



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: *Michael John Guter v. California Statewide Law Enforcement Association; Unfair Practice Charge No. SA-CO-428-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 July 2, 2008, Charging Party authored an e-mail which was disseminated to a number of CSLEA members disparaging CSLEA and voicing support for POC. (A true and correct copy of the e-mail message is attached hereto.)

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 29, 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. (True and correct copies of the provisions of the Constitution and Standing Rules are attached hereto).

Mr. Chisholm
November 3, 2008
Page 2

On or about October 28, 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 dissemination of an e-mail to CSLEA members voicing his support of POC is activity 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:

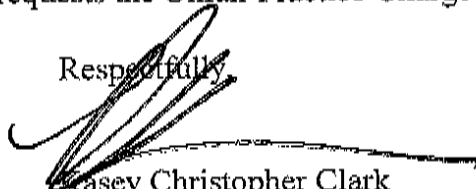
"Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership."

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 Practice Charge be dismissed.

Respectfully,



Casey 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.

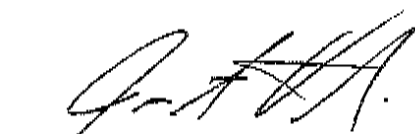
Separating peace officers from CSLEA would also have dramatic effects in terms of political influence. The new peace officer unit would start from zero without the benefit of CLSEA's political action funds. Likewise, although CSLEA would maintain its existing reserves, the loss of members would dramatically 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,

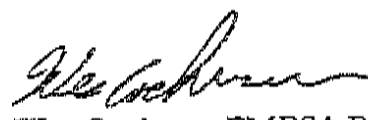
CSLEA Board of Directors
of Affiliates Representing Peace Officers



Jim Vitko, ASA-DOJ President



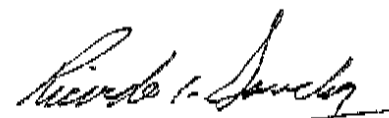
Laura Campos, CA CI President




Wes Cochran, FMESA President



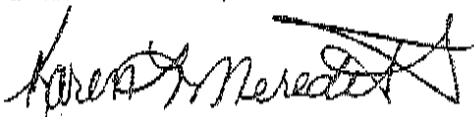
Richard Carrillo, AMVIC President



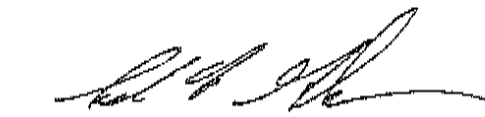
Ricardo Sanchez, CALEE Director



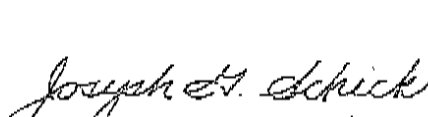
Bruce Hotchkiss, CARII President



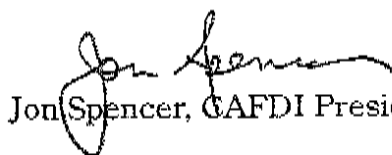
Karen Meredith, HPAC President



Sal Goshorn, SPPOAC President



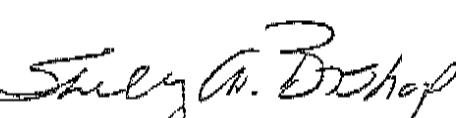
Joe Schick, ADC President



Jon Spencer, CAFDI President



Keith Cook, CAFI President



Shelley Bishop, CASI President

From: Guter, Michael@ABC

Sent: Wednesday, July 02, 2008 8:34 AM

To: Bishop, Shelly@ABC; Beach, Melissa@ABC; Delarosa, Benjamin@ABC; Hoffman, Margot@ABC; Tyndall, Peter@ABC; Ackley, Gerald@ABC; Acosta, John@ABC; Aguilar, Samuel@ABC; Ajax, Bret@ABC; Ajax, Lori@ABC; Alabanza, Analyn@ABC; Alcalá, Enrique@ABC; Amante, Leonora@ABC; Anadon, Jeffery@ABC; Anderson, Robert@ABC; Anghelache, Roxana@ABC; Antoun, Ekbal@ABC; Armantrout, William@ABC; Austin, Matthew@ABC; Ball, Maria@ABC; Barabas, Anthony@ABC; Barefield, Vicki@ABC; Barrier, Della@ABC; Beach, Bradley@ABC; Beckham, Audrey@ABC; Bell, Marilyn@ABC; Benson, Terry@ABC; Bernardino, Joan@ABC; Berry, Anthony@ABC; Bickel, David@ABC; Bluestone, Janice@ABC; Box, Ramund@ABC; Brister, Michael; Brookman, Chris@abc; Brown, Victoria@ABC; Bufkin, Carolyn@ABC; Bullock, Patrick@ABC; Burlingame, Eric@ABC; Campana, Jorge@ABC; Campbell, Donna@ABC; Carnet, Ricardo@ABC; Carrancho, Tony@ABC; Casteel, Wendi@ABC; Chan, Brian@ABC; Chapman, Christopher@ABC; Chavez, Katherine@ABC; Chu, Annie@ABC; Ciganovich, Rodney@ABC; Cook, Connie@ABC; Daniels, Yvette@ABC; Donnelley, Lewis@ABC; Downs, Leslie@ABC; Duran, David@ABC; Ferguson, Marsha@ABC; Fouts-Guter, Diana@ABC; Franco, Fausta@ABC; Freitas, Trenton@ABC; Fuentes, Paul@ABC; Garcia, Delia@ABC; Gardner, Susan@ABC; Gavia, Elizabeth@ABC; Gedney, Mark@ABC; Gilbert, Cindy L@ABC; Gilchrist, Maryanne@ABC; Gomez, Andrew@ABC; Gonzalez, Francisco@ABC; Gonzalez, Maritza@ABC; Gutierrez, Jesus@ABC; Hall, John@ABC; Hart, Dan@ABC; Heatley, Barbara@ABC; Hirata, Eric@ABC; Houser, Michael@ABC; Hutson, Sarah@ABC; Hydar, Matthew@ABC; Ibarra, Cynthia@ABC; Jennings, Mary@ABC; Johnson, William@ABC; Jones, Spencer@ABC; Kelpin, Tannie@ABC; Knodel, Joyce@ABC; Kohman, Lori@ABC; Medina, Alba@ABC; Swarthout, Vicki@ABC

