

Side Letter Amendment No. 1 to the
Project Labor Agreement

ATTACHMENT C

**SIDELETTER AGREEMENT TO THE EXTENSION AGREEMENT ON THE
REPLACEMENT BED BUILDING #1 PROJECT BETWEEN THE COUNTY OF
SANTA CLARA AND THE SANTA CLARA & SAN BENITO COUNTIES BUILDING &
CONSTRUCTION TRADES COUNCIL**

Whereas, the County of Santa Clara (County) and the Santa Clara and San Benito Counties Building & Construction Trades Council have entered into a Project Labor Agreement for the New Replacement Bed Building #1 Project that incorporates by reference certain Schedule A's which are the local collective bargaining agreements of the Signatory Unions having jurisdiction over the work on the Project; and

Whereas, because the Project Labor Agreement expressly provides that when a subject covered by the Project Labor Agreement is also covered by a Schedule A Labor Agreement, the language of the Project Labor Agreement prevails; and

Whereas, Sheet Metal Workers International Association Local Union 104 have a Schedule A Labor Agreement which provides that the workweek shall consist of alternating workweeks of five eight-hour days, Monday through Friday, and four eight-hour days Monday through Thursday and this workweek differs from that set forth at Paragraph 12(A) of the Project Labor Agreement which sets the workweek at 40 hours per week; and

Whereas, in order to clarify the workweek for individuals performing work under the Schedule A Agreement for Local 104 for the Replacement Bed Building #1 Project, the parties hereby agree to waive the "workweek" definition contained in the Project Labor Agreement as detailed below.

Whereas, the Project Labor Agreement expressly provides in Section 2(F)(6) that when covered by a Schedule A Labor Agreement, all off-site manufacturing, warehousing and handling of materials, equipment or machinery will be covered under the scope of the Project Labor Agreement, and,

Whereas, several of the Signatory Unions, including but not limited to IBEW Local 332, Sheet Metal Workers Local 104, UA Local 393, and the Carpenters Union, have off-site fabrication clauses in their Schedule A collective bargaining agreements, and

Whereas, in order to clarify that insofar as a Schedule A Labor Agreement covers off-site fabrication, that Schedule A Labor Agreement language will be included in work covered under the Project Labor Agreement, the parties hereby agree to waive the "Management Rights" Section 7(c), which generally prohibits any limitation or restriction upon a contractor's choice and utilization of prefabricated or preassembled equipment or materials as detailed below.

NOW, THEREFORE, COUNTY AND TRADES COUNCIL agree as follows:

For purposes of the Replacement Bed Building #1 Project, the parties agree the definition of workweek contained in the Schedule A Labor Agreement for Local 104 (alternating workweeks of five eight-hour days, Monday through Friday, and four eight-hour days Monday through Thursday) shall be the workweek for individuals employed on the project as sheet metal workers and who perform work covered by the Schedule A Agreement for Local 104.

The 32/40 workweek schedule language of the Local 104 Schedule A Agreement shall be deemed a pay provision and shall govern work performed under and covered by the Schedule A

Agreement for Local 104. Accordingly, if a contractor employs sheet metal workers to perform work on this project covered by the Local 104 Schedule A on an off-Friday, the contractor agrees to pay premium pay for such work in accordance with the Local 104 Schedule A.

The provisions of Section 7, "Management Rights" Paragraph C which generally prohibit any limitation or restriction upon a contractor's choice and utilization of prefabricated or preassembled equipment or materials will not supersede the fabrication provisions of the IBEW Local 332, Sheet Metal Workers Local 104, U.A. Local 393, and the Carpenters Union local collective bargaining agreements (Schedule A Labor Agreements) as to any work covered by this Project Labor Agreement.

COUNTY OF SANTA CLARA

Dated: _____

By: _____
Liz Kniss, President
Board of Supervisors

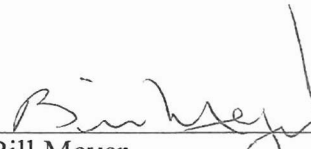
SANTA CLARA AND SAN BENITO COUNTIES
BUILDING & CONSTRUCTION TRADES
COUNCIL

Dated: 1/30/09

By: 
Neil M. Struthers
Chief Executive Officer

UNITED ASSOCIATION OF PLUMBERS AND
PIPE-FITTERS OF THE UNITED STATES AND
CANADA LOCAL UNION 393

Dated: 2/2/09

By: 
Bill Meyer
Business Manager

SHEET METAL WORKERS INTERNATIONAL
ASSOCIATION LOCAL UNION 104

Dated: _____

By: 

Bruce Word
Business Manager

SHEET METAL WORKERS INTERNATIONAL
ASSOCIATION LOCAL UNION 104

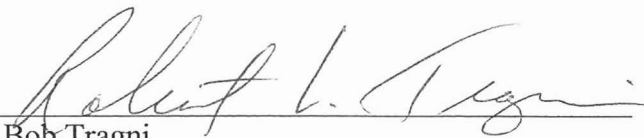
Dated: _____

By: _____

Bruce Word
Business Manager

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION 332

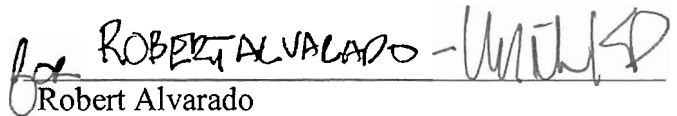
Dated: _____

By: 

Bob Tragni
Business Manager

NORTHERN CALIFORNIA REGIONAL COUNCIL
OF CARPENTERS

Dated: _____


By: 
Robert Alvarado
Business Manager

Signed and certified that a copy
of this document has been
delivered by electronic other
means to the President, Board
of Supervisors.

APPROVED AS TO FORM AND
LEGALITY:

Attest:

Maria Marinos
Clerk of the Board of Supervisors



Nancy J. Clark
Deputy County Counsel