



CALIFORNIA STATEWIDE LAW ENFORCEMENT ASSOCIATION

THE VOICE OF LAW ENFORCEMENT, PUBLIC SAFETY & CONSUMER PROTECTION

November 3, 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 18th Street
Sacramento, CA 95811-4124

**Re: *Diana Marie Fouts-Guter v. California Statewide Law Enforcement
Association; Unfair Practice Charge No. SA-CO-427-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).

In approximately June 2008, the Charging Party appeared in a newsletter published by POC wherein she was quoted as endorsing POC. (A true and correct copy of the newsletter is attached hereto).

As a direct result of Charging Party's active support of the severance campaign, on October 16, 2008, the CSLEA Disciplinary Committee issued a Notice of Intent to Impose Discipline to her. (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 29, 2008). The notice advised Charging Party of her 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. (True and correct copies of the provisions of the Constitution and Standing Rules are attached hereto).

2029 H STREET, SACRAMENTO, CA 95811

PH: (916) 447-5262 / FAX: (916) 447-1583 / TOLL FREE: (800) 522-2873

<http://www.cslea.com>

Mr. Chisholm
November 3, 2008
Page 2

On or about October 25, 2008, Charging Party requested a hearing before the CSLEA Disciplinary Hearing Committee. (A true and correct copy of the request to appear is attached hereto).

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:

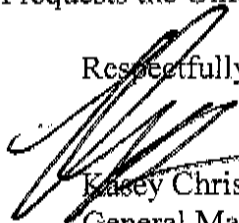
"Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership."

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. 3rd 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



CALIFORNIA STATEWIDE LAW ENFORCEMENT ASSOCIATION

THE VOICE OF LAW ENFORCEMENT, PUBLIC SAFETY & CONSUMER PROTECTION

October 4, 2007

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

Re: *Severance Campaign against California Statewide Law Enforcement Association (CSLEA)*

Dear Unit 7 Member:

The former President of the California Fish and Game Wardens Association (CFGWA) has initiated a campaign to sever the peace officer members from the non-peace officer members of Bargaining Unit 7. The CSLEA Board members who represent Unit 7 peace officers are united in our message that the severance effort is ill-conceived, deceptive and will adversely effect the upcoming negotiations for a new Unit 7 Contract.

The genesis of the severance campaign was CFGWA's dissatisfaction over the pay increases they received in the last contract - raises which amount to 25% of their salary. CFGWA spent numerous hours lobbying for warden (not peace officer) salary increases and its leadership came to believe they were going to receive 50% raises. In a political climate which is controlled by an administration which is no friend of labor, this was a naive assumption. When the agreement was reached to provide them with a 25% increase, CFGWA criticized CSLEA for "spreading out their monies" and giving it to other Unit 7 groups (CFGWA Exposé, Feb. 28, 2007, pg 99, 30th paragraph). CFGWA's representative at the bargaining table, Warden Joe Mello, was also critical of the State Park Rangers receiving identical salary increases.

CFGWA now claims that had the wardens been in a unit comprised solely of peace officers, they would have received their 50% raise - although we've seen no evidence to support this. In fact, the Legislative Analyst's Office and the Governor's recent veto message have recommended against further salary increases for wardens.

CFGWA contends that the non-peace officer members of the bargaining unit are somehow holding back the peace officers from receiving higher pay. However, under the last contract, peace officer members received at least 16.9% increases, and in the case of the special agents, rangers and wardens, 25% increases. Most of the Unit 7 non-sworn received the same increases as the SEIU-represented units. There is absolutely no reason to believe that had the Unit 7 peace officers and non-peace officers been in separate units at the time the last agreement was negotiated, the raises would have been any more substantial for peace officers.

2029 H STREET, SACRAMENTO, CA 95814
PH: (916) 447-5262 / FAX: (916) 447-1583 / TOLL FREE: (800) 522-2870
<http://www.cslea.com>

Although the concept of a peace officer-only unit may initially sound appealing, the realities of severing the unit will only serve to diminish the bargaining strength of peace officers and non-peace officers alike. In the short term the severance campaign will likely delay a new collective bargaining agreement, as it is unlikely DPA will desire to reach an agreement while the issue is being litigated.

A severance campaign will deprive CSLEA of the opportunity to build on the last contract, a re-opener which provided for substantial salary increases which is without precedent in the State of California. Based on the last set of negotiations, CSLEA understands the market-based methodology DPA uses for determining pay increases and we have added former CCPOA President Don Novey to our consulting team to assist us in achieving our goals.

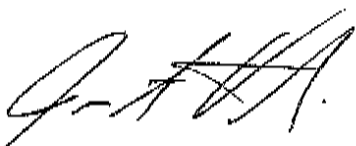
Separating peace officers from CSLEA would also have dramatic effects in terms of political influence. The new peace officer unit would start from zero without the benefit of CLSEA's political action funds. Likewise, although CSLEA would maintain its existing reserves, the loss of members would dramatically reduce the amount of political action funds which could be generated in the future. As many of you are aware, a bargaining agreement which has been negotiated must still be approved by the Legislature. The CSLEA leadership understands the importance of political action and that is why a substantial portion of your dues is dedicated exclusively to this purpose.


Finally, even a successful severance would not mean the former Unit 7 peace officers would be represented by peace officers. A recognition election would be required and there is little doubt groups like the Teamsters will descend like vultures on an unrepresented group of State employees.

