

ASSOCIATION OF LEGAL PROFESSIONALS (ALP)

October 31, 2011

Gina Donnelly
Office of Employee Relations
CITY OF SAN JOSE
200 E. Santa Clara St.
San Jose, CA 95113

Re: Response to City's October 28, 2011 Letter
(City Ballot Measure Negotiations)

Dear Ms. Donnelly:

This is written in response to your October 28, 2011 letter in which the City appears to declare impasse over its October 27, 2011 proposed ballot measure. In that letter, the City asks the Association of Legal Professionals (ALP) whether ALP desires to enter into mediation.

ALP never agreed to the City's artificial October 31, 2011 deadline by which the City desired conclude ballot measure negotiations. As a result, the City delayed any discussions with ALP for a significant amount of time when negotiations could have occurred. We believe that the City's artificial deadline to conclude negotiations with ALP is premature, as is the request for mediation. ALP has not even had the opportunity to discuss with the City the previous version of the measure that we received on Thursday, October 20, 2011, let alone the most recent version of the ballot measure that we received by email on October 27, 2011. Nonetheless, ALP will accept whatever access to mediation that the City allows, even if it insists upon prematurely declaring impasse.

We are available to meet with the City negotiating team at 3 pm on Wednesday, November 2, 2011, to discuss the October 27 version of the City's ballot measure. Please inform us of your intent with regard to the City's declaration of impasse and mediation of the City's proposed ballot measure.

ALP continues to assert that the City's proposed ballot measure affects the vested benefits of employees, and therefore it is not properly within the scope of bargaining because the ballot measure is permeated with such illegal provisions. Even if the proposed ballot measure were properly the subject of bargaining, which it is not, the latest version of the measure for the first time affects the compensation of current employees and therefore does not fall within the terms of the reopeners in the City-ALP Tentative Agreement which does not include any reopener of wages. Among other changes, the reduction in pay in new Section 15(c) of the October 27 version of the

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City's Ballot Measure is an enormously significant new item that has been included by the City at the last minute, with absolutely no opportunity for negotiation with ALP.

If your transmittal of the Ballot Measure to ALP is intended as a request to reopen the Tentative Agreement on the issue of wages, we reject such request.

In responding to the City and in meeting with the City's negotiating team, ALP does not waive any of its rights with regard to collective bargaining over matters that are within the proper scope of bargaining and the enforcement of the City's Tentative Agreement with ALP. ALP will continue to object to the City's unlawful proposals affecting the vested rights of its members and the City's breach of the contractual limitations on reopeners in the City-ALP Tentative Agreement.

ALP intends to discuss the Ballot Measure with you on Wednesday and thereafter until we have been afforded a reasonable opportunity for our review, discussion, and consideration.

Very truly yours,



VERA TODOROV
President
ASSOCIATION OF LEGAL PROFESSIONALS

cc: Gary Messing, Esq.
Rick Doyle, Esq.
Ellen Donnelly