

March 12, 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 12, 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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Administrative Law Judge

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1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Ms. Truong?

2 MS. TRUONG: Nothing.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thank you very  
4 much, sir. With that, I'll take this. You've got that.  
5 U is -- Exclusive Rep U is admitted.

6 (Exclusive Representative's Exhibit U received  
7 in evidence.)

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And we'll take a  
9 break. Off the record. Oh, wait a minute, Mr. Vitko,  
10 I've got to admonish you. I actually remembered that on  
11 my own. All right, sir. I'm going to ask you, just like  
12 I admonished you yesterday, not to discuss your testimony  
13 with any of the witnesses involved. Do you understand  
14 the admonishment?

15 THE WITNESS: I do, sir.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.  
17 Thank you very much.

18 THE WITNESS: Thank you.

19 (Off the record.)

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

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

24 (Witness sworn by the Judge.)

25 THE WITNESS: Yes, I do.

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Please spell  
2 your name for the record, including your first name.

3 THE WITNESS: Karlyne Amaral. K-A-R-L-Y-N-E. Last  
4 name Amaral, A-M-A-R-A-L.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thank you. And  
6 I'm going to be marking as Exclusive Representative V  
7 what appears to be a Declaration of this witness.

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

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And I have a  
11 couple preliminary questions for you. Did you ever  
12 receive copies of any of the transcripts in these  
13 proceedings?

14 THE WITNESS: Yes, I did.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. And did  
16 you read any of those transcripts?

17 THE WITNESS: No, not really.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, we're  
19 not -- you don't get a demerit for not reading it. It's  
20 actually a plus. But anyway, regardless of that, so you  
21 didn't read any of those transcripts?

22 THE WITNESS: I may have glanced maybe the first  
23 page, but --

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Well --

25 THE WITNESS: -- it was not -- it was not very much

1 in interest to me, so I didn't go really into it.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. You were  
3 just -- what do you remember that first page being about?  
4 Just if you can remember.

5 THE WITNESS: It was an e-mail that I believe it said  
6 something about testimony, or something about a person.  
7 And I'm sorry, I cannot remember the names of the people.  
8 And it started talking about what they -- what they said  
9 in the hearing.

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Let me back up  
11 just for a second.

12 THE WITNESS: Okay.

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I mean you  
14 understand that a transcript is like this monster right  
15 here, where you've got like a court reporter, testimony.  
16 And I don't want you to read it. That's what I'm trying  
17 to stay away from. But regardless of that, I mean did  
18 you receive anything of that sort of nature?

19 THE WITNESS: It was an e-mail and it was like an  
20 excerpt taken.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. All  
22 right. I think we know what that is. And then let me  
23 ask you this question. Do you know an individual by the  
24 name of James Cline?

25 THE WITNESS: No. I'm better at faces than I am at

1 names, so I might recognize the face.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Good enough.

3 I'm going to hand you Exclusive Representative V. And if  
4 you can just take a quick look at that and tell me what  
5 it is.

6 THE WITNESS: This is a Declaration that I prepared  
7 in regards to today.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Very good. And  
9 if you could turn to your signature page? And is that  
10 your signature?

11 THE WITNESS: Sure is.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And  
13 did you sign it on or about the date and times -- I'm  
14 sorry, date and time and the location set forth?

15 THE WITNESS: Yes, I did.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And  
17 are the contents of that Declaration true and correct to  
18 the best of your knowledge?

19 THE WITNESS: There is a change here. On the first  
20 page, Bureau of Investigations, our office or  
21 Investigations is no longer a Bureau. We're a Branch.  
22 Investigations Branch.

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. So that's  
24 actually a good thing for you guys probably as far as  
25 investigator. So why don't you go ahead and make that

1 substitution and initial and date it. It's still  
2 referred to as BOI; is that right?

3 THE WITNESS: No. Now we're called IB.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Oh, all right.

5 THE WITNESS: Sounds like Motrin or something.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I had a case  
7 when it was BOI.

8 THE WITNESS: Yes.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: But anyway,  
10 regardless of that. And, yeah, if you can initial it and  
11 date it. All right. And any other corrections?

