

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

September 27, 2011

Gina Donnelly  
Deputy Director of Employee Relations  
City of San Jose

**RE: Proposed Ballot Measure**

Dear Gina,

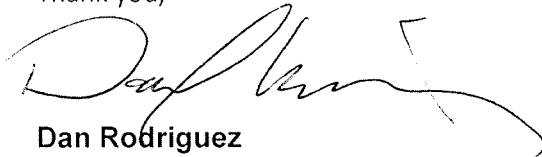
I have just read the PDF attachment dated September 23, 2011 regarding the City's proposed Ballot measure. I would just like to clarify the IBEW's position on City's request to meet and confer:

- The IBEW has not refused to meet. On Monday, June 6<sup>th</sup> I sent you an email stating that I wanted to meet over this matter and gave you my available dates.
- On Wednesday, June 8<sup>th</sup>, you sent me a PDF document saying on Tuesday, June 7<sup>th</sup> the City had provided additional direction regarding the Ballot Measure and wanted to meet on June 13<sup>th</sup>.
- On Monday June 13<sup>th</sup> we met. On Thursday, June 16<sup>th</sup> you sent me an email with an attachment regarding the "Framework for Negotiations" about the Proposed Ballot measure.
- On June 20<sup>th</sup>, MEF, ABMEI, CEO, OE#3 and IBEW sent you a response to your "Framework" document.
- On June 22<sup>nd</sup>, 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 30<sup>th</sup> 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 5<sup>th</sup> you sent a letter confirming the meeting regarding the Proposed Ballot Measure.
- We met on July 6<sup>th</sup>.
- On July 6<sup>th</sup> 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 19<sup>th</sup> 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 29<sup>th</sup>. I responded that I would attend.
- On July 25<sup>th</sup> I responded to the July 19<sup>th</sup> 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 29<sup>th</sup> ABMEI, CEO, IBEW, MEF and OE-3 even proposed a two tier retirement plan.
- On August 2<sup>nd</sup> 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 9<sup>th</sup> 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