

March 24, 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 24, 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 (Off the record.)

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We're back on
3 the record. We have another witness called by the
4 Exclusive Representative. I'm going to ask you to raise
5 your right hand.

6 (Witness sworn by the Judge.)

7 THE WITNESS: Yes.

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

10 THE WITNESS: Okay. My name is Steven Michael
11 Bradley. B-R-A-D-L-E-Y.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
13 Marking as Exclusive Representative double C what appears
14 to be a Declaration of Steven Bradley.

15 (Exclusive Representative's Exhibit CC marked
16 for identification.)

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I have a couple
18 of preliminary questions for you, Mr. Bradley. The first
19 one is, have you read a transcript of any prior
20 proceedings in this matter?

21 THE WITNESS: No.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And
23 do you know an individual by the name of James Cline?

24 THE WITNESS: No.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Handing to you

1 Exclusive Representative double C, take a look at that.
2 And if you can tell me whether you recognize what it is,
3 that'd be great.

4 THE WITNESS: This is a copy of the statement that I
5 submitted.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm just going
7 to move this a little bit closer here just so that it'll
8 catch you.

9 All right. Why don't you turn to the signature page
10 of that document. And, sir, is that your signature?

11 THE WITNESS: That is in fact my signature.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Did
13 you sign it on or about the time and location set forth
14 in that Declaration?

15 THE WITNESS: Yes.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
17 Mr. Messing?

18 TESTIMONY OF

19 STEVEN M. BRADLEY,

20 Having been duly and regularly sworn, testified as
21 follows:

22 DIRECT EXAMINATION

23 BY MR. MESSING:

24 Q. Any corrections that you'd like to make to this
25 Declaration?

1 A. Just one correction. The person that transcribed
2 it misspelled my first name here.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Oh, that's not
4 good.

5 THE WITNESS: It's with P-H of a V.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

7 THE WITNESS: I spell my name with a V. Above it's
8 spelled correctly. Just at the beginning.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Why don't you
10 make that change and date and initial it. And was that
11 the only correction?

12 THE WITNESS: That's the only correction.

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: That's not too
14 bad at all. Okay. Mr. Messing.

15 BY MR. MESSING:

16 Q. Okay. Just a couple of things. Now, you work at
17 the Military Department, correct?

18 A. Correct.

19 Q. Okay. And you're a sworn peace officer?

20 A. Correct.

21 Q. Okay. And your classification, according to
22 this, is Firefighter Security Officer?

23 A. That's correct.

24 Q. Okay. Now, the Firefighter Security Officers of
25 Veterans Affairs are not peace officers?

1 A. That is correct.

2 Q. Okay. Now, at the Military you carry a weapon?

3 A. Yes.

4 Q. Okay. The peace officer -- the Security Officers
5 at Veterans Affairs do not carry firearms?

6 A. They do not carry firearms.

7 Q. Okay.

8 A. That's correct.

9 Q. But they can lateral into your positions at
10 Military?

11 A. That is correct, yes, they can.

12 Q. Okay. All right. Now, the -- what would you say
13 is the balance in your job between firefighter duties
14 versus law enforcement duties? You could give a
15 percentage for each.

16 A. My personal opinion is it's approximately 80
17 percent fire and emergency-type services, and about 20
18 percent for law enforcement-type duties.

19 Q. Okay. Now, and what about the non-sworn -- are
20 you familiar -- well, let me ask you this: Are you
21 familiar with the duties of the non-sworn Firefighter
22 Security Officers at Veterans Affairs?

23 A. In a -- in a general way I am.

24 Q. And how were -- how did you become familiar with
25 their duties?

1 A. I did a site visit as the Unit President, talked
2 to them about their specific duties and --

3 Q. Okay. So these -- the non-sworn folks at
4 Veterans Affairs, how would you characterize the balance
5 of what they do between firefighter duties versus law
6 enforcement duties?

7 A. As they currently stand now, they have no
8 firefighter duties left.

9 Q. Okay. So is the remainder --

10 A. It's all security/law enforcement-type duties.

11 Q. Okay. Okay. When you refer to yourself as
12 President, what are you President of?

13 A. Oh, I am currently the President of the State
14 Employee Firefighters Association, which is an affiliate
15 of CSLEA.

16 Q. Okay. Now, you also -- and so SEFFA contains
17 Firefighter Security Officers in both Military and
18 Veterans Administration, correct?

19 A. Yes. And also State Parks.

20 Q. And State Parks. Okay. Now, you also have -- do
21 you have Firefighters in your unit?

22 A. Yes.

23 Q. Okay.

24 A. I also have straight Firefighters that are
25 employed at the State's mental hospitals and

1 developmental centers.

