

RECEIVED JAN 27 1982



OFFICE OF THE CITY MANAGER

330 WEST TWENTIETH AVENUE
SAN MATEO, CALIFORNIA 94403
TELEPHONE: (415) 574-6710

January 25, 1982

Mr. Leo C. Middendorf
Labor Relations Representative
San Mateo County Fire Fighters, Local 2400
35 So. Bayshore Blvd.
San Mateo, CA 94401

Dear Mr. Middendorf:

With respect to your letter of January 18, 1982, may I point out that the standards discussed apply only to new hires. Certainly it would be healthier if current fire fighters did not smoke, for example, but that remains their decision, not the City's. However if you have a proposal to make with respect to current employees, we would be pleased to meet and confer on it.

The cases you cite of source apply to existing employees, and not potential candidates for employment, and are therefore inapplicable.

Even if MMB did apply, the standards discussed would clearly come under the "merits, necessity, or organization of any service or activity provided by law or executive order" (GC § 3504), and would therefore not be subject to meet and confer.

Moreover, the Vallejo case which you cite (and also the Pleasanton and Vernon cases, which rest upon the Vallejo case), itself recognizes that the formulation of policy is a management right which should not be egregiously circumscribed.

We therefore conclude that these matters are not subject to meet and confer, and repeat our previous offer to discuss this and all subjects with Local 2400.

Thank you for your concern in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. James Linenberger".

D. JAMES LINENBERGER
DEPUTY CITY MANAGER

cc: Ron Munier

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EXHIBIT F