



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: Dan Gurule

b. Mailing address:

c. Telephone number:

d. Name, title and telephone number

of person filing charge: Dan Gurule, Hospital Police Officer

e. Bargaining unit(s) involved:

Bargaining Unit 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: California Department of Mental Health

b. Mailing address: 1600 9th Street, Room #151, Sacramento, CA 95814

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

a. Full name: California Department of Mental Health

b. Mailing address: 1600 9th Street, Room #151, Sacramento, CA 95814

c. Agent: Director Stephen W. Mayberg

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

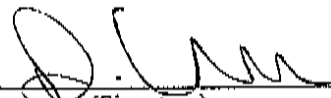
- a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)
- Educational Employment Relations Act (EERA) (Gov. Code sec. 3540 et seq.)
 - Ralph C. Dills Act (Gov. Code sec. 3512 et seq.)
 - Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code sec. 3560 et seq.)
 - Meyers-Milias-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: **Govt Code Sec. 3519.5 (b), PERB Regulation 40200**
- 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):
- 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.)
See attachment.

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 26, 2008
(Date)

at Whittier, California
(City and State)

Dan Gurule
(Type or Print Name)


(Signature)

Title, if any: Hospital Police Officer

Mailing address: [REDACTED]

Telephone Number: [REDACTED]

Addendum to PERB-61 Unfair Practice Charge Dan Gurule

At all relevant times I was a member of the employee organization known as Peace Officers of California (POC). I currently serve as POC Vice President-Southern California and POC Interim Director-Hospital Police Association of California (HPAC).

On or about 09-19-08, Kasey Christopher Clark, Chief Legal Counsel for the California Statewide Law Enforcement Association (CSLEA) authored and posted an article on the CSLEA website regarding the Public Employment Relations Board (PERB) decision that POC had submitted sufficient signatures to support our filing for severance. In this article Clark wrote in part, "The result is not surprising given that PERB has minimal protections in place to guard against the submission of fraudulent signatures." Clark has inferred that members of POC have submitted fraudulent signatures. On 06-27-08, I attended a meeting at Coalinga State Hospital with other POC members and numerous Hospital Police Officers and Special Investigators. Present outside of this meeting were members of CSLEA including Ricardo Sanchez, CSLEA Controller and Karen Meredith, HPAC President. It is well known within CSLEA, POC and at my work location that I am a member of POC and collected and submitted numerous signed documents in support of severance. Each and every document I submitted to PERB was signed by the employee and is not fraudulent. Clark's suggestion that POC members submitted fraudulent signatures could have a substantial impact on POC members' relationships with our employers.

On or about 10-20-08, I received a letter from Richard Carrillo, CSLEA Sr. Vice President, regarding the indefinite restriction on my eligibility to resume membership with CSLEA. This action was taken because of my support and membership in POC. I have responded to this letter and requested a hearing.

The actions taken thus far by CSLEA could have a chilling affect on the rights of POC members and supporters granted by the Ralph C. Dills Act.

Based on the aforementioned information, a reasonable and ordinary person can assume that CSLEA can no longer represent POC members and supporters fairly and impartially.

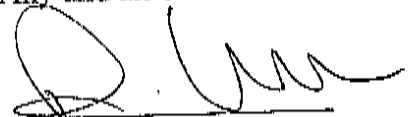
I request Alan Barcelona, CSLEA President and all his agents from CSLEA cease and desist their attempts to coerce, harass and restrain any member of bargaining Unit 7 who is a member or supporter of POC.

I request Kasey Clark cease and desist accusing members of POC of submitting fraudulent signatures in support of our severance attempt. If Clark has such proof he should notify our respective agencies immediately.

I request Kasey Clark remove the aforementioned article from the CSLEA website that infers POC members submitted fraudulent signatures in support of our severance attempt.

I request CSLEA reimburse all POC members for any expense we may incur answering their allegations, attending hearings in front of their disciplinary committee and filing complaints with PERB.

Any and all other remedies deemed appropriate.

A handwritten signature in black ink, appearing to read "Dan Gurule", written over a horizontal line.

Dan Gurule