2 Q. Okay. And what percentage of their work is law
3 enforcement as opposed to firefighting?

4 A. As far as I know, they have no law enforcement
5 duties.

6 Q. So it's all firefighting?

7 A. It's all firefighting, fire prevention.

8 Q. Okay.

9 A. That type stuff.

10 Q. Can Firefighters laterally transfer into
11 Firefighter Security Officer positions?

12 A. Yes, they can.

13 Q. And do you know what restrictions there are on
14 that, or what conditions they have to complete?

15 A. They can transfer over. They, of course, have to
16 pass the background check, and they have to complete PC
17 832 within one year when starting their job so that they
18 can take on the Security Officer duties.

19 Q. Okay. Now, the Firefighters -- the Firefighters
20 at Mental Health and -- where did you say the other place
21 was, DDS?

22 A. Development centers, yes.

23 Q. Okay. Do they get POFF retirement?

24 A. Yes, they do.

25 Q. Okay. But they're not within the unit proposed

1 by -- they're not included in the unit proposed by POC,
2 to your knowledge?

3 MR. ROSE: Objection. Leading.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Sustained.

5 MR. ROSE: Lacks foundation.

6 BY MR. MESSING:

7 Q. Okay. Do you know whether they're included in
8 the POC proposed bargaining unit?

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: That's Peace
10 Officer of California. We have this --

11 MR. MESSING: I'm sorry. Peace Officers of
12 California.

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

14 THE WITNESS: It is my understanding that they would
15 not be included.

16 BY MR. MESSING:

17 Q. Okay. Now, do you hold any other position in --
18 well, as a -- let me back up for a second.

19 As President of your affiliate, does that give you a
20 position in the structure of CSLEA?

21 A. Yeah. As the affiliate President I sit on
22 CSLEA's Board. I am also a member of CSLEA's LDF, which
23 I am the Chair.

24 Q. Okay.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm sorry.

1 You're the -- you're part of what committee?

2 THE WITNESS: CSLEA's LDF.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes.

4 THE WITNESS: Legal Defense Fund.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. That's
6 what it is. Got it.

7 BY MR. MESSING:

8 Q. Okay. You -- what was your position on the LDF?

9 A. I'm the Chair.

10 Q. The Chair.

11 A. Just became the Chair.

12 Q. Okay. Okay. And is that a Trustee position?

13 A. It is in fact a Trustee position.

14 Q. Okay. As Chair of the CSLEA Legal Defense Fund,
15 do you have occasion to become knowledgeable about either
16 complaints about representation, or people who are
17 praising CSLEA's representation?

18 A. In regards to the LDF, occasionally. The LDF is
19 more of -- more legal action against specific officers
20 and not so much specifically labor relations very often.

21 Q. Okay. When speaking about the legal defense of
22 officers that is performed by the Legal Defense Fund,
23 have there -- have you received the actions from members
24 as to the representation that they've been afforded?

25 A. Yes. I've talked to several members that have

1 Q. POC. And thank you for appearing here. Let me
2 ask a few additional questions about what you just spoke
3 about.

4 A. Sure.

5 Q. You gave an estimate of your -- the balance of
6 your duties, fire protection and prevention duties, as
7 compared to the law enforcement duties. Would you say
8 that those duties, the balance of those duties have
9 changed over time since you've held the position that you
10 now hold?

11 A. Not since I've held the position. But from what
12 I understand from my previous coworkers of how things
13 were done previously, that our law enforcement
14 responsibilities have significantly increased since 9/11.

15 Q. And so Since September 11, 2001, you've actually
16 had more of an emphasis on your peace officer duties,
17 correct?

18 A. That is correct. And to clarify, sir, I'm
19 specifically talking about Camp Roberts, where I
20 specifically work.

21 Q. Okay. And would you say that your duties have
22 actually increased from about 80/20, 80 being the fire
23 protection side and 20 being peace officer, to about
24 60/40, with 60 being firefighting and 40 being peace
25 officer?

1 A. That's my personal guess as to what we're doing
2 right now, yes.

3 Q. Okay. So currently would you -- would you agree
4 with me that about 60 percent of your time is fire
5 protection related and 40 percent peace officer?

6 A. Okay. Yeah. Yes, that would be --

7 Q. Okay. Great. Now, you have required training as
8 a part of your peace officer obligations, correct?

9 A. Correct.

10 Q. And that includes quarterly training or annual
11 training on firearms, true?

12 A. We quarterly train and qualify with our firearms,
13 yes.

14 Q. And you also have either quarterly or annual
15 required training for defensive tactics?

16 A. Annual training for defensive tactics, yes,
17 that's correct.

18 Q. Do you have any other additional required
19 training for peace officer duties?

20 A. Once we pass the initial PC 832 with firearms, we
21 have to obtain a certificate with law enforcement baton,
22 and then law enforcement pepper spray. After that, other
23 than those, the firearms and the defensive training,
24 there's no required continuing law enforcement training.

25 Q. I'm sorry. Could you repeat the last part of

1 what you just said? I missed that part.

