

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council
Henry Lo
Hans Liang
Peter Chan
Yvonne Yiu

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

August 16, 2022

Charles Leone
c/o SEIU Local 721
Via Email only: charles.leone@seiu721.org

Re: Letter dated August 15, 2022

Dear Mr. Leone:

Thank you for your letter dated August 15, 2022 addressed to the City Council. While the City already responded to most of the erroneous statements made in that letter, it is now necessary to respond more publicly.

First, Agenda Item No. 3-B is not an “ordinance” as stated in your letter. Rather, the proposed action is to extend the Employment Emergency that was identified and approved by the City Council via Resolution No. 2022-R49 on June 15, 2022. This action is prompted by Government Code § 8630 – all of which is explained in the staff report.


Second, the new position of jail supervisor is not represented by SEIU. That position is represented by the Mid-Management Association (“MMA”). To the extent that the City has an obligation to meet and confer with any bargaining unit regarding this position, it would meet with the MMA – a fact that was already communicated to you.

Third, the notion that the Monterey Park Police Department (“MPPD”) would place an unqualified person into the jail supervisor position is absurd. The City and MPPD take great pride in serving and protecting the public. Why the City would appoint an unqualified person to this position is not explained in your letter and certainly cannot objectively be true.

It would be undignified for the City to fully respond to the remainder of the August 15th letter which is generally filled with hyperbolic language that is clearly intended to incite an emotional response with the City’s elected officials and general public. That language has little, if any, relationship with the facts or the law. To ensure that the public is fully informed regarding your August 15th letter, the City is including all of the correspondence that was previously sent to SEIU regarding its concerns. Nothing more is required.

Very truly yours,


Karl H. Berger,
City Attorney

From: Tomikawa, Christine ctomikawa@MontereyPark.ca.gov 
Subject: RE: SEIU Local 721 Cease & Desist Re: Jail Supervisor
Date: August 16, 2022 at 08:35

CT

To: Charles Leone Charles.Leone@seiu721.org, Bow, Ron Rbow@MontereyPark.ca.gov
Cc: Maria Myers mmyers@rsglabor.com, David Sanders David.Sanders@seiu721.org, Soroosch Aidun Soroosch.Aidun@seiu721.org, Hernandez, Jesus JHernandez@MontereyPark.ca.gov, Eunique Ferguson Eunique.Ferguson@seiu721.org, Gabriella Mckenzie Gabriella.Mckenzie@seiu721.org, Tellez, Danielle DTellez@MontereyPark.ca.gov, Alvarez, Inez ialvarez@MontereyPark.ca.gov

Good morning Charles – thank you for SEIU’s response dated August 12, 2022.
The City considers this matter closed.

The City is not removing the lead pay from SEIU Police Department members. My understanding is the Police Department is planning to notify staff about opening the process for the lead worker in the Records and Communication divisions.

Thank you.

Christine



CHRISTINE TOMIKAWA • HR/RM DIRECTOR
CITY OF MONTEREY PARK
Office (626) 307-1345

From: Charles Leone <Charles.Leone@seiu721.org>
Sent: Sunday, August 14, 2022 3:35 PM
To: Tomikawa, Christine <ctomikawa@MontereyPark.ca.gov>; Bow, Ron <Rbow@MontereyPark.ca.gov>
Cc: Maria Myers <mmyers@rsglabor.com>; David Sanders <David.Sanders@seiu721.org>; Soroosch Aidun <Soroosch.Aidun@seiu721.org>; Hernandez, Jesus <JHernandez@MontereyPark.ca.gov>; Eunique Ferguson <Eunique.Ferguson@seiu721.org>; Gabriella Mckenzie <Gabriella.Mckenzie@seiu721.org>; Tellez, Danielle <DTellez@MontereyPark.ca.gov>
Subject: FW: SEIU Local 721 Cease & Desist Re: Jail Supervisor
Importance: High

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Ron & Christine, please see attached this Union’s response to Christine to her August 5, 2022 correspondence. (Titled: Jailers August 12, 2022).

Charles Leone
SEIU Local 721
213-479-6406
charles.leone@seiu721.org
SEIU 721 Member Connection **877-721-4968**

From: Tellez, Danielle <DTellez@MontereyPark.ca.gov>
Sent: Saturday, August 6, 2022 11:34 AM
To: Charles Leone <Charles.Leone@seiu721.org>
Cc: Bow, Ron <Rbow@MontereyPark.ca.gov>; Tomikawa, Christine <ctomikawa@MontereyPark.ca.gov>
Subject: Fw: SEIU Local 721 Cease & Desist Re: Jail Supervisor
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Charles,

On behalf of City Manager Ron Bow and Director of Human Resources & Risk Management Christine Tomikawa, please find attached the City's response to your recent correspondences.

