

March 11, 2009

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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. )  
)  
  
\_\_\_\_\_ )

MARCH 11, 2009

SHAWN CLOUGHESY  
Administrative Law Judge

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

Transcribed by: Leisa M. Miller

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APPEARANCES

Administrative Law Judge

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1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Double G is also  
2 admitted.

3 (Petitioner's Exhibit GG received in evidence.)

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Now marking --  
5 for this witness that came in I'm going to be marking as  
6 Exclusive Representative S what appears to be a  
7 Declaration of Sue Neary. Last name spelled N-E-A-R-Y.

8 (Exclusive Representative's Exhibit S marked  
9 for identification.)

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And I'm going to  
11 ask you to raise your right hand.

12 (Witness sworn by the Judge.)

13 THE WITNESS: Yes, I do.

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

16 THE WITNESS: Sue Neary. N-E-A-R-Y.

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And I have a  
18 couple of preliminary questions for you while I get this  
19 in order is, the first is have you ever reviewed any of  
20 the transcripts of this proceeding? I know you're --

21 THE WITNESS: No.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: -- looking  
23 puzzled. That's actually a good sign.

24 THE WITNESS: Yeah.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: So the answer's

1 no?

2 THE WITNESS: Yeah. No.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm not  
4 expecting necessarily a yes answer, just so that you --

5 THE WITNESS: Okay.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And do you know  
7 who James Cline is?

8 THE WITNESS: No.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Very good. I'm  
10 going to hand you a very thick document that I've marked  
11 as Exclusive Representative S. And if you can take a  
12 quick look at that and then tell me what that is?

13 THE WITNESS: Yes. It's my Declaration.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

15 THE WITNESS: Against the severance between CSLEA  
16 and --

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. I'll  
18 move this back so you have room for that. Could you turn  
19 to your signature page? And is that your signature on  
20 that page?

21 THE WITNESS: Yes, it is.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And did you sign  
23 it on or about the date and location set forth?

24 THE WITNESS: Yes, I did.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And

1 are the contents of that Declaration true and correct to  
2 the best of your knowledge?

3 THE WITNESS: Yes, they are.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

5 Mr. Messing, any further for this witness?

6 MR. MESSING: Yes.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Proceed.

8 TESTIMONY OF

9 SUE NEARY,

10 Having been duly and regularly sworn, testified as  
11 follows:

12 DIRECT EXAMINATION

13 BY MR. MESSING:

14 Q. Now, you've been employed since 1995 by the  
15 Department?

16 A. As a peace officer, yes.

17 Q. Okay. Did you have previous employment with the  
18 Department before that?

19 A. Yes. I had five and a half months as a Cadet.  
20 And prior to that I had almost five years as a Seasonal  
21 Park Aide.

22 Q. Okay. Now, in your time with the Department,  
23 have you been a member of CAUSE and CSLEA when CSLEA took  
24 over the name or replaced the name for CAUSE?

25 A. Yes. It was CAUSE in the academy, and then I

1 recall when it went to CSLEA.

2 Q. Okay. Have you had occasion to contact CAUSE for  
3 representation for yourself?

4 A. Yes, I have.

5 Q. Okay. Can you in general terms tell the ALJ here  
6 what sorts of things that you have had occasion to  
7 contact CAUSE or CSLEA about?

8 A. Yes. Actually, in my very first year, would have  
9 been 1995, I was on probation and I was having some  
10 issues getting through my probation. And if it weren't  
11 for my CAUSE representative, I probably would not have  
12 made it through.

13 Q. Okay.

14 A. Additional?

15 Q. Yeah. Can you give me another --

16 A. Okay.

17 Q. -- any other example?

18 A. I had an Internal Affairs investigation. It was  
19 a citizen's complaint. And again I requested the  
20 representation of -- it was CAUSE at that time, and had  
21 excellent representation, and it was a unfounded case.

22 Q. Okay. Now, you said that was a citizen's  
23 complaint. Have you ever received another citizen's  
24 complaint?

25 A. Yes. In -- to be honest, I don't remember what

1 year it was. I don't remember -- I don't recall the  
2 year. It was actually an employee that was making the  
3 complaint. I had a domestic --

4 Q. Wait. You shouldn't get into the specifics of  
5 it.

6 A. Okay.

7 Q. Just talk in generalities about --

8 A. Okay.

9 Q. -- what occurred. So you --

10 A. It was a employee issue with a citizen while on  
11 duty. And he did not like my findings of the contact,  
12 and he filed a -- actually discrimination case.

13 Q. Okay. And were you represented by CAUSE or CSLEA  
14 on that matter?

15 A. It was CAUSE. And yes, I was.

16 Q. Okay.

17 A. And it was unfounded again.

18 Q. It was unfounded. And in the example you've  
19 given, were the representatives that you contacted  
20 responsive in terms of the speed of their responding to  
21 your request?

22 A. Yes, absolutely.

23 Q. Okay. Okay. Did you ever -- did you ever have  
24 any other matters that you sought advice from CSLEA or  
25 CAUSE about regarding any work-related problems?

1           A. Yes. We had a situation at work that involved  
2 multiple officers, but myself and another officer were  
3 picked up on the video camera. And it was broadcast on a  
4 Mexican TV channel. And though there was no citizens'  
5 complaints, there was an internal investigation to make  
6 sure that we -- everything we had done was in compliance  
7 with our duties in case that more became of this video.

8           Q. And how did it result?

9           A. It was unfounded. There was no --

10          Q. And then during this situation did you have  
11 representation from CAUSE or CSLEA?

12          A. Yes, I did.

13          Q. Okay. And who was that?

14          A. Bob Adams. Or Robert Adams, I believe.

15          Q. Okay. Were you satisfied with his  
16 representation?

17          A. Yes.

18          Q. Okay. And at any time did you have any --  
19 another complicated work-related problem that you had  
20 issues with for which you sought advice from CSLEA?

21          A. Yes. About a year and a half -- or in August of  
22 2007 I transferred to Monterey County to be closer to my  
23 parents, who were having some health issues. And while  
24 at that district, I filed a report that I felt got some  
25 unwarranted attention by my supervision. Basically, it

1 was to suppress the report. And I went to CSLEA and I  
2 spoke with their -- I don't know his exact title, but  
3 it's Larry Friedman. He's with the legal section.

4 Q. Okay. Okay. And was he responsive to your  
5 inquiries?

6 A. Yes, he was. Very much so.

7 Q. Okay. All right. Now, as a Park Ranger, you've  
8 heard complaints by other Park Rangers about the  
9 representation by CSLEA?

10 A. You say have I? I'm sorry.

11 Q. Have you heard complaints --

12 A. No.

13 Q. -- by other -- huh? Okay.

14 A. As far as being represented, no.

15 Q. Okay. What kind of complaints do they have about  
16 CSLEA?

17 A. The only ones that I've really heard about are  
18 the financial issue and that the law enforcement  
19 personnel, or some of them, believe that they are  
20 underpaid for their responsibilities. But they've  
21 addressed this at a time when we just got a 25 percent  
22 raise.

23 MR. ROSE: Objection. Move to strike after the  
24 word -- beginning with "they addressed this at a time."

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yeah. You went

1 beyond the question.

2 MR. MESSING: I'll ask another question.

3 THE WITNESS: I did? I'm sorry.

4 MR. MESSING: I'll ask another question.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: No, don't worry  
6 about it. You probably are not used to this, so anyway.

7 THE WITNESS: I'm not.

8 BY MR. MESSING:

9 Q. Okay. Well, how do you feel --

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: But granted on  
11 your objection, sir.

12 MR. ROSE: Thank you.

13 BY MR. MESSING:

14 Q. I'll ask a follow-up question. How do you feel  
15 about the complaints about the lack of pay raises?

16 A. I have not seen a problem with them at all. I've  
17 been grateful for them. I mean I'm a single parent and  
18 I've been able to do very well with the pay raises that  
19 I've gotten from CSLEA. And, you know, last summer we  
20 were being threatened with being reduced to minimum wage,  
21 and CSLEA is the one that stepped up to the plate and  
22 kept that from happening. And that would have been  
23 disastrous for me.

24 Q. Okay. Do you know what kind of a percentage  
25 increase Park Rangers have gotten in the past let's say

1 year and a half?

2 A. Well, it was a incremented raise.

3 Q. Okay.

4 A. So are you asking for the increments?

5 Q. What was the total?

6 A. It was a total of 25 percent.

7 Q. Okay. Now, you said that you hadn't heard  
8 complaints about other representations. Are you aware of  
9 Park Rangers being represented in Internal Affairs  
10 investigations?

11 A. Yes.

12 Q. Okay. And what -- is that -- is that an  
13 occurrence that is common or uncommon to have an Internal  
14 Affairs investigation?

15 A. It's really going to vary on the park unit. In  
16 park units where there is -- tends to be a higher more --  
17 or higher enforcement than other park units, you're going  
18 to naturally have more citizens' complaints.

19 Q. Okay. Have you -- have you been aware of  
20 situations where Park Rangers have been represented,  
21 other than yourself, by representatives or attorneys from  
22 CSLEA?

