



ROSE LAW FIRM, P.C.

March 26, 2009

All MCEA Members

RE: Retirement Incentive and Voluntary Separation Programs

Dear MCEA Members:

As you know, the City of Modesto is offering to all City employees the opportunity to participate in a retirement incentive program or a voluntary separation program. City officials met with me and the leadership of MCEA to meet and confer about the terms of these programs. I write to specifically address two conditions required by the City to participate in these programs that you should be aware of.

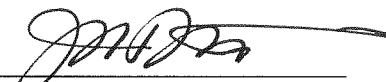
As a condition of participating in these programs, the City is requiring employees to sign what is known as a "General Release of Claims." A General Release of Claims is a wide-ranging relinquishment of your rights to make a claim or pursue a lawsuit against the City. As well, as a condition of participation of the program, the City is requiring employees to agree to what is known as "Civil Code section 1542 Waiver." A Civil Code section 1542 Waiver makes the general release of claims applicable to even those claims that you do not know exist in your favor. During the course of meeting and conferring with the City about the terms of these programs, the leadership of MCEA and I requested that the City either eliminate these conditions from the program agreements or substantially limit the scope of the releases. The City would not agree to do either.

Because I am not familiar with each of your individual circumstances, I cannot advise you on whether or not you should sign the program agreement containing the general release of claims and civil code section 1542 waiver. Depending on your own unique circumstances, the benefit of participation in the program may outweigh the relinquishment of your rights to make a claim or initiate a lawsuit against the City. On the other hand, for some of you, the opposite may be true. You should contact your own private attorney to discuss the significance of the general release of claims and civil code section 1542 waiver in the program agreement to determine whether signing the agreement makes sense for you.

Sincerely,

ROSE LAW FIRM, P.C.

By:



JOSEPH W. ROSE
Attorney at Law

JWR/oms