



June 18, 2012

44 Montgomery Street  
Suite 400  
San Francisco, CA  
94104-4606

415.989.5900  
415.989.0932 Fax  
www.cbmlaw.com

Los Angeles  
Sacramento  
Walnut Creek

Gregg McLean Adam  
Direct Dial: 415.743.2534  
gadam@cbmlaw.com

**VIA EMAIL AND REGULAR MAIL**

Gina Donnelly  
Deputy Director of Employee Relations  
City of San Jose  
Office of the City Manager  
200 East Santa Clara Street  
San José, CA 95113

**Re: City's Sick Leave Payout Proposal—Request to Meet and Confer  
File No. 038871**

Dear Gina:

We received your letter to Jim Unland dated Friday, June 15, 2012. The POA rejects the notion that the parties are at impasse on the sick leave payout proposal. There have been no formal negotiations on the City's December 7, 2011 proposal, in large part because the parties were predominantly focused on the City's retirement proposals. As you acknowledged, the POA's proposals on sick leave in this period were invariably incorporated within its retirement proposals.

Accordingly, since the sick leave proposal now "stands alone," the POA believes it is appropriate to begin bargaining over that single subject. Again, I emphasize that no bargaining on the distinct subject of sick leave cash out has taken place. Therefore it is inappropriate—and the POA will oppose any such effort—for the City formally to declare impasse and move to impasse resolution procedures.

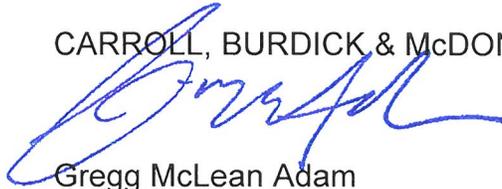
We request another copy of the December 7, 2011 proposal. In addition, please also provide me with any estimates of savings the City anticipates achieving through its proposal.

Gina Donnelly  
Re: City's Sick Leave Payout Proposal—Request to Meet and Confer  
June 18, 2012  
Page 2

Please provide me with any dates the City has available for the meet and confer.

Very truly yours,

CARROLL, BURDICK & McDONOUGH LLP



Gregg McLean Adam

GMA:jo

cc: Jim Unland, President, POA  
John Robb, Vice President, POA  
Franco Vado, Chief Financial Officer, POA  
Alex Gurza, Deputy City Manager, City of San Jose