

March 14, 2023

Mary Reed
200 E. Santa Clara Street
San Jose, CA 95113

RE: Successor MOA Negotiations

Dear Mary:

The City is in receipt of your letter dated March 10, 2023, which was addressed to Burke Dunphy, the City's Labor Relations Consultant and lead negotiator for the 2023 Municipal Employees' Federation, AFSCME, Local 101 (MEF) negotiating table and the 2023 Association of Engineers and Architects, IFPTE, Local 21 (AEA), Association of Maintenance Supervisory Personnel, IFPTE, Local 21 (AMSP), and City Association of Management Personnel, IFPTE, Local 21 (CAMP) negotiating table. As noted in our correspondence on March 8th, I will be negotiating with ABMEI on behalf of the City and ask that any further communication be directed to me. Additionally, Carolyn Gibson, Senior Executive Analyst in the Office of Employee Relations, will be co-leading these negotiations on behalf of the City.

As you are aware, on March 9th, ABMEI responded to the City's March 8th letter indicating your availability to meet on March 17th; however, a day later you sent the March 10th letter, addressed to Ms. Dunphy which included statements that do not apply to ABMEI, such as stating ABMEI had filed an Unfair Practice Charge, which to date, the City has no knowledge of, and indicating that ABMEI had previously engaged in MOA negotiations remotely as opposed to in person, which has never been the case. As such, we are confused by ABMEI's March 10th letter.

As provided above, while the City is not in receipt of any Unfair Labor Practice Charge filed by ABMEI related to the commencement of negotiations to date as asserted in your March 10th letter, it is important to note that the timing of the City's response to ABMEI's February 14, 2023 letter, was based on a need to assess ABMEI's stated intent to bargain over a successor MOA as a formal coalition alongside AEA, AMSP, CAMP, and MEF and to discuss as much with City administration and the City Council. Notably, while in the February 14th letter, ABMEI 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 ABMEI in the City's March 8th letter, the City's position related to bargaining separately with ABMEI is based on the unique classifications that ABMEI represents, the hope to engage in efficient negotiations with ABMEI, and the fact that the City's position related to coalition bargaining does not prevent ABMEI from coordinating with other bargaining units that represent other City employees throughout the negotiation process, thereby allowing ABMEI 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 ABMEI's goal in addressing recruitment and retention issues and is committed to continuing to work hard to "staff up" the City of San Jose, and, we are pleased that ABMEI has expressed availability to meet on March 17th. We hope that we can focus efforts on reaching an agreement for a successor MOA going forward.

With regards to the number of ABMEI team members, in your March 10th letter you listed eight (8) team members, which differs from the negotiating team you previously identified in an email communication to the City on March 9th, which included five (5) team members. 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 ABMEI negotiating team has consisted of three (3) members. 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, we are amenable to three (3) team members in these negotiations as well. Please confirm which three (3) team members will be on the ABMEI negotiating team, and provide the Office of Employee Relations with a list of their supervisors as soon as possible so that release time can be arranged.

Lastly, and as previously advised, the City is amenable to conducting these negotiations in person with a hybrid setup for individuals who have accommodation needs. To that end, we have reserved a conference room in the Office of Employee Relations at City Hall for our meeting on March 17th at 9:00 am.

Sincerely,



Jennifer Schembri
Director of Employee Relations
Director of Human Resources

C: Jennifer A. Maguire, City Manager
Lee Wilcox, Assistant City Manager
Elsa Cordova, Assistant to the City Manager