23 A. Yes.

24 Q. Okay. But you haven't heard any complaints about  
25 that kind of representation?

1           A. No. It's my understanding nothing's been  
2 founded.

3           Q. Okay. Now, you've had some things in your  
4 Declaration regarding Dispatchers. Can you describe the  
5 kind of contact that you have with Dispatchers on a day-  
6 by-day basis?

7           A. Yes. We initiate contact with them the minute we  
8 go in service. We get on the radio and let them know  
9 that we're available for calls.

10          Q. Okay.

11          A. Whenever we go out on a contact, we state where  
12 we are, our location, in case follow-up backup is needed.  
13 During the shift dispatch will do status checks on our  
14 condition, our location. And they do that on a regular  
15 basis. Usually it's an hour to an hour and a half,  
16 depending on when our last contact was with them.

17           They run all our wants and warrants information. If  
18 there is any kind of a warrant out there, whether it's a  
19 misdemeanor or a felony, they will identify it.

20           Generally, if it's a felony warrant, they will ask us if  
21 we're clear because of the sensitivity of the  
22 information. We don't want to alert the person that  
23 we're dealing with that we know they're now a wanted  
24 felon. And so they take great care to make sure that  
25 we're in a safe condition to receive information.

1 Q. Okay. Do you have an opinion as to how important  
2 it is for a Dispatcher to know about a Park Ranger's  
3 activities in the field?

4 A. Yes, absolutely.

5 Q. Okay.

6 A. It helps them better understand the kind of  
7 contacts we could be in. Sometimes we're in isolated --  
8 more isolated situations than other, and they need to  
9 know how isolated that is, and how easy it is to get  
10 someone in there if you need help.

11 Every Dispatcher I've known has made a point of  
12 learning the park, either through doing ride-alongs, to  
13 familiarize themselves with an area. So if I say I'm out  
14 at point six, they know that I'm out near the lifeguard  
15 tower. And so in that sense, they're very on top of  
16 where we work and our zones of impact.

17 Q. Okay. And these Dispatchers are in the  
18 bargaining unit with you, correct?

19 A. Yes.

20 Q. Okay.

21 A. Unit 7.

22 Q. How -- what is the frequency of your contact in a  
23 given day with a Dispatcher, or the Dispatchers?

24 A. If it's quiet, maybe only once an hour. If  
25 there's multiple activities, say it's 4th of July

1 weekend, it could be just nonstop traffic.

2 Q. Okay. Now, do you ever get dispatched pursuant  
3 to a 911 call?

4 A. Yes, quite frequently.

5 Q. Can you explain, pardon me, that process as you  
6 understand it, starting with the 911 caller calling in?

7 A. Okay. Usually -- well, there's a couple  
8 different methods for getting a 911 call. We have what  
9 are called call boxes. They're like on the highways.  
10 They're -- we have them throughout the park. Because  
11 cellular service is poor. But the minute you pick up  
12 that call box phone, it immediately goes to -- it's a 911  
13 call that goes to California Highway Patrol Dispatch.  
14 They receive the information, and then they contact our  
15 Dispatchers, who then, in turn, initiate the call for us  
16 to follow up on.

17 The other way we get 911 calls is either through pay  
18 phones or -- because pay phones, even if you just pick it  
19 up and hang it up, a 911 call is administered to CHP for  
20 follow-up. And then also, of course, we have cell phone  
21 service that people use to call 911.

22 Q. Okay. And the CHP Dispatchers, do you know if  
23 they're in your bargaining unit?

24 A. Yes, they are.

25 MR. MESSING: Okay. I pass the witness on to

1 Mr. Rose.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes, sir.

3 MR. ROSE: Thank you.

4 CROSS-EXAMINATION

5 BY MR. ROSE:

6 Q. Good morning. Or good afternoon, Ms. Neary. How  
7 are you?

8 A. Fine. Thank you.

9 Q. Good. I'm Joe Rose. I'm the attorney  
10 representing Peace Officers of California. You work at  
11 the Lake Perris State Recreation Area --

12 A. Yes, I do.

13 Q. -- in Riverside County?

14 A. Uh-hmm.

15 Q. How many miles -- or what's the length of the  
16 shoreline of the lake there?

17 A. Well, right now or -- right now -- at full  
18 table -- well, it's a big difference. Because we're down  
19 approximately 22 feet, and which is going to shorten  
20 our -- not only our surface area, but our shoreline. If  
21 we're at full table, which means we can -- lake level is  
22 determined by sea level, where it's at in elevation. We  
23 have two and a half miles. Let's see. It's two and a  
24 half miles across. It's probably going to be actual  
25 shoreline at full table is going to be just under nine

1 miles.

2 Q. Is that a navigable waterway, Lake Perris, or is  
3 it --

4 A. At full table, when we were at complete capacity  
5 for water, yes. But right now it's not. About half the  
6 lake is -- it's down so low that we have hazards that we  
7 have blocked off certain areas for boaters to stay out  
8 of.

9 Q. At full table is that a water body that's  
10 permissible for use for water skiers and jet skiers and  
11 so forth?

12 A. Yes, it is.

13 Q. All right. Do you ever patrol on a boat on that  
14 lake?

15 A. Yes. Uh-hmm.

16 Q. How often do you -- have you done that, patrolled  
17 on a boat on the lake?

18 A. Gosh, I don't know. Been there almost 14, 15  
19 years. I can't say that I can give you a number.

20 Q. Well, if you could just estimate for me say in  
21 the last year how often you've done that?

22 A. Well, I was in Monterey for part of that  
23 assignment.

24 Q. Okay.

25 A. I only returned to Lake Perris November 1st.

1 Q. Well, since you've been back have you been in a  
2 boat?

3 A. Yes.

4 Q. How many times?

5 A. I'm the closing shift. I close the lake. So  
6 four nights a week out of four, five months maybe off and  
7 on. The first part I did not -- probably my first month  
8 or two back I did not go out on the water, because they  
9 wanted me to -- because I'd been gone for a while. They  
10 wanted me to have a refresher. I think I started the  
11 refresher in about January, so three or four months.

12 Q. But do you go on the lake now daily when you're  
13 at work --

14 A. Yes.

15 Q. -- in a boat? Oh, you do?

16 A. Uh-hmm.

17 Q. All right. Do you ever swim in the water?

18 A. Yes.

19 Q. Okay. How often do you swim in the water?

20 A. After it reaches 75 degrees, which is -- which  
21 is --

22 Q. Well --

23 A. -- about mid May to end of September.

24 Q. Do you do that in the performance of your job  
25 duties?

1 A. To stay fit mostly. I enjoy it.

2 Q. Oh, I see. Do you do that on duty?

3 A. I do it off duty.

4 Q. Okay. Well, do you swim in the lake in the  
5 performance of your job duties as a State Park Peace  
6 Officer?

7 A. Yes, I have.

8 Q. How many times have you done that?

9 A. Mostly they were rescue situations where we had  
10 to enter the water. So I don't know if you'd call that  
11 swimming, or just in the course of rescuing someone.

12 Q. Okay. And --

13 A. I've done it.

14 Q. -- in those situations can you tell us how many  
15 times total in your career you've done that?

16 A. Probably a couple dozen times.

17 Q. Okay. Were you with anybody or by yourself when  
18 you did those rescues in the water?

19 A. Well, you can't leave the vessel when you're  
20 alone, so I've had another person with me. One person  
21 usually navigates the boat, and then one person -- not  
22 every -- not all Rangers feel comfortable entering the  
23 water.

24 Q. Why not?

25 A. They're just not swimmers, I guess. You're not

1 required to be a swimmer.

2 Q. You're not required to be a swimmer to be a Park  
3 Ranger?

4 A. You -- it's part of your initial physical fitness  
5 test to get the job, to get into the academy.

6 Q. Is that expected of you, to get into the water in  
7 a rescue situation as a Park Ranger?

8 A. No. It's optional.

9 Q. So when you've gotten into the water in the past,  
10 that's something you've chosen to do rather than what is  
11 expect -- is expected of you by your supervision; is that  
12 correct?

13 A. Yeah. I feel really comfortable in the water.

14 Q. All right. How -- I note in your Declaration on  
15 page two -- oh, first of all, the Declaration that we  
16 reviewed here, that was written for you by the law firm  
17 of Carroll, Burdick and McDonough; is that correct?

18 A. No. I wrote the Declaration.

19 Q. Oh, you wrote it? Okay. So on your Declaration  
20 you state on page two, paragraph six, you list four  
21 classifications of employees that you work with. Other  
22 Park Rangers --

23 A. I'm sorry. Where are we?

24 Q. Page two, bottom of the page.

25 A. Oh, yes.

1 Q. Paragraph six.

2 A. Okay.

3 Q. Other Park Rangers, State Park Lifeguards,  
4 Communications Operators, and seasonal Lifeguards, right?

5 A. Yes.

6 Q. Do you work with any other employees in -- as a  
7 State Park Ranger for the -- State Park Peace Officer for  
8 the State of California?

9 A. Yes. We work with CHP quite a bit. Whenever we  
10 have an incident in the park, whether it's State vehicle  
11 against a personal vehicle, or two State vehicles that  
12 collide with each other, CHP has to do the investigation.  
13 We're not allowed to investigate our own --

14 Q. And so when you say --

15 A. -- incidences.

16 Q. -- work with CHP, you're talking about actually  
17 the peace officers working for the California Highway  
18 Patrol?

