



**PUBLIC EMPLOYMENT RELATIONS BOARD
FACSIMILE TRANSMITTAL SHEET**

TO:

Fern M. Steiner, Attorney
Tosdal, Smith, Steiner & Wax
401 West A Street, Suite 320
San Diego, CA 92101
Facsimile: (619) 239-6048

Facsimile: (619) 239-6048

Andrew Jones, Executive Assistant City Attorney
City of San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101-4100

Facsimile: (619) 236-7215

FROM:

Cheryl Shelly
Legal Analyst
Sacramento Regional Office
1031 18th Street
Sacramento, CA 95811-4124
Phone: 916 327-8382
Fax: (916) 327-6377

DATE:

February 10, 2012

TOTAL NO. OF PAGES INCLUDING COVER:

9

RE:

LA-CE-746-M

NOTES/COMMENTS:

Attached are the following documents:

- Letter from General Counsel dated 2/10/12 regarding IR No. 615
- Cover Letter, Complaint, and Notice of Informal Conference

The pages comprising this facsimile transmission contain information from the Public Employment Relations Board. This information is intended solely for use by the individual(s) or entity(ies) named as the recipient(s) hereof. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this transmission may be prohibited. If you have received this transmission in error, please immediately notify us by telephone.

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC EMPLOYMENT RELATIONS BOARD

Office of the General Counsel
1031 18th Street
Sacramento, CA 95811-4124
Telephone: (916) 327-8381
Fax: (916) 327-6377



February 10, 2012

Via Facsimile and U.S. Mail

Fern M. Steiner, Attorney
Ann M. Smith, Attorney
Tosdal, Smith, Steiner & Wax
401 West A Street, Suite 320
San Diego, CA 92101

Facsimile: (619) 239-6048

Andrew Jones,
Executive Assistant City Attorney
City of San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101-4100

Facsimile: (619) 236-7215

Re: *San Diego Municipal Employees Association v. City of San Diego*
Injunctive Relief Request No. 615
Unfair Practice Charge No. LA-CE-746-M

Dear Parties:

By direction of the Board, the request for injunctive relief in the above-entitled matter is GRANTED. By further direction of the Board, the General Counsel shall: (1) immediately initiate an action for appropriate injunctive and writ relief in San Diego Superior Court; and (2) expedite administrative proceedings on Unfair Practice Charge No. LA-CE-746-M.

Sincerely,

M. Suzanne Murphy
General Counsel

MSM:css

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95811-4124.

On February 10, 2012, I served the Letter regarding Case No. LA-CE-746-M on the parties listed below by

X placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

 personal delivery.

X facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

Fern M. Steiner, Attorney
Ann M. Smith, Attorney
Tosdal, Smith, Steiner & Wax
401 West A Street, Suite 320
San Diego, CA 92101

Facsimile: (619) 239-6048

Andrew Jones,
Executive Assistant City Attorney
City of San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101-4100

Facsimile: (619) 236-7215

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 10, 2012, at Sacramento, California.

C. Shelly

(Type or print name)



(Signature)

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC EMPLOYMENT RELATIONS BOARD



Los Angeles Regional Office
700 N. Central Ave., Suite 200
Glendale, CA 91203-3219
Telephone: (818) 551-2805
Fax: (818) 551-2820



February 10, 2012

Fern M. Steiner, Attorney
Ann M. Smith, Attorney
Tosdal, Smith, Steiner & Wax
401 West A Street, Suite 320
San Diego, CA 92101

Andrew Jones, Executive Assistant City Attorney
City of San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101-4100

Re: *San Diego Municipal Employees Association v. City of San Diego*
Unfair Practice Charge No. LA-CE-746-M

Dear Parties:

The Office of the General Counsel has issued the enclosed COMPLAINT in the above-entitled matter. The Respondent is required to file an ANSWER within 20 calendar days from the date of service of the COMPLAINT, pursuant to PERB Regulation 32644.¹ The required contents of the ANSWER are described in PERB Regulation 32644(b). If you have not filed a Notice of Appearance form, one should be completed and returned with your ANSWER.

Also enclosed is a Notice of Informal Conference informing you that an informal settlement conference has been scheduled. If you are unable to meet on the date specified, please follow the instructions in the second paragraph of the notice. All inquiries, filings, and correspondence in this matter should be directed to me.

