

SENT VIA EMAIL

July 6, 2012

Vera Todorov
President
Association of Legal Professionals (ALP)
c/o City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

RE: Request to Meet and Confer Dated June 28, 2012

Dear Ms. Todorov:

The City is in receipt of ALP's June 28, 2012, request to meet and confer over "the impacts and implementation of Measure B, the second tier retirement plan, and changes to the retiree healthcare benefit, and all ordinances, resolutions, policies and other rules implementing and effecting these changes..."

Regarding Measure B, the City and ALP engaged in multiple negotiation and mediation sessions and, ultimately, the City and ALP were not able to reach an agreement on the ballot measure. However, the implementation of Measure B, which was overwhelmingly approved by the San Jose voters, and the adoption of any implementing ordinances do not create a separate bargaining obligation.

Regarding the implementation of a second tier retirement plan and healthcare changes, the City and ALP also engaged in multiple negotiation and mediation sessions with ALP on these issues. Unfortunately, the City and ALP were not able to reach an agreement on these matters and, on June 12, 2012, the City Council approved the terms contained in the City's Last, Best and Final Offer to ALP dated April 16, 2012, which included a second tier retirement benefit for new employees as well as various changes to healthcare. As stated above, the implementation of the terms in the City's Last, Best

ALP

RE: Request to Meet and Confer Dated June 28, 2012

July 6, 2012

Page 2 of 2

and Final Offer approved by City Council, and the adoption of any implementing ordinances, do not create a separate bargaining obligation.¹

Draft ordinances related to these matters, however, will be provided to ALP. Please notify us if you believe there may be negotiable effects associated with the adoption of the implementing ordinances. As required by the Public Employment Relations Board, any such notification must include reference to specific "identifiable, reasonably foreseeable, and negotiable" effect over which ALP seeks to bargain. Failure to identify the specific effects will be deemed a request over the terms of Measure B and the terms of the City's Last, Best and Final Offer approved by City Council, and such terms have previously been negotiated with ALP.

Sincerely,



Marco Mercado
Senior Executive Analyst

c: Rick Doyle, City Attorney
Jennifer Schembri, Assistant to the City Manager
Charles Sakai

¹ As you know, the City and ALP are currently in negotiations over a successor agreement. You have previously and repeatedly indicated that you may bring proposals to change the status quo on these issues to the bargaining table. To date, we have not received any proposals on these issues.