
FW: Vote NO on the staff recommendation for Agenda Item 3.4

From City Clerk <city.clerk@sanjoseca.gov>

Date Tue 8/12/2025 7:05 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (229 KB)

Vote NO on the staff recommendation for Agenda Item 3.4.pdf;

From: John Tucker <[REDACTED]>

Sent: Monday, August 11, 2025 9:34 PM

To: Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Campos, Pamela <Pamela.Campos@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Mulcahy, Michael <Michael.Mulcahy@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Casey, George <George.Casey@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>

Cc: jeand [REDACTED] Al Austin [REDACTED] 'Jerry May' [REDACTED] Jeremy Cabaccang [REDACTED] Nate Morris <[REDACTED]> kdelatorre [REDACTED] Jack McGovern [REDACTED]; Nick Rovetto <[REDACTED]> Tony Cruz <[REDACTED]> Heidi Mendiola <[REDACTED]>

Subject: Vote NO on the staff recommendation for Agenda Item 3.4

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Mayor and City Council,

Please see the attached letter on behalf of MEF—AFSCME Local 101.

Thank you

John Tucker

Union Representative

MEF - AFSCME Local 101

Municipal Employees Federation - American Federation of State, County, and Municipal Employees, AFL-CIO

[REDACTED]

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San Jose Office
675 N First St, Suite #150
San Jose CA 95112
Phone 510-577-9694
Fax 510-383-9613

August 11th, 2025

[REDACTED]

Sent Via Email

Mayor and City Council
City of San Jose
200 E Santa Clara St
San Jose, CA 95113

Re: Vote NO on the staff recommendation for Agenda Item 3.4

Dear Mayor Mahan and Members of the City Council,

On behalf of MEF—AFSCME Local 101, representing thousands of City of San José employees who deliver the public services our residents rely on, we urge you to vote NO on the staff recommendation for Agenda Item 3.4 and to remain neutral on Assembly Bill 339 (Ortega).

AB 339 is simple: it requires local governments to give unions at least 60 days’ notice before issuing an RFP to contract out work currently performed by existing job classifications. The bill includes broad emergency and exigent circumstance exemptions, ensuring that urgent needs can still be met without delay.

Under current law, the Meyers-Milias-Brown Act already requires notification and bargaining over contracting out bargaining unit work. But without a defined timeline, this “right” is often meaningless—by the time unions learn of a contract, the decision is made, bids are solicited, and any opportunity to propose alternatives has passed.

San José’s contracting practices are a case study in why AB 339 is needed. The City has repeatedly expanded private contracting—even during budget shortfalls—without transparent analysis or meaningful engagement with employee representatives. Our own information requests have documented:

- Millions spent annually on outside contracts for services overlapping with represented classifications, often without a cost-benefit analysis or service delivery.
- Heavy reliance on expensive temporary, contract, and retiree rehire labor to backfill vacancies rather than hiring permanent staff, inflating costs while eroding service quality and accountability.

-
- Missed opportunities to insource work that could save money and stabilize the workforce.

City staff claim AB 339 will “delay” procurements and add workload. But the bill does not halt contracting, it simply requires early notice so that solutions can be explored before outsourcing becomes the default. If San José is already meeting its legal obligation to notify and bargain over contracting out, the City should be in full compliance on day one of AB 339.

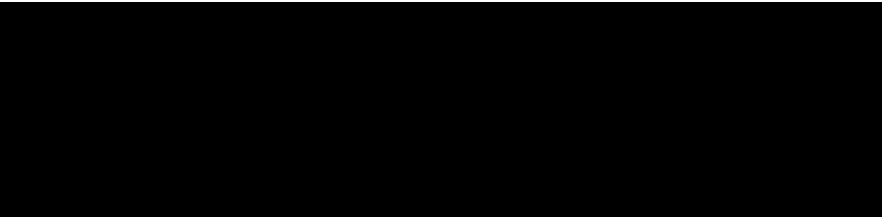
The real problem isn’t the bill, it’s the City’s overreliance on outsourcing. In a budget environment where we are facing projected shortfalls, every dollar wasted on inflated outside contracts is a dollar not spent on stabilizing staffing, filling vacancies, and delivering services in-house.

