

following ratification of this Agreement by the parties.

C. The State agrees to deduct and transmit to CAPS Fair Share fees from State employees in Unit 10 who do not become members of CAPS. The State and CAPS agree that a system of authorized dues deductions and a system of Fair Share deduction shall be operated in accordance with Government Code Sections 3513(h), 3513(j), 3515, 3515.6, 3515.7, 3515.8, subject to the following provisions:

1. The State and CAPS agree that if a Fair Share rescission election is conducted in Unit 10 pursuant to Government Code Section 3515.7(d), a majority of those votes cast, rather than the majority of the members of the unit, shall determine whether the Fair Share deductions shall continue.

2. Pursuant to Government Code sections 3513(i) and 3515, a written authorization for CAPS membership dues deductions in effect on the effective date of this Agreement or thereafter submitted shall continue in full force and effect during the term of this Agreement; provided, however, that any employee may withdraw from CAPS membership by sending a signed withdrawal letter to CAPS and a copy to the Controller's Office within thirty (30) calendar days prior to the expiration of this Agreement. An employee who so withdraws his/her membership shall be subject to paying Fair Share fees if such a fee is applicable to Unit 10.

3. CAPS agrees to indemnify, defend and hold the State and its agents harmless against any claims made of any nature and against any suit instituted against the State arising from this Article and the deductions arising therefrom.

4. CAPS agrees to annually notify all State employees in Unit 10 who pay Fair Share fees of their right to demand and receive from CAPS a return of part of that fee pursuant to Government Code Section 3515.8.

D. No provision of this Article nor any disputes arising thereunder shall be subject to the grievance procedure contained in Article 9 of this Agreement.

## **ARTICLE 12 – STATE RIGHTS**

### **12.1 State Rights**

A. Except for those rights which are abridged or limited by this Agreement, all rights are reserved to the State.

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B. Consistent with this Agreement, the rights of the State shall include, but not be limited to, the right to determine the mission of its constituent departments, commissions, and boards; to maintain efficiency of State operation; to set standards of service; to determine, consistent with Article VII of the Constitution, the Civil Service Act and rules pertaining thereto, the procedures and standards of selection for employment and promotion, layoff, assignment, scheduling and training; to determine the methods, means and personnel by which State operations are to be conducted; to take all necessary action to carry out its mission in emergencies; to exercise control and discretion over the merits, necessity, or organization of any service or activity provided by law or executive order. The State has the right to make reasonable rules and regulations pertaining to employees consistent with this Agreement provided that any such rule shall be uniformly applied to all affected employees and those similarly situated.

C. This Article is not intended to, nor may it be construed to, contravene the spirit or intent of the merit principle in State employment, nor limit the entitlement of State Civil Service employees provided by Article VII of the State Constitution or by laws and rules enacted thereto.

## **ARTICLE 13 – GENERAL PROVISIONS**

### **13.1 No Strike**

A. During the term of this Agreement, neither CAPS nor its agents nor any Bargaining Unit 10 employee, for any reason, will authorize, institute, aid, condone or engage in a work slowdown, work stoppage, strike, or any other interference with the work and statutory functions or obligations of the State.

B. CAPS agrees to notify all of its officers, stewards, and staff of their obligation and responsibility for maintaining compliance with this Section, including the responsibility to remain at work during any activity which may be caused or initiated by others, and to encourage employees violating this Section to return to work.