

General Manager

From: General Manager [pbarty@peaceofficers.org]
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To: 'General Manager'
Subject: FW: PERB Hearings Begin
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PEACE OFFICERS OF CALIFORNIA e - MEMO

To : All Sworn Peace Officers eligible to form their own Peace Officer Only Bargaining Unit (BU 22)
From : The [P.O.C.](#) Board of Directors
Subject : **PERB Hearings Begin**
Date : Monday 2nd February 2009

On Thursday, January 29 hearings began before Judge Shawn Cloughesy of the Public Employment Relations Board (PERB) in the matter of creating a new Bargaining Unit made up of current Bargaining Unit 7 Peace Officers. The hearings focus on proving that the “community of interest” for the new unit is appropriate – in other words, proving that State cops do different jobs than the non-sworn unit members.

Peace Officers of California, represented by attorney Joe Rose, is the employee organization that initiated the effort to create a new Bargaining Unit. They have submitted a petition containing the names of over 1,400 State Peace Officers who wish to hold an election regarding the issue. If successful that vote would be followed by another vote to determine who would serve as the bargaining agent for the new unit.

The California Statewide Law Enforcement Association (CSLEA) is represented by attorney Gary Messing and CSLEA chief legal counsel Kasey Clark. They are the unit 7 bargaining agent and oppose allowing the vote that over 50% of their peace officer members have called for. They are joined in opposition by the Department of Personnel Administration (DPA), represented by attorney Shannon Truong.

Following a series of administrative procedures, lengthy testimony was given by Warden Jerry Karnow and Ranger Richard Bergstresser. The testimony continued on Friday, January 30 with: Peace Officer Lifeguard Ryan Gates of State Parks, Officer Dan Gurule of the Hospital Police, Investigator Scott Edelen of the Department of Insurance, Sergeant Victor Sanchez of the Cal Expo Police, Investigator Mike Guter of the Department of Alcoholic Beverage Control, CSLEA board member John Miller and CSLEA lobbyist Craig Brown.

The hearings are not a required part of the severance procedure. CSLEA refuses to stipulate that the community of interest exists, and is attempting instead to prove that sworn and non-sworn classifications do similar jobs. This puts CSLEA in an awkward position – by arguing that we are all the same now, how can we expect them

to argue differently at the bargaining table later on? Will anyone take them seriously? Their argument proves conclusively what many have always thought – Bargaining Unit 7 cannot adequately represent all members.

“These unnecessary hearings are a cynical attempt by CSLEA to delay progress and to bleed resources,” said Chris Lewis, President of Peace Officers of California. “By refusing to allow a vote they are being condescending to the members by ignoring the wishes of the majority of sworn Peace Officers in the ill formed unit. If they believed their own rhetoric they would allow a vote and be done with this entire issue. They claim to be a democracy yet refuse to let members vote – this simply doesn’t make sense.”

OTHER NEWS

- Whether on purpose or by accident, certain misinformation has been circulating about just who may vote once the severance election is granted. All Peace Officers in Bargaining Unit 7, regardless of their union membership status, may vote in the election. The large and growing number of those expelled or suspended from CSLEA do not lose their right to vote, and only those people in the “community of interest” - the Unit 7 peace officers - may vote on the issue.
- A recent article posted on the CSLEA website, written in hostile and infantile tones and peppered with personal attacks, included some **bold** assumptions. Regarding the need in tough times to maintain a strong law enforcement presence, the article stated that “. . . that line of thinking, of course, goes counter to the experience of the vast majority of peace officers who know that crime mainly stems from criminal conduct not economic necessity.”

This statement shows just how poorly CSLEA represents Peace Officers, and how out of touch with reality they really are. An article in “USA Today” - just five days later - concluded that, indeed, crimes related to the economic downturn are on the rise and that budget cuts are reducing the amount of officers available to deal with those crimes. CSLEA likes to speak about bargaining from a position of strength – and their article tells the Governor that things are OK, crime is not on the increase, and that we do NOT need more cops. That is not the reality, does not come from a position of strength and does not serve the Peace Officer members or community at all well.

- CSLEA leadership made a startling admission during the Star Chamber disciplinary committee hearing for Agent Brandon Shoemaker of the California State Lottery. While discussing the mysterious CSLEA Constitution, chief legal counsel Kasey Clark admitted that the documents were *not* available online as CSLEA had earlier stated. Clark went on to say that they were not posted - specifically - so that Peace Officers of California could not gain access to them.

By making this admission, Clark seems to acknowledge that the CSLEA Constitution contains controversial and restrictive elements - there is no other explanation for his reluctance to share it. He apparently wants to hide this vital document, not only from Peace Officers of California, but from the CSLEA membership as a whole. A union is created from the sum total of the members and when your leaders keep you uninformed, they take away your power. Peace Officers of California will have [open elections](#) within six months of severance and a referendum on bylaws open to all members within one year of severance. There will be no secrets!

LINKS

PERB election provisions: <http://www.perb.ca.gov/regulations/chapter1info.asp#32720>

USA Today article: http://www.usatoday.com/news/nation/2009-01-26-econcrime_N.htm

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