2 A. Okay.

3 Q. You said the baton and the pepper spray.

4 A. Correct.

5 Q. And we've already talked about defensive
6 tactics --

7 A. Right. And then --

8 Q. -- and firearms.

9 A. Right. And then other than the annual training,
10 there's no other required ongoing training.

11 Q. Okay. Are there any other training that you
12 participate in for law enforcement duties?

13 A. I have participated in other law enforcement
14 training, yes.

15 Q. And how would you -- again, speaking in terms of
16 balancing the percentages of the hours that you spend
17 training on required law enforcement training versus say
18 voluntary law enforcement training, how would you
19 allocate that?

20 A. I'm not sure exactly what you're asking, sir.

21 Q. Well, if you take a given year and you count up
22 the number of hours you spend on the required firearms,
23 required defensive tactics, the baton certification and
24 the pepper spray, and then you compare that against
25 whatever additional law enforcement training that you

1 might do on a voluntary basis, how would those equate to
2 one another or compare in terms of hours spent?

3 A. Well, I can give an example of last year I did
4 approximately 40 hours of extra law enforcement training.

5 Q. What did you do last year?

6 A. I took a radar enforcement class.

7 Q. Radar?

8 A. Radar.

9 Q. So like the speed gun?

10 A. Correct.

11 Q. Okay. And what else?

12 A. That was it.

13 Q. Oh. So that was a 40-hour class?

14 A. Correct.

15 Q. I see. Did you take any additional firefighting,
16 not mandatory but voluntary firefighting training last
17 year?

18 A. Not that I can recall at this time.

19 Q. Okay. Now, would it be fair to -- you mentioned
20 earlier and in your Declaration about the opportunity for
21 Firefighter Security Officers who are not peace officers
22 and also Firefighters to laterally transfer into your
23 position. Do you remember that?

24 A. Correct.

25 Q. Would it be fair to say that those employees who

1 laterally transfer into your position are not peace
2 officers until they fulfill the peace officer mandatory
3 training requirements?

4 A. I'm not sure I know the answer to that. I'm not
5 sure.

6 Q. Well, you mentioned that, for example, they have
7 one year to complete their PC 832, correct?

8 A. Correct.

9 Q. Following the lateral transfer, right?

10 A. Correct.

11 Q. So is it -- would you agree with me that the
12 employee who laterally transfers would not be given a
13 firearm prior to completion of PC 832?

14 A. That is correct.

15 Q. And would not be able to arrest anybody?

16 A. That is correct.

17 Q. And would not be able to use a radar gun to issue
18 a speeding citation?

19 A. Correct.

20 Q. And would not be able to participate in any of
21 the peace officer duties until they complete the PC 832,
22 correct?

23 A. Correct.

24 Q. Now, have you actually had anyone who was a peace
25 officer, security officer, non-sworn, later into your

1 position, a sworn position, since you've been there?

2 A. We have had Firefighters lateral from other
3 firefighting State units into our unit.

4 Q. And were those -- and how many times has that
5 happened since you've been there?

6 A. I can specifically think of three employees that
7 I currently work with that lateraled from Unit 8, CAL
8 FIRE.

9 Q. How many?

10 A. Three that I can think of.

11 Q. Oh, but they lateraled from another bargaining
12 unit?

13 A. From another bargaining unit, fire unit.

14 Q. How many since January 2nd, 2002, when you were
15 first employed by the State Military Department through
16 present have -- how many other Bargaining Unit 7
17 employees have lateraled into your position, peace
18 officer sworn Firefighter Security Officer?

19 A. From another Bargaining Unit 7 position? None
20 that I am aware of.

21 Q. All right. Are you aware of any sworn
22 Firefighter Security Officers who have lateraled to a
23 non-sworn Firefighter Security Officer position?

24 A. Not that I am aware of.

25 Q. Are you aware of any sworn Firefighter Security

1 Officers who have lateraled to a non-sworn Firefighter
2 position, say at the Mental Health or DDS?

3 A. Not that I'm aware of.

4 Q. How do you know that the lateral opportunities
5 are possible if you've never seen it happen?

6 A. I've specifically tested for other places. I've
7 been on lists to be able to transfer. I've been given
8 conditional offers to be able to move, but I've not
9 accepted.

10 Q. And that was within State service?

11 A. Uh-hmm.

12 Q. Was that within --

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm sorry.
14 That's a yes?

15 THE WITNESS: Yes.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

17 BY MR. ROSE:

18 Q. Was that the Bargaining Unit 8, CAL FIRE?

19 A. No.

20 Q. Oh, okay. All right. Now, as the President of
21 your affiliate, S-E-F-F-A --

22 A. Yeah. S-E-F-F-A, SEFFA.

23 Q. SEFFA, S-E-F-F-A. As President of your
24 affiliate, have you had occasion to hear whether the
25 peace officer employees that you represent at express any

1 opinion about the concept of a peace officer only
2 bargaining unit?