12 THE WITNESS: No. I believe that's it.

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing,  
14 pass the witness to you.

15 MR. MESSING: Just a couple of things.

16 TESTIMONY OF

17 KARLYNE AMARAL,

18 Having been duly and regularly sworn, testified as  
19 follows:

20 DIRECT EXAMINATION

21 BY MR. MESSING:

22 Q. First of all, you've been on the Board of  
23 Directors of CAFI for -- well, first of all, CAFI is an  
24 affiliate of CSLEA?

25 A. Yes, it is.

1 Q. Okay. And you've been on the Board of Directors  
2 since 1991; is that right?

3 A. Yes.

4 Q. Okay. And you've served several terms as  
5 President of CAFI?

6 A. Two terms. I'm currently in my second term.

7 Q. Okay. So how far into your second term are you?  
8 When did it start?

9 A. Approximately the end of February 2008.

10 Q. Okay. And CAFI represents what kind of  
11 employees? Who are the members?

12 A. We're a combination of a number of CSLEA members.  
13 We have approximately 13 departments that are grouped  
14 together under our umbrella ranging anywhere from  
15 Employment Development Department, Department of Horse  
16 Racing Board, Department of Insurance, Food and  
17 Agriculture for some of the marketing enforcement people,  
18 Public Employees Retirement System, Department of  
19 Transportation. Like I said, a variety.

20 Q. The members, are they sworn or non-sworn?

21 A. A mixture.

22 Q. And in your capacity as a member of the Board of  
23 Directors and as President, if there were members who had  
24 complaints about their individual representation in  
25 grievances and discipline, is that the sort of thing that

1 would come to your attention?

2 A. Yes, it would.

3 Q. Okay. Have you -- are you aware of members of  
4 CAFI who have received representation in grievances and  
5 disciplines who have complained about the lack of  
6 responsiveness of CSLEA?

7 A. Yes, I have.

8 Q. Okay. Would you explain?

9 A. As I mentioned before, I've been on the Board of  
10 CAFI for almost 20 years. During that time, as being the  
11 representative for my Department, there was an out-of-  
12 class concern, or a grievant's working out-of-class  
13 concern for some of our Special Investigators who wanted  
14 to become Senior Special Investigators and doing the  
15 work. And there was concern that they were not having  
16 their grievance heard or having it acted upon. This was  
17 a number of years ago.

18 And then after that there was a switchover in our  
19 Union representation from one rep to Kasey Clark being  
20 our representative. And within a week of Kasey being our  
21 representative, that issue was resolved, and favorably  
22 for our members.

23 Q. Okay. Now, are you aware of other members who  
24 have been represented in Internal Affairs investigations,  
25 disciplinary matters or grievances?

1 A. Yes.

2 Q. Okay. And out of -- out of those, can you  
3 characterize the reactions of your members to the  
4 responsiveness of the -- of CSLEA and whether they were  
5 satisfied with their representation?

6 A. They were sat -- from the feedback that I've  
7 received is that they were satisfied with the  
8 representation.

9 Q. Now, are there situations that may arise where  
10 you might request assistance from CSLEA informally as  
11 opposed to formal representation of members?

12 A. Yes.

13 Q. Okay. And on those occasions, have you been  
14 involved yourself with such issues?

15 A. Yes.

16 Q. Okay. And who have you worked with at CSLEA on  
17 matters of that sort?

18 A. Mostly it would be Kasey Clark.

19 Q. Okay. And have you been -- how would you  
20 characterize your success at dealing with such matters on  
21 an informal basis?

22 A. Excellent.

23 Q. Okay. Okay. Now, have you -- strike that.

24 Have you had occasion to receive feedback from your  
25 members, both sworn -- well, let's deal with the sworn

1 members. Have you had occasion to receive feedback from  
2 your sworn members o how CSLEA, formerly CAUSE, has done  
3 at bargaining on behalf of your members?