AB 339 promotes good governance:

- Protecting taxpayer dollars by creating space to evaluate whether outsourcing truly saves money or simply shifts costs.
- Maintaining service quality and accountability through a stable, trained public workforce.
- Encouraging collaboration between management and labor to identify cost-effective alternatives to contracting out.

We ask you to reject the City’s unnecessary opposition to AB 339. Vote NO on Item 3.4, and stand for fiscal responsibility, service quality, and transparency by remaining neutral on this commonsense bill.

Yours,



John Tucker
Business Agent
AFSCME Council 57 / AFSCME Local 101 (AFL-CIO)
675 North First St. Suite #150
San Jose, CA 95112

CC:

MEF-AFSCME Local 101 Members
Jean Cohen, South Bay Labor Council
City Unions

FW: Vote NO on the staff recommendation for Agenda Item 3.4

From City Clerk <city.clerk@sanjoseca.gov>

Date Tue 8/12/2025 7:03 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (495 KB)

AB 339.pdf.pdf;

From: Jerry May <[REDACTED]>

Sent: Tuesday, August 12, 2025 6:50 AM

To: Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Campos, Pamela <Pamela.Campos@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Mulcahy, Michael <Michael.Mulcahy@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Casey, George <George.Casey@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>

Cc: Jean [REDACTED]; Al Austin [REDACTED]; Jeremy Cabaccang <[REDACTED]>; Nate Morris <[REDACTED]>; [REDACTED] Jack McGovern <[REDACTED]>; Nick Rovetto <[REDACTED]>; [REDACTED] Tony Cruz <[REDACTED]>; Heidi Mendiola <[REDACTED]>; Tucker, John <[REDACTED]>

Subject: Vote NO on the staff recommendation for Agenda Item 3.4

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Mayor and City Council, [REDACTED]

Please see the attached letter on behalf of San Jose Fire Fighters, IAFF Local 230

Respectfully,

--

Jerry May

President

San Jose Fire Fighters, IAFF Local 230





San Jose Fire Fighters • Local 230

165 Lewis Road, #11 San Jose, California 95111 • (408) 286-8718 • FAX (408) 286-2577



Vote NO on the staff recommendation for Agenda Item 3.4

Dear Mayor Mahan and San Jose City Council:

We are writing to express opposition to the staff recommendation for agenda Item 3.4. Local 230 supports Assembly Bill 339 (Ortega), which would require local government employers to notify a union at least 60 days before issuing a request for proposal (RFP) to ensure unions are given an opportunity to negotiate before employers contract out jobs to the private sector. The bill includes a broad exception for emergencies and exigent circumstances.

Currently, the Meyers-Milias-Brown Act requires employers to notify and meet and confer with unions when contracting out bargaining unit work but fails to specify timing. This leaves unions uninformed until meaningful participation becomes impossible. AB 339 would require local governments to notify unions of plans to contract out bargaining unit work 60 days before engaging in an RFP process. This notification will allow unions to exercise the right to bargain over the issue.

The practice of contracting out services by local governments to private entities has resulted in a decline in the pay and benefits for workers, as well as a lower level of qualifications and tax payer accountability. These contracted services include vital safety net programs for residents of San Jose, and the contracted entities are not required to hire according to any of the same guidelines or rigor that a public agency would.

Public sector jobs provide family sustaining wages, economic stability and ensure high levels of accountability to residents of San Jose. By requiring advance notice, AB 339 promotes collaboration between unions and employers to find cost-effective solutions that maintain quality public services.

We request that you vote no on Item 3.4 and remain neutral on Assembly Bill 339.