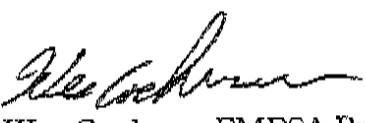
These are just a few reasons for why severance is not in best interest of Unit 7 peace officers - or non-peace officers. **Bargaining starts in five months!** It is time to stand united, and go into bargaining with a plan which will provide for the additional compensation our members deserve.

Signed,

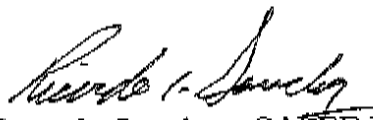
CSLEA Board of Directors
of Affiliates Representing Peace Officers

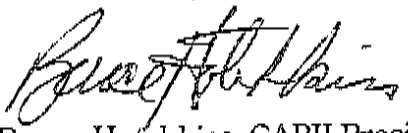

Jim Vitko, ASA-DOJ President

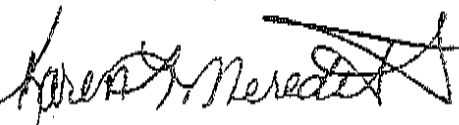

Laura Campos, CA CI President

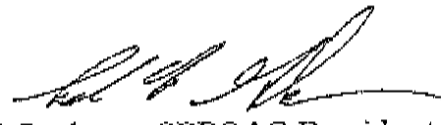

Wes Cochran, FMESA President

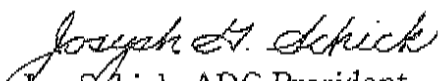

Richard Carrillo, AMVIC President

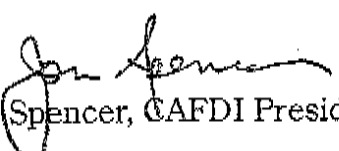

Ricardo Sanchez, CALCEE Director

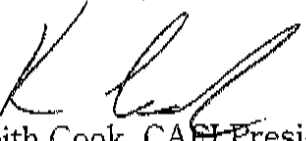

Bruce Hotchkiss, CARI President



Karen Meredith, HPAC President


Sal Goshorn, SPPOAC President


Joe Schick, ADC President


Jon Spencer, CAFDI President


Keith Cook, CAFP President


Shelley Bishop, CASI President

state peace officers



"The only way the DOJ Special Agents will ever get the pay we deserve is by getting out of CAUSE/CSLEA. The P.O.C., a separate, law enforcement only union, gives us the vehicle to make it happen."

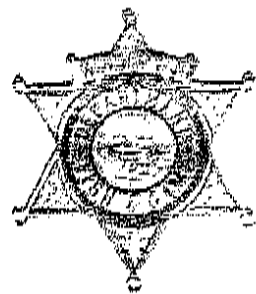
*Mike Lillie,
CAUSE/CSLEA member
Special Agent Supervisor
California Department of Justice*



"P.O.C. is not just for the Wardens and Park Rangers but for all current peace officers in Unit 7. P.O.C. has PORAC in place to handle the LDF, the CLEA insurance will not change, and California Strategies with Marty Morgenstern is on board.

Don't sit back and let others make decisions for you - it is your future! Determine for yourself if a peace officer only union is best for you. If so, sign a card."

*Diana Fouts-Guter, ABC Investigator II
California Department of Alcoholic Beverage Control*



"We are ready for a change in union evolution. The Peace Officers of California is the way to go. In the last contract, the representation by CSLEA was a disaster for the pilots. With the P.O.C. we will have a voice and have opportunities we have worked so hard for."

*Gary Schales
Secretary, CFGWA
Warden Pilot
California Department of Fish and Game*



"Hospital Police Officers are the lowest paid state cops in Bargaining Unit 7... however, we are at parity, with California Highway Patrol Public Safety Dispatchers! And, to add insult to injury, Hospital Police Officers are the only unarmed, uniformed state cops! Time and time again CAUSE/CSLEA has failed to use its supposed "strength in numbers" and "friends in Sacramento" to support legislation to properly equip and support us. We now make less than Psychiatric Technicians! The time is now for a change. I support Peace Officers of California wholeheartedly."

*Dan Gurule, Police Officer
California Department of Mental Health*

Join your fellow



"The very makeup of Bargaining Unit 7 assures that we'll be the lowest paid State Peace Officers in California. P.O.C. is a separate, cop-only union, that will give us the chance to gain the parity that we deserve."

Richard Bergstresser, State Park Peace Officer - Ranger

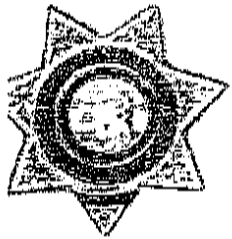
California State Parks



"A fully transparent and accountable union comprised solely of State of California peace officers is long overdue. Our jobs are difficult and dangerous enough without prevalent misconceptions and confusion about who we are and what we do. The misconceptions about us not being "real cops" is furthered by being part of a bargaining unit in which we are outnumbered by State employees who aren't really cops."

Scott L. Edelen, Criminal Investigator

California Department of Insurance, Fraud Division



"I have never heard of another cop-only union, the CAHP, ever having a hard time negotiating a contract with the State. Their current contract was submitted on August 11, 2006, and was ratified by the Legislature on August 31, 2006. That is fast!! Cops supporting cops, good job!"

Chris Lewis, investigator

California Department of Corporations



"For years we have been trying to boost pay and benefits for our officers. For years, those requests have gone unanswered. Why? Because we don't have enough members! Because we don't pay FULL membership dues! Because we are not all full-time cops at Cal Expo! The excuses go on and on. It's time to stop the abuse and time to fight our own battles! POC will afford us the opportunity to do just that, fight!"

Sgt. Victor U Sanchez, President

Cal Expo Police Association