

LIEBERT CASSIDY WHITMORE

A PROFESSIONAL LAW CORPORATION

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November 12, 2008

VIA E-MAIL WMERRY@MRWMD.ORG AND RNORTON@MRWMD.ORG

William Merry
General Manager
Monterey Regional Waste Management District
14201 Del Monte Blvd.
Box 1670
Marina, CA 93933-1670

Re: *Liebert Cassidy Whitmore Negotiation Services*

Dear William:

Thank you for the opportunity to submit this proposal to assist the District with negotiations with the SEIU Local 521. As you may know, I have negotiated with SEIU for many years and have worked with your Local 521. I am aware of the issues and strategies of the Local and I would welcome the opportunity to assist the District in these negotiations.

As you know our philosophy and role during negotiations is as follows:

Our approach to Negotiations:

- We work with and for the chief administrative official and his/her designated staff, and through him/her with the Governing Body. We provide professional advice to assist the agency in determining its policy goals and objectives, which then become our goals and objectives; we see our job as applying our best efforts and skills to achieving them.
- We believe in carefully organizing for negotiations, with goals and objectives kept well in mind. The negotiating process, we believe, consists of definable stages, from preparatory activities to the preliminary bargaining phases, hard bargaining, and finally to agreement, impasse procedure, or work action. Each stage of the process requires an organized approach in order to maximize the chances of attaining bargaining objectives.
- Our philosophy is not one of union busting, but rather one of using a professional approach that seeks to achieve and maintain professional relationships, notwithstanding the adversarial aspects of the process.
- We call to the attention of our clients that in return for agreeing to competitive

benefit adjustments, it is reasonable for them to seek to contractually protect and maximize their management discretion to set standards of service and retain the prerogative to direct, assign, and stimulate employees to meet them.

- We see the conclusion of negotiations as the beginning for establishing a constructive employer-employee, organization-employee relations structure, which requires management training and ongoing involvement with agency management on our part.
- We have negotiated virtually every issue within the scope of bargaining, including such issues as: wages, hours, health and retirement benefits, leaves and discipline.

Philosophy, Style and Approach

Our approach to negotiations and related services is described in the enclosed Firm Resume. We would add only that our approach emphasizes sensitivity for an agency's employer-employee relations philosophy and objectives. As discussed in our Firm Resume, we pride ourselves on successfully establishing our role as an effective advocate for the District, while maintaining a professional relationship with employee organizations and their representatives.

The services offered by our LCW negotiators are generally as follows, subject to the particular preferences in any agency which can and do bring about modifications to our role:

- Meet with District staff, the ad hoc Personnel Committee, and/or the Board of Directors prior to commencement of negotiations in order to best understand (and perhaps formulate) the goals and objectives of the District in addressing the meet and confer process, and to be made aware of the financial/political limitations upon reaching those goals and objectives.
- Provide leadership in formulating the strategies which will be employed in meeting said goals and objectives at the bargaining table. (This may include asking that various agency negotiation team members prepare total compensation studies and/or detailed cost/revenue analysis of association demands).
- Compile and review all pertinent personnel rules and regulations, existing memoranda of understanding and department rules and regulations in order to verify their impact upon the goals and objectives that are being pursued.
- Act as principal spokesperson and strategist during the bargaining process.
- Participate at closed sessions to receive direction from elected officials.


- Representation in PERB proceedings.
- Representation at impasse proceedings (including preparation of press releases, supervising media relations, meeting with elected officials, and making those appearances provided for by the District employee relations ordinance.)

I propose no change to our current fee structure. My hourly rate will remain at \$270. We do not charge for secretarial time, telephone charges or photocopying (unless copying is done at the request of the client, in which case it is charged at fifteen cents (\$.15) per page). We charge \$.50 per page for outgoing faxes. There is no charge for incoming faxes. Travel time is charged at the hourly rate, for the time it takes to travel to/from our San Francisco office to the District or the time it takes to/from my residence to the District, whichever is less.

I appreciated the opportunity to work with you earlier this year on negotiations and would welcome the opportunity to assist you again.

Sincerely,

LIEBERT CASSIDY WHITMORE



Donna M. Williamson
Partner

DMW/vb

Enclosures

LIEBERT CASSIDY WHITMORE

EMPLOYMENT LAW | LABOR RELATIONS | EDUCATION LAW | MANAGEMENT TRAINING

Donna Williamson

Partner

Donna Williamson has worked extensively in all facets of employment and labor law on behalf of local public agencies including cities, counties, special districts, school and community college districts, including conducting negotiations, handling employee discipline matters through administrative hearings and court proceedings, and employment litigation involving discrimination, harassment and labor issues. Donna has also provided clients with general legal advice and training on many employment and labor-related topics.

As chief labor negotiator, Donna has successfully negotiated hundreds of labor contracts throughout the years. She is experienced in traditional as well as interest-based bargaining, mediation and PERB proceedings. Donna has represented clients in matters involving union grievances, arbitrations, unfair labor practices, strikes, unilateral implementation and other labor issues.

With first-hand experience in working for and representing independent schools, public schools and community college districts, Donna possesses a unique and well-rounded perspective on education issues and the needs of schools and community college districts. As former Director of Labor Relations/Labor Counsel at Sweetwater Union High School District, Donna directed the labor programs of the largest secondary school district in California, serving as chief negotiator representing the Board of Trustees with six employee associations. She has also served as the Assistant Head of School at Midland School, an independent boarding school, in Los Olivos, California, and as a member of the Board of Trustees of the Santa Ynez Valley Family School in Los Olivos.

Donna has developed and conducted in-service training programs on a variety of employment and labor law topics. She is the author of "Teachers and Other Public Sector Employees: How Can We More Effectively Respond to the Concerted Activity Question?" published in the Santa Clara University Law Review as well as "The Initial Impacts of SB 739: published in the California County magazine.

Donna received her Juris Doctorate from the Santa Clara University School of Law and earned her Bachelor of Science in Human Resource Management from Northeastern University in Boston, Massachusetts.

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**Monterey Regional Waste Management SEIU Negotiations Estimate
November 12, 2008**

	January	February	March	April	Lower Range Estimate (2 Months)	Higher Range Estimate (4 months)
Negotiations	2 days at \$270 p/h x 4 hrs = 2160	2 days at \$270 p/h x 4 hrs = 2160	2 days at \$270 p/h x 4 hrs = 2160	2 days at \$270 p/h x 4 hrs = 2160	\$4,320	\$8,640
Travel	Travel 2 days at 4 hrs per day = 2160	Travel 2 days at 4 hrs per day = 2160	Travel 2 days at 4 hrs per day = 2160	Travel 2 days at 4 hrs per day = 2160	\$4,320	\$8,640
Board/ Committee Meetings	2 hours conference call at \$270 p/h x 2 hrs) for Personnel Committee = 540		2 hours on negotiating day at \$270 p/h x 2 hrs) for Personnel Committee = 540	1 half day at \$270 p/h x 6.0 hrs) for Board Meeting and travel = 1620	\$2,700	\$2,700
					\$11,340.00	\$19,980.00