



Alameda Labor Council, AFL-CIO



Send all correspondence to:
Executive Secretary-Treasurer
Josie Camacho, CWA 39521

President
David Connolly, SUP

1st Vice President
Martha Kuhl, CNA

2nd Vice President
Gary Jimenez, SEIU 1021

Executive Committee
Doug Bloch, IBT JC 7
Jazy Bonilla, IUPAT DC 16
Cheryl Brown, AFSCME DC 57
Greg Bonato, IBEW 595
Cathy Campbell, AFT 1078
Andreas Cluver, BCTC
Don Crosatto, IAM 1546
Adolph Felix, IBT 853
Chris Finn, ATU 1555
Keith Gibbs, CWA 9412
Eugenia Gutierrez, SEIU-USWW
Mike Henneberry, UFCW 5
Wei-Ling Huber, Unite Here 2850
Terry Keller, OPEIU 29
Ben Kim, IAFF 689
Brian Lester, IUOE 3
Maricruz Manzanarez, AFSCME 3299
Jennifer Root, SEIU 2015
Shawn Stark, IAFF 55
Hunter Stern, IBEW 1245
Obay Van Buren, UA 342
Yvonne Williams, ATU 192
Cindy Zecher, CSEA 27

Trustees
William Schechter, IAM 1546
Joyce Lau, OPEIU 29

Sergeant at Arms
Garry Horrocks, IAM 1546

September 29, 2016

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

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 Alameda 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,

Josie Camacho

Alameda Labor Council, AFL-CIO
7750 Pardee Lane, Ste 110., Oakland CA 94621
(510) 632-4242 fax (510) 632-3993 www.alamedalabor.org

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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 30, 2016, I served the following documents in the manner described below:

LETTER FROM THE ALAMEDA 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 30, 2016, at Alameda, California.



Joanna Son

1 SERVICE LIST

2 Honorable Roy O. Chernus
3 Marin County Superior Court
4 3501 Civic Center Drive, Room 151
5 San Rafael, CA 94903

Clerk of the Court
Court of Appeal, First Appellate District,
Division 2
Earl Warren Bldg., 350 McAllister Street
San Francisco, CA 94102-3600

6 Mr. Peter Saltzman
7 Mr. Arthur Wei-Wei Liou
8 Leonard Carder, LLP
9 1330 Broadway, Suite 1450
10 Oakland, CA 94612
11 (415) 771-6400 General
12 (415) 771-7010 Fax
13 psaltzman@leonardcarder.com

Attorneys for Plaintiffs and Appellants Marin
Association of Public Employees; Catherine
Hall

14 Mr. Gregg McLean Adam
15 Mr. Jonathan Dennis Yank
16 Messing Adam & Jasmine LLP
17 235 Montgomery Street, Suite 828
18 San Francisco, CA 94104
19 (415) 266-1128 (fax)
20 gregg@majlabor.com

Attorneys for Plaintiffs and Appellants Marin
County Fire Department Firefighters'
Association; Marin County Management
Employees Association; Joel Chandler; and
Angelo Sacheli

21 Ms. Ashley Kathleen Dunning
22 Nossaman, LLP
23 50 California Street, 34th Floor
24 San Francisco, CA 94111

Attorneys for Defendants and Respondents
Marin County Employees' Retirement
Association; Board of Retirement of the Marin
County Employees' Retirement Association

25 Ms. Kamala Harris, Attorney General
26 Mr. Douglas J. Woods, Assistant Attorney
27 General
28 Mr. Anthony P. O'Brien, Deputy Attorney
General
State of California - Office of the Attorney
General
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550
(510) 622-4188 (fax)

Attorneys for Intervenor and Respondent

135022\883591