Respectfully,



Jerry May
President
San Jose Fire Fighters, IAFF Local 230

FW: Council Meeting 8/12/2025 - Agenda Item 3.4 - SBLC Letter Public Comment

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 8/12/2025 7:02 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (275 KB)

Public Comment Letter SJCC Agenda Item 3.4.pdf;

From: Jack McGovern <[REDACTED]>
Sent: Monday, August 11, 2025 6:20 PM
To: Jack McGovern [REDACTED]
Subject: Council Meeting 8/12/2025 - Agenda Item 3.4 - SBLC Letter Public Comment

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Mayor Mahan and San Jose City Councilmembers,

Please find attached a letter from Jean Cohen, Executive Officer of the South Bay AFL-CIO Labor Council regarding Item 3.4 on Tuesday's council meeting agenda.

Thank you,

Jack McGovern

Jack McGovern (he/him)
Political Director
South Bay AFL-CIO Labor Council
[REDACTED]

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August 11, 2025

Mayor and Members of the San Jose City Council
San Jose City Hall, 18th Floor
200 E. Santa Clara Street
San Jose, CA 95113

Jean Cohen, EXECUTIVE OFFICER

EXECUTIVE BOARD

Riko Mendez, PRESIDENT
SEIU Local 521

Maria Noel Fernandez, 1ST VICE PRESIDENT
IAM & AW Local 1101

Will Smith, 2ND VICE PRESIDENT
IBEW Local 332

Troy Jones, RECORDING SECT.
UFCW Local 5

Dolores Morales, SERGEANT-AT-ARMS
CEMA

Enrique Fernandez, TREASURER
UNITE HERE! Local 19

Enrique Arguello
LiUNA! Local 270

David Bini
Building Trades Council

Kathy Jasper
AFT Local 6157

Samuel Kehinde
SEIU USWW

Danny Mangan
Sprinkler Fitters Local 483

Malinda Markowitz
CNA/NNOC

Jerry May
IAFF Local 230

Eric Mussynski
UA Local 393

Patty Picard
CSEA Chapter 350

Bob Prola
OGEA

Robert Sandoval
Teamsters Local 350

Raj Singh
ATU Local 265

Nydia Smith
AFSCME Local 1587

Dominic Torreaño
SMW Local 104

John Tucker
AFSCME District Council 57

Bill Wallace
IBEW Local 1245

Stanley Young
IFPTE Local 21

TRUSTEES

Tony Alexander
APRI

Paul Fong
AFT Local 6157

Dear Mayor Mahan and San Jose City Council:

We are writing to express opposition to the staff recommendation for agenda Item 3.4.

AB 339 will not delay or stop any local government from procuring an outside contract. The bill simply requires that local governments provide at least 60 days before issuing a Request for Proposals (RFP) to contract out for bargaining unit work. The legislation includes a broad exception for emergencies and exigent circumstances. Based on discussions with the bill author and a reading of the bill language, we disagree with staff's report for the reasons detailed below.

AB 339 does not delay or stop government contracts. The 60-day notice is a planning requirement. After the notice, the City is free to continue as usual with the contracting process. Additionally, cities should already be providing unions notice and an opportunity to meet and confer if contracting out union jobs. However, in response to concerns, the author will be amending the bill to delete the meet and confer requirement to clarify that the bill does not create a new obligation for employers.

AB 339 will not "potentially affect all the City's service procurements, causing extended procurement timelines and increased workloads due to additional noticing requirements." AB 339 only applies to contracts for services that include duties performed by existing employees. Additionally, if the City is not already providing notice to the affected bargaining units when outsourcing union jobs, they are violating existing law under the MMBA.

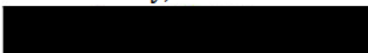
Under the MMBA and under PERB precedent, decisions to contract out bargaining unit work are considered a mandatory subject if they fall under one of the categories below:

1. Reasons for the decision to contract out work are amenable to bargaining. This would apply when employers want to contract out to achieve cost savings, since labor costs can be reduced through bargaining.
2. The subcontracted workers would be performing substantially the same job duties as those traditionally or historically performed by bargaining unit workers; or
3. The employer is unilaterally altering the terms of a written policy or agreement that addresses the issue or the application of such a policy or agreement.

