

ASSOCIATION OF LEGAL PROFESSIONALS

May 25, 2012

Mr. Marco Mercado
Office of Employee Relations
City of San Jose
200 E. Santa Clara St.
San Jose, CA 95113

RE: Proposed Ground Rules and Requests for Information

Dear Mr. Mercado:

Thank you for finally agreeing to commence the negotiation of the Collective Bargaining Agreement between the City and our Association. As we discussed on May 21, we are proposing the attached Ground Rules.

Please provide us with a written response to our proposed Ground Rules. For any proposed Rule that you do not agree to, please state the reasons why you are not agreeing to them in order to facilitate timely discussion.

Sincerely,



VERA M. I. TODOROV

President

Association of Legal Professionals

ALP's Proposed Negotiation Ground Rules

1. **GOAL** - The overarching goal of these negotiations is to reach agreement on a complete Collective Bargaining Agreement.
2. **FAIRNESS IN OPEN COUNCIL DISCUSSIONS** - Recent changes to City Council policy that create a forum for open Council discussion by ALP shall be implemented in the following manner:
 - a. **All** written proposals and authorized written communications from ALP to OER regardless of form (letter, email message, etc.) shall be promptly presented to City Council and posted upon the City's labor negotiation web page and on the City Agenda web page (if they relate to a Council Agenda item) so that they can be discussed at an Open Council Session.
 - b. Council shall not place items about any matter that would affect ALP's negotiations with the City on any City Agenda, including any proposed implementation of a City proposal following declaration of impasse, without complying with the City sunshine timelines and without invoking any waivers of the City's Sunshine time requirements.
3. **PUBLIC NEGOTIATIONS** – All negotiation sessions between ALP and the City shall be open to the public.
4. **ECONOMIC BASIS OF PROPOSALS** - To improve the fairness and efficiency of the negotiations, the City negotiators shall provide ALP with reasonable supporting information with each City proposal and with any rejection of an ALP proposal. This information shall be sufficient to provide ALP with a reasonable description of the economic effect of each proposal including a dollar value and the methodology and basis of the City's calculations, including references to the applicable sections of other documents that the City relied upon in its proposal or response. In particular, City shall provide ALP with its methods of calculating any cost savings including all actuarial assumptions about future costs.
5. **LEGAL BASIS OF PROPOSALS** - The City agrees that it will not insist on proposals that do not have a clear, generally recognized legal basis. If ALP expresses its good faith belief that a position taken by the City is not legally supportable and ALP provides a legal basis for such belief, the City shall promptly provide ALP with a reasonable summary of the legal support for the City's position.
6. **COMMITMENT TO RESPOND TO ALL REQUESTS** - Whenever possible, issues for discussion at future meetings shall be identified at the conclusion of the prior meeting. Additional information or action items needed by either party shall be identified at the end of each meeting with a timeline for response.

7. OPEN DISCUSSION OF THE REASONS FOR DENIAL OF INFORMATION - If information, including economic justification or legal authority, is denied, then the City shall promptly provide a written explanation for the refusal to provide the information. Any decision to deny information (or the failure without explanation) of the Administration to provide the requested information within the time frames provided by the Public Records Act, may be appealed by ALP to the Rules Committee and to the Council in the same manner that denials of Public Records Act requests are handled.

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