Regards,

Danielle Tellez
City of Monterey Park
Human Resources and Risk Management Department

From: Charles Leone <Charles.Leone@seiu721.org>
Sent: Wednesday, August 3, 2022 9:32 PM
To: Bow, Ron <Rbow@MontereyPark.ca.gov>; Tomikawa, Christine <ctomikawa@MontereyPark.ca.gov>
Cc: David Sanders <David.Sanders@seiu721.org>; Soroosch Aidun <Soroosch.Aidun@seiu721.org>; Eunique Ferguson <Eunique.Ferguson@seiu721.org>; Hernandez, Jesus <JHernandez@MontereyPark.ca.gov>; Gabriella Mckenzie <Gabriella.Mckenzie@seiu721.org>
Subject: SEIU Local 721 Cease & Desist Re: Jail Supervisor
Importance: High

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Bow & Ms. Tomikawa,

Please see attached, SEIU Local 721 demands the City cease & desist from filling the Jail Supervisor position until a meet and confer has taken place per Article 22.6(5) of our MOU.

Charles Leone
SEIU Local 721
213-479-6406
charles.leone@seiu721.org
SEIU 721 Member Connection **877-721-4968**

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August 5, 2022

Charles Leone
SEIU Local 721
213-479-6406
charles.leone@seiu721.org

Re: SEIU Correspondences of July 20, 2022 and August 3, 2022

Dear Mr. Leone:

This letter is to confirm receipt of SEIU's July 20, 2022 letter addressed to City Manager Bow and the letter dated August 3, 2022.

In response to SEIU's July 20, 2022 letter requesting an appeal to the Personnel Board, SEIU failed to comply with the grievance procedure in the MOU; the request for an appeal is premature. Section 7.6 of the MOU outlines the steps of the grievance procedures. For Step 3, the MOU states:

If the Union or the employee does not obtain satisfactory redress from the immediate supervisor, the grievance may be progressed to the administrative level in writing through the administrative organization in the following order:

- *First to the Division Manager*
- *Second to the Department Director*
- *Third to the City Manager*

In each case, the grievance must be submitted within seven (7) calendar days to the subsequent hearing level and a written notice of disposition must be forwarded to the grievant within fifteen (15) calendar days of receipt at any hearing level.

SEIU's July 1, 2022 letter addressed to Lt. Villalobos and Christine Tomikawa constituted the notification to the Director of Human Resources and Risk Management (Step 2) and to the Division Manager (Step 3). Accordingly, Lt. Villalobos had 15 calendar days from July 1, 2022, to respond to you.

On July 7, 2022, you emailed Ms. Tomikawa and stated that the grievance should move to the City Manager. However, the grievance procedure does not permit you to immediately move this to the City Manager without having both the Division Manager

(Lt. Villalobos) and then subsequently the Department Director (Chief Gordon) consider the grievance.

On July 8, 2022, Ms. Tomikawa requested an extension of time due to family matters and personal illness. Then, on July 15, 2022, you emailed Ms. Tomikawa again asking to move the grievance to the next level, which was effectively a denial of the City's request for an extension of time.

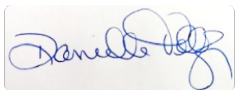
On July 20, 2022, you sent a letter addressed to City Manager Ron Bow and Ms. Tomikawa in an effort to appeal this grievance to the Personnel Board. Your request bypasses both Chief Gordon and the City Manager in Step 3 of the grievance procedure. As stated above, Section 7.6 of the MOU states that the grievance must be submitted to "the subsequent hearing level," which in this case is the Department Director.

However, to avoid continued delay regarding the Jail Supervisor position, the City will destroy the eligibility list for this recruitment.

Additionally, the classification of Jail Supervisor is not a reclassification. The Jail Supervisor position is not in your unit and the City will be discussing that recruitment with the MMA.


Separately, it is the City, not the Union, that is responsible for hiring of its employees. Accordingly, the City Manager's exercise of his emergency authority to make an appointment pursuant to Resolution Nos. 2022-R9 and 2022-R49 is not part of any meet and confer mentioned above.