3 A. Yes.

4 Q. Would you say that there's -- well, how would you
5 characterize the degree of support for that concept in
6 your working group among the peace officers?

7 A. Just through what has been expressed to me, I
8 have some members that are for it, and I have a lot of
9 members that are against it.

10 Q. Are you -- have you had any employees complain to
11 you about CSLEA's representation of them as peace
12 officers?

13 A. Not that I recall, no.

14 Q. How -- you said you just became chair of the LDF?

15 A. Correct.

16 Q. How long ago was that?

17 A. Last month.

18 Q. Have you had any meetings of the LDS board -- LDF
19 Board of Trustees?

20 A. Yes. Last month.

21 Q. So one meeting?

22 A. One meeting since I became Chair.

23 Q. So earlier you were asked whether you had an
24 opportunity to understand whether people were satisfied
25 with LDF representation. Do you remember that line of

1 questioning?

2 A. Yes, I think so.

3 Q. Were you basing your answers on the one meeting
4 that you attended last month?

5 A. No. Prior to being Chair I was on the Board as a
6 regular Trustee.

7 Q. Oh, I see. And how long were you a Trustee on
8 the Board prior to being Chair?

9 A. I've been on the Trustee -- I've been a Trustee
10 just over -- just over a year.

11 Q. And you have monthly meetings?

12 A. Quarterly meetings.

13 Q. Quarterly. So you've attended a total of four
14 LDF meetings?

15 A. Maybe it's actually probably I've gone to about
16 six LDF meetings I think total. So I guess it's been
17 about a year and a half. Time flies.

18 Q. When you go to your LDF meetings, are you given
19 reports by the staff as to the LDF cases outstanding?

20 A. Yes.

21 Q. Let me ask you to take a look at something and
22 tell me if you recognize it. One second. Excuse me for
23 one second. I have a few -- here we go. I'm looking at
24 your Exhibit -- Kasey, Exhibit H.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yeah. Why don't

1 I just do this. I'm just going to mark as -- I might
2 just do it this way. I'm going to be marking as
3 Exclusive Rep double D the Declaration of Kasey
4 Christopher Clark in Opposition to Severance. And just
5 for purposes of identification, marking as Exclusive Rep
6 double E the Supplemental Declaration of Kasey
7 Christopher Clark. Attached to double D is a number of
8 exhibits to that.

9 (Exclusive Representative's Exhibits DD and
10 EE marked for identification.)

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And do you want
12 me to show him H? Is that the one you --

13 MR. ROSE: Yes.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

15 MR. ROSE: Please, Judge. Thank you.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: With --

17 MR. ROSE: Also, we may want to make a record -- a
18 note of the fact that the Supplemental Declaration is a
19 part of the sealed portion relating to --

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yeah.

21 Absolutely. I'll -- I -- let me just make a note that
22 the double E is going to be sealed from public
23 inspection.

24 Witness has -- I'm just going to try to make
25 something easy on me here. Hold on a second, sir. Just

1 so that we don't get confused. So Exclusive Rep double D
2 and H of that.

3 BY MR. ROSE:

4 Q. All right. Go ahead, please, sir, and take a
5 look at the document that you have in front of you. And
6 peruse it and let me know when you're done. I'll ask you
7 some questions about it.

8 A. All right, sir.

9 Q. Thank you. Now, do you recognize this document?

10 A. It is similar to documents that I received during
11 LDF meetings that report on ongoing and closed cases from
12 previous quarter for their (inaudible).

13 Q. I see. Now, if we turn to the very last page and
14 work our way backward, how many pages would we have to go
15 backward in this document to arrive at a place where you
16 are no longer familiar with the cases that are being
17 listed based on your status as an LDF Trustee?

18 MR. MESSING: Well, I'm going to object that there's
19 no foundation as to what -- whether he may be familiar
20 with cases as a Trustee. That he may be familiar with
21 cases that occurred prior to his becoming Trustee by
22 virtue of his being a Trustee. So it's vague and
23 ambiguous.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. I -- we
25 can fix that easy. But in regards to -- do you see that

1 document before you, that H? And you said you're
2 familiar with these sort of printouts?

3 THE WITNESS: It's similar to the printouts that I
4 receive.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

6 THE WITNESS: It's not identical.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

8 Well, okay. Let me ask you about that, then. What is
9 different in regards to what you see?

10 THE WITNESS: The case -- the sheets that I receive
11 do not usually have monetary amounts on them to the side.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Fair
13 enough. Anything else?

14 THE WITNESS: Other than that it's similar enough.
15 It's almost identical.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Are
17 you familiar with the I'm going to use the word, you
18 know, enumeration system, or the way that it's
19 categorized by case number and that sort of a thing?

