

**From:** Megha Sharma  
**Sent:** Friday, March 14, 2025 4:07 PM  
**To:** CityClerk <[CityClerk@chulavistaca.gov](mailto:CityClerk@chulavistaca.gov)>  
**Cc:** Ailyn Gonzalez  
**Subject:** Chula Vista Mid Managers/ Professional Association MOU and Salary Survey

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Dear City Clerk,

Transmitted herewith is the copy of the letter sent on behalf of our client, Service Employees International Union, Local 221, regarding a Memorandum of Understanding (“MOU”) for the Chula Vista Mid Managers/ Professional Association. We understand that the City of Chula Vista intends to submit a resolution for the City Council to adopt this MOU. I kindly ask that you bring this matter to the attention of Councilmembers to be considered in their next meeting. A hard copy will follow via regular mail. If you have any questions, kindly contact this office.

Thank you  
Megha Sharma  
Weinberg, Roger & Rosenfeld  
A Professional Corporation  
1375 55<sup>th</sup> Street  
Emeryville, CA 94608

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March 14, 2025

VIA EMAIL

City Council, City of Chula Vista Council  
Council Chambers  
276 Fourth Avenue  
Chula Vista, CA  
Email: [cityclerk@chulavistaca.gov](mailto:cityclerk@chulavistaca.gov)

Re: Chula Vista Mid Managers/ Professional Association MOU and Salary Survey

Dear Councilmembers:

This office represents Service Employees International Union, Local 221 ("SEIU Local 221"), which is the exclusive representative of City employees in the Chula Vista Mid Managers/ Professional Association ("MM/PROF") bargaining unit. On behalf of our client, we write to inform the Council that the City is unreasonably refusing to correct known errors in a salary survey created during successor Memorandum of Understanding ("MOU") negotiations with SEIU Local 221. The City's actions have resulted in severe discrepancies in salary adjustments for various classifications in the MM/PROF bargaining unit. We respectfully request that the Council instruct the City to correct these errors before the Council approves a resolution to adopt the MOU. Further background is provided below.

The City's refusal to correct the salary survey is a violation of the MOU. The MOU requires the City to provide equity adjustments, specific to each classification, to bring the classifications to median. In order to determine the salary increase necessary to bring classifications to median, the City developed a salary survey comparing MM/PROF classifications with other relevant classifications. Throughout MOU bargaining the City modified the salary survey, causing inexplicable variations or omissions in the data which lowered the equity adjustment for some classifications. Importantly, the City's initial salary survey included higher percentage equity adjustments for some classifications. When the City adjusted the data in the salary survey to include improper comparators and exclude other relevant comparators, this resulted in lower equity adjustment for some classifications. When the Union confronted the City regarding these variations during bargaining, the City conceded that some of the data utilized was improper and that this caused mistakes in the salary survey. The City agreed to make corrections to reflect the higher percentage equity adjustments included in the initial salary survey. Many changes were made, and City representatives expressed an intent to continue to correct the remaining discrepancies in the salary survey even once bargaining was concluded. Now, the City is failing to honor this promise, and is refusing to correct the salary study data for the following classifications: Building Project Manager and Senior Information Technology Support Specialist. As a result, these classifications will not be provided with the correct equity adjustment to median as required by the MOU.

STEWART WEINBERG  
DAVID A. ROSENFELD  
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SHANE M. REED  
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JONATHAN S. EZELL  
MAX KOHN  
COREY A. SHERMAN

#### OF COUNSEL

ROBERTA D. PERKINS  
ROBERT E. SZYKOWNY  
ANDREA K. DON  
ANTONIO RUIZ  
MICHAEL J. HAYES  
ASHLEY K. IKEDA

#### LABOR EDUCATOR

NINA FENDEL (Retired Attorney)

Admitted in California, unless  
otherwise noted  
Admitted in Hawaii  
Also admitted in Nevada  
Also admitted in New York and  
Alaska  
Admitted in Nevada and  
Washington  
Also admitted in Idaho  
Also admitted in New York  
Admitted in New York

The City's refusal constitutes bad faith bargaining. Pursuant to the Meyers-Milias-Brown Act ("MMBA"), the City has a duty to negotiate in good faith. Regressive conduct is considered evidence of bad faith bargaining. Reneging on agreements and making misrepresentations, as the City has committed here, are examples of bad faith bargaining.

The City must make two (2) corrections to the salary survey to ensure compliance with the MOU. The City must revert to the data and equity adjustments reflected in the initial salary survey. There is currently one (1) Senior Information Technology Support Specialist in the MM/PROF bargaining unit. The current salary survey indicates a 9.27% equity adjustment for this classification, rather than the original 12.17% equity adjustment. The lower percentage was caused when the City mistakenly included an Information Technology Support Specialist comparator, rather than the appropriate Senior Information Technology Support Specialist comparator. This caused a reduction in the percentage to median. Therefore, the salary survey must be corrected to reflect a 12.17% equity adjustment for this classification, as was indicated in the initial salary survey. Moreover, there are currently two (2) Building Project Managers in the MM/PROF bargaining unit. The current salary survey indicates a 9.68% equity adjustment for this classification, rather than the original 16.14% equity adjustment. The lower percentage was caused when the City erroneously removed the relevant Municipal Projects Manager comparator, which caused a significant reduction in the percentage to median and equity adjustment. The salary survey must be corrected to reflect a 16.14% equity adjustment for this classification, as was indicated in the initial salary survey. Please note that the correct 12.17% and 16.14% equity adjustment include the 2% Cost of Living Adjustment that is applicable to MM/PROF bargaining unit members pursuant to the terms reached in the MOU.

SEIU Local 221 requests that the Council intervene to ensure that the City honor its agreement to correct the errors in the salary study as indicated above. Please be advised that if a resolution on this matter is not reached, the SEIU Local 221 will be forced to consider other legal remedies, including, but not limited to, filing a grievance and unfair practice charge with the Public Employment Relations Board ("PERB").

We appreciate your attention to this matter.

Sincerely,

A black rectangular redaction box covering the signature of Ailyn Gonzalez.

Ailyn Gonzalez

AG:ms  
opeiu 29 afl-cio(1)