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October 6, 2016

SEIU California State Council submits this *amicus curiae* letter supporting review in *Marin Association of Public Employees, et al. v. Marin County Employees Retirement Association*, First District case number A139610, California Supreme Court Case No. S237460 (“*MAPE v. MCERA*”).

SEIU California State Council has over 750,000 members, 300,000 of which serve in the public sector. We are proud to be part of the Service Employees International Union. Our mission is to improve the lives of working people and their families, fighting for jobs with decent wages, healthcare, pensions, better working conditions, and more opportunities. We engage in educational activities, member mobilization, voter registration and “get out the vote” efforts, legislative advocacy, and training.

Consistent with our mission, we are deeply concerned about the opinion below in *MAPE v. MCERA*, and we believe it is crucial that the Court grant review. The appellate court’s decision attacks the law of vested rights for all public sector pensions. The opinion’s reasoning would allow pension benefits for active employees to be decreased, with no standard to determine what constitutes a “reasonable” modification. It dismisses the established standard, that changes resulting in disadvantages to employees must be accompanied by comparable new advantages, as if this long-standing rule carries no legal obligation.

The decision below tempts public entities to slash their pension systems without any guidelines regarding constitutional limitations. At stake are the benefits of existing public employees who have been laboring in public service relying in good faith upon the promises made to them. It has nothing to do with “pension spiking.” The reasoning of the *MAPE v. MCERA* opinion assaults fundamental vested rights doctrine itself. We believe that absent review by the Court, it is inevitable that opponents of public pensions will try to use the opinion to justify all manner of pension reductions.

We strongly urge the Court to grant review, to resolve the significant statewide controversy posed by the opinion below.

Sincerely,

Terry Brennand
Sr. Government Relations Advocate

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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 October 6, 2016, I served the following documents in the manner described below:


LETTER FROM THE SEIU CALIFORNIA STATE 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 October 6, 2016, at Alameda, California.



Joanna Son

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