

ASSOCIATION OF LEGAL PROFESSIONALS (ALP)

July 6, 2011

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

Re: City's Failure to Exercise Reopener On Pension Reform

Dear Ms. Donnelly,

At our meeting on June 13, 2011 with several other bargaining groups, ALP Representative Brian Doyle asked you whether the City was exercising its rights under the "reopener provisions" of the Tentative Agreement between ALP and the City in order to engage in a discussion of the City's proposed ballot measure and pension "reform" issues. You indicated that the City was not exercising the reopener provision.

That the City was not exercising the reopener provision was reaffirmed at the June 14, 2011 morning Council meeting. At that meeting, Mr. Doyle addressed the City Council with respect to the Labor Relations Update and again expressed ALP's understanding that the City was not exercising the reopener provision of the Tentative Agreement. You were in attendance at that meeting and gave a brief update on labor relations. You did not object, question or reject Mr. Doyle's statement regarding the City not exercising the reopener provision.

The City and ALP agreed to the following language ***as part of the Tentative Agreement***:

The terms and conditions contained in this Tentative Agreement represent the full, complete and entire understanding of the parties regarding the matters set forth herein. Employees represented by ALP shall receive all the benefits received by Unit 99 effective June 15, 2010, unless explicitly modified by the Tentative Agreement dated June 15, 2010, and/or by this agreement. ***It is understood that neither party may require the other party to meet and confer over any subject covered by this Tentative Agreement except as provided herein. Notwithstanding the foregoing, each party agrees to meet and confer over the following issues within ten (10) days written notice from the other party: . . . The Supplemental Retiree Benefit Reserve Program . . . Retirement Reform . . . and . . . Sick Leave Payout.***

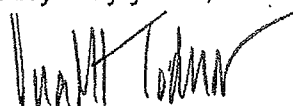
(Bold/Italics added.)

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Because the subject matter of the proposed ballot measure and the proposals regarding changes to the pension benefits of current City employees fall within the reopener provision of the Tentative Agreement and because the City has not exercised its right to reopen, ALP has no current obligation to meet and confer with the City.

If our understanding of the City's position is incorrect, please provide us with a response to this letter.

Very truly yours,



VERA TODOROV
President



BRIAN DOYLE
Negotiation Team Member

cc: Richard Doyle