

Alan Barcelona
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October 21, 2008

Re: Falcione's Written Response to CSLEA's Notice of Intent to Take Disciplinary Action

Mr. Barcelona,

I will not be able to afford to fly to Sacramento to appear before your Disciplinary Hearing Committee in response to the (attached) letter. Please accept this as my written response to the (2) listed charges.

Allegation #1: *"On September 12, 2008, you distributed a POC business card to a CSLEA/AMVIC Member."*

Response #1: Since this allegation does not list the CSLEA/AMVIC member's name, the allegation is vague and incomplete. I have no way to respond to this because I do not know who I am accused of giving this business card to. Even if it is proved that I did give a business card to someone, simply handing someone a business card is not a prima facie violation of anything.

Allegation #2: *"At the CSLEA Annual Members Conference, you confirmed your support for the POC severance campaign to CSLEA Controller Ricardo Sanchez."*

Response #2: Actually, what I told Ricardo was that I was "involved with POC" and that I think a "police only" bargaining unit is better for police. I specifically said that I do not think that means anything negative about CSLEA and that I would like to discuss the severance with him. Ricardo told me that he would discuss it with me; however, when the dinner ended Saturday night, Ricardo left the area without talking to me and I was unable to locate him after checking the public areas of the hotel. Here again, this conversation is not a violation of anything; in fact, you encouraged me to discuss this issue with a Board Director during your opening remarks on Friday morning. I fail to see how trying to follow your advice is a violation of the CSLEA Constitution.

My comments to your controller were direct and honest. I served on the La Mesa Police Officers' Association Board of Directors for seven years, the last five years as President and Lead Negotiator. I have significant collective bargaining experience that has taught me that when sworn and non-sworn personnel negotiate at the same bargaining table, at the same time, the non-sworn personnel can gain significantly more advantage than the sworn personnel. In my exact experience in La Mesa, our dispatchers received *TWICE* the raise that I was able to negotiate for our police officers. I simply wanted to discuss this with your controller, **as you suggested**, because you had just said, *"We won't lie to you."* and *"Our Board has had a change of mindset and we want to be more professional."*

I must tell you that I am extremely disappointed in the retaliatory conduct being displayed by the CSLEA Board of Directors. I don't think that the CSLEA response to my inquiry, or rather the lack of one, is either honest or professional. Further, your own urgings to members to become more involved and to discuss the current situation with the Board now appears to have been a complete misrepresentation, and may even be characterized as "suckering" your members. This conduct is far from "more professional," especially for a police officer.

In conclusion, I feel it is vital that the CSLEA Disciplinary Hearing Committee take a more objective view of the current circumstances. This country was founded on an individual's sacred right to choose for themselves who they want to lead them or represent them. Our democracy is founded on the idea that your vote cannot be wrong. Others may not agree with your position, but your choice on who you want to lead you is your rightful opinion, and this opinion can never be wrong. Opinions may differ, but each of us is legally entitled to choose who we want to lead us. What is clearly wrong is when the democratic process is interfered with. What is clearly wrong is when people are punished for who they believe in. That kind of harassment is not only completely un-American and a slap in the face of democracy, but it is also illegal.

I assume the Committee is familiar with **Ralph C. Dills Act**. If they are not, they should immediately review that Act, along with the Brown Act, before making any decisions in these matters:

Section 3515: Employee organizational rights; maintenance of membership; fair share fee; self representation:

Except as otherwise provided by the Legislature, state employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. State employees also shall have the right to refuse to join or participate in the activities of employee organizations, except that nothing shall preclude the parties from agreeing to a maintenance of membership provision, as defined in subdivision (i) of Section 3513, or a fair share fee provision, as defined in subdivision (k) of Section 3513, pursuant to a memorandum of understanding. In any event, state employees shall have the right to represent themselves individually in their employment relations with the state.

Section 3519.5: Unlawful actions by employee organizations:

It shall be unlawful for an employee organization to:

(b) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

It is my sincere hope that the CSLEA Board of Directors, along with the Disciplinary Hearing Committee, will live up to your public comments that you made at the CSLEA Conference on that Friday morning. Reasonable people can disagree. It is through open, honest, professional, and intellectual conversation where minds can meet. If CSLEA continues to treat it's members in the manner in which I have been treated, it will not be necessary for POC to do anything to sway opinions. CSLEA will alienate their cops all by themselves, bringing their roof down on their own heads. Please reconsider your actions in this matter. They are ill-advised, and counter-productive for all of us.

Respectfully Submitted,

Mark  Falcione
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AMVIC