



Berenbaum, Weinshienk & Eason P. C. Attorneys at Law

370 Seventeenth Street
Republic Plaza, Suite 4800
Denver, Colorado 80202-5698
Telephone: 303/825-0800
Facsimile: 303/629-7610

Michael J. Belo
Direct Dial: 303/592-8313
E-Mail: mbelo@bw-legal.com
www.bwelaw.com

FACE THE STATE

December 18, 2006

BY E-MAIL

LaDonna D'Amato, CPP
Larimer County Payroll Manager
Ft. Collins, Colorado

Re: Union Dues Checkoff for Larimer County Sheriff's Deputies

Dear Ms. D'Amato:

This law firm represents Teamsters Union Local No. 435 ("Local 435"), which is engaging in an organizing campaign among Larimer County Sheriff's Deputies. Recently, Carlos Rojas of Local 435 set up a meeting with you to discuss payroll deductions for union dues. By e-mail dated December 2, 2006, you canceled the meeting "until such time as it is determined that Teamsters would actually be voted in."

We believe that a refusal by Larimer County to permit voluntary payroll deductions by sheriff's deputies would violate Colorado law and constitutional rights of freedom of association and equal protection of the law. Colorado law recognizes the right of employees to enter into "combinations for peaceable objects" such as efforts to organize or support a union, C.R.S. § 8-2-101, and such law applies to public as well as private employers. In addition, Colorado statutory law specifically permits the use of a check-off system for union dues for employees. C.R.S. § 8-9-106. The law does not require that, as a condition of having a check-off system, the union should first be voted in as the certified or recognized representative of employees. The salient point is whether the employee has voluntarily signed a check-off, not whether the union in question has been "voted in." Therefore, so long as sheriff's deputies have validly executed check-offs and submitted them to the payroll department, the department should honor the deputies' wishes.

Furthermore, the County deducts United Way or similar charitable deductions at the request of employees. For the County to permit voluntary deductions by deputies for the United Way or similar causes, but refuse to permit voluntary deductions by deputies for union dues, would be discriminatory. Such differential treatment could be considered a violation of the constitutional provisions requiring equal protection of the law.

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Therefore, by this letter, Local 435 formally requests Larimer County to (1) permit Sheriff's Deputies to authorize deductions of union dues by check-off system; and (2) enter into an arrangement to remit such dues to Local 435. If the County fails to respond to this request or refuses to permit such deductions, Local 435 is considering legal action against the County.

Please inform me, or have the County Attorney or other designated representative inform me, of the County's response as soon as possible. Thanks for your prompt attention and cooperation.

Sincerely,

BERENBAUM, WEINSHIENK & EASON, P.C.



Michael J. Belo
Attorney for Teamsters Local Union No. 435

cc: Carlos Rojas