



STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD  
**UNFAIR PRACTICE CHARGE**

DO NOT WRITE IN THIS SPACE: Case No: SA-CO-430-S Date Filed: 11-26-2008

**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](http://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  PUBLIC

a. Full name: Dan Gurule  
b. Mailing address: [REDACTED]  
c. Telephone number: [REDACTED]  
d. Name, title and telephone number of person filing charge: Dan Gurule, Hospital Police Officer, [REDACTED]  
e. Bargaining unit(s) involved: Bargaining Unit 7 California Statewide Law Enforcement Association (CSLEA)

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

<sup>1</sup> 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 Section 3519.5 (b)
- 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 11-26-08

(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]

Peace Officers of California (POC) is an employee organization, consisting of peace officers, within the meaning of Govt. Code Sec. 3513 (a). Per Govt. Code Sec. 3515, peace officers have the right to form, join and to be represented by POC in our employment relations with the state. Peace Officers also have the right to file a severance petition to alter the established bargaining unit by removing or severing said peace officers from California Statewide Law Enforcement Association (CSLEA) in order to form a new bargaining unit. By filing the severance petition, POC seeks to become the exclusive representative of the new unit.

The CSLEA continues to violate the rights of numerous peace officers granted by the Ralph C. Dills Act. We exercised our rights per Govt. Code Sec. 3512 by creating, joining and participating in an employee organization known as (POC). We also exercised our rights per Govt. Code Sec. 3515 by creating, joining and participating in POC and attempting to sever from CSLEA and null their status as the recognized employee organization for peace officers currently under their grip.

CSLEA has knowledge that we created, joined and are actively participating to make POC the recognized employee organization for peace officers. CSLEA has threatened numerous POC members with adverse actions ranging from dismissal from CSLEA to monetary fines of \$1,000-\$4,000, claiming our creating, joining and active support to make POC the recognized employee organization for peace officers violates the CSLEA constitution.

CSLEA established hearing dates for said peace officers in front of their Disciplinary Hearing Committee on December 8, 9 and 10. According to CSLEA, we are not entitled to discovery or to face our accusers. We are not allowed to be represented by an attorney at said hearing. In my case, I choose to be represented by Officer Paul Voettiner, CSLEA Job Steward. Subsequently, Kasey Clark, CSLEA Chief Legal Counsel, ordered Voettiner not to represent me, in contradiction to CSLEA Constitution Article X, Sec B, 4, which clearly states, "The Accused does have the right to be represented by any member or officer of CSLEA." Clark told Voettiner his representation of me would be considered supporting POC. Additionally, other peace officers have requested new hearing dates for various reasons, including medical care for family members and court appearances resulting from official duties as peace officers. Clark has stated these reasons are not sufficient cause to reschedule hearing dates and if the peace officers do not attend the hearing they will give up their right to a hearing. CSLEA has clearly failed to establish and follow reasonable disciplinary procedures and abide by its own Constitution in violation of Govt. Code Sec. 3515.5. CSLEA actions interfere with our protected rights under Govt. Code Section 3519.5 (b).

On 09-19-08, Kasey Christopher Clark, Chief Legal Counsel for the 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 POC members have submitted fraudulent documentation in violation of state law. The CSLEA did in fact file one instance of alleged fraud. The PERB investigated this claim and concluded no pattern of conduct was found. However, Clark's accusation remains on the CSLEA website. Clark's accusations could cause numerous peace officers to be subjected to internal affairs

investigations by their employing agencies. This could adversely affect the peace officers relationships with their employing agencies.

**Dan Gurule**