International Brotherhood of Electrical 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

September 27, 2011

Gina Donnelly
Deputy Director of Employee Relations
City of San Jose

RE: Proposed Ballot Measure

Dear Gina,

I have just read the PDF attachment dated September 23, 2011 regarding the City's proposed Ballot measure. I would just like to clarify the IBEW's position on City's request to meet and confer:

- The IBEW has not refused to meet. On Monday, June 6th I sent you an email stating that I wanted to meet over this matter and gave you my available dates.
- On Wednesday, June 8th, you sent me a PDF document saying on Tuesday, June 7th the City had provided additional direction regarding the Ballot Measure and wanted to meet on June 13th.
- On Monday June 13th we met. On Thursday, June 16th you sent me an email with an attachment regarding the "Framework for Negotiations" about the Proposed Ballot measure.
- On June 20th, MEF, ABMEI, CEO, OE#3 and IBEW sent you a response to your "Framework" document.
- On June 22nd, you sent all of the above unions a letter that you wanted to schedule a time to meet and confer because you didn't like the union's proposed framework.
- On June 30th AFSCME and CEO/MEF on their behalf and on the behalf of ABMEI, IBEW and OE-3 sent you a letter asking to meet with you regarding the Ballot Measure.
- On July 5th you sent a letter confirming the meeting regarding the Proposed Ballot Measure.
- We met on July 6th.
- On July 6th at 5:30 PM you sent an actual Draft Proposed Ballot Measure that is considered illegal by the overwhelmingly majority of the competent attorneys knowledgeable in such matters.

- On July 19th you sent another PDF attachment asking me to discuss the Proposed Ballot Measure.
- On July 21 you sent a PDF attachment saying the City was interested in commencing retirement negotiations and could meet on July 29th. I responded that I would attend.
- On July 25th I responded to the July 19th letter with a PDF attachment stating that I would be happy to discuss the Ballot Proposal Measure but I thought we were going to discuss the retirement issues separately. I stated that after we resolve those major issues we could discuss the Ballot Proposal in its entirety.
- On July 29th ABMEI, CEO, IBEW, MEF and OE-3 even proposed a two tier retirement plan.
- On August 2nd you asked for the unions to provide an estimated cost of savings from the two tier plan. But you didn't provide a counter proposal.
- Through the month of August, the Union's asked for the City's demographic data that an actuary would need for a proper cost analysis and very little was provided. And still you didn't provide a counter proposal.
- On September 9th I received your letter stating that the City had provided additional direction regarding the Draft Proposed Ballot Measure based on feedback from the bargaining units. You never highlighted the changes to the Proposal and the changes were not obvious to me.

As you can see from the timeline above, the IBEW has never refused to meet and confer. We have noticed that the City, however, has not offered any sort of meaningful discussion other than saying their plans are to have the legally questionable proposal proposed as a ballot measure. If you would, in fact, like to discuss the proposal, please send us a list of your proposed changes you made to the original proposed draft so that we can set up a meeting to discuss them. Again, the IBEW would be happy to meet with you on the retirement issues that can be placed into the proposal.

Thank you,

Dan Rodriguez
International Brotherhood of Electrical Workers
Local Union 332
Business Representative

2125 Canoas Garden Suite 100
San Jose CA 95125
(408) 269-4332 Ext.21 / Fax (408)979-5500

DR:jamc/opeiu#29/afl-cio