Sincerely,

Valerie Pike Racho
Regional Attorney

Enclosures

¹ PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. Copies may be purchased from PERB's Publications Coordinator, 1031 18th Street, Sacramento, CA 95811-4124, and the text is available at www.perb.ca.gov.

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



SAN DIEGO MUNICIPAL EMPLOYEES
ASSOCIATION,

Charging Party,

v.

CITY OF SAN DIEGO,

Respondent.

Case No. LA-CE-746-M

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3500 et seq., the General Counsel of the Public Employment Relations Board (PERB), pursuant to California Government Code sections 3509(b) and 3541.3(i) and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Charging Party is an exclusive representative within the meaning of PERB Regulation 32016(b) of an appropriate unit of employees.
2. Respondent is a public agency within the meaning of Government Code section 3501(c) and PERB Regulation 32016(a).
3. From approximately April 2011 to date, Respondent, through its agents, including chief labor negotiator San Diego City Mayor Jerry Sanders, has co-authored, developed, sponsored, promoted, funded, and implemented a pension reform initiative, referred to as the "Comprehensive Pension Reform Initiative for San Diego" (CPR Initiative).
4. Commencing on or about August 16, 2011, Respondent, through its agent San Diego City Attorney Jan I. Goldsmith, has refused to meet and confer with Charging Party

regarding the provisions of the CPR Initiative that impact wages and retirement benefits for bargaining unit members.

On, or about January 30, 2012, Respondent placed the CPR Initiative on the ballot

6. By the acts and conduct described in paragraphs 3, 4, and 5, Respondent failed and refused to meet and confer in good faith with Charging Party in violation of Government Code section 3503 and committed an unfair practice under Government Code section 3509(b) and

7. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3506 and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

8. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3503 and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

Any amendment to the complaint shall be processed pursuant to California Code of Regulations, title 8, sections 32647 and 32648.

DATED: February 10, 2012

M. SUZANNE MURPHY
General Counsel

By Wendi L. Ross
Wendi L. Ross
Deputy General Counsel

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



SAN DIEGO MUNICIPAL EMPLOYEES
ASSOCIATION,

Charging Party,

v.

CITY OF SAN DIEGO,

Respondent.

Case No. LA-CE-746-M

**NOTICE OF INFORMAL
CONFERENCE**

PLEASE TAKE NOTICE that on February 23, 2012, beginning at 10:00 a.m., at the Public Employment Relations Board, 700 North Central Avenue, Suite 200, Glendale, California, an informal conference will be held pursuant to California Code of Regulations, title 8, section 32650 on an unfair practice complaint issued by the Public Employment Relations Board (PERB) against the above-named respondent. The conference will be held before the undersigned representative of PERB, at which time the parties should appear in person or by representative.

PLEASE TAKE FURTHER NOTICE that requests to change the date of the informal conference will not be entertained unless a written request meeting the following conditions is filed in the Los Angeles Regional Office not less than five (5) working days before the date set for the conference.

1. The request must be served on the opposing party;
2. The reasons for the request must be specified;
3. The request must include the opposing party's position on the request;
4. Alternate dates proposed by the requesting party and submitted by the opposing party must be stated. (Reasonable attempts should have been previously made to coordinate those dates with the calendar of the undersigned; and

5. The alternate dates must fall within 20 calendar days of the date the conference was originally scheduled.

If all of the above-listed conditions are not met, the written request must set forth good cause for the failure to comply with this directive.

At the conference, the parties should be prepared to reach a settlement agreement or reduce the number of outstanding issues. If no settlement is reached, a formal hearing will be scheduled by the PERB. Parties should be prepared at the conference to submit at least three sets of proposed dates for formal hearing.

All communications concerning the further processing of this case should be addressed to the undersigned at PERB, 700 N. Central Ave., Suite 200, Glendale, CA 91203-3219; (818) 551-2805.

DATED: February 10, 2012

By Valerie Pike Racho
Valerie Pike Racho
Regional Attorney

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95811-4124.

On February 10, 2012, I served the Cover Letter, Complaint and Notice of Informal Conference regarding Case No. LA-CE-746-M on the parties listed below by

 X placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

 personal delivery.

 X facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

Fern M. Steiner, Attorney
Ann M. Smith, Attorney
Tosdal, Smith, Steiner & Wax
401 West A Street, Suite 320
San Diego, CA 92101

Andrew Jones, Executive Assistant City Attorney
City of San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101-4100

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 10, 2012, at Sacramento, California.

C. Shelly

(Type or print name)



(Signature)