

March 10, 2023

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

Re: Successor MOA Negotiations

Dear John:

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

To be clear, the timing of the City's response to MEF's February 14, 2023 letter was based on a need to assess MEF's stated intent to bargain over a successor MOA as a formal coalition alongside AEA, AMSP, CAMP, and ABMEI, and discuss as much with City administration and the City Council. It is disingenuous for MEF to state that this was unreasonable for the City to have taken this time, given that MEF never directly responded to the City's January 17, 2023 email reminding MEF of the City's interest in bargaining separately with each union. Instead, nearly a month later, on February 14, 2023, MEF, along with AEA, AMSP, CAMP, and ABMEI sent a letter to the City sharing their intent to bargain in coalition. Notably, while in the February 14th letter, MEF 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 MEF in the City's March 7, 2023 letter, the City's position related to bargaining separately with MEF is based on the unique classifications that MEF represents, the hope to engage in efficient negotiations with MEF, and the fact that the City's position related to coalition bargaining does not prevent MEF from coordinating with other bargaining units that represent other City employees throughout the negotiation process, thereby allowing MEF 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 MEF'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 repeatedly, such as through initiating special classification wage adjustments during the term of

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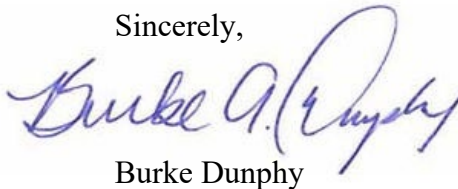
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the MEF MOA and classification specification reviews and changes, and we will continue to pursue these and other efforts.

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

With regards to the list of fifteen (15) team members that MEF provided in your March 9th, letter, as you know, the City's Employer-Employee Relations Resolution provides that you are entitled to three (3) representatives during contract negotiations. In the past, the City has been amenable to allowing up to six (6) total representatives, and given the amount of employees MEF represents, we are amenable to allowing six (6) representatives during these negotiations as well. While we understand that many employees may be interested in the negotiation process, it is important for City staff to be available to deliver services and meet the operational needs of the City's departments. As such, please confirm which representatives will be on MEF's negotiating team and provide the Office of Employee Relations with the name of their supervisor and the City will be glad to send release time emails for the meeting on Wednesday, March 15th at 10:00am. Lastly, 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