20 THE WITNESS: Yes.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Are you -- are
22 you able to tell by that sort of case number, in a sense,
23 when Steven Bradley came on board as a Trustee in a case
24 that you I'll say reviewed or under your trusteeship?
25 Only if you're able to tell. But I mean --

1 THE WITNESS: It's hard for me to specifically say.
2 Because when I came on, some cases that are very old,
3 they're still active. You know, it's -- I can't say
4 specifically which cases I have.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Can you say
6 which cases for sure you would have knowledge of when you
7 came on? I understand you came on board, you inherit the
8 oldies. But at some point you come on board with some
9 active cases or more current cases.

10 MR. MESSING: If I may?

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes, sir.

12 MR. MESSING: Are you asking him if he can figure out
13 when the first active case occurred when he was -- or
14 started --

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yeah.

16 MR. MESSING: -- when he became Trustee?

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Just kind of get
18 around that ballpark where, okay, I'm familiar with this.
19 This kind of became current. It happened on my shift, so
20 to speak.

21 MR. MESSING: The initiation of the case?

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes.

23 (Pause on the record.)

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm going to go
25 off the record while you do your analyst. Off the

1 record.

2 (Off the record.)

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
4 We're back on the record. I numbered the pages of that
5 exhibit in the lower right-hand corner. So, sir, you
6 found the location?

7 THE WITNESS: I believe I have, your Honor.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And what page
9 are you on?

10 THE WITNESS: I'm on page 23 that you marked.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

12 THE WITNESS: And this doesn't give a lot of
13 information. But if this is the case I believe it is,
14 it'd be CR07-186.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. We'll
16 wait 'til we get there, everyone's there. All right. So
17 did you get the line where he was at, Mr. Rose, or --

18 MR. ROSE: CR07-0186?

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You're there,
20 sir. Ready to go.

21 MR. ROSE: Thank you.

22 BY MR. ROSE:

23 Q. Thank you for your patience, Mr. Bradley. So
24 let's look at the left column of this page 23. The top
25 line in the left column beginning with CR07 dash and then

1 a number, that would tell us that it's a criminal case.

2 CR means criminal, correct?

3 A. Okay. Correct.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, do you --

5 BY MR. ROSE:

6 Q. I'm asking.

7 A. I don't know. I don't know.

8 Q. Oh, you don't know. Okay. And then the 07 means
9 that it's 2007 when the case was originated, correct?

10 A. That's correct.

11 Q. And then the number after the dash is just a
12 sequential number, correct?

13 A. Correct.

14 Q. And then below that there's a date. For example,
15 the one we're looking at, CR07-0186, the date below that,
16 10-9-07, tells us that's when the case was opened,
17 correct?

18 A. Correct.

19 Q. And then below that we see closed and then a date
20 of November 15, 2007, right?

21 A. Correct.

22 Q. That tells us the date that the case was closed,
23 correct?

24 A. Correct.

25 Q. And to the right of that the incident tells us

1 the type of -- a summary and the type of case?

2 A. Correct.

3 Q. To the right of that we have the department in
4 which the member was involved?

5 A. Correct.

6 Q. And to the right of that we have the affiliate in
7 which the member is a member?

8 A. Correct.

9 Q. To the right of that we have whether or not
10 representation was approved or denied?

11 A. Correct.

12 Q. All right. And you're not familiar with the far
13 right column?

14 A. That's correct. My copies do not have that that
15 I receive.

16 Q. And so CR07-0186, this appears to be the first
17 case with which you have become familiar as an LDF
18 member, Trustee member?

19 MR. MESSING: Object. Mischaracterizes the
20 testimony.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'll let you
22 answer without assuming the fact. Go ahead, sir.

23 THE WITNESS: Could you please repeat the question?

24 MR. ROSE: CR07 --

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You just tell

1 us. What does that -- what case -- why did you pick that
2 case? What does it represent to you?

3 THE WITNESS: If -- like I said, this doesn't give --
4 if this is the case I believe it is, I believe my first
5 meeting I heard about the resolution of this case, which
6 was a Department of Fish and Game officer that was trying
7 to recover overtime from shooting a dog that was
8 attacking him. If this is correct. If that is the case
9 I believe it to be. And that he was successful in
10 getting his overtime for that.

11 BY MR. ROSE:

12 Q. And then would it be fair to say all the cases on
13 the remaining -- or the two cases on page 23 and all the
14 cases on page 24 and the only case on page 25 and the
15 only case -- the two cases on page 26, you're familiar
16 with all of those as well?

17 A. In a general sort of way. Determination,
18 according to our plan document, is done by the Legal
19 Administrator. The Legal Administrator will bring up to
20 the Trustees specific cases of note that are important.
21 If the Legal Administrator denies coverage, the member
22 always has the option to appeal to the Board. And then
23 we would get a more complete brief on the specifics of
24 the case, and so on and so forth. No one has ever
25 appeared to the Board since I've been on the Board. So

1 we do not get a very complete specific details. We get a
2 general overview of the ongoing cases.