19 A. Yes.

20 Q. Okay. Do you work with any other employees other  
21 than the four you've listed in paragraph six, plus CHP  
22 officers?

23 A. I use Department of Justice quite a bit.

24 Q. And who at the Department of Justice, or which  
25 classification of employees do you work with at

1 Department of Justice?

2 A. Actually, I've worked with -- actually, I don't  
3 even know that I know them exactly by their title. But  
4 I've worked with both sworn and non-sworn classifications  
5 in DOJ. Depending if it's a examination of evidence, you  
6 don't have to be a sworn officer to do that. And then I  
7 had a search warrant recently where I needed more  
8 expertise than I'd been trained for, and so I referred to  
9 DOJ.

10 Q. And the person who served the search warrant was  
11 a sworn employee of the DOJ, correct?

12 A. No.

13 Q. Oh, there was a non-sworn DOJ employee that  
14 served the warrant?

15 A. No. I served the warrant.

16 Q. Oh, okay. So what was your -- the extent of your  
17 involvement with the Department of Justice in connection  
18 with the warrant that you served?

19 A. I'd never written one before.

20 Q. Oh, it was for the writing of the warrant?

21 A. Yes.

22 Q. I see. And you contacted a non-sworn person to  
23 help you explain how to write the warrant?

24 A. Just some certain grammatical things I was  
25 unclear on. But they also -- I also contacted them

1 for -- I had some evidence, forensics evidence --

2 Q. Excuse me for a second. Let me go back to --

3 A. I'm sorry.

4 Q. -- what I was just asking.

5 MR. MESSING: Well, I think she should be able to  
6 complete her answer.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Actually, I  
8 think she's going beyond it. But I thought you had  
9 answered that you contacted DOJ to talk to a sworn  
10 officer to help you with the search warrant.

11 THE WITNESS: The officer -- see, I don't know their  
12 classification. But I have worked -- when I wrote the  
13 search warrant, I first talked to a non-sworn officer, a  
14 person at the Department.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Employee. Okay.

16 THE WITNESS: Employee, yes.

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

18 THE WITNESS: Okay. They are the ones that referred  
19 me for the evidence to other non-sworn personnel. And  
20 then when it came down to actually submitting the warrant  
21 before a judge to get it signed, I did talk to a sworn  
22 officer, who helped me understand the process. Because  
23 I'd never even walked one through before.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

25 /////

1 BY MR. ROSE:

2 Q. Okay. And so who -- how many people at the DOJ  
3 did you talk to in connection with that warrant?

4 A. Probably five.

5 Q. Do you know whether or not any of those five --  
6 of any of those five employees of the non-sworn, are you  
7 aware whether they were in Bargaining Unit 7?

8 A. No. I don't know that.

9 Q. Okay. Now, on page three of your Declaration you  
10 write that, "The primary duty of peace officer" -- I'm  
11 looking at paragraph nine at line twelve. "The primary  
12 duty of peace officers within the Department of Parks and  
13 Recreation is the enforcement of the law" --

14 A. Uh-hmm.

15 Q. -- "as set forth in section 5008 of the  
16 California Public Resources Code."

17 A. Uh-hmm.

18 Q. And then it goes on. Are you with me?

19 A. Yes.

20 Q. Do you agree that that statement is equally  
21 applicable to seasonal Lifeguards, that the primary duty  
22 of seasonal Lifeguards is the enforcement of the law as  
23 set forth in 5008 of the California Public Resources  
24 Code?

25 A. Yes.

1 Q. And do you agree that that statement is also true  
2 with respect to Dispatchers, that their primary duty is  
3 the enforcement of the law as set forth in section 5008  
4 of the California Public Resources Code?

5 A. Yes.

6 Q. And so when you earlier testified that you have  
7 an interaction, or at least an indirect working  
8 relationship with CHP Dispatchers --

9 A. Uh-hmm.

10 Q. -- you would testify that CHP Dispatchers'  
11 primary duty is enforcement of the law as set forth in  
12 5008 of the California Public Resources Code?

13 A. Not really through the Resources Code, no. They  
14 have a duty based on the 9-11 -- 911 calls to identify to  
15 our dispatch. I don't deal with the Dispatchers  
16 directly.

17 Q. You don't deal with the Dispatchers at CHP  
18 directly?

19 A. Right.

20 Q. When you were asked to identify your Declaration,  
21 you said that this is your Declaration against the  
22 severance.

23 A. Right.

24 Q. Do you remember that?

25 A. Uh-hmm.

1 Q. What did you mean by that?

2 A. I'm not in support of the severance.

3 Q. Okay. Are you in the minority, would you say,  
4 among the members of the State Park Peace Officers  
5 Association of California in opposition to the severance?

6 A. I'm in the minority as far as those that want to  
7 speak out against it, yes.

8 Q. Are you a member of the State Park Peace Officers  
9 Association of California?

10 A. Uh-hmm.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Wait. Is that a  
12 yes?

13 THE WITNESS: Oh, sorry. Yes.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

15 BY MR. ROSE:

16 Q. And you're aware that that organization is  
17 currently in trusteeship with CSLEA, correct?

18 A. Yes, I am.

19 Q. Do you feel that the trusteeship of the State  
20 Park Peace Officers Association of California has  
21 adversely affected representation for Park Rangers?

22 A. No. Because it was in trusteeship when I was  
23 dealing with my issue in Monterey, and I got instant  
24 results. There was no problem.

25 Q. What about in collective bargaining, do you have

1 the same opinion with respect to the trusteeship of your  
2 organization in collective bargaining?

3 A. I'm not sure I understand what you're asking me.

4 Q. Well, do you understand what collective  
5 bargaining is?

6 A. Yeah.

7 Q. Okay. So I'm asking your opinion with respect to  
8 the adequacy of CSLEA's representation in collective  
9 bargaining now that your affiliate organization is under  
10 trusteeship.

11 A. Yes. I don't think they've changed their duties  
12 or responsibilities.

13 Q. Do you feel that they're equally -- they're fine  
14 being in trusteeship at the -- during the collective  
15 bargaining process?

16 A. Yes.

17 MR. MESSING: Object. Okay.

18 THE WITNESS: Okay.

19 MR. MESSING: She answered.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You withdrew the  
21 objection, I take it?

22 MR. MESSING: I withdraw the objection.

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Next.

24 BY MR. ROSE:

25 Q. All right. Now, prior to becoming a peace

1 officer and a cadet, you said you were a Seasonal Park  
2 Aide, right?

3 A. Yes.

4 Q. And as a Seasonal Park Aide did you spend any  
5 time doing law enforcement duties?

6 A. Yes.

7 Q. Oh, really? What law enforcement duties did you  
8 do as a Seasonal Park Aide?

9 A. I worked in a campground and I had to make  
10 contact with visitors that had not paid, that were not in  
11 compliance with their checkout or check-in. They may  
12 have dogs off leash. I had to tell them to put their  
13 dogs on leash. I -- let's see. Basically, general rules  
14 and regulations. You're the first point of contact when  
15 someone comes into the park. Oftentimes they will ask  
16 you, can I have a copy of the rules and regulations, or  
17 can you tell me about this rule or that rule. Mostly  
18 they were, again, under Title 14, California Code of  
19 Regulations, you know, dogs on leash, six foot in length,  
20 laws about fires on the beach. I don't know. We had a  
21 whole gamut of rules and regulations that we shared with  
22 the public. And you -- if we saw them and, you know, we  
23 were putting our lives at risk, we could go up and  
24 contact someone and say, hey, your dog needs to be put on  
25 a leash, or your fire's too large and you can't burn

1 that, or -- so, yes.

2 Q. So your job as a Seasonal Park Aide was very  
3 similar to what you do now as a State Park Peace Officer?

4 A. Yeah. We were given a lot of responsibilities.  
5 Not from -- I mean I wasn't carrying a weapon or  
6 anything, but I definitely knew the rules and regulations  
7 of the park, and was able to relay them to the public.

8 Q. Did you do any interpretive work as a Seasonal  
9 Park Aide?

10 A. Yes.

11 Q. Would you say that you did more interpretive work  
12 than you did what you just described as a law enforcement  
13 work?

14 A. No.

15 Q. Would you say that you -- have you ever heard of  
16 the concept of -- strike that.

17 Do you see a distinction between your role as a Park  
18 Ranger in doing interpretive work versus your role as a  
19 Park Ranger in doing law enforcement work?

20 A. I'm sorry. One more time.

21 Q. Do you see a distinction between the duties of a  
22 Park Ranger doing interpretive work and the duties of a  
23 Park Ranger doing law enforcement work?

24 A. I don't know that I would call it a distinction.  
25 We're responsible for both. And they have different

1 criteria for administrating the interpretive program  
2 versus law enforcement, but they're still both our  
3 responsibility.

4 Q. But there -- there's a tension between those two  
5 responsibilities currently in the ranks of the State  
6 Parks Peace Officers, isn't there?

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Only if you  
8 know.

9 THE WITNESS: There are people just don't like to do  
10 it, but that doesn't excuse them the responsibility.

11 BY MR. ROSE:

12 Q. Well, I'm not asking that. I'm asking if there's  
13 a tension between those two. Let me ask you this. You  
14 attached to your Declaration a report, an Exhibit B. The  
15 Declaration you wrote, you attached this concerning  
16 Generalist Ranger Task Force, February 2007. Do you see  
17 what I'm referring to?