4 A. Yes, I have.

5 Q. Okay. Would you explain what kind of feedback  
6 you've received?

7 A. As a result of some of the bargaining, I don't  
8 know how to really characterize it, but it was almost  
9 like Christmastime. Some of the issues that we had in  
10 specifics to educational pay, longevity pay, an increase  
11 in salary, people were so happy and calling me up just  
12 within my Department alone and they were saying how happy  
13 they were at work that this came through for them. And  
14 we joked about look for the Union label, you know, that  
15 little song that came out. But I've received very  
16 positive responses from how are Union was able to  
17 negotiate such positive contracts for our members.

18 Q. Did your sworn membership receive the increase in  
19 retirement to three percent at fifty plan?

20 A. Yes.

21 Q. Okay. And was there any reaction to that from  
22 your membership?

23 A. Again, they were saying this is just like  
24 Christmas, you know. I don't want to say Santa Claus.  
25 But they were extremely pleased. And as it made a huge

1 difference for some of our members in retirement  
2 formulas. They were able to retire a little bit earlier  
3 and at a higher percentage. Quite pleased with it.

4 MR. MESSING: Okay. I'll pass the witness on to  
5 Mr. Rose.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Rose.

7 CROSS-EXAMINATION

8 BY MR. ROSE:

9 Q. Good afternoon, Ms. Amaral. My name is Joe Rose,  
10 and I'm the attorney representing Peace Officers of  
11 California. How are you today?

12 A. Just fine, sir.

13 Q. Good. Let me get back to the e-mail you received  
14 that you believe was perhaps a transcript or an excerpt  
15 of the proceedings.

16 A. Yes.

17 Q. When did you receive that e-mail?

18 A. It was either the end of January, the beginning  
19 of February.

20 Q. And do you recall the sender of the e-mail?

21 A. No, I don't.

22 Q. Do you recall whether it was another State  
23 employee, or was it someone not employed by the State?

24 A. I believe that it was someone from CSLEA. But  
25 I'd like to say that during this time I was just getting

1 back from bereavement leave, and my father had passed  
2 away, and so there were things that were of more pressing  
3 issue. That was not something that for me was a pressing  
4 issue because it didn't deal with one of our members that  
5 had a concern. So I had to focus my energies on what was  
6 important and, you know, delete, delete. I'm sorry. I  
7 can't really remember more than that.

8 Q. I'm sorry to hear about the passing of your  
9 father. The e-mail, was it sent just to you or to  
10 multiple members of recipients?

11 A. I believe that I was on a list.

12 Q. Do you recall how many others were on the list?

13 A. No.

14 Q. Do you recall any single name other than yourself  
15 on the list?

16 A. No. I think it was probably about an inch on the  
17 e-mail, you know, names that would go on an inch length.

18 Q. Can you give me an estimate based on your  
19 experience using your e-mail system how many names would  
20 be contained in an inch?

21 A. Probably 12, or at least 12.

22 Q. All right. Was there an attachment to the  
23 e-mail?

24 A. I think that was the attachment.

25 Q. Did you delete that e-mail?

1 A. Yes.

2 Q. All right. So you mentioned about how your  
3 members felt it was Christmastime after bargaining with  
4 the State. And so let me ask you, did you have anyone  
5 express anything to the contrary about CSLEA's  
6 representation other than the issue you described  
7 concerning the out-of-class pay for the Investigators?

8 A. No. Even the supervisors were happy with the --  
9 with the bargaining contractor because it was like the  
10 trickle up theory. You know, what we would get, they  
11 would get. Everybody was happy in the office. And not  
12 just my office. Northern region, southern region, LA,  
13 they were all happy.

14 Q. So is it -- is it true, then, that of the 198  
15 members of CAFI, the affiliate which you're the  
16 President, that nobody, other than the one issue you  
17 described, has ever expressed any criticism of CSLEA  
18 about their efforts on your behalf?

19 A. There was some time that -- now, I was the  
20 Director or the President. Now I'm currently the  
21 President. And I was a President in like '93 to -- oh,  
22 no, '95, '94, '96 around there. As a Board, people are  
23 always trying to improve the situations for the members.  
24 So there's always concerns what they'd like to see  
25 better. But on a whole, very, very pleased with the

1 contracts, very pleased with how they are represented,  
2 and very pleased with how they get the response back from  
3 CSLEA.

