



Los Angeles Sheriff's Professional Association
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LASPA "The Members Union"

January 28, 2008

Dear Members:

As you are aware, PPOA has engineered an agency shop provision which binds all Sergeants and Lieutenants. This action was done not to further any interest in PPOA and, more importantly its members, but rather to harm our members and chill the freedom of choice every Sergeant and Lieutenant should have regarding choosing a union.

Since this is such an important topic I believe it worthwhile to provide some background on agency shop.

In California, the issue of whether an individual can be compelled to join a labor organization is handled in one of three ways, through practices known as "open shops," "closed shops," and "agency shops."

Open shop means that no individual can be compelled to join any labor organization. They have absolute freedom of choice. All employees still benefit from the union's bargaining power; however this was the situation within the Department from its inception until ALADS enacted agency shop.

A closed shop involves union contracts which provide that an individual must become a member of a labor organization in order to remain an employee. These are few and are, in fact, illegal for public employees.

An agency shop is basically in the middle between closed and open shops. The rationale behind agency shop provisions is that in light of the requirement that a labor organization has a legal obligation to represent all eligible employees of its bargaining unit, whether actual union members or not, it is appropriate for employees who are not union members to pay for the benefits of a collective bargaining agreement. Agency shop provisions, which require all employees to either be members of the labor organization or to pay to the labor organization their "fair share" of the costs of the negotiation and administration of the collective bargaining agreement, do not violate the constitutional rights of non-members.

Since law enforcement labor organizations frequently engage in political, charitable, and other non-collective bargaining activities, questions have arisen in recent years as to whether employees in agency shops can be compelled to make **fair share payments** for activities other than those directly related to the negotiation and administration of the collective bargaining agreement. The Supreme Court has held that such use of fair share fees for other than collective bargaining purposes violates the First Amendment of the United States Constitution by, in essence, requiring employees to engage in "speech" against their will.

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“The long and short of it is that no payment of funds to the union by the dissenting non-members would be wholly satisfactory to them however much benefit they might unwontedly receive as beneficiaries of the collective bargaining agreement. Equally, no fair share calculation which requires non-members to pay less than union members pay in dues can ever be wholly satisfactory to the unions. Such differentials are bound to be noticed by the union members and to be a disincentive to continued union membership.”

As you know, we fought this exact issue to determine the “fair share” amount that ALADS could legally deduct from our members. We also fought the agency shop provision in general. It is extremely rare for a police union to have agency shop.

PPOA has mailed packages to all members regarding Agency Shop. We urge you to fill out the “Objector’s Challenge to the Agency Fee Amount Form.” We have also enclosed our Challenge Letter that can be mailed along with PPOA’s package. **The deadline for these forms is February 15, 2008**. If for some reason you do not receive a package, please contact PPOA directly and ask them to send you one immediately, so you will not be left behind. Please note that when you complete these packages you **MUST** request to challenge the “fair share” amount. You must specifically state your challenge by letter.

We urge that you complete these packages as early as possible. Please send your completed forms to PPOA via certified mail and also submit copies to LASPA, so that we can have them available in your file. If you have questions or concerns, please contact our office for more information.

We would like to take this opportunity to thank you for all of your continued support and dedication to LASPA, truly **The Members’ Union**.

Best Regards,
LASPA Board of Directors