



STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD
UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE: Case No:

Date Filed:

INSTRUCTIONS: File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE?

YES

NO

1. CHARGING PARTY: EMPLOYEE EMPLOYEE ORGANIZATION EMPLOYER PUBLIC¹

a. Full name: Diana Marie Fouts-Guter

b. Mailing address: [REDACTED]

c. Telephone number: [REDACTED]

d. Name, title and telephone number of person filing charge: Diana Marie Fouts-Guter, Investigator II Dept. of Alcoholic Beverage Control (916)761-6729

e. Bargaining unit(s) involved: BU 7

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION EMPLOYER

a. Full name: California Statewide Law Enforcement Association (CSLEA)

b. Mailing address: 2029 H Street, Sacramento, CA 95811

c. Telephone number: (916)447-5262

d. Name, title and telephone number of agent to contact: Alan Barcelona, President (916)447-5262

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. Full name: Department of Alcoholic Beverage Control

b. Mailing address: 3927 Lennane Dr., #100, Sacramento, CA 95831

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Government Code section 18524.)

a. Full name: Department of Alcoholic Beverage Control

b. Mailing address: 3927 Lennane Dr., #100, Sacramento, CA 95831

c. Agent: Steve Hardy, Director

¹ An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569.

5. GRIEVANCE PROCEDURE

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes No

6. STATEMENT OF CHARGE

a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)

- Educational Employment Relations Act (EERA) (Gov. Code sec. 3540 et seq.)
- Ralph C. Dills Act (Gov. Code sec. 3512 et seq.)
- Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code sec. 3560 et seq.)
- Meyers-Millias-Brown Act (MMBA) (Gov. Code sec. 3500 et seq.)
- Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code sec. 99560 et seq.)
- Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code sec. 71630 – 71639.5)
- Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code sec. 71800 et seq.)

b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are: **3519.5; Unlawful Actions by Employee Organizations. (Continued on attached addendum)**

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are (*a copy of the applicable local rule(s) MUST be attached to the charge*):
See attached documents (8 pages)

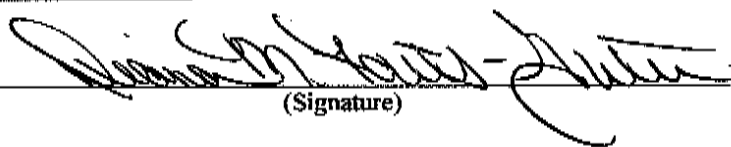
d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (*Use and attach additional sheets of paper if necessary.*)
CSLEA is engaged in reprisal and substantial fines for any activity related to the lawful BU-7 severance petition. See attached supportive documents consisting of CSLEA's intent to take disciplinary action and the official PERB letter referencing Case #SA-SV-171-S as a valid lawful severance action.
(Continued on attached addendum)

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on October 25, 2008
(Date)

at Sacramento, California
(City and State)

Diana Marie Fouts-Guter
(Type or Print Name)


(Signature)

Title, if any: Investigator II

Mailing address: [REDACTED]

Telephone Number: [REDACTED]

Addendum to Unfair Practice Change filed by Diana M. Fouts-Guter

6(b) 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 or rights guaranteed by this chapter.

Additional Section 2.6 “No Reprisals” of the bargaining contract between BU7 and the State is being violated by CSLEA. This clause states that, “The State and CAUSE/CSLEA shall not impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise interfere with. Restrain, or coerce employees because of the exercise of their rights under the Ralph C. Dills Act or any right given by this contract.”

6(d) For remedy, complainant requests that PERB formally notify CSLEA that they are in gross violation of the Dills Act and that the CSLEA Constitution and Standing Rules do not supersede State Law. Complainant also requests that PERB order CSLEA and its agents to cease and desist in any derogatory or demeaning comments/statements, penalties, disciplinary hearings, suits, harassment, or any such actions deemed to be illegal. Reprisal being conducted by CSLEA against employees; complainant requests that this order also apply to any other employee being similarly harassed or subjected to reprisal for their support, vote, or work with Peace Officers of California in this completely legal severance issued being conducted within the purview of PERB.