



September 28, 2016

California Supreme Court
350 McAllister, Room 1295
San Francisco, CA 94102

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To Whom It May Concern:

We submit this *amicus curiae* letter to urge the Court to grant review in *Marin Association of Public Employees, et al. v. Marin County Employees Retirement Association*, First District case number A139610 (“*MAPE v. MCERA*”).

The South Bay Central Labor Council is an organization representing 100,000 working families, including both public sector and private sector workers. Our interest is in protecting the rights and benefits of our members, as well as doing our part to fight for the rights of California workers generally.

We are alarmed about the foreseeable impact of the Court of Appeal’s opinion in *MAPE v. MCERA*. It states that pension plans for current members can be reduced, with no parameters to measure what is a “reasonable” change. It rejects the long-established standard, that changes resulting in disadvantages to employees must be accompanied by comparable new advantages.

This is terrible news for all public employees in the State of California, because those who want to slash the public pensions will surely claim that this decision justifies it legally. In other words, this opinion invites ill-conceived cuts to the pension plans in which public employees are invested, and which we have all worked hard to establish. This is not about “pension spiking.” Instead, the *MAPE v. MCERA* opinion questions a fundamental tenet of vested rights, in a manner that could apply to all kinds of attacks upon all California public employees’ pension systems.

Since *MAPE v. MCERA* concerns a principle of constitutional law, we understand that the Legislature cannot fix the discord the opinion has created. Instead, only this Court can put a stop to it. We strongly urge the Court to grant review.

Sincerely,

Ben Field,
Executive Officer



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**PROOF OF SERVICE
(CCP §1013)**

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On September 29, 2016, I served the following documents in the manner described below:

LETTER FROM THE SOUTH BAY LABOR COUNCIL

(BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.

On the following part(ies) in this action:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 29, 2016, at Alameda, California.



Joanna Son

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