

PUBLIC EMPLOYMENT RELATIONS BOARD

San Francisco Regional Office
1330 Broadway, Suite 1532
Oakland, CA 94612-2514
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March 8, 2013

Christopher E. Platten, Attorney
Wylie, McBride, Platten & Renner
2125 Canoas Garden Avenue, Suite 120
San Jose, CA 95125

Gina Donnelly, Deputy Director of Employee Relations
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1905

Re: *IAFF Local 230 v. City of San Jose*
Unfair Practice Charge No. SF-CE-969-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 twenty (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.

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Trump", written over a horizontal line.

Daniel Trump
Regional Attorney

Enclosure

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



INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, LOCAL 230,

Charging Party,

v.

CITY OF SAN JOSE,

Respondent.

Case No. SF-CE-969-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:

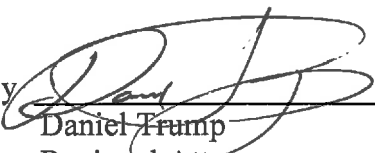
1. Charging Party is an exclusive representative within the meaning of PERB Regulation 32016(b) of an appropriate unit of employees.
2. Respondent is a public agency within the meaning of Government Code section 3501(c) and PERB Regulation 32016(a).
3. On or about April 13, 2011, May 13, 2011, June 14, 2011, and February 24, 2012, Respondent knowingly provided inaccurate information to Charging Party regarding its fiscal obligations regarding future retirement benefits.
4. On or about February 21, 2012 Respondent informed Charging Party that the San Jose City Council would consider Resolution Number 76158, a ballot measure concerning future retirement benefits, at its meeting on March 6, 2012.

5. On or about February 28, 2012, Charging Party requested to meet and confer with Respondent over Resolution Number 76158.
6. On or about March 5, 2012, Respondent refused to meet and confer with Charging Party over Resolution Number 76158.
7. On or about March 6, 2012, the San Jose City Council adopted Resolution Number 76158.
8. Respondent engaged in the conduct described in paragraph 7 without having negotiated with Charging Party to agreement or through completion of negotiations concerning the decision to implement the change in policy and/or the effects of the change in policy.
9. By the acts and conduct described in paragraphs 3 through 8, Respondent failed and refused to meet and confer in good faith in violation of Government Code sections 3505 and 3506.5(c), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(c).
10. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code sections 3506 and 3506.5(a), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).
11. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code sections 3503 and 3506.5(b), 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: March 8, 2013

M. SUZANNE MURPHY
General Counsel

By  _____
Daniel Trump
Regional Attorney

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Alameda, 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, 1330 Broadway, Suite 1532, Oakland, CA 94612-2514.

On March 8, 2013, I served the Letter regarding Case No. SF-CE-969-M on the parties listed below by

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.

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

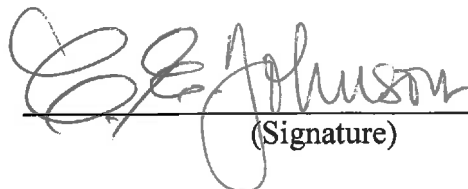
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200 East Santa Clara Street
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 8, 2013, at Oakland, California.

C. E. Johnson

(Type or print name)



(Signature)