4 Q. Now, with -- other than the grievance that you  
5 described about the Investigators' pay, what other  
6 grievances has CSLEA prosecuted on behalf of members of  
7 the CAFI affiliate since Mr. Clark has come on board?

8 A. I can mostly speak for Department of Social  
9 Services as being the Grievant, because most of those  
10 cases are handled -- a majority of the cases that we have  
11 end up being handled very informally, where they send an  
12 e-mail or make a telephone call. And it doesn't even get  
13 to the grievant level. I don't believe that we have very  
14 many if they've been to -- to go through the grievant  
15 level. We've been very fortunate.

16 Q. So is there -- is it fair to say that other than  
17 the one formal grievance that -- or the one matter that  
18 was resolved by Kasey Clark within a week of him coming  
19 on board that you can't recall any formal grievances that  
20 have been filed by CSLEA on behalf of the members of  
21 CAFI?

22 A. Oh, I'm sure that there are some other grievants,  
23 but this is one that sticks out --

24 Q. But do you have --

25 A. -- for CAFI.

1 Q. -- a specific memory of any --

2 MR. MESSING: Well, hang on a second. She was in the  
3 middle of a sentence --

4 MR. ROSE: I'm sorry.

5 MR. MESSING: -- when you interrupted.

6 MR. ROSE: I didn't realize that.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yeah. Go ahead.

8 MR. ROSE: I didn't mean to interrupt you. Continue.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Anything  
10 further?

11 THE WITNESS: Now you got me discombobulated. This  
12 is -- this is one that really particularly sticks out.  
13 We did have an issue regarding reassignment for our  
14 Department, and we did meet with management, Labor  
15 Relations. But that did not result in a grievance level  
16 situation. I believe that there were some issues  
17 regarding for another agency dealing with time, overtime  
18 issues. Safety equipment is always, you know, out there  
19 because we want to protect our members.

20 BY MR. ROSE:

21 Q. Okay. Now, I note that your Exhibit A to your  
22 Declaration, the Senior Special Investigators Series  
23 Specification --

24 A. Yes.

25 Q. -- includes a Senior Special Investigator, class

1 code 8550, and then a non-peace officer version of that  
2 class, 8551. Do you see that?

3 A. Can you point me to the page?

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'll point it to  
5 you. One more page. And you see how there's a -- on the  
6 Specifications there's a non-peace officer?

7 THE WITNESS: Okay. Yes, sir.

8 BY MR. ROSE:

9 Q. Do you work with any Senior Special Investigators  
10 who are non-peace officers?

11 A. Not within my Department.

12 Q. Do you know of any Senior Special Investigators  
13 who are non-peace officers?

14 A. Yes.

15 Q. Who are they?

16 A. That would be most likely Department of Insurance  
17 would have those for our affiliate. EDD is sworn. Horse  
18 Racing is sworn. I believe Insurance would be the non-  
19 sworn for a Senior.

20 Q. And do you know how many of the Department of  
21 Insurance -- excuse me, how many there are of the non-  
22 sworn Department of Insurance Senior Special  
23 Investigators?

24 A. At this time, no. And also, that number is  
25 changing and it's being reduced. Because those

1 Investigators are now starting to merge into the -- when  
2 they take the specialized investigator basic course, the  
3 SIBC, or the regular basic course, they're being put into  
4 a sworn status. And so, with that, then they're starting  
5 to merge into a different affiliate of CSLEA, which is --  
6 I believe it's C-A-C-I, CACI.

7 Q. Are they phasing out the Senior Special  
8 Investigator non-peace officer, then?

9 A. From what I understand, they're looking at doing  
10 that and having them move into the sworn status.

11 Q. I see. Is there an expected timeline as to how  
12 soon that transition will occur, if you know?

13 A. As far as I know, no. And such -- this  
14 information was also discussed at our Law Enforcement  
15 Trainers Management Association, which I was a member of.

16 Q. How many -- you mentioned that the CAFI is a  
17 mixture of sworn and non-sworn. Could you estimate for  
18 me what percentage or fraction of the 198 members of CAFI  
19 are non-sworn?

