

Association of Legal Professionals (ALP)

July 26, 2011

Ms. Gina Donnelly
Office of Employee Relations
City of San Jose
200 East Santa Clara St.
San Jose, Ca 95113

Dear Ms. Donnelly:

This is in response to your letter to ALP president Vera Todorov, dated July 22, 2011, regarding the City's request to finally exercise the "reopener" in order to meet and confer over retirement reform. Unfortunately, ALP can not meet with the City tomorrow, as you have requested.

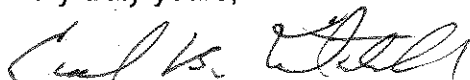
As you are aware, since at least mid-June ALP has stated repeatedly that it is prepared to meet and confer over retirement reform if the City exercises the reopener. The City has repeatedly stated that is not exercising the reopener, despite meeting with other bargaining units over retirement reform.

After much delay, your July 22, 2011 letter now states that the City wants to exercise the reopener. However, as you are aware, you have set a date and time during which ALP's president – who is also a critical part of the negotiating team – is on vacation.^[1] Other members of the ALP's negotiating team are also on vacation. Once our negotiating team has returned, we would be happy to schedule meetings to discuss retirement reform.

ALP wants to clarify that – contrary to the statements in your July 22, 2011 letter - the subject matter of the proposed ballot measure is **not** "separate and apart" from the City's proposals on retirement reform.

However, as to those portions of the ballot measure that are not subject to the reopener, nothing in this letter should be construed as waiving the requirement in the Tentative Agreement that negotiations on those issues commence in January, 2012 following proper notice.

Very truly yours,



Carl Mitchell
Vice President
Association of Legal Professionals

^[1] Ms. Todorov has informed me that she asked you to send correspondence to ALP Vice President, Carl Mitchell, during her absence. You apparently did not do this. As a result, ALP only found out about your July 22, 2011 letter when someone checked the labor negotiations website. This explains the delay in responding to the letter..