

ADDA

ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS

Commons Questions Concerning Unionization and Collective Bargaining

1. *What is the position of the District Attorney about deputy district attorneys unionizing?*

Your ADDA discussed our unionization efforts with Administration representatives, and we have been assured that the District Attorney and office management are neutral on this issue. Such neutrality is required by the County Code. Head Deputies are being advised of this position.

2. *Can I be fired, demoted or transferred by voting for the union?*

Federal, State and County laws are clear; no employee may be fired, demoted, transferred or face any other retribution as a result of taking a pro-union position. Likewise, any vote or signature card is forwarded by the ADDA solely to the County's Employees Relations Commission who considers that information confidential.

3. *We are not unionized now, why do we need one?*

Twenty years ago, deputy district attorneys and deputy public defenders were unionized, but were in one union under the Service Employees International Union Local 660 (SEIU 660). Due to conflicting views, prosecutors decertified from the union with promises that we would never do worse than represented groups. After 20 years, we are no longer one of the best paid prosecutors group in California considering housing costs and cost of living, as well as slow promotional opportunities.

Each bargaining cycle, the County makes an initial offer to the unions. This is the "general movement." Many union groups then negotiate better raises (as compared to the "general movement"). As unrepresented employees, prosecutors are only given the "general movement," and we are not given the average of all the raises negotiated by the County. We get their initial low offer. Likewise, as unrepresented employees, we have little say about workplace conditions including the promotion process, transfer policies, salary, benefits, retirement, part-time positions, and other matters important to job satisfaction. Unionization will give us a voice after 20 years of silence. However, as unrepresented employees, we did receive some benefits which are not received by represented employees. For example, unrepresented employees are given access to different (and less costly) medical plans than represented employees. Similarly, while unrepresented employees may participate in both a 401(k) and 457 savings plans, represented groups could have only invested in one of the plans. To protect employees who did receive these benefits from losing them upon unionizing, legislation was passed to help protect us. Likewise, the County lost a multi-million dollar lawsuit brought by the County's physicians and dentists. See #7 below for more details.

4. *Will we get "safety retirement" now that we are becoming a union?*

Negotiating for a more favorable retirement plan for our members is one of the primary reasons the ADDA is pursuing collective bargaining. Your ADDA began to evaluate this process, and we hired consultants to determine the costs of implementing 3% at 55 (modified safety retirement). However, the County refused to provide the actuarial data to our consultants; therefore, no cost analysis could be conducted. Voting for unionization provides us the means to obtain this information and enter into negotiations with the County for a better retirement. No guarantees can be made, but many unionized prosecutors in other California counties successfully negotiated enhanced retirements.

5. *Who will represent us with the County. I've been told that we can not be represented by the Sheriff's Union ALADS (not true, we can).*

Your Association of Deputy District Attorneys ("ADDA") will be the bargaining agent for deputy district attorneys, but we will affiliate with another experienced union to act as our agent for important union activities. ALADS can serve as our representative agent. This structure is similar to the County's physicians

and dentists which have their own union, but affiliate with the American Federation of State, County, Municipal Employees (“AFSCME”). While it is true that deputy district attorneys may not be in the same bargaining unit as deputy sheriffs, ALADS can represent prosecutors as part of a union. In addition to ALADS, AFSCME, the union representing the County’s physicians and dentists has also expressed a strong interest in representing DDAs, as has SEIU 721 (formerly 660). The ADDA will review proposals from each union and find the one best suited to our needs. The primary benefit of affiliation, rather than direct membership, is the ability to terminate the affiliation for poor service rather than decertifying an entire union. That more drastic approach was required twenty years ago and left us with no representation.

6. *How much will it cost to be a union?*

Different unions charge different fees for membership. SEIU charges approximately 1.5% per month of an employee’s salary. AFSCME and ALADS charge less. The actual amount will be dependent on what services the affiliated union provides. Typical costs range from .75% to 1.5%.

7. *For those prosecutors on Flex and Mega Flex, I heard we will no longer be eligible for benefits and may also lose our deferred compensation match. Is this true?*

After the County’s physicians and dentists unionized, the County took away their Mega Flex benefits and some deferred compensation match. AFSCME, the union with whom the physicians and dentists affiliated, successfully passed legislation barring the loss of such benefits. In addition, the California Court of Appeal ruled that the physicians and dentists were entitled to Mega Flex and an award of over \$10 million for loss of deferred compensation matches. Subsequently, other unions have taken action as well. SEIU 721 recently negotiated language in its current contract whereby any participant in the Flex and MegaFlex programs will not lose the benefits upon the establishment of the union. While there are no guarantees, given the legislation, the appellate decision, the multi-million dollar judgment against the County, and the language in SEIU’s contract, current prosecutors would not likely face the loss of these benefits. However, whether employees hired after we bargain for better benefits would be entitled to Mega Flex or 401(k) matches is uncertain.

8. *Will we ever need to strike?*

As criminal prosecutors, we naturally are concerned with both public safety and the preservation of defendant’s rights. As such, whether work actions may be necessary to convince the County that their actions are not fair is unknown; however they would not be our first line of action. Without interference from the Administration, there are work actions that can take place that are short of a “strike.” Although we are not in a union with the deputy public defenders and alternate public defenders, we intend on working closely with both groups on common work place issues and compensation. We are hopeful that our combined efforts, and the potential for work actions by all groups will result in fair treatment by the County. However, our strength lies with our high standing with the public and crime victims, and the ever present potential for work actions if necessary.

9. *I already signed a “blue card,” why do I need to sign another card?*

The blue card signed last year was filed with the County’s Employee Relations Commission so that DDAs could show an interest in becoming an exclusive bargaining unit without other County attorneys. The County delayed the hearing for over a year before we eventually obtained a favorable ruling from an appointed hearing officer and the Employee Relations Commission (“ERCOM”). Now, ERCOM requires new cards from DDAs to affirmatively show their desire to become a collective bargaining unit as consistent with ERCOM’s final ruling.

10. *How can I learn more about our unionization efforts?*

More information on unionization efforts, and historical information concerning unionization is available at www.DeputyDA.com, as well as www.LA-ADDA.com. You may also contact any ADDA Director or Officer, or leave a message at (213) 974-ADDA.