service Fee form contained within the Appendices of the Collective Bargaining Agreement is now invalid due to the *Janus* decision and Senate Bill 866; and

NOW, THEREFORE, in consideration of the mutual promises, conditions, and representations contained herein, the parties agree as follows:

- 1) The parties agree to the revised negotiated language of Article 7 (see attachment).
- 2) The parties agree to the revised negotiated language of the Faculty Association Authorization of Payroll Deduction/Revocation (see attachment).

For the Faculty Association




Roger Hall
President

2/25/19

Date

For the District



Kevin G. Walthers
Superintendent/President

2/25/19

Date