



**PUBLIC EMPLOYMENT RELATIONS BOARD
FACSIMILE TRANSMITTAL SHEET**

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FROM:

Donn Ginoza
Administrative Law Judge
San Francisco Regional Office
1330 Broadway, Suite 1532
Oakland, CA 94612-2514
Phone: (510) 622-1024
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DATE:

June 29, 2012

TOTAL NO. OF PAGES INCLUDING COVER:

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RE:

NOTES/COMMENTS:

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LA-CE-746-M
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Dear Counsel:

Based on the parties' submissions, I am hereby granting the motions to consolidate the above-referenced matters for hearing. The hearing presently scheduled in case number LA-CE-758-M will cover the common allegations of the complaints. The current time estimate is not binding, but the parties should indicate if it requires revision. I am proposing a bifurcated hearing on the unilateral change allegation in the complaint involving AFSCME Local 127. If the parties are amenable to this proposal, we can proceed to schedule the additional hearing time. Unless there is a need to address it, I anticipate issuing a single proposed decision following the hearing.

In regard to preliminary motions, I note that the City has a pending motion to dismiss in case number LA-CE-746-M, which has been fully briefed. Similar motions should be filed in accordance with PERB Regulations. Supplemental briefing on the pending motion to dismiss will only be allowed for good cause.

To the extent possible, in-limine motions related to evidentiary matters should be submitted in writing prior to the hearing. I do not intend to announce the legal standards by which the matters will be decided. An offer of proof by the charging parties will not be required. Opening statements are encouraged in this case though not required.

I will reserve time for subpoena issues, though motions to quash should be filed as expeditiously as possible in order to conserve hearing time. The parties should request without delay issuance of subpoenas with the correct dates and location, and direct those requests to my office. All previously issued subpoenas are of no effect.

A telephonic pre-hearing conference to resolve pre-hearing issues, including written rulings (though without an oral record), is a possibility. After these measures have been taken, we should attempt to arrive at an estimate of time required at the start of the hearing for preliminary matters.

In light of consolidation, direct and cross examination by the charging parties will not be limited to one attorney. However, I urge the charging parties to coordinate the presentation of their cases so as to avoid duplicative examination. The charging parties should designate a nominal lead attorney to interpose objections during examinations by the City's attorney.

The hearing will be recorded and transcripts may be ordered through PERB's transcription service following the hearing. The hearing location will not be moved for logistical reasons

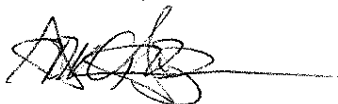
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and the convenience of the administrative law judge.

Sincerely,

A handwritten signature in black ink, appearing to read "Donn Ginoza", with a horizontal line extending to the right from the end of the signature.

Donn Ginoza
Administrative Law Judge

DNG:dng

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Alameda, 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, 1330 Broadway, Suite 1532, Oakland, CA 94612-2514.

On June 29, 2012, I served the Letter regarding Case No. LA-CE-746-M, et al., 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).

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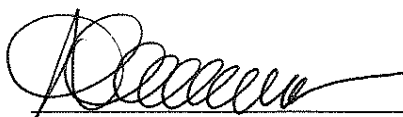
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San Diego, CA 92101

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 29, 2012, at Oakland, California.

A. Clement

(Type or print name)



(Signature)