



# CALIFORNIA STATEWIDE LAW ENFORCEMENT ASSOCIATION

THE VOICE OF LAW ENFORCEMENT, PUBLIC SAFETY & CONSUMER PROTECTION

October 24, 2008

## AFFILIATES

Association of Conservation Employees

Association of Criminalists-DOJ

Association of Deputy Commissioners

Association of Motor Carrier Operations Specialists

Association of Motor Vehicle Investigators of California

Association of Special Agents-DOJ

California Association of Criminal Investigators

California Association of Food & Drug Investigators

California Association of Fraud Investigators

California Association of Regulatory Investigators and Inspectors

California Association of State Investigators

California Fish & Game Wardens Association

California Organization of Licensing Registration Examiners

CHP-Public Safety Dispatchers Association

Fire Marshal's & Emergency Services Association

Hospital Police Association of California

State Employed Fire Fighters Association

State Park Peace Officers Association of California

## VIA HAND DELIVERY

Les Chisholm, Division Chief  
Public Employment Relations Board  
1031 18<sup>th</sup> Street  
Sacramento, CA 95811-4124

**Re: Gary M. Schales v. California Statewide Law Enforcement Association; Unfair Practice Charge No. SA-CO-420-S**

Dear Mr. Chisholm:

The following is California Statewide Law Enforcement Association's (CSLEA) position statement relative to the above charge.

Charging Party is a member of CSLEA. In approximately September 2007, an organization known as the Peace Officers of California (POC) initiated a campaign to sever the peace officer members of Bargaining Unit 7 who are currently represented by CSLEA. On or about October 4, 2007, the CSLEA Board of Directors expressed in writing CSLEA's opposition to the severance and determined it would diminish the bargaining strength of CSLEA on behalf of Unit peace officers and non-peace officers. (A true and correct copy of the letter signed by the CSLEA Board of Directors is attached hereto).

On September 18 and September 20, 2008, POC filed with the Secretary of State's Office a Statement of Information which identified Charging Party as agent for service of process for POC. (True and correct copies of such filings are attached hereto). Further, in a June 2008 newsletter published by POC, Charging Party was quoted in support of POC. (A true and correct copy of the newsletter is attached hereto). Finally, on June 27, 2008, Charging Party attended a meeting at Coalinga State Hospital with Bargaining Unit 7 members and identified his support for the POC severance campaign.

As a direct result of Charging Party's active support of the severance campaign, on October 16, 2008, the CSLEA Disciplinary Hearing Committee issued a Notice of Intent to Impose Discipline to him. (A true and correct copy of the notice was submitted as an attachment to the Unfair Practice Charge filed by the Charging Party with PERB on October 21, 2008). The notice advised Charging Party of his right to appear before the Disciplinary Hearing Committee prior to the imposition of any penalty and included the relevant provisions of the CSLEA Constitution and the Standing Rules thereto. (These provisions of the Constitution

and Standing Rules are attached hereto as they were not included as attachments to the Unfair Practice Charge).

Charging Party has not yet requested to appear before the CSLEA Disciplinary Hearing Committee.

Pursuant to Article XX, Section 2(e) of the CSLEA Constitution, discipline may be imposed against any member who engages in “[a]ny activity which assists or is intended to assist a competing organization within the jurisdiction of CSLEA.” It is without question, the attempt by POC to sever approximately forty percent (40%) of the bargaining unit represented by CSLEA makes POC a competing organization within the jurisdiction of CSLEA. It also appears Charging Party’s inclusion in the POC newsletter would constitute activity which is designed to assist a competing organization within the meaning of the CSLEA Constitution. However, it is incumbent upon the CSLEA Disciplinary Hearing Committee to evaluate any defense to the allegation, the Charging Party might introduce at hearing, prior to reaching any decision on whether to impose punishment and, if so, the extent of the punishment to be imposed.

As you are well aware, Government Code § 3515.5 provides in relevant part:

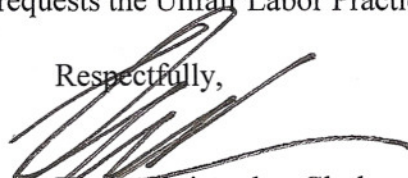
“Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership.”

PERB has previously recognized that employee organizations have the right to penalize its members for violation of the rules of the employee organization. *Pittman v. CDF Firefighters*, PERB Decision No. 1815-S. The right to punish a member for “dual unionism” has also been recognized by the California courts, see *Anderson v. Los Angeles County Employee Relations Com.* (1991) 229 Cal App. 3<sup>rd</sup> 817.

CSLEA is merely recognizing a right contained in its Constitution and Standing Rules and supported by law to investigate and on findings of violation of its rules, to impose an appropriate penalty.

Based on the foregoing, CSLEA requests the Unfair Labor Practice Charge be dismissed.

Respectfully,



Kasey Christopher Clark  
General Manager/Chief Counsel  
California Statewide Law Enforcement Assn.

KCC/se  
Enclosure

cc: Severance Discipline File