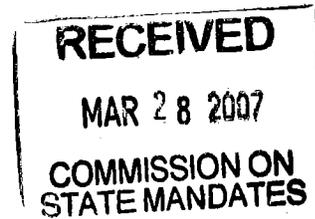


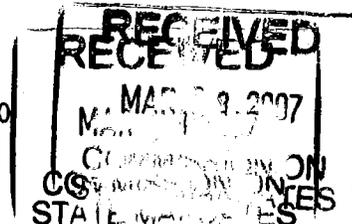
**RESPONSE TO DEPARTMENT OF FINANCE ON  
PROPOSED PARAMETERS AND GUIDELINES**



**Local Government Employment Relations**

Chapter 901, Statutes of 2000 (S.B. 739)  
Title 8, California Code of Regulations, Sections 31001-61630

CSM 01-TC-30



I, Bruce Barsook, declare:

That this declaration is submitted in support of the Parameters and Guidelines submitted by the County of Sacramento and the City of Sacramento.

I am a partner in the firm of Liebert Cassidy Whitmore (LCW), a Professional Law Corporation in its Los Angeles Office. I have been a public sector labor and employment lawyer since 1976. Prior to joining LCW, I worked for the Public Employment Relations Board (then known as the Educational Employment Relations Board) from 1976 to 1981. I served as counsel to the first chairperson of the agency, and beginning in 1978, as an Administrative Law Judge.

Since joining LCW in April 1981, I have maintained a continuing and extensive practice in all aspects of labor relations for local agencies and public school employers under both the Meyers-Milias-Brown Act (MMBA) and the Educational Employment Relations Act (EERA). This has included negotiating, implementing, administering and litigating all aspects of agency shop arrangements under both of these laws. It has also included representing public employers in dozens of Writs of Mandate proceedings under the MMBA and unfair labor practice charges under the EERA.

LCW does legal work for approximately 30% of the cities in California and 45% of the Counties in California. During my tenure with the firm, we have handled less than one writ of mandate per year from non-police associations regarding alleged violations of the MMBA. (Sworn peace officers are not covered by the PERB's jurisdiction.) Since July 2001, when PERB began to exercise jurisdiction of local agency labor relations under S.B. 739, we have handled dozens of unfair practice charges filed by non-peace officer associations.

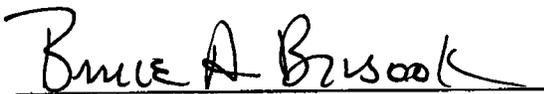
Defending Writs of Mandate in Superior Court are generally less time consuming, less expensive and less burdensome than defending the same action before the PERB. Unlike a writ of mandate action, PERB proceedings involve an initial response to the unfair labor practice charge, an informal settlement conference immediately after a complaint is issued, the opportunity for prehearing discovery, and a full evidentiary hearing. Like writs of mandate, PERB proceedings also involve the filing of an answer

to the complaint. Unlike a writ, however, a PERB case involves an appeal to the full board in Sacramento, then (at least until January 1, 2003), an appeal to the Superior Court prior to the appeal to the appropriate Court of Appeal.

A case prosecuted through all of the administrative levels of the PERB often takes up to two years (or more) before a final decision is reached. Although PERB tries diligently to settle cases prior to a formal hearing, because there are no filing fees, no evidentiary requirements, other than the specification of a prima facie case, and no requirement that parties be represented by an attorney, public agencies can be left with the dilemma of choosing between a system that is more protracted and expensive to litigate than a writ, or settling on terms that are less favorable than otherwise would be the case.

Previously, when a Writ of Mandate was filed, responsive pleadings and points and authorities were filed, and a hearing held, which generally did not take more than a couple of hours. This took place in the jurisdiction where the public employer and employees were located. The matter was resolved at the Superior Court level generally in less than four months. Accordingly, the PERB process is more lengthy and more expensive.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed this 7<sup>th</sup> day of March, 2007, at Los Angeles, California.

  
Bruce Barsook