

October 27, 2008

Alan Barcelona
CSLEA President
2029 H Street
Sacramento, CA 95811

Mr. Barcelona,

I have filed an Unfair Practice Charge (PERB-61) against you and CSLEA because I have found that the charges by you and your representatives are in gross violation of the Ralph C. Dills act 3519.5(b). I am also requesting that you and CSLEA suspend any and all harassment of myself and other CAUSE members for exercising their right to lobby for a severance from Bargaining Unit 7.

According to state law, I am completely within my rights to lobby for a new bargaining unit. If you and California Statewide Law Enforcement Association (CSLEA) choose to continue then, this is my formal request for a hearing regarding your "*notice of intent to take disciplinary action*" dated October 16, 2008. If PERB finds that I am forced to attend an arbitration hearing then I am requesting that a hearing be scheduled no earlier than January 22, 2008 because of work and personal commitments.

I have also received Mr. Clark's letter dated October 24, 2008 regarding the Unfair Practice Charge No. SA-CO-420-S. Mr. Clark cites that I be forced to continue with proceedings for CSLEA's arbitration hearing of Intent to Impose Discipline. My argument is that I will not get a fair hearing based on past judgments of members of the Fish and Game Wardens Association's President, Region Two Representative and our Legislative Liaison.

Mr. Clark stated case law from a previous PERB ruling, *Pittman v. CDF*. This ruling was based on internal charges against a union President and nothing about supporting a new union. In *Anderson v. L.A. County Employee Relations Com.* refers to union board members having "Duel Unionism" by holding of duel board seats. I do not hold a seat on the CSLEA board and I am only the contact or "Agent for Service" for Peace Officers of California (POC).

POC is an Employee Organization. POC has not yet been recognized by Department of Administration (DPA) as a union. POC will only become a union if there has been a vote for severance from CSLEA and voted in by sworn officers of Bargaining Unit 7.

According to the PERB website under Retaliation/Discrimination by an Employee Organization-"The right of employees covered by the PERB-administered statutes to "form, join, and participate in the activities of employee organizations" is enforceable against unions as well as employers. It is an unfair practice for an employee organization to "[i]mpose . . . reprisals on employees, to discriminate . . . or otherwise to interfere with, restrain, or coerce employees because of their exercise of [protected] rights." Furthermore, where there is an allegation that the union has discriminated against an employee for participating in protected conduct, the Board applies the same analytical test as it uses in cases involving discrimination by an employer. (California Union of Safety Employees (Coelho) (1994) PERB Decision No. 1032-S ; California State Employees Association (Hackett et al.) (1995) PERB Decision No. 1126-S.) Therefore, in order to prove discrimination, a charging party first must demonstrate that he/she engaged in protected conduct".

It is my request that through PERB that the CSLEA arbitration hearing be found inadequate and not in the best interest of its members. Additionally, I request that my membership, and all other Peace Officers memberships that are facing a disciplinary hearing based on similar charges, be left intact.

Respectfully,

A handwritten signature in blue ink, appearing to read "Gary Schales", with a long, sweeping underline.

Gary Schales