



Office of the City Manager
EMPLOYEE RELATIONS

SENT VIA EMAIL AND REGULAR US MAIL

February 8, 2018

Dan Rodriguez
Business Manager
International Brotherhood of Electrical Workers Local No. 332 (IBEW)
2125 Canoas Garden Avenue, Suite 100
San Jose, CA 95125

**Re: City of San Jose and IBEW Local 332 2017 Successor MOA Negotiations
(IBEW's Request for FactFinding)**

Dear Dan:

We are in receipt of the letter dated February 1, 2018, providing notice to the City that IBEW is requesting FactFinding from the State Mediation and Conciliation Service.

In reviewing the enclosed MMBA FactFinding Request from IBEW, we noticed IBEW reported that impasse was declared on February 1, 2018, and the date the mediator was appointed was not provided. We just wanted to clarify that the City declared impasse on September 15, 2017, and not February 1, 2018, (as indicated in the enclosed letter from the City dated September 15, 2017) and that the mediator was appointed on September 27, 2017 (per the enclosed letter from the State Mediation and Conciliation Services dated September 27, 2017).

We wanted to bring this to your attention to ensure that the State Mediation and Conciliation Services have accurate information as it reviews IBEW's request for FactFinding.

Please feel free to contact us if you have any questions.

Sincerely,


Marco Mercado
Assistant to the City Manager
Office of Employee Relations


Elsa Cordova
Senior Executive Analyst
Office of Employee Relations

c: Jennifer Schembri, Director of Employee Relations
State Mediation and Conciliation Services, San Francisco Regional Office

Enclosures

International
Electrical



Brotherhood
Workers

AFL-CIO

Local Union No. 332

2125 CANOAS GARDEN AVENUE, SUITE 100

SAN JOSE, CALIFORNIA 95125

Telephone: (408) 269-4332

Fax: (408) 979-5500

February 1, 2018

Marco Mercado
Assistant to the City Manager
Office of Employee Relations
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

RE: IBEW, Local 332 and City of San Jose
(2017 Successor MOA Negotiations)

Dear Marco,

The parties have been unable to come to an agreement over successor MOA despite mediation requested by the City pursuant to the City's Employer-Employee Relations Resolution No. 39367.

Accordingly, IBEW Local 332 is requesting FactFinding from the State Mediation and Conciliation Service.

Despite the efforts of the parties, mediation was not successful even though the parties agreed to continue mediation through January 16, 2018.

Very truly yours,

Dan Rodriguez
Business Manager

Enclosure (copy of MMBA FactFinding Request)

DR:jr/opeiu#29/afl-cio



MMBA FACTFINDING REQUEST

DO NOT WRITE IN THIS SPACE: Case No.:

Date Filed:

INSTRUCTIONS: A request for factfinding pursuant to Government Code section 3505.4 must be filed with the appropriate regional office (see PERB Regulation 32075). Proof of service must accompany the request.

1. EMPLOYER

Name: City of San Jose
Address: 200 E. Santa Clara Street
San Jose, CA 95113

Agent to be contacted:

Name: Marco Mercado
Title: Assistant to the City Manager
Agency/Law Firm: City of San Jose
Address: 200 E. Santa Clara Street
San Jose, CA 95113
Phone: (408) 535-8150
E-mail Address: marco.mercado@sanjoseca.gov

2. EXCLUSIVE REPRESENTATIVE

Name: IBEW, Local 332
Address: 2125 Canoas Garden Ave., Suite 100
San Jose, CA 95125

Agent to be contacted:

Name: Christopher E. Platten
Title: Attorney
Union/Law Firm: Wylie, McBride, Platten & Renner
Address: 2125 Canoas Garden Ave., Suite 120
San Jose, CA 95125
Phone: (408) 979-2920
E-mail Address: cplatten@wmpirlaw.com

3. TITLE/DESCRIPTION OF ESTABLISHED UNIT

Electrician Classifications per Exhibit 1 of expired MOA.

4. TYPE OF DISPUTE (e.g., initial contract, successor contract, reopeners)

Successor Contract

5. STATUS OF NEGOTIATIONS/MEET AND CONFER

- (a) Date of written declaration of impasse: 2/1/18
(Please attach copy of the same)
- (b) Date a mediator was appointed (if applicable):

DECLARATION

The parties have been unable to effect a settlement. Therefore, pursuant to PERB Regulation 32802, we request that the parties' differences be submitted to a factfinding panel.

NAME OF AUTHORIZED REPRESENTATIVE: Dan Rodriguez

SIGNATURE OF AUTHORIZED REPRESENTATIVE:

Title: Business Manager

Date: February 1, 2018

(Attach a completed Proof of Service form.)