18 A. Yes. Uh-hmm.

19 Q. Are you familiar with this report that --

20 A. Yes.

21 Q. -- you attached to your Declaration?

22 A. Uh-hmm.

23 Q. Were you involved in the General Ranger Task  
24 Force?

25 A. No, I was not.

1 Q. Do you know Richard Bergstresser?

2 A. No, I do not. I've heard of him, but I don't  
3 know him personally. I've never met him.

4 Q. How did you hear of Richard Bergstresser?

5 A. When I was in Monterey with this whole signing  
6 this card issue for --

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Support card?

8 THE WITNESS: Support card. Thank you.

9 MR. ROSE: I see.

10 THE WITNESS: Was issued, he was calling regularly to  
11 talk to officers that were not in agreement with it and  
12 were not returning their cards. And he was trying to  
13 encourage them to get their cards in.

14 BY MR. ROSE:

15 Q. I see. And this report, the Generalist Ranger  
16 Task Force, speaks to the dual roles of the State Park  
17 Peace Officer Ranger as being both the interpretive side  
18 and the law enforcement side?

19 A. That's right.

20 Q. And it also speaks to the fact that the law  
21 enforcement role has assumed a greater level of  
22 complexity --

23 A. Uh-hmm.

24 Q. -- over time, true, at least with respect to  
25 State Park Peace Officers?

1 MR. MESSING: I'm going to object. The document  
2 speaks for itself.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I mean true  
4 as -- you did ask questions does the report say that.

5 MR. ROSE: Well, let me ask you to please --

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: So sustained.

7 BY MR. ROSE:

8 Q. Okay. Look at Exhibit B, page one. Please look  
9 at the fourth paragraph from the top, first sentence.  
10 I'll read it aloud so you know that you're with me. "As  
11 the Ranger, law enforcement role has assumed a greater  
12 level of professionalism and complexity. Considerably  
13 more time must be dedicated to this specific role." Do  
14 you see that sentence?

15 A. Yes.

16 Q. Do you agree with that statement?

17 A. Not in its entirety, no.

18 Q. Which portion of that statement do you disagree  
19 with as -- or maybe I should say it this way. Do you  
20 believe that statement is true?

21 A. No. Not 100 percent, no.

22 Q. Which portion --

23 A. Like I said, there's parts that I disagree with.

24 Q. Okay. But is it true?

25 A. No.

1 MR. MESSING: Object. Asked and answered.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You're correct.

3 Sustained.

4 BY MR. ROSE:

5 Q. Which portion of that statement is not true in  
6 your mind?

7 A. The reference to complexity and considerable  
8 more -- considerably more time must be dedicated to this  
9 specific goal.

10 Q. Okay. So you believe it is false that the law  
11 enforcement role of a Ranger has become more complex?

12 MR. MESSING: Object. Asked and answered.

13 MR. ROSE: I'm trying to clarify the witness --

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yeah. I'm going  
15 to allow it. Go ahead.

16 THE WITNESS: I think it reflects a change in  
17 attitude in our officers, and I don't know that it's  
18 necessarily -- you know, they've changed what they want  
19 to do as opposed to what they're directed to do. And  
20 they're making it more complex because they want to do  
21 more law enforcement oriented, and in contrary to the  
22 mission of our Department and the mission of the position  
23 of Generalist Ranger.

24 BY MR. ROSE:

25 Q. Has that been a predominant problem in your mind

1 with State Park Peace Officers?

2 A. Yes.

3 Q. That most of them are doing exactly what you just  
4 described?

5 A. Not most. There's a segment of them that are  
6 definitely want to be just law enforcement officers, who  
7 do not want to be responsible to their defined positions.

8 Q. And then also tell me if this is true. You  
9 believe it's false that Rangers must spend considerably  
10 more time dedicated to the law enforcement role?

11 A. Yeah, I think that's definitely false. Again,  
12 that's a choice they've made. It's not a requirement.

13 Q. Let me ask you to turn to Exhibit C of your  
14 Declaration. And let me see if we can get you there,  
15 because the page numbers are not sequential. But I'm  
16 looking in the appendices of this report, and  
17 specifically I'm looking at Appendix 7. Appendix 7 is a  
18 bar graph entitled Ratio of Crimes to Visitation, State  
19 Parks. Let me know when you're --

20 MR. MESSING: Can we have a moment to get there?

21 MR. ROSE: You bet. Let me know when you're there.

22 THE WITNESS: Okay.

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You'll still do  
24 a better job than me.

25 MR. ROSE: Yeah. If I approach, I can -- I can help

1 the witness.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes.

3 THE WITNESS: Right here.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I think you said  
5 bars?

6 MR. ROSE: Bar graph, Appendix --

7 THE WITNESS: That's not a bar graph.

8 MR. ROSE: Right after the line graph.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Oh, okay.

10 THE WITNESS: So back here?

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You know, maybe  
12 you do need to come over here, Mr. Rose.

13 THE WITNESS: I'm sorry.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Why don't we  
15 just let him --

16 THE WITNESS: Okay. We'll let you find it.

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Oh, well, that  
18 was fast.

19 MR. ROSE: No. Wait a minute. Page two. I don't  
20 know if she's got the same one, actually.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. All  
22 right.

23 THE WITNESS: Okay.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

25 MR. MESSING: Where does it say it's Exhibit 7, by

1 the way?

2 MR. ROSE: It's page seven of the Appendix. I'm  
3 sorry.

4 MR. MESSING: Oh, page seven.

5 MR. ROSE: Yes.

6 THE WITNESS: Page 12.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Page 12.

8 THE WITNESS: It's page 12.

9 MR. ROSE: Or page 12 of Roman --

10 MR. MESSING: No wonder I couldn't find it.

11 MR. ROSE: Roman numeral 12.

12 MR. MESSING: Okay.

13 MR. ROSE: I'm sorry.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: That was  
15 purposely done, Mr. Messing.

16 MR. MESSING: I know. Misdirection.

17 MR. ROSE: I have White-Out on my XXV.

18 BY MR. ROSE:

19 Q. All right. So are you with me now?

20 A. Yes. Uh-hmm.

21 Q. And you've seen this chart before today because  
22 you attached this report to your Declaration, right?

23 A. Yes, I have.

24 Q. And you're familiar with the chart, right?

25 A. Yes.

1 Q. And this chart shows, does it not, that over the  
2 period of 1998 through 2004 there was an increase in the  
3 ratio of crimes to visitation at State Parks in every  
4 year except 2000; is that true?

5 MR. MESSING: Object. The chart speaks for itself.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You know, as  
7 long as we get a follow-up question, I'm okay. But I'm  
8 not sure. You said every year but 2000?

9 THE WITNESS: He's saying down here it was --

10 BY MR. ROSE:

11 Q. Let me re-ask the question. Between 1999 and  
12 2004 this chart reveals to us that the ratio of crimes to  
13 visitation of State Parks increased every year except  
14 2000, correct?

15 A. In that period. But it does show it decreasing.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Hold on.  
17 I got to --

18 THE WITNESS: Okay. Sorry.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: -- limit you  
20 there. All right. Now the next question.

21 BY MR. ROSE:

22 Q. Now, in 2005 and 2006 we show what I would  
23 consider to be slight decreases. Do you agree with me?

24 MR. MESSING: Object. Why characterize it if you --

25 MR. ROSE: I can ask her if she agrees with my

1 characterization or not.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Go  
3 ahead.

4 THE WITNESS: Yeah, I guess so. Appears that way.  
5 BY MR. ROSE:

6 Q. All right. And there's a trend line showing an  
7 increase in the ratio of crimes to visitation at State  
8 Parks, right, over this period?

9 A. Well, you'd want to know what the crimes were.

10 Q. I'm not asking you what the crimes were. I'm  
11 asking you whether or not there's a trend line showing an  
12 increase in the ratio of crimes to visitation at State  
13 Parks during this period.

14 A. I still think that if you don't have a definition  
15 of what the crime is, you can't make that assumption.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, let me  
17 just ask this question: Do you consider this to be a  
18 trend line?

19 THE WITNESS: Sure. Yes.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Next.

21 BY MR. ROSE:

22 Q. And that line is going upward, correct? In each  
23 succeeding year thereafter the line goes up?

24 A. Except from 2004 to 2006. It should be going  
25 down.

1 Q. And having reviewed this chart, do you still  
2 believe that it is false that the -- that considerably  
3 more time must be dedicated to law enforcement role, the  
4 law enforcement role by State Park Peace Officer Rangers?

5 A. I still agree.

6 Q. Would you consider the change of, I guess,  
7 viewpoint of the -- of your colleagues, or some of them,  
8 regarding their role as law enforcement officers to be  
9 different today than it was when you first started as a  
10 State Park Peace Officer Ranger?

11 A. I'm sorry. Repeat it one more time.

12 Q. You bet.

13 A. I'm sorry.

14 Q. Do you believe that the view of some of the State  
15 Park Peace Officer Rangers, that law enforcement is a  
16 greater focus than interpretive work, is that different  
17 than when you first started as a Ranger in 1995?

18 A. I can't -- I'm not going to generalize and say  
19 all Rangers or Lifeguards. There is some that believe  
20 that law enforcement takes a greater role than  
21 interpretation.

