

Gerald "Jerry" Karnow, Jr.

October 28, 2008

To: Richard Carrillo
Attention: Alan Barcelona
California Statewide Law Enforcement Association
2029 H Street
Sacramento, CA 95811

Re: Notice of Ineligibility to Resume Membership Status

Dear Mr. Carrillo,

This is in response to your letter dated October 16, 2008 regarding Notice of Ineligibility to Resume Membership Status.

You allege I violated Article XX, Section 2 (e) of the California Statewide Law Enforcement Association (CSLEA) Constitution which prohibits: "Any activity which assists or is intended to assist a competing organization within the jurisdiction of CSLEA."

However, Article X, Section A. 1. states in part, "The charges shall be specific, citing in detail the nature, the date, and the circumstances of the alleged offense and, where violation of a Constitution or Standing Rules provision is alleged, the specific sections shall be cited, along with the specific act or omission which constitutes the alleged violation."

The charges filed against me are not specific, citing in detail the nature, the date, and the circumstances of the alleged offense, nor has a specific act or omission been cited.

The charges filed against me are procedurally deficient per Article X, Section A. 1 and should be dismissed without delay. Nevertheless, I will address the general nature of the charges filed against me.

According to the Public Employees Relations Board (PERB) Regulation, Article 2, an employee organization, Peace Officers of California (P.O.C.), may file a petition to become the exclusive representative for sworn peace officers within Bargaining Unit 7. P.O.C. filed a severance petition as requested by the majority of the peace officers within CSLEA, which was acknowledged by PERB, Case No. SA-SV-171-S and letter dated September 18, 2008. PERB determined P.O.C.'s severance petition was timely filed and sufficient proof of employee support was submitted to meet their requirements. In addition, on October 8, 2008, the Department of Personnel Administration (DPA) acknowledged the severance petition by Peace Officers of California to sever pre-identified classifications from CSLEA, Unit 7. DPA has added they will

abide by the determination made by PERB and will rely on its application of the Ralph C. Dills Act provisions and implementing regulations. Additionally, DPA is fully aware of the severance situation and P.O.C. nor any agents thereof have been advised of any activity improper within the Dills Act. Therefore, the actions of P.O.C. and its members are lawful and proper.

However, the actions of CSLEA are in contradiction and violation of law and the BU-7 Memorandum of Understanding (M.O.U.), between the State of California and CSLEA. Specifically, Govt. Code Section 3519.5(b) and Article 2.6 of the BU-7 MOU states it shall be unlawful for CSLEA to 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 of rights guaranteed by the Ralph C. Dills Act and the BU-7 M.O.U.

I have been approached by several CSLEA members that told me agents of CSLEA have relayed to employees CSLEA is aware of those employees who have supported the severance effort and they will be dealt with and punished. I suggest you advise CSLEA to cease and desist its attempts to coerce, harass and restrain employees of BU-7 simply because they choose to exercise their rights. Stop squandering dues money and support the right to vote for a peace officer only bargaining unit.

In addition, your letter states, "the CSLEA Disciplinary Hearing Committee has issued an indefinite restriction on your right to resume membership in CSLEA and you are no longer eligible to resume membership in CSLEA which would entitle you to the benefits of legal representation for administrative investigations and any appeal of discipline, coverage by the CSLEA Legal Defense Fund for criminal and/or civil actions arising from the course and scope of employment, or access to insurance benefits either provided or sponsored by CSLEA." I'm confused by the contradiction in your letter. Your previous paragraph states that because I am not presently a member of CSLEA, such actions of discipline cannot be imposed on me. I can argue your statement that CSLEA "has issued an indefinite restriction on your right to resume membership in CSLEA and you are no longer eligible to resume membership..." etc., is a form of discipline imposed upon me.

Therefore, because you threaten me with discipline that you say cannot be imposed; I definitely request to appear before the Hearing Committee and request the entire CSLEA Board be present. I look forward to your response and the hearing to have some questions answered.

Sincerely,



Jerry Karnow, Jr.
Legislative Liaison, CFGWA
Treasurer, Peace Officers of California