20 A. I would hate to make a guesstimate on that.

21 Q. Would it be fair to say that -- well, are the  
22 Investigative Assistants in CAFI?

23 A. Yes.

24 Q. All right. Other than Special Investigators and  
25 Senior Special -- well, you said there were 13

1 departments that you represent in your affiliate,  
2 correct?

3 A. Approximately, yes.

4 Q. Would you say that your duties as a Senior  
5 Special Investigator are very similar to the duties --  
6 job duties of the Investigative Assistant at DSS?

7 A. Could you repeat that, please?

8 Q. Sure. Would you say that your job duties as a  
9 Senior Special Investigator at DSS are very similar to  
10 the job duties of DSS Investigative Assistants?

11 A. There are some similarities. But for the sworn  
12 Investigators, they're going to be more complex,  
13 especially if you're a Senior Special Investigator versus  
14 a Special Investigator versus an Investigative Assistant.

15 Q. Are the Investigative Assistants also in the --  
16 in IB?

17 A. Yes.

18 Q. Do you report to the same supervisor of different  
19 supervisor?

20 A. They would report to the same supervisor.

21 Q. Okay. Do the -- do the DSS Investigative  
22 Assistants report -- they report to the same supervisor  
23 as Special Investigators?

24 A. Yes, they would.

25 Q. All right. You mention in your Declaration on

1 page four that -- paragraph 10, that DSS Investigative  
2 Assistants, that that position is a stepping stone to  
3 sworn positions within Bargaining Unit 7.

4 A. Sworn positions within our Department.

5 Q. Okay. Within DSS?

6 A. DSS. Which is also Bargaining Unit 7.

7 Q. Now, are DSS Investigative Assistants required to  
8 pass a pre-employment psychological evaluation?

9 A. No, they're not.

10 Q. Are pre-employment Investigative Assistants  
11 required to -- disqualified from the job if they are --  
12 have been convicted of a felony?

13 MR. MESSING: Objection. I think you misstated. You  
14 said pre-employment --

15 MR. ROSE: What did I say?

16 MR. MESSING: -- at the beginning of your sentence.

17 MR. ROSE: I'll rephrase.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Scratch the pre-  
19 employment. I mean do you know whether they're  
20 disqualified from holding their position, the  
21 Investigative Assistants, if they have a felony  
22 disqualification?

23 THE WITNESS: Possibly.

24 BY MR. ROSE:

25 Q. How about are they required to engage in a pre-

1 employment peace officer medical examination?

2 A. No, they are not.

3 Q. Are the DSS Investigative Assistants required to  
4 complete PC 832?

5 A. No.

6 Q. Do all DSS Investigative Assistants eventually  
7 advance or promote into the Special Investigator series?

8 A. No.

9 Q. What percentage of DSS Investigative Assistants,  
10 in your experience, have actually elevated themselves to  
11 Special Investigator?

12 A. More than 50 percent.

13 Q. Is that considered a -- when the DSS  
14 Investigative Assistant applies for Special Investigator,  
15 is that considered a promotional opportunity or an open  
16 examination? Do you know?

17 A. They would be -- they would take a test.  
18 Depending upon what their salary range is and if they  
19 could lateral into that position. In some instances they  
20 were able to lateral. But I believe now, because of the  
21 pay difference, they have to test on that. And it  
22 depends on if they lateraled once, can they lateral  
23 again. They can't do two laterals. They would have to  
24 take a test.

25 Q. When they take that test, are they competing with

1 applicants who are not employees of the State?

2 A. Sometimes and sometimes not. It depends whether  
3 it's an open test, or whether it's a closed agency test.

4 MR. ROSE: Okay. Nothing further.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Ms. Truong?

6 MS. MAYHEW: One moment, please.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes. Go off the  
8 record.

9 (Off the record.)

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Back on the  
11 record.

12 CROSS-EXAMINATION

13 BY MS. TRUONG:

14 Q. Mr. Rose was asking you some questions about the  
15 Investigator Assistant. Are you aware of Investigator  
16 Assistants that are sworn peace officers?

