

May 21, 2010

1007 7th Street  
Suite 200  
Sacramento, CA  
95814-3409

916.446.5297  
916.446.4487 Fax  
www.cbmlaw.com

San Francisco  
Walnut Creek  
Los Angeles

Jason H Jasmine  
jjasmine@cbmlaw.com

**VIA E-MAIL [SZALAYS@SACCOUNTY.NET] & REGULAR MAIL**

Steven Szalay  
Interim County Executive  
County of Sacramento  
700 H Street, Room 7650  
Sacramento, CA 95814

**Re: "Unrepresented" Employee Compensation**

Dear Mr. Szalay:

As you may recall, we represent the Sacramento County Management Association (SCMA). This morning, we received a copy of a memorandum that was addressed to "Unrepresented Employees" and which indicated that you would be recommending to the Board of Supervisors that unrepresented employees not receive cost of living increases or equity increases for fiscal year 2010-11. We note, however, that employees in the SCMA-represented bargaining units did NOT receive this memo. That makes sense, given the fact that these bargaining units are now represented employees.

Just before 5:30 last night, Steve Keil called and provided us with an interpretation that was troubling, and one we hope was incorrect. Specifically, he informed us that this recommendation would include those *represented* management employees, formerly designated as 050, and now represented by SCMA. On May 18, 2010, the Board of Supervisors formally recognized the election results which certified SCMA as the exclusive representative of the Management Unit and Attorney-Civil Unit. Thus, it came as a great surprise to be informed by Mr. Keil that the County Executive intended to recommend to the Board of Supervisors that it rescind the already approved COLAs and equity increases. This was especially surprising given the fact that on May 18, 2010, the County and SCMA began its first step in negotiating the first Memorandum of Understanding between the parties.

Last year, when SCMA was informed that unrepresented management would forego COLAs and accept 14 furlough days, the County met and discussed the various issues under discussion with SCMA multiple times before any action was taken. Now that SCMA has become the exclusive bargaining representative, is the County taking the position that it can unilaterally rescind scheduled increases without meeting and conferring with SCMA? Is it the

County's position that SCMA has fewer rights now that it is the lawfully designated exclusive bargaining representative?

We are hopeful that Mr. Keil was in error when he indicated the County Executive's intent. From the very beginning of the process to become an REO, SCMA has maintained that it wishes to establish a positive relationship with the County. Because SCMA's membership is made up primarily of managers, we imagined it would be easy to have a professional and productive working relationship that did not involve the County ignoring its obligations. If Mr. Keil's interpretation of the County Executive's position on this issue is correct, however, it appears that SCMA's hopes for a positive working relationship will have been dashed before our first official bargaining session.

We continue to stand ready, willing and able to bargain over all proposed changes to compensation or other terms and conditions of employment. Please be advised, however, that SCMA also stands ready, willing and able to defend its rights as the exclusive bargaining representative, and the rights of its members, against any attacks or violations of those rights. SCMA will not allow the County to disregard its obligations under the Meyers-Milias-Brown Act (Government Code sections 3503, 3504, 3504.5, 3505 and 3506, in particular) and under its own County Code (2.104.140).

Please advise us no later than Tuesday, May 26, 2010 of the County's position as to whether the recommendation regarding "unrepresented" employee compensation will include the represented employees in the bargaining units represented by SCMA, as it was not made clear by Mr. Keil when this recommendation would be made to the Board of Supervisors.

Sincerely,

CARROLL, BURDICK & McDONOUGH LLP



Jason H. Jasmine

cc: Steve Keil (via e-mail)  
SCMA Board