22 Q. Okay.

23 A. I can't say it's a majority. I would not say  
24 that.

25 Q. But that's different now, that view, than when

1 you came on in 1995 as a peace officer, correct?

2 A. No, I don't think the view has changed. I mean I  
3 went through a full POST academy, like they're doing now.  
4 There's been no difference in my training compared to  
5 what they're being trained now. We have -- following the  
6 POST, basic POST, we have a six- to eight-week period  
7 where we learn interpretation, first aid, resource  
8 management, and none of that's changed. So I don't see  
9 how you can say that it's greater now than it was then.

10 Q. Well, if you --

11 A. The training's the same.

12 Q. It is the same?

13 A. Yes.

14 Q. Okay. Well, let's take a look at Exhibit C of  
15 your Declaration. And I'll try to get the Roman numeral  
16 right this time. Actually, this is page 22 of the GRTF  
17 Final Report.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. So we're  
19 not --

20 THE WITNESS: Still Roman numeral. We're down here.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We're not in the  
22 Appendix, though.

23 THE WITNESS: We're not. Okay.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We're in the  
25 report.

1 THE WITNESS: Twenty-two. Okay. I'm sorry.

2 MR. ROSE: GRTF Final Report, page 22 --

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

4 MR. ROSE: -- of Exhibit C. And I'm looking at  
5 section two, chapter eight, training general finding.

6 THE WITNESS: Yes.

7 BY MR. ROSE:

8 Q. Are you with me?

9 A. Uh-huh.

10 Q. Now, then, if you could please look at the first  
11 paragraph, second sentence, it says, and I'll read it  
12 aloud, "In 1985 Ranger and Lifeguard Cadets spent just  
13 under 200 hours on park training and 400 hours on POST  
14 training." Then the next sentence reads, "In 2007 Ranger  
15 and Lifeguard Cadets still spend under 200 hours on park  
16 training and almost 900 hours on POST training. The  
17 emphasis on law enforcement training versus other  
18 Department training has significantly changed during that  
19 period." Do you see that?

20 A. Uh-hmm.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: That's a yes, I  
22 take it?

23 THE WITNESS: Yes. But it hasn't changed since I  
24 went through the academy in '94.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Next

1 question.

2 BY MR. ROSE:

3 Q. The next paragraph I want to read -- direct your  
4 attention to, it says, "In addition, POST-required  
5 training after the academy has proportionally increased,  
6 while other core area training requirements have not,  
7 leaving less time devoted to the type of training that  
8 assists in developing the knowledge base that leads to a  
9 proficient Generalist Ranger or Lifeguard." Do you see  
10 that?

11 A. Yes.

12 Q. Do you believe that is a true statement?

13 MR. MESSING: I'm going to object. Lack of  
14 foundation. There's no reason to think that this witness  
15 knows what the status was in 1985.

16 MR. ROSE: The witness attached this document to her  
17 sworn Declaration in this case.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, then you  
19 wouldn't be objecting to it being admitted. But now  
20 you're examining her, and that's a different issue.

21 So --

22 MR. ROSE: She testified that she doesn't see how I  
23 can -- well, do you agree that there's -- this lacks  
24 foundation; I need to establish more foundation? That  
25 was the objection.

1 MR. MESSING: How are you going to --

2 MR. ROSE: It lacks foundation.

3 MR. MESSING: How are you going to establish  
4 foundation?

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: The foundation  
6 is whether she would know the status in that period of  
7 time, that on the early -- on the early side when she --

8 MR. ROSE: Well --

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: -- when she  
10 wasn't employed at least certainly as a peace officer  
11 during that time.

12 BY MR. ROSE:

13 Q. Let me -- let me ask you this: In 1994 is it  
14 your testimony that you had almost 900 hours of POST  
15 training in the academy?

16 A. Whatever --

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: If you don't  
18 know --

19 THE WITNESS: I don't know the exact amount, no.

20 BY MR. ROSE:

21 Q. Well, how long was the POST academy when you  
22 attended in 1994?

23 A. About -- it was still about five and a half  
24 months. Whatever that is in time. I don't know.

25 Q. How many months?

1 A. Five and a half.

2 Q. Okay. And how many days a week did you attend  
3 the academy?

4 A. Depending on the training period, five to six.

5 Q. And that was in Pacific Grove?

6 A. Yes, it was. In Lott Training Center.

7 Q. Okay. Did you stay overnight there?

8 A. No.

9 Q. And sometimes you were there on weekends?

10 A. I would attend training on weekends, yes.

11 Q. And how much time of that -- how many days a week  
12 during that five-and-a-half-month period were dedicated  
13 to park training?

14 A. That was just basic POST.

15 Q. So the five and a half months was just basic  
16 POST? Did you do any other --

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You nodded your  
18 head. Is that a yes?

19 THE WITNESS: Yes. Yes.

20 BY MR. ROSE:

21 Q. All right. Did you do any other -- so you spent  
22 five to six days a week --

23 A. Uh-hmm.

24 Q. -- for five and a half months learning law  
25 enforcement duties in 1994?

1           A. We learned law enforcement duties, but we also  
2 learned how it related to the mission of our Department  
3 and our responsibilities as Park Rangers. It wasn't that  
4 we were -- they were setting us loose to be cops. We had  
5 a mission to fulfill, and that was very clear through the  
6 whole POST training.

7           Q. But you -- there wasn't any park training during  
8 that period; is that correct?

9           A. I consider mission and philosophy of your  
10 department and -- yeah, that's part of your training.

11          Q. Okay. I didn't -- I must have misunderstood your  
12 earlier answer to my question about what percentage of  
13 time did you spend during that five and a half months  
14 doing park training. And your answer was that was just  
15 basic POST.

16          A. Uh-hmm.

17          Q. Is your answer different?

18          MR. MESSING: I'm going to object to that  
19 editorializing. If there's a question, he should ask it.

20          ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yeah. I don't  
21 necessarily feel the answers are mutually exclusive of  
22 the other. And in the way it's being posed, it makes it  
23 seem like they are.

24          BY MR. ROSE:

25          Q. Did you have an additional module for park

1 training outside of the five and a half months at the  
2 mock training center in 1994?

3 A. The way I explained that, that we had a six- to  
4 eight-week block at the end, and I don't remember the  
5 exact time. But going into the Department, I mean the  
6 very day of the academy --

7 MR. ROSE: Objection. Move to strike.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Just the last  
9 sentence, I agree. Sustained. Next question.

10 MR. MESSING: Well, the question had to do with  
11 training modules outside of the basic POST. And it  
12 sounds like she was about to talk about another example  
13 of that.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well let me --  
15 let me ask this witness. So was there a module outside  
16 of POST?

17 THE WITNESS: I don't -- I'm not sure I'm clear on  
18 what you mean by module.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Let  
20 me just -- was there --

21 THE WITNESS: The POST --

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Whether a class,  
23 or whatever you want to call it, a subject matter of  
24 training other than your required POST training you mean?

25 THE WITNESS: Yes.

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. The  
2 answer is yes.

3 THE WITNESS: And I thought I answered that.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, we'll find  
5 out. We'll get another question.

6 BY MR. ROSE:

7 Q. So -- and that was the six to eight weeks at the  
8 conclusion of the five-and-a-half-month POST academy; is  
9 that right?

10 A. Except for the very first day we got an  
11 introduction to State Parks, why we were there, who we  
12 are, what we represented. And then again, throughout the  
13 POST training, we were reminded that we were Generalist  
14 Rangers, and what our responsibilities were. You know,  
15 we had to keep that in mind throughout the academy.

16 Q. Okay. So during the five-and-a-half-month  
17 period, that six- to eight-week period is inclusive of  
18 that or exclusive of that?

19 A. Exclusive.

20 Q. All right.

21 A. It was specific to Generalist functions,  
22 Generalist duties.

23 Q. And what -- give us some examples of Generalist  
24 duties as compared to law enforcement duties.

25 A. Interpretation, resource management, natural and

1 cultural resource management. We do outreach programs  
2 for schools. We're involved in community policing. We  
3 do a lot of children's programs. We're involved in  
4 junior lifeguard programs. We do special events at the  
5 parks. We do special events in the community. We write  
6 environmental reviews which are precursors to trying to  
7 get a Notice of Exemption from CEQA. We have to know our  
8 resources if we're protecting them. We have to know  
9 what's in our park units, sensitive endangered species.  
10 Part of the Generalist model is to gain compliance from  
11 the public, not necessarily to be --

12 MR. ROSE: Objection. Move to strike with the words  
13 "part of the general" --

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You know what?  
15 I'm not going to strike it. Go ahead and finish the  
16 sentence. Part of the --

17 THE WITNESS: Generalist role model is to gain  
18 compliance as opposed to issue citations and reprimands.  
19 Parks, part of our interpreted method is to educate the  
20 public on why you don't fish in a spawning area, or you  
21 don't pick up wood out of the park. You don't have --  
22 interpretation or an explanation goes a lot further than  
23 a citation. And our goal and part of our mission is to  
24 convey that to the public, to educate them to make a  
25 better user of our parks.

