

## **AGREEMENT TO MEDIATE**

**BY AND BETWEEN THE**

**COUNTY OF SAN BENITO & SEIU LOCAL 521**

The County of San Benito (“County”) and the Service Employees International Union, Local 521 (“SEIU”) hereby agree to participate in mediation regarding a successor Memorandum of Understanding (“MOU”) under the following terms and conditions:

1. As a pre-condition to the County’s agreement to mediate, the SEIU agrees to file its request for fact-finding based on the County’s declaration of impasse on October 8, 2013. The parties agree that this agreement to mediate will not be effective until the SEIU files its request for fact-finding.
2. The County and the SEIU agree that the selection of the parties’ panel members and any agreed-upon fact finder will occur on November 17, 2013. The County and the SEIU agree to take the actions necessary with the Public Employment Relations Board (“PERB”) to effectuate this timeline. The County and the SEIU will submit a joint letter to PERB, concurrent with the SEIU’s filing of its request for fact-finding, informing PERB that the parties have agreed to designate the parties’ panel members and any agreed-upon fact finder on November 17, 2013.
3. Once SEIU has filed its request for fact-finding, the County and the SEIU agree to expeditiously select a mediator from the State Mediation and Conciliation Service (“SMCS”) and to mediate regarding a successor MOU between the parties.
4. The County and the SEIU agree that the fact of mediation does not nullify the declaration of impasse by the County on October 8, 2013.
5. The SEIU will not engage in any concerted job actions while the parties are in mediation; in the event such concerted job actions occur while the parties are in mediation, the County may terminate mediation immediately.
6. The County will not engage in any lockout of SEIU-represented employees while the parties are in mediation; in the event such action occurs while the parties are in mediation, the SEIU may terminate mediation immediately.

For the County:

Date: October 28, 2013

A handwritten signature in black ink, appearing to read "Dania Torres Wong", written over a horizontal line.

DANIA TORRES WONG  
RENNE SLOAN HOLTZMAN & SAKAI

Attorneys for the County of San Benito

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For the SEIU:

Date: October 28, 2013

A handwritten signature in blue ink, appearing to read "Sean D. Graham", written over a horizontal line.

SEAN D. GRAHAM  
WEINBERG ROGER & ROSENFELD

Attorneys for the SEIU