



February 24, 2012

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VIA EMAIL AND REGULAR MAIL

Alex Gurza
Deputy City Manager
Office of the City Manager, City of San Jose
200 E Santa Clara St
San Jose, CA 95113

**Re: San Jose Police Officers' Association: Demand for
Arbitration, Retirement Reform
File No. 038220**

Dear Alex:

Please consider this a demand for arbitration by the POA pursuant to Charter Section 1111.

To clarify, we seek to arbitrate over the following:

- Retirement Reform generally, and
- Various retirement-related proposals put forward since July 2011 by the City during our "retirement negotiations."

The POA expressly declines to negotiate or arbitrate any benefits contained in its current Memorandum of Agreement.

This demand for arbitration does NOT contemplate arbitrating over the contents of the City's proposed ballot measure. Pursuant to separate correspondence, also of today's date, the POA is requesting to resume bargaining over the proposed new ballot measure language.

But we should move the non-ballot measure aspects of these matters forward. The POA and Local 230 have been pressing the City since before Thanksgiving for a statement of its position on whether it will be willing to arbitrate the above-referenced matters. We have been promised a response for some weeks, including expressly by you at the February 10, 2012 mediation. Thus, because the City has been aware of our intention to proceed

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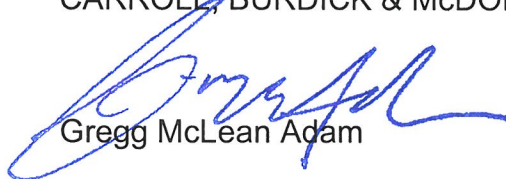
to arbitration for some time, we must insist on a short deadline for the City to advise whether or not it is prepared to arbitrate.

We ask for your response by close of business on Tuesday, February 28, 2012.

As the City considers its position with respect to the above, we remind you of the parties' ground rules for the pension negotiations, which expressly contemplate resolution of any disputes through Charter Section 1111. (<http://www.sanjoseca.gov/employeerelations/retirementreform/Frameworks/NegotiationFrameworkForPOA.IAFFDated06.20.11.pdf.pdf>.)

Very truly yours,

CARROLL BURDICK & McDONOUGH LLP



Gregg McLean Adam

GMA:jo

cc: Gina Donnelly, Deputy Director of Employee Relations, City of San Jose
Jim Unland, President, San Jose POA
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