

BEFORE THE STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of: )  
) )  
STATE OF CALIFORNIA, Employer, ) Unfair Practice  
and PEACE OFFICERS OF CALIFORNIA, ) Charge No.  
Petitioner, and CALIFORNIA ) SA-SV-171-S  
STATEWIDE LAW ENFORCEMENT ASSOC., ) )  
Exclusive Representative. )  
) )  
\_\_\_\_\_ )

FEBRUARY 27, 2009

SHAWN CLOUGHESY  
Administrative Law Judge

PUBLIC EMPLOYMENT RELATIONS BOARD  
1031 18th Street, Room 214  
Sacramento, CA

Transcribed by: Leisa M. Miller

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

APPEARANCES

Administrative Law Judge

SHAWN CLOUGHESY

Representing Employer:

SHANNAN TRUONG  
Labor Relations Counsel

Department of Personnel Administration  
1515 "S" Street, North Building, Suite 400  
Sacramento, CA 95811

Representing CSLEA:

GARY MESSING, Esq.  
Carroll, Burdick & McDonough, LLP  
1007 7th Street, Suite 200  
Sacramento, CA 95814-3409

Representing Peace Offices of California (POC):

JOE ROSE, Esq.  
Peace Officers of California  
2240 East Bidwell Street  
Folsom, CA 95630

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX OF WITNESSES

--oOo--

Petitioner's Witnesses	Page
CHRISTOPHER P. LEWIS	
Direct Examination by Mr. Rose	21
Cross-Examination by Mr. Messing	35
Redirect Examination by Mr. Rose	76
Recross-Examination by Mr. Messing	82
DIEGO BUSATTO	
Direct Examination by Mr. Rose	90
Cross-Examination by Mr. Messing	95
Redirect Examination by Mr. Rose	109
Recross-Examination by Mr. Messing	111
Further Redirect Examination by Mr. Rose	112
BRANDON SHOEMAKER	
Direct Examination by Mr. Rose	117
Cross-Examination by Mr. Messing	122
Redirect Examination by Mr. Rose	138
Recross-Examination by Mr. Messing	159
JESSE TOWNSEND	
Direct Examination by Mr. Rose	177
Cross-Examination by Mr. Messing	182

1 Index of Witnesses (Continued):

2 Petitioner's Witnesses Page

3 GARY SCHALES

4 Direct Examination by Mr. Rose 210

5 Cross-Examination by Mr. Messing 216

6 Redirect Examination by Mr. Rose 240

7 Recross-Examination by Mr. Messing 246

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Q. So this document doesn't represent a statement by  
2 the Department that they're going to convert insurance  
3 positions into peace officer positions?

4 A. Plain English, yes, it does, sir.

5 MR. MESSING: Okay. No further questions.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Ms. Truong?

7 MS. TRUONG: Nothing, your Honor.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Rose,  
9 anything further?

10 MR. ROSE: Nothing further.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: With that, the  
12 Declaration, Petitioner's U, is admitted.

13 (Petitioner's Exhibit U received in  
14 evidence.)

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'll take these.  
16 We'll take a break. And who do we have lined up next?

17 MR. ROSE: Sklueff.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Let me do  
19 what I have to on this thing. And I need to instruct  
20 those that are in the audience, we're going to have a  
21 closed hearing for the next witness, so -- and I don't  
22 know how long that witness is going to take. To be  
23 honest with you, it'll probably be a very long time, but  
24 I don't know. All right. With that, off the record.

25 (Recess taken.)

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

2 We're back on the record. We're back in the open hearing  
3 portion of this hearing, Unit 7 severance.

4 It's February 27th, the afternoon, 2009. The time is  
5 approximately 1:40 p.m.

6 Case No. SA-SV-171, in regards to Petitioner Peace  
7 Officer of California, Employer State of California, and  
8 Exclusive Representative California Statewide Law  
9 Enforcement Association.

10 My name is Shawn Cloughesy. I'm the Administrative  
11 Law Judge assigned to hear this case on behalf of the  
12 PERB.

13 Exclusive Representative, Mr. Messing, Mr. Kasey  
14 Clark. For the Employer, Shannan Truong, Linda Mayhew.  
15 For the Petitioner, Joe Rose, Diane Sabonis, and  
16 Mr. Chris Lewis.

17 We're resuming. We're starting the afternoon  
18 session. I'm going to be asking this witness to raise  
19 your right hand.

20 (Witness sworn by the Judge.)

21 THE WITNESS: I do.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Please state  
23 your name for the record, spelling your last name.

24 THE WITNESS: My name is Diego Busatto. That's B, as  
25 in boy, U-S-A-T-T-O.

1 CERTIFICATION AND  
2 DECLARATION OF TRANSCRIBER

3 I, Leisa M. Miller, a duly designated transcriber of  
4 Vine, McKinnon & Hall, do hereby declare and certify  
5 under penalty of perjury that I have transcribed from a  
6 CD recording the proceedings in the matter of STATE OF  
7 CALIFORNIA, Employer, and PEACE OFFICERS OF CALIFORNIA,  
8 Petitioner, and CALIFORNIA STATEWIDE LAW ENFORCEMENT  
9 ASSOCIATION, Exclusive Representative, Unfair Practice  
10 Charge No. SA-SV-171-S, which recording was duly recorded  
11 at Sacramento, California on February 27, 2009, and that  
12 the foregoing pages 1 through 249 constitute a true,  
13 complete and accurate transcription of the aforementioned  
14 recording to the best of my ability.

15  
16 Dated this 16th day of March, 2009, at Dixon,  
17 California.

18  
19  
20 \_\_\_\_\_  
21 Leisa M. Miller, Transcriber  
22 VINE, MCKINNON & HALL  
23 Certified Shorthand Reporters  
24  
25