



Office of the City Manager

EMPLOYEE RELATIONS

SENT VIA EMAIL

June 27, 2012

Yolanda Cruz
President
Municipal Employees' Federation, AFSCME Local 101
c/o Library Department
150 E. San Fernando Street
San Jose, CA 95112

LaVerne Washington
President
Confidential Employees' Organization, AFSCME Local 101
c/o City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

RE: Demand to Bargain Measure B

Dear Yolanda and LaVerne:

We are in receipt of AFSCME's letter, dated June 18, 2012. The City fulfilled its bargaining obligation regarding Measure B, which began in June 2011 and concluded in November 2011. Despite additional mediation through February 2012, the parties were unable to reach an agreement.

Contrary to your assertions, the implementation of Measure B, which was overwhelmingly approved by the San Jose voters, and the adoption of implementing ordinances do not create a separate bargaining obligation. However, draft ordinances will be provided to your organizations at the same time as they are provided to the Federated City Employees' Retirement System Board for comments.

Please notify us immediately if you believe there may be negotiable effects associated with the adoption of the implementing ordinances. As required by the Public Employment Relations Board, any such notification must include reference to the specific "identifiable,

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reasonably foreseeable, and negotiable” effect over which your organization seeks to bargain. Failure to identify the specific effect will be deemed a request over the terms of Measure B, which have already been negotiated to impasse.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina Donnelly', written in a cursive style.

Gina Donnelly
Deputy Director of Employee Relations

c: Alex Gurza, Deputy City Manager
Charles Allen, Business Agent, AFSCME