3 Q. I see. And so when you were asked by counsel for
4 CSLEA about whether you had an occasion to learn of
5 complaints about representation in connection with LDF,
6 the basis for your answer was the briefs that you receive
7 from the Legal Administrator; is that correct?

8 A. That's correct.

9 Q. All right. Now let's talk about the difference
10 between your job duties and the job duties of a non-sworn
11 Firefighter Security Officer.

12 A. Okay.

13 Q. You said you were familiar with the job duties of
14 the non-sworn Firefighter Security Officer based on a
15 site visit; is that true?

16 A. That's correct.

17 Q. And now, was it more than one site visit or just
18 one?

19 A. Just one site visit.

20 Q. And how long was the site visit?

21 A. I was there for approximately three hours.

22 Q. And when would -- when did you make the site
23 visit?

24 A. I'm trying to recall the exact date. It was
25 approximately -- it was about four months ago.

1 Q. Pardon me? Repeat that.

2 A. About four months ago. I don't have my calendar
3 with me to recall exactly.

4 Q. Did you make that site visit in preparation for
5 your testimony here today?

6 A. No. Had nothing to do with this.

7 Q. How many people were present at the site visit?

8 A. Two.

9 Q. Does that include you, or are you not including
10 yourself?

11 A. Not including myself.

12 Q. So a total of three people --

13 A. Correct.

14 Q. -- including yourself? And the other two were
15 non-sworn peace officer -- or non-sworn Firefighter
16 Security Officers?

17 A. Correct.

18 Q. And based on your three-hour visit with those
19 employees, what is your understanding of the difference
20 between your job duties as a sworn Firefighter Security
21 Officer and the job duties of those non-sworn Firefighter
22 Security Officers?

23 A. In relation to the law enforcement duties, there
24 is not a whole lot of different in what they do day in
25 and day out as to what I do. They generally patrol.

1 They protect -- they protect the public. They -- there's
2 not a whole lot of difference in their job duties as far
3 as the law enforcement side of my job.

4 Q. Do they wear a uniform?

5 A. They do.

6 Q. Do they wear the same uniform you wear?

7 A. No.

8 Q. What -- how did the uniforms that you wear differ
9 from the uniform they wear?

10 A. We work for different departments; therefore, we
11 have different uniform standards, different
12 identification, different patches.

13 Q. Were those employees in uniform when you met with
14 them at the site visit?

15 A. Yes.

16 Q. What did -- what was their uniform looking like?
17 What did it look like when you saw them?

18 A. They have a tan-type uniform shirt, dark green
19 pants.

20 Q. And did they wear a belt?

21 A. Yes.

22 Q. Was it -- it was not a Sam Brown belt, was it?

23 A. Yes.

24 Q. It was a Sam Brown belt?

25 A. Uh-hmm.

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You got to give
2 me a yes on that.

3 THE WITNESS: I'm sorry. Yes.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

5 BY MR. ROSE:

6 Q. And by Sam Brown I'm referring to the larger belt
7 that a peace officer would wear to carry equipment.

8 A. Correct.

9 Q. And did the -- did they carry a baton?

10 A. They did not -- I did not see them carrying a
11 baton at that time. I do know that there are employees
12 there that do -- are certified to carry a baton.

13 Q. The two employees you met with did not carry a
14 baton?

15 A. At the time I was with them they were not
16 carrying their batons.

17 Q. And do you know whether either of those employees
18 are certified to carry a baton?

19 A. I do not know that information.

20 Q. And were either of them carrying a firearm?

21 A. No.

22 Q. Were either of them carrying pepper spray?

23 A. Yes.

24 Q. Were they both carrying pepper spray, or just
25 one?

1 A. I don't specifically recall with one, but I do
2 remember the Firefighter Security Officer, Captain
3 Firefighter Security Officer was carrying pepper spray.

4 Q. And did they carry handcuffs?

5 A. I don't specifically remember that.

6 Q. Are you aware whether those non-sworn Firefighter
7 Security Officers are required to pass a pre-employment
8 psychological evaluation?

9 A. I believe they have to pass the exact same job
10 qualifications as I do as a Firefighter Security Officer,
11 which includes a psychological evaluation.

12 Q. Are you aware whether those employees -- strike
13 that.

14 What type of vehicles do those employees drive around
15 the facility in, if at all?

16 A. They have a -- one, a black-and-white patrol car
17 with red and blue lights, and they had a all dark green
18 SUV-type vehicle with one forward facing red emergency
19 light.

20 Q. Do you know whether non-peace officer, non-sworn
21 Firefighter Security Officers actually drive the black-
22 and-white patrol car with the red and blue lights on top?

23 A. I do know that.

24 Q. And they do or don't?

25 A. They do.

1 Q. Do they drive them on the streets of the state of
2 California?

3 A. Yes, they do.

4 Q. Do you know whether those non-sworn Firefighter
5 Security Officers operate those lights on public ways on
6 a code three basis?

