

ASSOCIATION OF LEGAL PROFESSIONALS ~ ALP

May 14, 2013

Alex Gurza
Deputy City Manager
City of San Jose
200 E. Santa Clara Street
San Jose, California 95113

Re: City's response dated May 10, 2013 to ALP's letter regarding the City's April 22, 2013 retiree healthcare modified proposal.

Dear Mr. Gurza:

The Association of Legal Professionals (ALP) was very disappointed by the City's May 10, 2013 response to ALP's May 6, 2013 letter. The City's response avoids any effort to respond substantively to the difficult and important questions raised in ALP's May 6, 2013 letter, which was responding to the City's April 22, 2013 retiree healthcare modified proposal.¹

Initially, the letter states that clarification is needed regarding ALP's "continued involvement" in the coalition of eight Federated bargaining units.

ALP attended the last coalition meeting on retiree healthcare in April, 2013. At that meeting, you indicated the City would be sending each bargaining unit a separate proposal. Indeed, this is what subsequently occurred. The City's April 22, 2013 proposal to ALP was addressed only to ALP and did not copy or otherwise mention any of the other bargaining units.

In this context, ALP is unclear as to why its May 6, 2013 response to the City's proposal would result in any lack of clarity regarding ALP's continued involvement in the coalition. ALP's letter responded to the proposal that the City directed to ALP. Nevertheless, ALP offers that it does have continued involvement in the coalition of eight Federated bargaining units.

¹ As indicated in an earlier e-mail to you, ALP's May 6, 2013 letter also was relevant to an upcoming retirement board action involving the setting of member contribution rates as well as to certain bond disclosures related to a bond issuance the City Council was considering on May 7, 2013.

City's response dated May 10, 2013 to ALP's letter
regarding the City's April 22, 2013 retiree healthcare modified proposal.
May 14, 2013
Page 2

Next, the City's response indicates ALP's letter "raised an issue" that was not addressed in any setting previously. Actually, ALP's nine-page letter raised at least six fundamental problems with the City's April 22, 2013 retiree healthcare proposal. ALP is unclear as to which of these issues the City's response is intending to refer.

Finally, the City attempts to justify not providing a substantive written response to ALP's May 6, 2013 letter by asserting that the issues are "best discussed at the bargaining table due to the ongoing nature of the retiree healthcare negotiations." ALP just flat out disagrees.

The City provided ALP with a written proposal. Acting in good faith, ALP took the time to provide the City with a carefully thought out, thorough, written response that raises a number of serious and fundamental problems with the City's proposal. The problems raised by ALP also apply more broadly to the retiree healthcare benefit, and are of general interest beyond the "bargaining table." Moreover, the City's position on the issues raised in ALP's response will impact the future negotiations and proposals made by ALP and the coalition. In this context, the City needs to provide a clear, written, substantive response to ALP's May 6, 2013 letter as opposed to trying to hide behind the dark veil of the "bargaining table."

ALP looks forward to receiving a clear, written, substantive response from the City to issues raised in ALP's May 6, 2013 letter.

Very truly yours,

ASSOCIATION OF LEGAL PROFESSIONALS



VERA M. I. TODOROV
President

Mayor and Council Members
Debra Figone
Rick Doyle
Jennifer Schembri
Marco Mercado
Gary Messing
Charles Sakai