

March 7, 2023

Via Email
John Tucker
1150 N. First Street #101
San Jose, CA 95112

Re: Successor MOA Negotiations

Dear John:

I will be the lead negotiator on behalf of the City of San José for negotiations on a successor memorandum of agreement (MOA) with the Municipal Employees' Federation, AFSCME, Local 101 (MEF). I look forward to working with you during this process.

The purpose of this letter is to follow up on the letter dated February 14, 2023, in which the MEF provided notice of its intent to bargain over a successor MOA as a formal coalition alongside the Association of Engineers and Architects, IFPTE, Local 21 (AEA), the Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP), the City Association of Management Personnel, IFPTE, Local 21 (CAMP), and the Association of Building, Mechanical, and Electrical Inspectors (ABMEI).

As you know, formal coalition bargaining is a permissive subject of bargaining and neither the City nor the unions can be compelled to bargain with a coalition. The City understands that the coalition structure is the preference of the named bargaining units, but as previously communicated to you in a letter dated April 1, 2022, and in an email on January 17, 2023, the City is not in agreement to conduct negotiations on a successor MOA in this manner. Furthermore, the City did not receive any response from you on this matter until February 14, 2023.

The City recognizes that successor MOA negotiations are an opportunity for each bargaining unit to raise its unique needs and concerns to the City. In fact, the unique needs of the classifications that MEF represents is why the City has formally recognized your bargaining unit as provided for under Employer-Employee Relations Resolution #39367, why MEF has its own MOA separate from the other units in the proposed coalition, and why management employees are not part of non-management employee bargaining units and vice versa.

While the City has encouraged coalition negotiations over *agencywide* matters that affect all bargaining units such as pension reform or health benefits, the City has not historically agreed to coalition bargain over successor MOAs, where the bargaining units differ in make-up, needs, and

March 7, 2023

Page 2

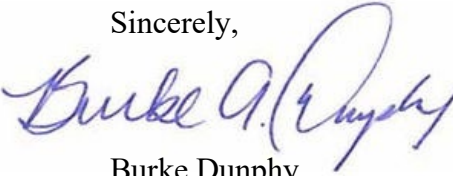
interests. Although the City did agree to conduct negotiations with MEF, AEA, AMSP, and CAMP jointly in 2021, this was, in large part, due to the expectation that this would lead to a more efficient negotiation process and based on the number of contracts that were set to expire that year. However, the agreement to conduct coalition negotiations in 2021 did not prove to be more efficient, and the City is not agreeable to this process for these or future negotiations over successor MOAs. With that being said, the City's position related to formal coalition bargaining is not intended to and does not limit your ability to coordinate with other bargaining units during the negotiation process outside of the negotiation sessions with the City, as has been done in the past.

Again, I look forward to beginning negotiations with MEF on behalf of the City, and we are hopeful that we can reach an agreement prior to the expiration of MEF's MOA on June 30, 2023.

We are available to meet via Zoom on the following dates and times to commence negotiations. Please advise if these work for MEF or provide alternate dates/times to meet.

- Wednesday, March 15, 2023, from 10:00am – 11:00am
- Friday, March 17, 2023, from 9:00am – 10:00am
- Friday, March 17, 2023, from 1:00pm – 2:00pm

Sincerely,



Burke Dunphy

c: Jennifer A. Maguire, City Manager
Lee Wilcox, Assistant City Manager
Jennifer Schembri, Director of Employee Relations and Human Resources
Elsa Cordova, Assistant to the City Manager