

LEONARD CARDER, LLP

VICTORIA CHIN
LYNN ROSSMAN FARIS
SHAWN GROFF
KATE R. HALLWARD
CHRISTINE S. HWANG
JENNIFER KEATING*
ARTHUR A. KRANTZ
PHILIP C. MONRAD
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ELEANOR I. MORTON
ROBERT REMAR
MARGOT A. ROSENBERG
BETH A. ROSS
MATTHEW D. ROSS
JACOB F. RUKEYSER
PETER W. SALTZMAN
PHIL A. THOMAS

ATTORNEYS
1330 BROADWAY, SUITE 1450
OAKLAND, CALIFORNIA 94612

TELEPHONE: (510) 272-0169
FAX (510) 272-0174
www.leonardcarder.com

NORMAN LEONARD
(1914 - 2006)

OF COUNSEL

WILLIAM H. CARDER
SANFORD N. NATHAN
RICHARD S. ZUCKERMAN

SAN FRANCISCO OFFICE
1188 FRANKLIN STREET, SUITE 201
SAN FRANCISCO, CALIFORNIA 94109
TELEPHONE: (415) 771-6400
FAX: (415) 771-7010

* ADMITTED ALSO IN ONTARIO, CANADA
PLEASE REFER TO OUR FILE NO.

November 11, 2009

Bob Britton, Director of Field Services
IFPTE Local 21
1182 Market Street, Suite 425
San Francisco, 94102

Re: Contra Costa County Resolution 2008/26

Dear Bob:

You have asked for our opinion regarding the application of Contra Costa County Resolution 26 (May 2008) to members of the Local 21 bargaining unit (the "Bargaining Unit"). For calendar year 2010, the Ordinance would freeze the County's share of health insurance premiums for unrepresented employees at 2009 levels. It is my understanding that the County has indicated its intention to apply the freeze to Bargaining Unit members, notwithstanding the fact that the Bargaining Unit was subsequently recognized and those members are therefore no longer unrepresented.

Resolution 26, which is effective "upon adoption" and "until further order of the Board", establishes a program of compensation and benefits for "County Elected and Appointed Department Heads, Management Employees, Exempt Employees and Unrepresented Employees." It does not define the phrase "County Elected and Appointed Department Heads, Management Employees, Exempt Employees and Unrepresented Employees" to include all those individuals who were department heads or management, exempt or unrepresented employees as of the adoption date. Indeed, it would defy common sense to interpret the Resolution as applying, for example, to an individual who was an exempt employee in 2008 but has since moved into a non-exempt, bargaining unit classification. Likewise, it is our opinion that the Resolution does not apply to employees, such as members of the Bargaining Unit, who were unrepresented in 2008 but since that time have become represented.

Our conclusion is supported not only by the plain language of the Resolution itself, but also by the County's own statement, as you have represented to us, that Bargaining Unit members are not covered by the subsequent County Resolution 341 (July 2009), which establishes new benefit levels for "Management, Exempt, and Unrepresented Employees." We do not believe the County can fail to classify Bargaining Unit members as "Unrepresented" for purposes of

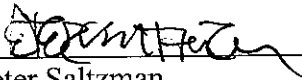
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Resolution 341, but insist on classifying them as "Unrepresented" for purposes of Resolution 26. Indeed, such a strained reading of the two Resolutions would, in our view, impair the rights of Bargaining Unit members and constitute an actionable unfair labor practice.

Very truly yours,

LEONARD CARDER LLP

By: 
Peter Saltzman

cc: B. Muscat