Sincerely,



Danielle Tellez
for the Director of Human Resources and Risk Management

cc: Christine Tomikawa, Director of Human Resources and Risk Management
Ron Bow, City Manager

From: Tomikawa, Christine ctomikawa@MontereyPark.ca.gov 
Subject: RE: Urgent! - SEIU Local 721 Cease & Desist
Date: July 22, 2022 at 16:54

CT

To: Charles Leone Charles.Leone@seiu721.org

Cc: Simboa Wright Simboa.Wright@seiu721.org, David Sanders David.Sanders@seiu721.org, Soroosch Aidun Soroosch.Aidun@seiu721.org, Teresa Sanchez Teresa.Sanchez@seiu721.org, Molly Rhodes Molly.Rhodes@seiu721.org, Eunique Ferguson Eunique.Ferguson@seiu721.org, Hernandez, Jesus JHernandez@MontereyPark.ca.gov, Frazier, Lauren lfrazier@MontereyPark.ca.gov, Cervantes, Miguel mcervantes@MontereyPark.ca.gov, Mendivil, Jose jmendivil@MontereyPark.ca.gov, Bow, Ron Rbow@MontereyPark.ca.gov, Alvarez, Inez ialvarez@MontereyPark.ca.gov

Good afternoon Charles – Thank you for your correspondence sent on July 6, 2022. As your members are aware, the City is experiencing significant challenges in filling critical vacant positions throughout the workforce. Many of these challenges – as was explained in the staff report provided to the City Council and the emergency declaration itself – stem from outdated personnel rules, regulations, and procedures. Given the circumstances, the City Council is fully within its rights to suspend those rules and regulations. As stated within the emergency resolution, the City will meet and confer when necessary and appropriate. Overall, it seems that these changes benefit your membership. That said, your membership has the ability to file a grievance in accordance with the MOU and applicable law. The City will respond accordingly.

Thank you for your ongoing professionalism regarding the matter.

Christine



CHRISTINE TOMIKAWA • HR/RM DIRECTOR
CITY OF MONTEREY PARK
Office (626) 307-1345

From: Charles Leone <Charles.Leone@seiu721.org>

Sent: Wednesday, July 6, 2022 9:27 AM

To: Lo, Henry <hlo@MontereyPark.ca.gov>; Liang, Hans <HLiang@MontereyPark.ca.gov>; Chan, Peter <PChan@MontereyPark.ca.gov>; Yiu, Yvonne <yyiu@MontereyPark.ca.gov>

Cc: Simboa Wright <Simboa.Wright@seiu721.org>; David Sanders <David.Sanders@seiu721.org>; Soroosch Aidun <Soroosch.Aidun@seiu721.org>; Teresa Sanchez <Teresa.Sanchez@seiu721.org>; Molly Rhodes <Molly.Rhodes@seiu721.org>; Eunique Ferguson <Eunique.Ferguson@seiu721.org>; Hernandez, Jesus <JHernandez@MontereyPark.ca.gov>; Frazier, Lauren <lfrazier@MontereyPark.ca.gov>; Cervantes, Miguel <mcervantes@MontereyPark.ca.gov>; Mendivil, Jose <jmendivil@MontereyPark.ca.gov>; Bow, Ron <Rbow@MontereyPark.ca.gov>; Tomikawa, Christine <ctomikawa@MontereyPark.ca.gov>

Subject: Urgent! - SEIU Local 721 Cease & Desist

Importance: High

[EXTERNAL EMAIL]

Honorable Mayor Lo & Members of the Monterey Park City Council,

We hope you had a wonderful holiday weekend. Last month at the June 15, 2022 your body took action with a Resolution Declaring an Employment Emergency for the City of Monterey Park. With this resolution and per the staff report you received, your action declared a local employment emergency and authorized the City Manager to suspend those portions of the City's personnel rules that are interfering with the City's ability to secure qualified candidates. Among other things, the City Manager would be able to temporarily appoint qualified persons to positions in accordance with Monterey Park Municipal Code § 2.28.100 and contract for the services listed in MPMC § 2.28.190.

Our Union is concerned with the dangerous precedent this set to suspend any portion of the City's personnel rules, and to do so without Meeting & Conferring with Labor Organizations in the City, including SEIU Local 721. It is a spectacularly high bar to declare a staffing emergency for the purposes of hiring and filling vacancies.

This correspondence is a Cease & Desist to the City on suspending any portions of the City's personnel rules without a Meet & Confer, and for the City to undue the action it took at tonight's meeting or as soon as practical. We remain grateful for your support, and thank you for your attention, time and kind consideration.

Charles Leone
SEIU Local 721
213-479-6406
charles.leone@seiu721.org
SEIU 721 Member Connection **877-721-4968**



August 16, 2022

Honorable Mayor Lo and
Members of the Monterey Park City Council
City of Monterey Park
320 W. Newmark Ave.,
Monterey Park, CA 91754

Re: Agenda Item 3B

Honorable Mayor and Members of the Monterey Park City Council,

First off, our condolences to the entire City of Monterey Park, the Police Department, and to the friends and family of Officer Gardiel Solorio.

