



OPERATING ENGINEERS LOCAL UNION No. 3

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Jurisdiction: Northern California, Northern Nevada, Utah, Hawaii, and the Mid-Pacific Islands

November 2, 2011

Gina Donnelly, Deputy Director
Office of Employee Relations
City of San Jose
200 E. Santa Clara Street
San Jose, CA. 95113

RE: Draft Proposed Ballot Measure

Dear Ms. Donnelly,

I am in receipt of your letter dated October 1, 2011.

Local 3 has not waived anything, specifically our right to bargain over changes to the retirement plan. We still want to negotiate over the retirement plan matters. We are waiting for the City to provide us with a response and/or counter proposal to the last proposal we made to the City.

These negotiations have been and continue to be a "take it or leave it" on the part of the City. This "take it or leave it" approach to negotiations has been further complicated by the City's artificial mischaracterization of the retirement plan negotiations. The City has pursued a bargaining strategy which attempts to divide a so called "ballot proposal" from "retirement" bargaining. We consider these to be one in same, negotiations over changes to the retirement plan.

When can we expect a counter proposal to our latest offer?

Sincerely;

William H. Pope
Business Representative

CC: Robert Jesinger, Local 3 House Counsel
Carl Carey, Director, Public Employee Division Local 3