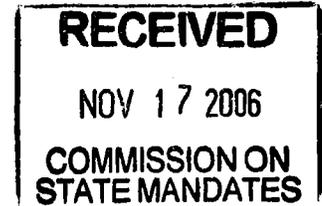


RESPONSE TO COMMENTS BY DEPARTMENT OF FINANCE

Local Government Employment Relations

CSM-01-TC-30

By
County of Sacramento



The County of Sacramento disagrees with the contention of the Department of Finance that the activities of: "Follow Public Employment Relations Board (PERB) procedures in responding to charges and appeals filed with PERB by an entity other than the local public agency employer" are discretionary and do not create reimbursable state mandated costs.

First of all, when a charge or appeal is filed with the PERB, the local governmental entity has no choice other than to respond. To do otherwise can result in being found having committed an unfair labor practice, which may not, in fact, have occurred. Additionally, management must respond to unfair practice charges as part of its duty to address labor issues.

Furthermore, it is not cheaper, as contended by the Department of Finance, to have labor matters heard before the PERB. First of all, before the test claim legislation, the only thing which occurred was a writ of mandate. It was more expeditious and less costly to proceed by writ of mandate. Now, with the processes and procedures established by the test claim legislation, rather than a simple writ of mandate, there is a substantially longer and more cumbersome administrative process which must be pursued, with its various appeals.

Additionally, because it does not cost anything to file a complaint with the PERB, we have seen an increase in actions filed before the PERB than we did under the prior law. This was not the situation when the unions were forced to file a writ of mandate with the courts.

As a result, this test claim legislation has not resulted in cost savings, but in substantial expenditures of time and money.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed this 16th day of November, 2006, at Sacramento, California.



KRISTA C. WHITMAN
Supervising Deputy County Counsel
County of Sacramento

PROOF OF SERVICE BY MAIL

I, Rebecca Beich, declare:

I am a citizen of the United States, over the age of 18 years, and not a party to the above-entitled action. I am employed in the County of Sacramento and my business address is 700 H Street, Suite 2650, Sacramento, California 95814.

I am readily familiar with the business practices of the collection and processing of correspondence for mailing with the United States Postal Service, and correspondence so collected and processed is deposited with the United States Postal Service on the same date in the ordinary course of business. On November 16, 2006, I served a copy of the following:

Response To Comments By Department of Finance

on the parties interested in said action by placing a true copy thereof enclosed in an envelope or envelopes addressed as follows:

See attached service list

and then by sealing each envelope and depositing it in the United States Postal Service following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 16, 2006, at Sacramento, California.


Rebecca Beich

Service list:

The Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Legislative Analyst's Office
Attention: Marianne O'Malley
925 L Street, Suite 1000
Sacramento, CA 95814

Leonard Kaye, Esq.
County of Los Angeles
Department of Auditor-Controller
500 West Temple St., Suite 525
Los Angeles, CA 90012

Wellhouse & Associate
9175 Kiefer Boulevard, Suite 121
Sacramento, CA 95826

Mr. Steve Keil
California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814

Ginny Brummels
State Controller's Office
Division of Accounting and Reporting
3301 C Street, Room 500
Sacramento, CA 95816

Mr. Allan Burdick
Maximus, Inc.
4320 Auburn Blvd., Suite 2000
Sacramento, CA 95841

Bonnie TerKeurst
County of San Bernardino
Auditor-Controller/Recorder's Office
222 West Hospitality Lane, Fourth Floor
San Bernardino, CA 92415-0018

Mr. Jim Spano
State Controller's Office
Division of Audits
300 Capitol Mall, Suite 518
Sacramento, CA 95814

Dee Contreras
City of Sacramento
915 I Street, Fourth Floor
Sacramento, CA 95814

Mr. J. Bradley Burgess
Public Resource Management Group
1380 Lead Hill Blvd., Suite 106
Roseville, CA 95661

Mr. Robert Thompson
Public Employment Relations Board
General Counsel
1031 18th Street
Sacramento, CA 95814

Mr. Glen Everroad
Revenue Manager
City of Newport Beach
P.O. Box 1768
Newport Beach, CA 92659

Director
Department of Industrial Relations
770 L Street
Sacramento, CA 95814

Executive Director
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814

Ms. Annette Chinn
Cost Recovery Systems, Inc.
705-2 East Bidwell Street, Suite 294
Folsom, CA 95630

Ms. Carla Casteneda
Department of Finance
915 L Street, Suite 1280
Sacramento, CA 95814

Ms. Susan Geanacou
Department of Finance
915 L Street, Suite 1280
Sacramento, CA 95814