Per Agenda Item 3-B, the City is suggesting you extend Resolution 2022-R49. We strongly urge you to not extend the Resolution, as it has been corrupted and staff has not been genuine in its report or acted in good faith with the Union. The Resolution stated a Meet and Confer would take place with the Union, however the City refused. The Resolution states the City is having trouble finding qualified candidates, however this is not true as it applies to Jail Supervisor. In the staff report it claims a candidate for Jail Supervisor is in the pre-employment screening process and will be starting soon, this candidate mentioned is not qualified as required by the Resolution and has been given a start date of August 22, 2022, because the outside candidate does not meet the minimum selection and training standards prescribed by the California Board of State & Corrections (BSCC) as required per the City's own job flyer for Jail Supervisor, the position is new and the job flyer was created earlier this year. Security Guards are not Jailers (Correctional Officers / Custodial Officers) in the Public Sector per the California Penal Code. The City is creating liability issues for itself with the public and violating the Resolution.

An eligibility list for Jail Supervisor was established before your June 15, 2022 action to suspend the Rules & Regulations with Resolutions No. 2022-R9 and 2022-R49. In the staff report you were told this Resolution was needed because the City was having trouble attracting candidates to fill positions, however the candidate for Jail Supervisor was selected June 2, 2022 without having their PC832 at the time of applying, the Jail Supervisor position was not a targeted vacant position to fill at the time of June 15, 2022. Needing the Resolution to fill the Jail Supervisor position was never intended or needed because the City already selected and had a current eligibility list. A couple of the key tenants of Civil Service systems and your Rules & Regulations are neutrality and stability that City staff is working to uphold, and refusing to Meet and Confer with the Union is good faith via Resolution.

The City refused to Meet and Confer and refused to hear the formal grievance and opine a written disposition. In response to our grievance filing, the City destroyed the eligibility list and decided to fill the Jail Supervisor position with the City Manager's authority per the Resolution you passed June 15, 2022, trampling over your existing employees; however the Resolution itself is being violated as the candidate is not qualified, a gross violation of the public trust and corrupting the Resolution.

Now the City wants you to extend the City Manager's authority for another sixty days. We strongly urge you to not extend the Resolution due to the bad faith that has been displayed by the City, their refusal to Meet and Confer and their selecting an unqualified candidate in violation of the Resolution and Rules & Regulations. We ask you to have staff restore the Jail Supervisor eligibility list and promote from within a candidate who is eligible and qualified per the City's own Resolution and own job bulletin for Jail Supervisor. We ask you to have staff Meet and Confer with the Union on matters effecting our bargaining unit, and not hide via Resolution.

Violating your Resolution and selecting an unqualified candidate for Jail Supervisor is not only a violation of the public trust, it creates liability issues for the City. Heaven forbid there in an in-custody death in the jail, what type of liability is the City opening itself up to if it is learned the person selected to supervise the jail does not meet the minimum selection and training standards prescribed by the California Board of State & Corrections (BSCC) as required per the City's job flyer?

We urge you to make this right and not allow for this violation of trust to continue, this is not who the City of Monterey Park should be. In their staff report the City is also wanting you to change job titles and pay, bargaining units including SEIU Local 721 will be impacted, undermining collective bargaining. The City continues to move forward out of concert with the Union, refusing to Meet and Confer via Resolution, as is the case with the City filling the Jail Supervisor with an unqualified candidate and destroying a list of eligible candidates. Assistant City Manager Inez Alvarez sent out a survey for Employee Appreciation, with options such as gift cards and ice cream sandwiches offered. The best way to show appreciation to employees is to show them respect. The Police Department refers to itself as a family, is this how family is treated? The Resolution is exposing the City to liability, creating safety issues, and violating the public trust.

The Jailers along with the rest of our bargaining unit in the Monterey Park Chapter are essential workers. We want to close by urging you back to the table to discuss ARPA Hazard Pay with our Chapter. We thank you for your time.

Sincerely,



Charles Leone, SEIU Local 721

Cc: SEIU Local 721 General Counsel & Advocacy Department
David Sanders, Regional Director
Soroosch Aidun, Coordinator
Jesse Hernandez, Chapter President
Monterey Park Chapter Board and Membership
Eunique Ferguson, Worksite Organizer
Ron Bow, City Manager
Inez Alvarez, Assistant City Manager
Christine Tomikawa, Human Resources / Risk Management Director

