

SENT VIA EMAIL

November 10, 2011

Tom Brim
President
Association of Building, Mechanical and Electrical Inspectors (ABMEI)
c/o PBCE Department
200 East Santa Clara Street
San Jose, CA 95113

RE: Draft Proposed Ballot Measure

Dear Tom:

We are in receipt of your letter sent via email at approximately 3:28 p.m. on November 9, 2011. The City respectfully disagrees with your assertions that the City has not bargained in good faith and that the City has bypassed the meet and confer process. Further, the City is confused by the following statement contained in your letter:

"We have always contended that we are available to meet with your staff to discuss the draft proposed ballot measure..."

This statement appears to be in conflict with your email of August 1, 2011, which stated the following:

"ABMEI will not talk about the Ballot Initiative until after we talk about retirement issues."

This position was also reiterated by ABMEI during our meeting on September 22, 2011.

On October 31, 2011, we sent ABMEI a letter in which we notify you that based on our records related to the proposed ballot measure negotiations and the fact that ABMEI indicated that it remained unwilling to negotiate regarding the ballot initiative until and unless the other retirement issues have been resolved, ABMEI waived its right to meet and confer over the proposed ballot measure. Nonetheless, the City offered the opportunity to participate in mediation and requested a response by Thursday, November 3rd. ABMEI did not confirm agreement to participate in mediation.

The City then wrote to ABMEI and offered ABMEI yet another opportunity to participate in mediation and requested a response by Monday, November 7th. ABMEI again failed to confirm its interest in participating in mediation.

On November 9th, at approximately 3:28 p.m., ABMEI sent a letter, via email, agreeing to participate in the mediation process and offered to meet November 9th or 10th. It is unreasonable to expect the City to obtain a Mediator from the State Mediation and Conciliation Service, with less than 24 hours notice, which is the very reason we implored ABMEI to indicate your willingness to participate in mediation on or before November 7th.

The City has been abundantly clear in numerous correspondences that the City Council has determined that the retirement measure will be considered by the voters at a special election in early March 2012, and the meet and confer process needed to be completed by the end of October and any impasse procedures requested needed to be completed in early November. Despite our continuous attempts to meet with you, you have been non-responsive to these requests.

There is minimal time remaining for the impasse procedures. However, since ABMEI is now agreeing to participate in mediation, we have secured a mediator, Mr. Ken Glenn, for Friday, November 11th at 11:30 a.m. The mediation will take place at the Office of Employee Relations.

Sincerely,



Gina Donnelly
Deputy Director of Employee Relations

c: Alex Gurza, Deputy City Manager
Ken Glenn, State Mediation and Conciliation Service

Enclosure

Rodriguez, Aracely

From: Hicks, Richard
Sent: Monday, August 01, 2011 7:52 AM
To: Donnelly, Gina
Cc: Gurza, Alex; Rodriguez, Aracely; Schembri, Jennifer; 'Jonathan Holtzman'; 'Julia Ende'; Krause, Warren
Subject: RE: Draft Proposed Ballot Measure
Gina,

ABMEI will not talk about the Ballot Initiative until after we talk about retirement issues.

Thanks,

Richard Hicks
Supervising Building Inspector
Development Services
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905
(408) 535-7647
Richard.Hicks@SanJoseCA.Gov

From: Donnelly, Gina
Sent: Wednesday, July 27, 2011 5:56 PM
To: Krause, Warren
Cc: Gurza, Alex; Rodriguez, Aracely; Schembri, Jennifer; Jonathan Holtzman; 'Julia Ende'; Hicks, Richard
Subject: Draft Proposed Ballot Measure

Hi Warren –

Please see attached.

Thanks,
Gina

Gina Donnelly
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