Subject: RE: Dear Members.doc

Shelly,

I have been on vacation since June 15th and just had the opportunity to read your letter to the CASI membership.

Your last sentence in your letter says it all... **THAT IS WHY I SIGNED A SEVERANCE CARD!**

M.J. Guter
CASI Member

From: Bishop, Shelly@ABC

Sent: Tuesday, June 17, 2008 11:27 AM

To: Beach, Melissa@ABC; Delarosa, Benjamin@ABC; Hoffman, Margot@ABC; Tyndall, Peter@ABC; Ackley, Gerald@ABC; Acosta, John@ABC; Aguilar, Samuel@ABC; Ajax, Bret@ABC; Ajax, Lori@ABC; Alabanza, Analyn@ABC; Alcalá, Enrique@ABC; Amante, Leonora@ABC; Anadon, Jeffery@ABC; Anderson, Robert@ABC; Anghelache, Roxana@ABC; Antoun, Ekbal@ABC; Armantrout, William@ABC; Austin, Matthew@ABC; Ball, Maria@ABC; Barabas, Anthony@ABC; Barefield, Vicki@ABC; Barrier, Della@ABC; Beach, Bradley@ABC; Beckham, Audrey@ABC; Bell, Marilyn@ABC; Benson, Terry@ABC; Bernardino, Joan@ABC; Berry, Anthony@ABC; Bickel, David@ABC; Bluestone, Janice@ABC; Box, Ramund@ABC; Brister, Michael; Brookman, Chris@abc; Brown, Victoria@ABC; Bufkin, Carolyn@ABC; Bullock, Patrick@ABC; Burlingame, Eric@ABC; Campana, Jorge@ABC; Campbell, Donna@ABC; Carnet, Ricardo@ABC; Carrancho, Tony@ABC; Casteel, Wendi@ABC; Chan, Brian@ABC; Chapman, Christopher@ABC; Chavez, Katherine@ABC; Chu, Annie@ABC; Ciganovich, Rodney@ABC; Cook, Connie@ABC; Daniels, Yvette@ABC; Donnelley, Lewis@ABC; Downs, Leslie@ABC; Duran, David@ABC; Ferguson, Marsha@ABC; Fouts-Guter, Diana@ABC; Franco, Fausta@ABC; Freitas, Trenton@ABC; Fuentes, Paul@ABC; Garcia, Delia@ABC; Gardner, Susan@ABC; Gavia, Elizabeth@ABC; Gedney, Mark@ABC; Gilbert, Cindy L@ABC; Gilchrist, Maryanne@ABC; Gomez, Andrew@ABC; Gonzalez, Francisco@ABC; Gonzalez, Maritza@ABC; Guter, Michael@ABC; Gutierrez, Jesus@ABC; Hall, John@ABC;

Hart, Dan@ABC; Heatley, Barbara@ABC; Hirata, Eric@ABC; Houser, Michael@ABC; Hutson, Sarah@ABC; Hydar, Matthew@ABC; Ibarra, Cynthia@ABC; Jennings, Mary@ABC; Johnson, William@ABC; Jones, Spencer@ABC; Kelpin, Tannie@ABC; Knodel, Joyce@ABC; Kohman, Lori@ABC; Medina, Alba@ABC; Swarthout, Vicki@ABC

Subject: Dear Members.doc

Dear Members,

Many of you received an e-mail from "the administrator" of POC today saying that DPA gives CSLEA a layoff notice. This information is twisted to seem like you will be losing your jobs- which is false. There is no other way to say it but, this group, who calls themselves POC, is using the lowest form of manipulation which is based on *fear* to get you to go to their side.

If you go to the web page of DPA you will see letters that were sent out by DPA to the other unions whose contracts are up this July. These letters are addressing the contract articles to be negotiated nothing else. This is a standardized format to address all articles in the contract not specifically layoffs. DPA tells each union what they will be willing to discuss at the table prior to the start of negotiations. I find that a group of individuals who can get information so twisted as to mislead our members are in no way of high moral standing. Use your investigative skills and ask questions before you react. I will be happy to answer truthfully any questions you have on this matter.

Now for the *real* up date on the current negotiations: I was given the opportunity to present our proposals to DPA on May 28th. DPA was attentive to our concerns and allowed all proposals to be heard. The department was represented by Tim Gorsuch. Tim was a welcome addition since he was able to clarify the position of our department in certain areas. Overall, it was a professional and non confrontational exchange between all of us. I can not tell you what we will or will not get since the process is still ongoing. The projected time frame is by the end of the month all talks should be complete. However, remember it is a projected time frame. I can say I feel positive for our members of CASI.

Remember to not be fooled by misleading information from individuals who are trying to slant words to invoke fear in you. If someone can not be honest and forthright you should be questioning their motives.

Shelley Bishop
CASI President