Los Angeles Regional Office
700 N. Central Avenue, Suite 200
Glendale, CA 91203-3219
Phone: (818) 551-2822
Fax: (818) 551-2820
PERBc-file.LARO@perb.ca.gov

Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4124
Phone: (916) 322-3198
Fax: (916) 327-6377
PERBc-file.SRO@perb.ca.gov

San Francisco Regional Office
1330 Broadway, Suite 1532
Oakland, CA 94612-2514
Phone: (510) 622-1016
Fax: (510) 622-1027
PERBc-file.SFRO@perb.ca.gov

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Santa Clara,
State of California. I am over the age of 18 years. The name and
address of my residence or business is: 2125 Canoas Garden Ave., Suite 120
San Jose, CA 95125

On February 1, 2018, I served the MMBA FactFinding Request
(Date) (Describe document(s))

(Description of document(s) continued)

on the parties listed below (include name, address and, where applicable, fax number) by

(check the applicable method or methods):

placing a true copy thereof enclosed in a sealed envelope for collection and
delivery by the United States Postal Service or private delivery service following
ordinary business practices with postage or other costs prepaid;

personal delivery;

facsimile transmission in accordance with the requirements of PERB Regulations
32090 and 32135(d).

(Include here the name, address and, where applicable, fax number of the Respondent and any other parties served.)

Marco Mercado
Assistant to the City Manager
Office of Employee Relations
200 East Santa Clara Street
San Jose, CA 95113

I declare under penalty of perjury that the foregoing is true and correct and that

this declaration was executed on February 1, 2018, at San Jose,
(Date) (City)
California.
(State)

Barbara Safadi

(Type or print name)

(Signature)



Office of the City Manager
EMPLOYEE RELATIONS

SENT VIA EMAIL

September 15, 2017

Dan Rodriguez
Business Manager
International Brotherhood of Electrical Workers Local No. 332 (IBEW)
2125 Canoas Garden Avenue, Suite 100
San Jose, CA 95125

Frank Crusco
Chief Steward
International Brotherhood of Electrical Workers Local No. 332 (IBEW)
c/o Central Service Yard
1661 Senter Road, Bldg A, 2nd Floor
San Jose, CA 95112

Re: City of San Jose IBEW Negotiations – Impasse

Dear Dan and Frank:

As you know, we have met approximately twenty-three (23) times since May 2017 regarding negotiations over a successor Memorandum of Agreement (MOA). Given the parties' inability to come to an agreement over a successor MOA, it may be best to proceed to the next steps of the negotiation process. Accordingly, this letter is to inform you that the City is declaring impasse pursuant to Section 23 of the City's Employer-Employee Relations Resolution No. 39367 since both parties remain deadlocked over several significant issues (including the calculation of overtime and the retroactivity of any wage increases for Fiscal Year 2017-2018) so that we can proceed to mediation. Hopefully, mediation may help in resolving the remaining issues and in reaching an agreement on a successor MOA.

As a next step, the City will request that the State Mediation and Conciliation Service assign a mediator to assist the parties in our discussions over a successor MOA. Once a mediator is selected, we will be in contact with you to discuss the scheduling of dates.

Please let us know if you have any questions.

Sincerely,

Marco Mercado
Assistant to the City Manager
Office of Employee Relations

Elsa Cordova
Senior Executive Analyst
Office of Employee Relations

c: Norberto Dueñas, City Manager
Jennifer Schembri, Director of Employee Relations
Sal Ventura, Business Representative, IBEW
IBEW Negotiation Team
City Negotiation Team

PUBLIC EMPLOYMENT RELATIONS BOARD
State Mediation and Conciliation Service
1031 18th Street
Sacramento, CA 95811-4124
Telephone 916-322-7638 Fax 916-327-7955



September 27, 2017

Marco Mercado, Assistant to the City Manager
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Dan Rodriguez, Business Manager
International Brotherhood of Electrical Workers, Local 332
2125 Canoas Garden Avenue, Suite 100
San Jose, CA 95125

Re: City of San Jose and IBEW Local 332 Contract Impasse

Dear Parties:

This letter confirms that Kenneth Glenn has been appointed, as of the date of this letter, to serve as the mediator in the parties' negotiations.

Under Government Code section 3505.4 and PERB Regulation 32802, factfinding may only be requested¹ as follows:

3505.4(a) The employee organization may request that the parties' differences be submitted to a factfinding panel not sooner than 30 days, but not more than 45 days, following the appointment or selection of a mediator pursuant to the parties' agreement to mediate or a mediation process required by a public agency's local rules. . . .

32802. Request for Factfinding Under the MMBA.

(a) An exclusive representative may request that the parties' differences be submitted to a factfinding panel. The request shall be accompanied by a statement that the parties have been unable to effect a settlement. Such a request may be filed:

(1) Not sooner than 30 days, but not more than 45 days, following the appointment or selection of a mediator pursuant either to the parties' agreement to mediate or a mediation process required by a public agency's local rules;

Sincerely,

A handwritten signature in black ink that reads "Loretta van der Pol".

Loretta van der Pol
Chief, State Mediation and Conciliation Service

¹ A fillable "MMBA Factfinding Request" form is located on PERB's website (www.perb.ca.gov) for your information and use. In addition, please note that a document is considered "filed" on the date the document is actually received by PERB, including if transmitted via facsimile. (PERB Regulation 32135.)