1           It affects the voting, how we get bonds. It's huge.  
2           And that's a big part of who we are. We're out there so  
3           people will come and enjoy our parks and not feel like  
4           they're going to a law enforcement unit where they can't  
5           enjoy. That's why we have campfire programs. We talk  
6           about large-mouth bass at fishing at Lake Perris. You  
7           know, it's to expand that whole park experience. And  
8           that's who we are as a Department.

9           ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Next  
10          question.

11         BY MR. ROSE:

12           Q. How many citations have you issued in the last  
13          year?

14           A. A dozen.

15           Q. Is that low, high, or about the same as your  
16          coworkers in your classification, if you know?

17           A. We don't compare what people write. We have no  
18          quotas. I don't know.

19           ADMINISTRATIVE LAW JUDGE CLOUGHESY: I mean do you  
20          know?

21           MR. ROSE: Let me ask again.

22           THE WITNESS: I don't know.

23           ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

24           THE WITNESS: I don't know.

25          /////

1 BY MR. ROSE:

2 Q. Okay. On page three of your Declaration you  
3 write that, and I'm looking at paragraph nine, one of  
4 your duties is to protect the State Park system and the  
5 State vehicular recreation area from -- and trail system  
6 from damage.

7 A. Yes.

8 Q. How is the -- how is that system damaged? What  
9 methods are used to damage the system?

10 A. Sometimes it's seasonal damage. If our trails  
11 are muddy from constant rain, horseback riders can create  
12 damage, off-road vehicles can create damage, mountain  
13 bikers can create damage. Some people aren't aware that  
14 they need to stay on the trails, so they cut their own  
15 trails.

16 Q. Any other things that you can think of that cause  
17 damage to the system?

18 A. To the trail system, or any system?

19 Q. Or the vehicular recreation area.

20 A. Yes, we have -- a lot of our -- like our beach  
21 parks where we have off-road vehicles allowed, we have  
22 sensitive dune areas, and we have to monitor those. Or  
23 sometimes we have sensitive species living in those  
24 dunes. We definitely don't want them destroyed by off-  
25 road vehicles.

1 Q. So all of the things that you've listed, except  
2 for seasonal, are manmade causes of damage, true?

3 A. I guess for the most part, yeah.

4 Q. Okay.

5 A. Involving a vehicle or whatever, yeah.

6 Q. And it's a violation of Public Resources Code for  
7 human beings to cause damage to those systems, true?

8 A. Yes, it is.

9 Q. And so in doing that work, protecting the State  
10 Park system from manmade damage, you're enforcing the  
11 law, right?

12 A. Enforcing in what way? Through interpretation or  
13 through a citation?

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, just --  
15 you can just answer the question. I mean --

16 THE WITNESS: Okay. Yes.

17 BY MR. ROSE:

18 Q. All right. Now, with respect to seasonal damage,  
19 how does seasonal damage occur?

20 A. We could have an excessive amount of rain that  
21 could wipe out our trail systems. It could -- we have  
22 mudslides. We have fire. Big Sur burned up last year.

23 Q. Was that Big Sur fire a manmade fire or natural  
24 fire? Do you know?

25 A. There were multiple fires involved in that, and

1 some were natural and some were manmade.

2 Q. And so how do you -- what specific tasks do you  
3 perform as a State Park Ranger Peace Officer to prevent  
4 mudslides?

5 A. Well, I should be aware of my park to the extent  
6 that I would recognize when something was unstable and be  
7 able to report it. And then we have Maintenance staff  
8 and we have Specialists, Resource Specialists,  
9 Ecologists, that would come and substantiate whether I  
10 was right or wrong. And it just happens, you know. No  
11 one predicts a mudslide 100 percent.

12 Q. But the specific task that you would do is  
13 identify it and report it to someone else, correct?

14 A. Yes, for the most part. I may be involved in the  
15 project. We are responsible for resource management.

16 Q. Okay. How would you be involved in that project?

17 A. I've been involved in a lot of resource projects,  
18 from trail building to building burling owl mounds. I  
19 mean it's just part of our duty.

20 Q. And you're physically hands on building a wall to  
21 prevent a mudslide?

22 A. Yeah, I could be.

23 Q. Have you done that?

24 A. I've built walls, but not for the purpose of a  
25 mudslide. To retain a trail.

1 Q. How many times have you done that?

2 A. Three, I guess.

3 Q. Thirty?

4 A. Three.

5 Q. Oh, three. Is that expected of you, or is that  
6 an optional duty that you could do if you are comfortable  
7 with?

8 A. Resource protection is expected of me.

9 Q. And then you write at the same paragraph one of  
10 your job duties is to preserve the peace of the park.

11 A. Uh-hmm.

12 Q. By preserve the peace you're talking about human  
13 beings breaching the peace, correct?

14 A. Yes.

15 Q. And you're talking about interacting with those  
16 human beings to cause them to stop breaching the peace,  
17 right?

18 A. To stop what? I'm sorry. What was that last  
19 part?

20 Q. Cause them to stop breaching the peace.

21 A. Breaching? Yes.

22 Q. And so in doing that, you're also enforcing the  
23 law?

24 A. Yes.

25 Q. Now, I noticed that -- maybe -- tell me if I'm

1 wrong. The State Parks Peace Officers Association of  
2 California affiliate consists solely of sworn employees;  
3 is that right?

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Do you know?

5 THE WITNESS: I don't know that.

6 BY MR. ROSE:

7 Q. Well, do you know whether seasonal Lifeguards are  
8 in your affiliate organization?

9 A. No, I don't.

10 Q. Do you know whether --

11 A. I know they're Unit 7, but I don't know the  
12 affiliation.

13 Q. Have you ever been to a State Parks Peace  
14 Officers Association of California meeting?

15 A. No.

16 Q. Do you know whether or not Dispatchers are in the  
17 State Parks Peace Officers Association of California?

18 A. No.

19 Q. Looking at paragraph 13 on page 4 of your  
20 Declaration, you describe some more of your job duties.  
21 For example, you say that you do investigations. Do you  
22 see that?

23 A. Yes. Uh-hmm.

24 Q. Do you seize --

25 MR. MESSING: What paragraph are you referring to?

1 MR. ROSE: Paragraph 13 on page 4.

2 MR. MESSING: Fourteen.

3 MR. ROSE: Page -- excuse me. Thirteen, page four.

4 MR. MESSING: Oh, okay.

5 BY MR. ROSE:

6 Q. It says you -- I'm looking at line 19. You do  
7 investigations, and your answer was yes, right?

8 A. Uh-hmm.

9 Q. Do seasonal Lifeguards do investigations?

10 A. Yes.

11 Q. What kind of investigations have you observed  
12 seasonal Lifeguards to do?

13 A. Could be medical. It could be related to a  
14 boating accident.

15 Q. And what would the seasonal Lifeguard do to  
16 investigate a boating accident?

17 A. They could be a witness. Peace officers use them  
18 for their knowledge of the water, especially Park  
19 Rangers, and boating. Definitely their medical skills  
20 are better.

21 Q. Okay. But in paragraph 13, and maybe I'm not  
22 making myself clear, you're speaking to the job that you  
23 perform not as a traditional patrol police officer, like  
24 a sheriff's deputy or local law enforcement correct?

25 A. Right. Uh-hmm.

1 Q. Aren't you describing in paragraph 13 your peace  
2 officer duties as a State Park Peace Officer Ranger?

3 A. Yes. Uh-hmm.

4 Q. And so when I -- when you refer to investigations  
5 in paragraph 13, and I ask you whether seasonal  
6 Lifeguards conduct the kind of investigations you're  
7 describing in this paragraph, are you -- are you -- is it  
8 your testimony that they're the same or similar?

9 MR. MESSING: Object. Mischaracterizes the witness'  
10 testimony.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I don't believe  
12 he's characterizing the witness' testimony. But are  
13 you -- is it your testimony, or would you say that  
14 seasonal Lifeguards perform the same type of  
15 investigations set forth in paragraph 13?

16 THE WITNESS: Not in their entirety, no. But I also  
17 made it clear that we don't -- we don't have trained  
18 Investigators. When I refer to investigation, it's  
19 follow-up. It could be getting witness statements. And  
20 yes, they would do that.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

22 BY MR. ROSE:

23 Q. Okay. I suppose then you'll say seasonal  
24 Lifeguards conduct undercover activities?

25 A. I don't know that they have or haven't.

1 Q. And you'll say that they also write search  
2 warrants?

3 A. No, they don't write search warrants.

4 Q. Do they execute search warrants?

5 A. No.

6 Q. Do they do evidence analysis, seasonal  
7 Lifeguards?

8 A. No.

9 Q. Do they do forensic analysis?

10 A. No.

11 Q. Do Dispatchers do any of the things listed in  
12 paragraph 13 other than referring enforcement calls to  
13 you?

14 A. They may be involved in an undercover activity  
15 from a dispatch point of view.

16 Q. How -- let me stop you right there. How would  
17 they be under -- how would a Dispatcher be involved in an  
18 undercover activity other than communicating with you by  
19 radio?

20 A. Okay. That's what they would be doing.

21 Q. Okay. Continue.

22 A. They will gather information for us for  
23 investigation. And that's probably it.

24 Q. Do seasonal Lifeguards work with Criminalists, to  
25 your knowledge?

1 A. No.

2 Q. Do Dispatchers work with Criminalists, to your  
3 knowledge?

4 A. I don't know.

5 Q. Looking at page five now of your Declaration,  
6 paragraph 15, describes a number of departments with  
7 which you testified that State Park Peace Officers may  
8 work side by side with. Do you see that?