7 A. I don't have personal knowledge of that. I've
8 been told that when I was briefed on my visit.

9 Q. Were you able to discern during your site visit
10 whether the job duties of Firefighter Security Officers
11 there had changed at all in the last three or four years
12 or longer?

13 A. Prior to my tenure with -- at one time the
14 Firefighter Security Officers at that time did have a
15 full service fire department, as well as the law
16 enforcement. They no longer have the full service fire
17 department portion of their job. Specifically when that
18 took place, I don't have personal knowledge of that.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Where are you
20 talk -- what facility?

21 THE WITNESS: Yountville (inaudible).

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Oh, you're
23 talking about Yountville.

24 BY MR. ROSE:

25 Q. Did those -- did those employees, the two that

1 you met, express any desire that or opinion as to whether
2 or not they should be classified as peace officers in
3 view of their job duties and so forth?

4 A. Yes.

5 Q. And what did they say?

6 A. They're constantly -- we're constantly working
7 with CSLEA working on they want -- they'd like to become
8 full peace officers. They'd like to become armed. The
9 Veterans Affairs, as far as I know, is adamantly opposed
10 to that.

11 Q. Were those -- are those employees -- or did they
12 express any opinion about their satisfaction with CSLEA's
13 representation of them in connection with their desire to
14 become full peace officers and armed?

15 A. Could you ask that question again?

16 Q. Yeah. Did they express any opinion to you about
17 how happy they are, or unhappy, with CSLEA's
18 representation in connection with becoming peace officers
19 and becoming armed?

20 A. The general sentiment I got from them is they are
21 happy with what CSLEA is trying to do. They're not happy
22 because Veterans Affairs is not going to allow them to do
23 it at this time.

24 Q. How long has this desire existed by these
25 employees, if you know, to become peace officers and

1 armed.

2 A. It's -- as far as I know, it's prior to my tenure
3 as the President.

4 Q. So many years?

5 A. I don't have any personal knowledge of that, but
6 that is the impression that I have from them.

7 Q. And when did you first become President?

8 A. Approximately two years ago.

9 Q. And so have you -- you're the representative for
10 their affiliate, correct?

11 A. Correct.

12 Q. What specific efforts have you made to assist
13 these employees who -- out at Yountville in becoming
14 armed and peace officers as in your -- wearing your CSLEA
15 hat?

16 A. I've worked with our lawyer who is specifically
17 assigned to my unit on those issues. We've talked
18 about -- with some of the other representatives at CSLEA,
19 other legislative-type ideas of ways to figure out and
20 just meeting with Veterans Affairs, trying to hammer
21 those out.

22 Q. All right. Let me make sure I get all this.

23 One, you worked with your lawyer, who is assigned to your
24 affiliate.

25 A. Correct.

1 Q. Two, you talked about legislative ideas. And
2 three, you -- did you meet with Veterans Affairs?

3 A. I have not met with Veterans Affairs.

4 Q. Are you aware whether anyone from CSLEA has met
5 with Veterans Affairs?

6 A. I don't have personal knowledge of that, no.

7 Q. Have you ever asked whether anyone from CSLEA has
8 met with Veterans Affairs on this issue?

9 A. Not that I recall.

10 Q. Okay. Who's the lawyer assigned to your
11 affiliate?

12 A. Christiana Dominguez is my north -- who is the
13 one that I'm referring to.

14 Q. And how many conversations have you had with
15 Christiana Dominguez about this issue, the one we're
16 talking about now?

17 A. I'm not sure I could quantitate it out. I mean
18 I've talked to her about all the issues constantly, you
19 know.

20 Q. Well, let's -- let me ask you this question: How
21 many times have you spoken to Christiana Dominguez in the
22 last two or so years since you've been President of the
23 affiliate?

24 A. Oh, probably 300 times or more. Sometimes I'll
25 call her four or five times a week. She's very

1 receptive.

2 Q. And of those 300 times or more that you've spoken
3 to her, how many times did the subject come up between
4 you and her of the fact that the employees at Yountville
5 would like to be peace officers and armed?

6 A. I'd say a fair estimate of probably at least 10
7 or 15 times we've discussed that.

8 Q. Are you aware what the plan is? Has there been a
9 game plan established with CSLEA and your affiliate as to
10 how to achieve this objective?

11 A. Not that I'm specifically aware.

12 Q. Are you satisfied with the strategy being
13 employed by CSLEA to get these employees at Yountville
14 peace officer status?

15 A. Yes.

16 Q. What is it that satisfies you about the strategy
17 being employed by CSLEA in that regard?

18 A. I'm trying to figure out how to specifically
19 explain this. CSLEA has made overtures to try to start
20 the conversation with Veterans Affairs. This is my
21 understanding. Veterans Affairs does not even want to
22 discuss that. Therefore, you can't have a conversation
23 with them if they are not going to be receptive to any
24 conversation. That is my understanding of how the
25 situation lasted.

