

March 10, 2023

*Via Email*

Elizabeth Kamya  
4 N. Second Street #430  
San José, CA 95113

**Re: Successor MOA Negotiations**

Dear Liz:

The City is in receipt of your letter dated March 9, 2023. The City disagrees with IFPTE, Local 21's (IFPTE) assertions and statements and is disappointed in the approach IFPTE appears to be taking related to these negotiations.

To be clear, the timing of the City's response to IFPTE's February 14, 2023 letter was based on a need to assess IFPTE's stated intent to bargain over a successor MOA as a formal coalition alongside MEF and ABMEI, and discuss as much with City administration and the City Council. It is disingenuous for IFPTE to state that it was unreasonable for the City to have taken this time, given that IFPTE never directly responded to the City's January 17, 2023 email reminding IFPTE of the City's interest in bargaining separately with each union. Instead, nearly a month later, on February 14, 2023, IFPTE, along with MEF and ABMEI sent a letter to the City sharing their intent to bargain in coalition. Notably, while in the February 14<sup>th</sup> letter, IFPTE stated your *intent* to bargain over a successor MOA and do so as a formal coalition, you did not request to *commence* negotiations with the City or propose any dates to do so, which is a significant difference.

To reiterate what was shared with IFPTE in the City's March 7, 2023 letter, the City's position related to only coalition bargaining with the bargaining units in IFPTE-affiliated units is based on the unique classifications that IFPTE represents, the hope to engage in efficient negotiations with IFPTE, and the fact that the City's position related to coalition bargaining does not prevent IFPTE from coordinating with other bargaining units that represent other City employees throughout the negotiation process, thereby allowing IFPTE to bring any common areas of interest to the table when meeting with the City. This is not a matter of "gamesmanship," rather, it is in careful consideration of how the City can best address areas of need throughout this process and ensure important issues related to the classifications you represent can be thoughtfully considered.

The City shares IFPTE's goal in addressing recruitment and retention issues and is committed to continuing to work hard to "staff up" the City of San Jose. The City has demonstrated this

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repeatedly, such as through initiating special classification wage adjustments during the term of the IFPTE MOAs and classification specification reviews and changes, and we will continue to pursue these and other efforts.

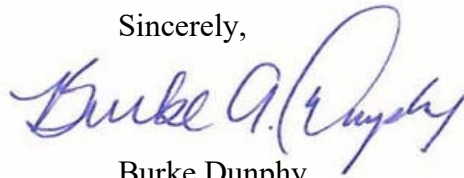
Notwithstanding these points of disagreement, we are pleased that IFPTE has expressed availability to meet on Wednesday, March 15, 2023, and hope that we can focus efforts on reaching an agreement for successor MOAs going forward.

We request that IFPTE confirm which time is preferred from the options provided in our March 7, 2023 letter and restated below.

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

Additionally, for the team members provided in your March 9<sup>th</sup> letter who require release time, please provide the Office of Employee Relations with their supervisor's names. The City is amenable to conducting these negotiations in person with a hybrid setup for individuals who have accommodation needs, including myself. To that end, we have reserved a conference room in the Office of Employee Relations at City Hall.

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