



**PUBLIC EMPLOYMENT RELATIONS BOARD  
FACSIMILE TRANSMITTAL SHEET**

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**TO:**

Andrew Jones, Executive Assistant City Attorney  
City of San Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101-4100  
Facsimile: (619) 236-7215

Scott Chadwick, Labor Relations Manager  
City of San Diego  
1200 Third Ave., Suite 1316, MS 56L  
San Diego, CA 92101  
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Adam E. Chaikin, Attorney  
Olins, Riviere, Coates & Bagula  
2214 2nd Avenue  
San Diego, CA 92101  
Facsimile: (619) 272-4309

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**FROM:**

Cheryl Shelly  
Legal Analyst  
Sacramento Regional Office  
1031 18th Street  
Sacramento, CA 95811-4124  
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**DATE:**

March 2, 2012

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**TOTAL NO. OF PAGES INCLUDING COVER:**

7

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**RE:**

UPC LA-CE-752-M

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**NOTES/COMMENTS:**

See attached Cover Letter, Complaint and Notice of Informal Conference dated March 2, 2012.

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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  
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March 2, 2012

Andrew Jones, Executive Assistant City  
Attorney  
City of San Diego  
1200 Third Avenue, Suite 1620  
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1200 Third Ave., Suite 1316, MS 56L  
San Diego, CA 92101

Re: *Deputy City Attorneys Association of San Diego v. City of San Diego*  
Unfair Practice Charge No. LA-CE-752-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.<sup>1</sup> 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,

A handwritten signature in black ink that reads "Valerie Pike Racho" followed by a stylized flourish.

Valerie Pike Racho  
Regional Attorney

Enclosures

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<sup>1</sup> 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](http://www.perb.ca.gov).

STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD



DEPUTY CITY ATTORNEYS ASSOCIATION  
OF SAN DIEGO,

Charging Party,

v.

CITY OF SAN DIEGO,

Respondent.

Case No. LA-CE-752-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" (Initiative).
4. Commencing on or about September 15, 2011, Respondent, through its agent San Diego City Human Resources Director Scott Chadwick, has refused to meet and confer with

Charging Party "based on the advice of the City Attorney" regarding the provisions of the Initiative that impact wages and retirement benefits for bargaining unit members.

5. On or about January 30, 2012, Respondent placed the Initiative on the ballot for the June 5, 2012 election.

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 3505 and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(c).


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: March 2, 2012

M. SUZANNE MURPHY  
General Counsel

By   
Wendi L. Ross  
Deputy General Counsel

STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD



DEPUTY CITY ATTORNEYS ASSOCIATION  
OF SAN DIEGO,

Charging Party,

v.

CITY OF SAN DIEGO,

Respondent.

Case No. LA-CE-752-M

**NOTICE OF INFORMAL  
CONFERENCE**

PLEASE TAKE NOTICE that on March 15, 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: March 2, 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 March 2, 2012, I served the COVER LETTER, COMPLAINT, AND NOTICE OF INFORMAL CONFERENCE regarding Case No. LA-CE-752-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).

Adam E. Chaikin, Attorney  
Olins, Riviere, Coates & Bagula  
2214 2nd Avenue  
San Diego, CA 92101

Andrew Jones, Executive Assistant City Attorney  
City of San Diego  
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San Diego, CA 92101-4100

Scott Chadwick, Labor Relations Manager  
City of San Diego  
1200 Third Ave., Suite 1316, MS 56L  
San Diego, CA 92101

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 2, 2012, at Sacramento, California.

C. Shelly

(Type or print name)



(Signature)