Staff indicates the following City departments would be most affected by this legislation: Public Works, Transportation, Information Technology, Environmental Services, Police, Airport". However, recent amendments taken on July 15, 2025, exempt most public works projects. Furthermore, this section does not apply to a contract for construction, alteration, demolition, installation, repair, or maintenance work that is subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code or a contract for highly specialized data, software, or services related to that construction, alteration, demolition, installation, repair, or maintenance work. Additionally, planned amendments would exclude further infrastructure projects, including contracts for services described in Section 4525 or 4529.10: planning, design, administration, oversight, review, or delivery of public works, housing.

We request that you vote no on Item 3.4 and remain neutral on Assembly Bill 339.

Sincerely,


Jean Cohen
Executive Officer
South Bay Labor Council

FW: Item 3.4: Vote NO to Remain Neutral on AB 339

From City Clerk <city.clerk@sanjoseca.gov>

Date Tue 8/12/2025 9:03 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (253 KB)

8-11-2025 Vote No On Item 3.4..pdf;

From: Krista De La Torre <[REDACTED]>

Sent: Tuesday, August 12, 2025 9:00 AM

To: Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Campos, Pamela <Pamela.Campos@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Mulcahy, Michael <Michael.Mulcahy@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Casey, George <George.Casey@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>

Subject: Item 3.4: Vote NO to Remain Neutral on AB 339

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Dear Mayor and City Council,

Please see the attached letter. IFPTE Local 21 encourages you to **vote no on Item 3.4** of today's Council agenda and remain neutral on Assembly Bill 339.

Sincerely,

--

Krista De La Torre

Representative/Organizer

IFPTE Local 21 AFL-CIO

[REDACTED]
She/Her/Hers

IFPTE Local 21, South Bay Office

4 North 2nd St Ste 595, San Jose CA 95113

www.ifpte21.org





PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO
An Organization of Professional, Technical, and Administrative Employees

August 12, 2025

Sent Via Email

Offices of the Mayor and City Council
City of San Jose
200 E Santa Clara St
San Jose, CA 95113

Dear Mayor Mahan and San Jose City Council:

We are writing to express opposition to the staff recommendation for Item 3.4 on the City Council agenda for August 12, 2025. IFPTE Local 21 supports Assembly Bill 339 (Ortega), which would require local government employers to notify a union at least 60 days before issuing a request for proposal to ensure unions are given an opportunity to negotiate before employers contract out jobs to the private sector. The bill includes a broad exception for emergencies and exigent circumstances.

Contracting out is often sold as a cost-saving measure, but the reality is that it frequently costs taxpayers more while delivering less. Once work is awarded to private contractors, the City forfeits the expertise and institutional knowledge of City operations that can only be provided by long-term employees.

When work is outsourced, the result is diminished accountability, lower service quality, and a workforce left demoralized and stretched thin. Union involvement brings to light the true price of outsourcing—transition expenses, added oversight, inflated profit margins, and the risk of vendor lock-in that traps the City in costly long-term arrangements. Those hidden costs only grow over time through contract administration, change orders, and repeated competitive bidding. In contrast, keeping services in-house preserves quality, safeguards public accountability, and ensures that every public dollar goes toward delivering results for residents.

We request that you **vote no on Item 3.4** and remain neutral on Assembly Bill 339. Public dollars should serve the public—not subsidize private profit.

Sincerely,

Krista De La Torre
Representative / Organizer
IFPTE Local 21

CC:
IFPTE Local 21 Members
Jean Cohen, Executive Director, South Bay Labor Council
City Unions

1155 Mission Street, San Francisco, CA 94103
415 864-2100

1440 Broadway, St. 610, Oakland, CA 94612
510 451-4982

 www.ifpte21.org

4 North 2nd Street, St. 595, San Jose, CA 95113
408 291-2200

624 Ferry Street, Martinez, CA 94553
925 313-9102

 union21@ifpte21.org