1 Q. All right. So are you aware of, if they're not
2 interested in meeting, that there was ever actually any
3 meetings with Veterans Affairs on this issue and CSLEA?

4 A. I don't have any personal knowledge of that.

5 Q. Okay. And then the other thing you mentioned was
6 legislative ideas. What kind of legislative ideas have
7 you discussed with the attorney concerning this issue
8 specifically?

9 A. Like specifically whether they could be added to
10 the Penal Code section which the Military Department
11 Firefighter Security Officers are mentioned in.

12 Q. And has there been any legislative advanced by
13 CSLEA on this issue?

14 A. Not that I'm aware of.

15 Q. Are you satisfied with that fact?

16 A. Yes.

17 MR. ROSE: Nothing further.

18 MS. TRUONG: I just have a couple quick questions for
19 you.

20 CROSS-EXAMINATION

21 BY MS. TRUONG:

22 Q. You mentioned earlier that you did a site visit
23 at Yountville. Is that where you went?

24 A. Correct.

25 Q. And did you do a ride-along with a non-sworn?

1 A. Yes, I did.

2 Q. And what kind of facility is at Yountville?

3 A. It's a large veterans home facility. There's
4 hospital facilities. There's neighborhoods and living
5 areas. There's camping areas.

6 Q. Is it similar to a retirement-type home?

7 A. It would be similar to a very large retirement-
8 type community with multiple facets from full care to
9 just slightly supervised care to kind of living on their
10 own-type care --

11 Q. Okay.

12 A. -- of veterans.

13 Q. So the people -- the residents that live at
14 Yountville, they're not criminals?

15 A. No.

16 Q. And they may receive treatment from doctors and
17 nurses, but they're not committed there, so to speak?

18 A. Correct.

19 MS. TRUONG: No further questions.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing.

21 MR. MESSING: Just a couple.

22 REDIRECT EXAMINATION

23 BY MR. MESSING:

24 Q. What are the -- what's the total number of
25 Firefighter Security Officers at Yountville? Do you

1 know?

2 A. There are six.

3 Q. Okay.

4 A. One of them being a Captain Firefighter Security
5 Officer.

6 Q. So five plus one?

7 A. Correct.

8 Q. Okay. And just one other thing. Have you ever
9 discussed with folks at CSLEA what the chances would be
10 of getting peace officer status for those Firefighter
11 Security Officers if the Veterans Affairs is opposed to
12 it?

13 A. There's -- it's been relayed to me on multiple
14 occasions that there's absolutely no chance of them ever
15 getting the peace officer status if the Veterans Affairs
16 are opposed to that.

17 MR. MESSING: Okay. I have nothing further.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Rose?

19 RE CROSS-EXAMINATION

20 BY MR. ROSE:

21 Q. Just to clarify, when you were asked if you did a
22 ride-along with an armed sworn, and your answer was yes?

23 A. That is not what she --

24 MS. TRUONG: Objection. That's not what I --
25 that's -- you misstate the question.

1 MR. ROSE: I'm sorry.

2 MS. TRUONG: Misstated his answer.

3 MR. ROSE: I misunderstood what --

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You got the
5 ride-along right. Let's just take it from there.

6 BY MR. ROSE:

7 Q. What did you -- when you said yes to the question
8 about a ride-along, what did you understand the question
9 to be?

10 A. She asked if I had done a ride-along with one of
11 the Firefighter Security Officers at Yountville.

12 Q. Oh, okay. My hearing must be going today. Thank
13 you very much. But that -- well, that -- one question.
14 That was not a sworn person, sworn peace officer,
15 correct?

16 A. Correct. They're not sworn.

17 MR. MESSING: Okay. Thank you.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Ms. Truong?

19 MS. TRUONG: No further questions.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing?

21 MR. MESSING: That's all.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. With
23 that, Exhibit double C is admitted.

24 (Exclusive Representative's Exhibit CC received
25 in evidence.)

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And I'll take
2 both of those documents. And thank you very much, sir.

3 THE WITNESS: Thank you.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We'll go off the
5 record.

6 (Off the record.)

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
8 We're back on the record. And Mr. Bradley has re-entered
9 the hearing room. I admonish you not to discuss your
10 testimony with any of the other witnesses. You're free
11 to discuss your testimony with anyone at these counsel
12 tables. Do you have any questions regarding that
13 admonishment?

14 THE WITNESS: I do not, sir.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thank you very
16 much. Off the record.

17 (Off the record.)

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We're back on
19 the record. We have another witness called by the
20 Exclusive Representative. Sir, ask you to raise your
21 right hand.

22 (Witness sworn by the Judge.)

23 THE WITNESS: Yes.

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

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