9 A. Yes, I do. Uh-hmm.

10 Q. Have you ever worked side by side with anyone  
11 from the Department of Fish and Game?

12 A. Yes, I have.

13 Q. How often have you done that in your career?

14 A. Well, I work at a lake, so quite a bit.

15 Q. Have you --

16 A. I've also done ride-alongs with them.

17 Q. Who have you done ride-alongs with?

18 A. Fish and Game Wardens.

19 Q. And when you work at the lake, you also interact  
20 with Fish and Game Wardens?

21 A. Yes. And Resource -- their Resource staff.

22 Q. Department of Motor Vehicles, have you ever  
23 interacted with anybody there in the course of your job  
24 duties?

25 A. Yes.

1 Q. Who have you interacted with there?

2 A. We've had training on, oh, gosh, the new driver's  
3 licenses, how you can tell when something's a valid  
4 document versus an invalid document.

5 Q. How often have you attended that training?

6 A. It comes up about every -- maybe once every four  
7 years, something like that. So --

8 Q. And how often have you attended that training?

9 A. Probably three or four in my career.

10 Q. You've dealt with people personally at fairs and  
11 expositions?

12 A. Yes. We have a Lake Perris Fairground adjacent  
13 to the park.

14 Q. And you deal with peace officers there?

15 A. No. More like security. They have sworn  
16 officers we deal with but most of them are employed by  
17 contract, some security contract.

18 Q. Okay. But do you deal with any employees in  
19 Bargaining Unit 7 at fairs and expositions?

20 A. I don't know what bargaining unit they're in, but  
21 the lead person in fairs and expositions is the  
22 equivalent position to the District Superintendent in  
23 State Park.

24 Q. All right. But your Declaration says here that  
25 you -- you're testifying from your own personal knowledge

1 that, "State Park Peace Officers may work side by side  
2 with both sworn and non-sworn personnel in all bureaus  
3 within Bargaining Unit 7." And then you describe --

4 A. Uh-hmm.

5 Q. -- common ones, one of them being fairs and  
6 expositions.

7 A. Right.

8 Q. So -- but you're -- you don't know one way or the  
9 other whether you had --

10 A. I know that the person in charge of fairs and  
11 expositions would not be, but his officers under him  
12 would be.

13 Q. And those are peace officers?

14 A. Yes.

15 Q. All right. Thank you. Department of Forestry,  
16 have you had interaction with peace officers there?

17 A. Yes.

18 Q. How often has that happened?

19 A. They bring in con crews all the time to do  
20 projects at the park, and they have an officer with every  
21 crew.

22 Q. All right. And the convicts are obviously not a  
23 part of Bargaining Unit 7?

24 A. No.

25 Q. We hope. Any non-sworn employees that you have

1 worked with in the Department of Forestry?

2 A. Yes. But I don't know the bargaining unit that  
3 they're in.

4 Q. All right. Same question with respect to OES.  
5 Who have you worked with in OES?

6 A. I've worked quite a bit -- actually, I've done  
7 additional training with OES as part of my master's  
8 program, and I'm also a volunteer for a search and rescue  
9 team, so I've taken a lot of OES training.

10 Q. Is the master's program a required responsibility  
11 of your job as a State Park Peace Officer?

12 A. No.

13 Q. Is the volunteer work that you do with the search  
14 and rescue team a required responsibility?

15 A. No.

16 Q. So in the course of your job as a State Park  
17 Peace Officer, is it fair to say you don't have much  
18 dealings, if at all, with Office of Emergency Services?

19 A. No. When we have a search, they're called. They  
20 will appear. During the fires they were there. No.  
21 We're involved with them.

22 Q. How many times has that happened in your career  
23 that you've direct involvement with anyone from the  
24 Office of Emergency Services in the course of your job?

25 A. I've been on, let's see, two major fires and

1 probably one incident in a State Park.

2 Q. And the incident in the State Park, were you  
3 dealing with a member of Bargaining Unit 7, do you know?

4 A. I believe the officers are.

5 Q. I'm asking about your -- maybe I didn't make  
6 myself clear.

7 A. Yes, I've worked with them. But --

8 Q. But with respect to the -- I'm sorry. I didn't  
9 mean to interrupt.

10 A. No. That's okay.

11 Q. With respect to the one incident you describe in  
12 the State Park --

13 A. Uh-hmm.

14 Q. -- your interaction with someone in OES, was it a  
15 person in Bargaining Unit 7?

16 A. I believe they were, yes.

17 Q. Was it a peace officer?

18 A. Yes.

19 Q. And when dealing with the two major fires --

20 A. Uh-hmm.

21 Q. -- you said you had interaction with OES then?

22 A. In the IC, Incident Command Center.

23 Q. Okay. Do you know whether the people in the IC  
24 you dealt with from OES were in Bargaining Unit 7 or  
25 other bargaining units?

1 A. My understanding would be Bargaining Unit 7.

2 Q. And they were peace officers?

3 A. Yes.

4 Q. And going to the Department of Justice, we talked  
5 about -- and we talked a little bit about the Civil  
6 Conservation Corps, so I'll skip those.

7 A. Did we talk about Civil Conservation Corps?

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, he --

9 MR. ROSE: Well --

10 THE WITNESS: Okay.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: He said he's  
12 going to skip it. Just let him.

13 THE WITNESS: Let him. Okay. Okay. I just didn't  
14 want to agree with him that we've done it.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You're begging  
16 for trouble.

17 THE WITNESS: Okay.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

19 THE WITNESS: Thank you.

20 BY MR. ROSE:

21 Q. You state -- you state at paragraph 21 on page 6  
22 of your Declaration, "The Department of Parks and  
23 Recreation intended in overlapping responsibilities in  
24 its employees, which includes Bargaining Unit 7 employees  
25 represented by CSLEA." Do you see that?

1 A. Yes.

2 Q. That's the first sentence and then it goes on.  
3 What did you mean when you wrote, "The Department of  
4 Parks and Recreation attended in overlapping of  
5 responsibilities in its employees"?

6 A. I think that's true to the -- again, going back  
7 to the mission of our Department, that we are  
8 Generalists, and we will overlap with seasonal  
9 Lifeguards. We will overlap with Maintenance. We will  
10 overlap with Resources. All these functions help us do  
11 our job, and we help them do theirs. There's no specific  
12 class that excludes us from a position within the State  
13 Parks.

14 Q. And who did you speak with at the Department of  
15 Parks and Recreation's management structure that informed  
16 you that that -- that there's an intention for the  
17 employees of that Department to have overlapping  
18 responsibilities?

19 A. I mean that's been no secret since we entered the  
20 Department. I mean it's been clear in all of our  
21 training, Parks training, mission statements, our  
22 objectives that we are the park family they refer to.  
23 Constantly refer to the park family, you know, not  
24 excluding one group over another.

25 Q. All right. Let's go to some of your testimony

1 that was not in your Declaration. You testified about a  
2 25 percent -- oh, by the way, do you -- would you like a  
3 break or some water?

4 A. Sure, I'll take a quick break.

5 Q. Okay.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

7 THE WITNESS: Okay.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Let's go off the  
9 record.

10 (Off the record.)

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

12 We're back on the record. And we'll see whether that  
13 comes true. All right.

14 BY MR. ROSE:

15 Q. All right. We're back. All right. Let's talk  
16 about your testimony not in the Declaration. You told us  
17 about your situation where you were satisfied with  
18 CSLEA's representation concerning a complaint by a fellow  
19 employee. Remember that?

20 A. Yes.

21 Q. Without telling me the name of the employee, what  
22 was the job title of the employee?

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You're talking  
24 about his classification or --

25 THE WITNESS: It was Maintenance.

1 MR. ROSE: Classification.

2 THE WITNESS: In the Maintenance classification.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

4 BY MR. ROSE:

5 Q. Okay. And you said that this involved a citizen  
6 contact; is that correct?

7 A. Yes.

8 Q. And what was it about -- without naming the  
9 citizen, what was the nature of the contact?

10 A. It became a domestic contact. It was a  
11 Maintenance person who got involved with a court worker,  
12 and it just -- we got called because it was -- there was  
13 a dispute between the two.

14 Q. Oh, I see. So the Maintenance employee and the  
15 citizen were in a relationship together?

16 A. Yes.

17 Q. And you were called there as a law enforcement  
18 officer?

19 A. Yes, I was.

20 Q. And you wrote a law enforcement style report?

21 A. Yes.

22 Q. And you made a finding in that report?

23 A. Yes, I did.

24 Q. Was the finding in your report adverse to the  
25 Maintenance employee?

1           A. I -- it was an error in judgment on his part.  
2           There was no criminal finding.

3           Q. Okay. You said also that you had difficulty  
4           getting through your probation.

5           A. Yes.

6           Q. And was the reason you had difficulty getting  
7           through your probation related to your functions as a  
8           peace officer?

9           A. My philosophy as a Generalist Ranger.

10          Q. Okay. So your supervisor or your training  
11          officer and you did not have an agreement over your view  
12          of your duties as a Park Ranger Peace Officer versus the  
13          interpretive work that you do, correct?

