COUNCIL AGENDA: 06-07-2011
ITEM: 3.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Councilmember Donald Rocha

SUBJECT: **MAY 24TH COUNCIL DIRECTION**

DATE: June 3, 2011

Approved Don Rocha Date 6/3/11

RECOMMENDATION

I request that the City Manager clarify her understanding of the direction given to them by the Council at its May 24th meeting under item 3.4 regarding negotiations with our bargaining units on retirement reform. Specifically, I would like to understand why in a letter from Employee Relations to IAFF Local 230 dated June 3rd, staff characterized the Council's action on May 24th exclusively as approval of the May 13th memo signed by the Mayor, Vice Mayor and two Councilmembers.

BACKGROUND

On June 3rd, the Council received a letter from Robert Sapien, President of IAFF Local 230 (Attachment A) in which he expresses confusion at the characterization of Council direction contained in a letter from Employee Relations dated June 3rd (Attachment B). The Employee Relations letter indicates that the Council approved the Mayor's May 13th memo at its May 24th meeting, but does not mention any of the other pension reform strategies staff was directed to analyze on that date, including the strategy contained in my memo dated May 20th or the seven bullet points provided by Councilmember Constant on May 24th. My reason for this recommendation is that I think it would be valuable to have the full Council available to discuss this as negotiation points and/or direction.

Since the action on the 24th was taken in open session, I would prefer that this discussion occur in open session as long as the points discussed do not compromise any closed session material or attorney-client privilege.

Attachments:
A. June 3rd letter from Robert Sapien
B. June 3rd letter from Employee Relations

San Jose Fire Fighters • Local 230

425 E. Santa Clara Street, Suite 300, San Jose, CA 95113 • (408) 286-8718 • FAX (408) 286-2577

June 3, 2011

Alex Gurza
Director of Employee Relations
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Attachment A

RE: Request to Resume Retirement Reform Discussions

Dear Alex,

Today, I received a letter from your office indicating that the City is inviting Local 230 to discuss "proposed City Charter changes." As I am sure you can understand, Local 230 finds this letter perplexing and quite provocative, as it does not reflect our understanding of City Council's direction on May 24, 2011.

On March 3, 2011, San Jose Fire Fighters, IAFF Local 230 and the City of San Jose mutually entered into a "Retirement Reform" side letter agreement stating that the parties are "to continue meeting and conferring on pension and retiree healthcare benefits for current and future employees."

Additionally, prior to entering into that agreement, Local 230 presented a proposal that included legally allowable retirement reforms that would reduce costs and strengthen the retirement system. To date, Local 230 has yet to receive a response to that proposal.

Local 230 has made formal requests on April 14, 2011 and again on May 25, 2011 to begin the meet and confer process on retirement reform and we have yet to receive agreement to do so and there have been no meetings scheduled. As such, Local 230 is now demanding, in the politest sense of the word, that the City honor the provisions of the side letter agreement, and commence negotiations immediately.

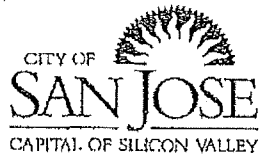
Your anticipated immediate response to this request is appreciated. We look forward to meeting with you.

Sincerely, Robert Sapien Jr.

Robert Sapien, Jr., President

CC: Mayor and City Council
Christopher E. Platten, Esq

Attachment B



Office of the City Manager
EMPLOYEE RELATIONS

June 3, 2011

Robert Sapien
President
San Jose Fire Fighters, IAFF, Local 230
425 E. Santa Clara Street, Suite 300
San Jose, CA 95113

RE: Proposed Ballot Measure

Dear Robert:

On May 24, 2011, the City Council approved the enclosed Memorandum dated May 13, 2011, directing staff to return to the City Council on June 21st with language related to a proposed ballot measure.

The terms of the proposed ballot measure are delineated in the enclosed memorandum. Please contact me at your earliest convenience if you would like to schedule a meeting. The proposed City Charter changes will be considered by the City Council on June 21, 2011, therefore it is imperative, if you wish to discuss this matter that you notify us immediately.

Sincerely,

Gina Donnelly
Deputy Director of Employee Relations

c: Jeff Welch, Vice President, San Jose Fire Fighters, IAFF, Local 230

Enclosure

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