17 A. Yes, I am.

18 Q. Are you aware of Investigator Assistants that are  
19 non-sworn peace officers?

20 A. Yes, I am.

21 MS. TRUONG: That's it.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing?

23 MR. MESSING: Just a clarification.

24 THE WITNESS: Okay.

25 /////

1 REDIRECT EXAMINATION

2 BY MR. MESSING:

3 Q. I think that the question -- the last question  
4 was whether you knew of non-sworn peace officers.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Knew of  
6 Investigative Assistants that were peace officers.

7 MR. MESSING: Who are non-sworn peace officers.

8 MS. TRUONG: I'm sorry. Yes.

9 MR. MESSING: So I --

10 MS. TRUONG: That was --

11 BY MR. MESSING:

12 Q. Just to clarify the record, and I think you  
13 agreed.

14 A. There are Investigative Assistants who are sworn  
15 within the State. There are Investigative Assistants who  
16 are non-sworn within the State. It depends upon which --  
17 if the agency wants to use them as sworn or non-sworn.

18 MS. TRUONG: May I -- may I continue my questioning,  
19 then?

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Please.

21 RECROSS-EXAMINATION

22 BY MS. TRUONG:

23 Q. So at DSS, do -- does the Department utilize  
24 Investigative Assistants that are sworn police -- sworn  
25 peace officers? Excuse me.

1           A. This Department, or Department of Social  
2 Services, has chosen at this time to have Investigative  
3 Assistants as non-sworn.

4           Q. But you're aware of other departments that have  
5 Investigative Assistants that utilize sworn peace  
6 officers in the position?

7           A. That's correct.

8           Q. And do you know what those departments are?

9           A. No, not specifically. And my information on this  
10 is because I'm also the liaison with the California  
11 Commission of Peace Officer Standards in Training. And  
12 there was an issue whether or not Investigative  
13 Assistants needed to be sworn. And according to POST,  
14 Peace Officer Standards in Training, it's up to the  
15 Department whether or not they want to utilize those  
16 positions as sworn or non-sworn.

17           MS. TRUONG: No further questions.

18           ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing?

19           MR. MESSING: No further questions.

20           ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Rose.

21   REXCROSS-EXAMINATION

22           BY MR. ROSE:

23           Q. How do the job duties of Investigative Assistants  
24 who are non-sworn differ from the job duties of  
25 Investigator Assistants who are sworn?

1           A. Well, some of the job duties also deal with the  
2 requirements for the job. Investigative Assistants are  
3 not sent to the 832 arrest and control class. They do --  
4 they are not required to go through the academy, regular  
5 or specialized academy. They're utilized as supportive  
6 for our Department. They may be -- and in doing so, they  
7 may conduct some interviews with witnesses. They may  
8 conduct some interviews with victims.

9           They would not be doing suspect interviews. They  
10 would be doing some preliminary casework, requesting and  
11 obtaining some documents, medical records, court records,  
12 start -- initiating the process on some of the  
13 investigations. We do have our Investigative Assistants  
14 running the telecommunications system, the CLETS machine,  
15 which we do have to have people fingerprint cleared to  
16 do. Again, this is an entry level phase, and it's up to  
17 the individual as to whether or not they want to pursue a  
18 career, a further career, in law enforcement.

19           MR. ROSE: Okay. Nothing further.

20           ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

21           Ms. Truong?

22           MS. TRUONG: Nothing further.

23           ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing?

24           MR. MESSING: Nothing further.

25           ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'll take that

1 from you right here. And I need to admonish you not to  
2 discuss your testimony with any witnesses, but you're  
3 free to discuss it with anyone at these three tables  
4 here.

5 THE WITNESS: Okay.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And do you  
7 understand the admonishment?

8 THE WITNESS: Yes, I do, sir.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And with that,  
10 Exclusive Rep V is admitted.

11 (Exclusive Representative's Exhibit V received  
12 in evidence.)

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We are off the  
14 record.

15 (Off the record.)

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.  
17 We're back on the record. We have the next witness  
18 called by the Exclusive Representative. Can I ask you to  
19 raise 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: Shelley Bishop. B-I-S-H-O-P.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And

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 12, 2009, and that the  
13 foregoing pages 1 through 218 constitute a true, complete  
14 and accurate transcription of the aforementioned  
15 recording to the best of my ability.

16 Dated this 29th day of March, 2009, at Dixon,  
17 California.

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