14          A. Right. She was under the -- she believed that  
15          you couldn't do functions of a Generalist Ranger at Lake  
16          Perris.

17          Q. Would it be fair to say that you place a higher  
18          value on your work as an interpretive-type Generalist  
19          Ranger than you do as a Peace Officer Ranger?

20          A. No. I think I'm very balanced.

21          Q. Do you think that you could just as easily do the  
22          job that you do, or just as effectively do the job that  
23          you do without being a peace officer?

24          A. Not entirely. I mean there's definitely times  
25          when the authority gives you specific, you know, duties

1 that you have to perform that I couldn't do as an  
2 interpreter.

3 Q. Okay. Then would you say that in some situations  
4 being a peace officer makes you more effective as a State  
5 Park Ranger?

6 A. In certain situations it would. Not all  
7 situations.

8 Q. In some situations would it make you -- does it  
9 make you less effective, in your view, being a peace  
10 officer?

11 A. Does what make me less?

12 Q. Your status as a peace officer.

13 A. I'm sorry. Repeat the question.

14 Q. Well, you --

15 A. I lost you.

16 Q. I think you agreed with me in saying that  
17 sometimes it makes you more effective being a peace  
18 officer in doing your job duties, right?

19 A. Yes. The responsibility sometimes to exercise  
20 our law enforcement responsibilities.

21 Q. Okay. But does sometimes being a peace officer  
22 actually impair your ability to do -- be an effective  
23 Generalist Ranger, in your view?

24 A. In the public eye sometimes, yes.

25 Q. How about in your eye?

1           A. Well, I definitely put emphasis on the generalist  
2 concept. I mean we're not a law enforcement agency.

3           Q. That's not my question. My question is, does --  
4 is there -- are there circumstances where, in your view,  
5 being a peace officer inhibits your effectiveness in  
6 doing your job as a Generalist Ranger?

7           A. No.

8           Q. Okay. You testified about a total of a 25  
9 percent pay increase.

10          A. Uh-hmm.

11          Q. Do you consider -- did you consider your salary  
12 as a State Park Peace Officer Ranger to be adequate prior  
13 to that 25 percent increase?

14          A. I was doing fine on it. I mean I don't have --  
15 I'm not in my position for money. It's a philosophy of  
16 life. It's something I enjoy doing. There are benefits  
17 that exceed pay, and I'm content.

18          Q. You were content with the salary you were  
19 receiving before the 25 percent raise as being fair,  
20 true?

21          A. Yes.

22          Q. And now that you've received it, would you say  
23 you're overpaid?

24          A. No, not --

25          Q. Have you ever told anyone you think that State

1 Park Peace Officer Rangers are overpaid?

2 A. No.

3 Q. The Dispatchers, not the CHP Dispatchers but the  
4 other Dispatchers that you work with, are they in the  
5 same division as you?

6 A. Division in public safety?

7 Q. Well, is the Parks -- is your Department  
8 subdivided into divisions?

9 A. Regional divisions.

10 Q. Are they in the same -- are the Communications  
11 Dispatchers that you work with in the same regional  
12 division?

13 A. No. Dispatch -- all communications have their  
14 own divisions. They just happen to be -- the Dispatch  
15 center for Southern California just happens to be located  
16 within Lake Perris State Recreation Area. But they are  
17 actually a separate entity. They just happen to be  
18 physically there.

19 Q. Okay. And are there --

20 A. If that makes sense.

21 Q. I'm sorry. I didn't catch the last.

22 A. Oh, I just said if that makes sense. Their  
23 building's there. Their placement's there. But they're  
24 really a separate entity within our -- like a in holding.

25 Q. Understood. And are there State Park Peace

1 Officer Rangers in the same regional division as the  
2 Communications Dispatchers in the -- in your Department?

3 A. Yes.

4 Q. How many?

5 A. Well, they're all run -- it's -- dispatch center  
6 is run by a Superintendent who's a Ranger.

7 Q. The Superintendent's not in Bargaining Unit 7,  
8 correct?

9 A. Oh, you're right. I'm sorry. You're right. I  
10 apologize. You're right.

11 Q. Are there any State Park Peace Officers of  
12 Bargaining Unit 7 in the same regional division as  
13 Communications Dispatchers in your Department?

14 A. Basing it only on the only dispatch center I  
15 know, I guess I don't believe so.

16 Q. And do you report to a different supervisor than  
17 the Communications Dispatchers in your Department?

18 A. Yes.

19 Q. And does your supervisor report to a different  
20 supervisor than the supervisor of the Communications  
21 Dispatchers in your Department?

22 A. Yes.

23 MR. ROSE: Nothing further.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Ms. Truong?

25 MS. TRUONG: Nothing from us.

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing?

2 MR. MESSING: I think I have like one or two  
3 questions.

4 REDIRECT EXAMINATION

5 BY MR. MESSING:

6 Q. Would you turn to page five on your Declaration?  
7 Line five you were started to be asked a question about  
8 Civil Conservation Corps. Is that a correct reference  
9 there?

10 A. No. I'm sorry. It should say California  
11 Conservation Corps.

12 Q. Okay. And have you --

13 A. That was just a error. I didn't catch it.

14 Q. Okay. have you had occasion to work with  
15 Conservationists from the California Conservation Corps?

16 A. Yes. Most of the historic buildings in State  
17 Parks are all built by the California Conservation Corps.  
18 Matter of fact, we just celebrated their 75th anniversary  
19 with State Parks.

20 Q. Okay. Did you -- did you indicate in your  
21 testimony that you've responded to fires?

22 A. Yes. From the -- I'm not out fighting them, but  
23 we are responsible to respond to the incident command  
24 centers.

25 Q. Okay. And are Conservationists involved in

1 responding to fires?

2 A. In the aftermath of a fire they would be, but  
3 not -- they're not firefighters, so no. I would say no.

4 Q. Okay. But when you -- but the aftermath meaning?

5 A. Restoration of trails and buildings, historic  
6 preservation, that type of thing, yes, they would be  
7 involved.

8 Q. So, for example, restoration of trails, would  
9 that be something where you might have contact, direct  
10 contact with the Conservationists?

11 A. Yes.

12 MR. ROSE: Objection. Leading.

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Sustained.

14 BY MR. MESSING:

15 Q. Okay. Can you tell us --

16 MR. ROSE: Move to strike the answer.

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: So struck.

18 BY MR. MESSING:

19 Q. Can you tell us some examples of where you would  
20 have direct contact with Conservationists?

21 A. Yeah. Actually, I'm on the Statewide Trails Crew  
22 for Department of Parks and Recreation. I've gone  
23 through their whole training program. And so, yes, there  
24 would be interaction.

25 Q. Okay. What about if there are mudslides or

1 floods, would there -- is there any possible interaction  
2 there?

3 MR. ROSE: Objection. Leading.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You know, it  
5 doesn't suggest the answer. Go ahead.

6 THE WITNESS: You said -- I'm sorry. Mudslides?

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mudslides,  
8 floods.

9 THE WITNESS: Floods.

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: What  
11 interactions --

12 THE WITNESS: Okay.

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: -- if any?

14 THE WITNESS: Again, nothing during the actual -- you  
15 know, they would be part of the restoration after the  
16 fact of the incident, not during.

17 MR. MESSING: Okay. Nothing further.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Rose?

19 MR. ROSE: Nothing.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thank you very  
21 much. Nothing on the part of the Employer?

22 MS. TRUONG: We're fine. No.

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

24 That's all covered. And Exclusive S is admitted.

25 (Exclusive Representative's Exhibit S received

1 in evidence.)

2 (Off the record.)

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

4 We're back on the record. As I said, Exclusive Rep S is  
5 admitted.

6 I want to give you an admonishment not to discuss  
7 your testimony with any other witnesses. You're free to  
8 discuss your testimony with anyone at the counsel table  
9 here. Do you understand the admonition?

10 THE WITNESS: Yes, I do.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And any  
12 questions you have with regards to it?

13 THE WITNESS: No.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

15 Thank you very much.

16 THE WITNESS: Thank you.

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Off the record.

18 (Off the record.)

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

20 We're back on the record. We have another witness called  
21 by the Exclusive Representative. I'm going to ask this  
22 witness to raise your right hand.

23 (Witness sworn by the Judge.)

24 THE WITNESS: Yes, I do.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Please state

CERTIFICATION AND  
DECLARATION OF TRANSCRIBER

1  
2  
3  
4 I, Leisa M. Miller, a duly designated transcriber of  
5 Vine, McKinnon & Hall, do hereby declare and certify  
6 under penalty of perjury that I have transcribed from a  
7 CD recording the proceedings in the matter of STATE OF  
8 CALIFORNIA, Employer, and PEACE OFFICERS OF CALIFORNIA,  
9 Petitioner, and CALIFORNIA STATEWIDE LAW ENFORCEMENT  
10 ASSOCIATION, Exclusive Representative, Unfair Practice  
11 Charge No. SA-SV-171-S, which recording was duly recorded  
12 at Sacramento, California on March 11, 2009, and that the  
13 foregoing pages 1 through 294 constitute a true, complete  
14 and accurate transcription of the aforementioned  
15 recording to the best of my ability.

16 Dated this 27th day of March, 2009, at Dixon,  
17 California.

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19  
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21 Leisa M. Miller, Transcriber  
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