



**PUBLIC EMPLOYMENT RELATIONS BOARD
FACSIMILE TRANSMITTAL SHEET**

TO:

Gary W. Gorski
Fax No. 965-6801

Krista C. Whitman
Fax: (916) 874-8207

FROM:

Lcs Chisholm
Division Chief
Office of the General Counsel
1031 18th Street
Sacramento, CA 95811-4124
Phone: (916) 327-8383
Fax: (916) 327-6377

DATE:

August 15, 2007

TOTAL NO. OF PAGES INCLUDING COVER:

10

RE:

NOTES/COMMENTS:

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STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC EMPLOYMENT RELATIONS BOARD

Office of the General Counsel
1031 18th Street
Sacramento, CA 95811-4124
Telephone: (916) 322-3198
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August 15, 2007

VIA FACSIMILE AND U.S. MAIL

Gary W. Gorski, Attorney
Law Offices of Gary W. Gorski
8549 Nephi Way
Fair Oaks, California 95628

Krista C. Whitman, Deputy County Counsel
County of Sacramento
700 H Street, Suite 2650
Sacramento, California 95814

Re: *Sacramento County Deputy Sheriffs' Association v. County of Sacramento*
Injunctive Relief (IR) Request No. 526
Unfair Practice Charge No. SA-CE-485-M

Dear Parties:

The Board has taken action in IR Request No. 526 by directing PERB staff to expeditiously process the underlying unfair practice charge in this matter. The Board reserves its decision-making authority regarding the request for injunctive relief at this time pending the conduct of a prompt informal settlement conference and, if appropriate, formal hearing before a PERB Administrative Law Judge.¹

Sincerely,

Tami R. Bogert
General Counsel

¹The panel assigned consisted of Members Neuwald, McKeag, and Wesley.

STATE OF CALIFORNIA

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August 15, 2007

Gary W. Gorski
8549 Nephi Way
Fair Oaks, CA 95628

Krista C. Whitman, Deputy County Counsel
County of Sacramento
700 "H" Street, Suite 2650
Sacramento, CA 95814

Re: *Sacramento County Deputy Sheriffs' Association v. County of Sacramento*
Unfair Practice Charge No. SA-CE-485-M

Dear Parties:

The Office of the General Counsel has issued the enclosed **COMPLAINT** in the above-entitled matter. The Respondent is required to file an **ANSWER** on or before **August 22, 2007**, pursuant to PERB Regulation 32644.¹ The required contents of the **ANSWER** are described in Regulation 32644(b). If you have not filed a Notice of Appearance form, one should be completed and returned with your **ANSWER**.

Also enclosed is a Notice of Informal Conference informing you that an informal settlement conference has been scheduled for **August 23, 2007**. All inquiries, filings, and correspondence in this matter should be directed to me.

Also enclosed is a Notice of Formal Hearing scheduled for **September 5 and 6, 2007**.

Sincerely yours,

A handwritten signature in black ink, appearing to read "L. Chisholm".

Les Chisholm
Division Chief

Enclosures

¹ PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. Copies may be purchased from PERB's Publications Coordinator, 1031 18th Street, Sacramento, CA 95814-4174, and the text is available at www.perb.ca.gov.

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



SACRAMENTO COUNTY DEPUTY SHERIFFS'
ASSOCIATION,

Charging Party,

v.

COUNTY OF SACRAMENTO,

Respondent.

Case No. SA-CE-485-M

COMPLAINT

It having been charged by Charging Party that Respondent engaged in unfair practices in violation of California Government Code section 3500 et seq., the General Counsel of the Public Employment Relations Board (PERB) on behalf of PERB, pursuant to California Government Code sections 3509(b) and 3541.3(i) and California Code of Regulations, title 8, section 32640, issues this COMPLAINT and alleges:

1. Charging Party is an exclusive representative within the meaning of PERB Regulation 32016(b) of an appropriate unit of employees, which includes non-peace officers.
2. Respondent is a public agency within the meaning of Government Code section 3501(c) and PERB Regulation 32016(a).
3. On or about June 1, 2007, Respondent failed to recognize the appointments made by Steven Fisk, President of the Sacramento County Deputy Sheriffs' Association (SCDSA), pursuant to the terms set forth in section 2.3c of the collective bargaining agreement (CBA) between the Charging Party and the Respondent, that states, in pertinent part, "[t]he President and up to two (2) officers appointed by the President under section 2.3-c shall each receive eighty (80) hours of release time per pay period without loss of any benefits or rights."

4. On or about June 1, 2007, Respondent failed to submit to Mr. Fisk, as President of the SCDSA, the following items, including but not limited to: union dues; funds associated with section 2.3e of the CBA to compensate Mr. Fisk's appointees for release time purposes; a financial accounting of all monies disbursed by the County to the SCDSA and/or on behalf of the SCDSA; and any and all correspondence/notices/memoranda related to the SCDSA and/or individual unit members.

5. On or about July 13, 2007, fifteen (15) members of the SCDSA Board of Directors and/or SCDSA officers were recalled in a special election by the SCDSA membership. The Respondent has failed to recognize the results of the recall election and continues to communicate and/or transact with the recalled members of the Board of Directors and/or officers of the SCDSA.

6. By the acts and conduct described in paragraphs 3, 4, and 5, Respondent dominated and/or interfered with the administration of Charging Party in violation of Government Code section 3502 and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(d).

7. This conduct interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3506 and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

8. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3503 and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

Any amendment to the complaint shall be processed pursuant to California Code of Regulations, title 8, sections 32647 and 32648.

DATED: August 15, 2007

TAMI R. BOGERT
General Counsel

By Wendi L. Ross
Wendi L. Ross
Deputy General Counsel

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



SACRAMENTO COUNTY DEPUTY SHERIFFS'
ASSOCIATION,

Charging Party,

v.

COUNTY OF SACRAMENTO,

Respondent.

Case No. SA-CE-485-M

**NOTICE OF INFORMAL
CONFERENCE**

PLEASE TAKE NOTICE that on August 23, 2007, at the Public Employment Relations Board, 1031 18th Street, Room 103, Sacramento, California, beginning at 10:00 a.m., an informal conference will be held pursuant to California Code of Regulations, title 8, section 32650 on an unfair practice complaint issued by the Public Employment Relations Board (PERB) against the above-named respondent. The conference will be held before the undersigned representative of PERB, at which time the parties should appear in person or by representative.

At the conference, the parties should be prepared to reach a settlement agreement or reduce the number of outstanding issues. If no settlement is reached, a formal hearing will be conducted by PERB pursuant to the Notice of Formal Hearing being issued this same date.

All communications concerning the further processing of this case should be addressed to the undersigned at PERB, 1031 18th Street, Sacramento, CA 95811-4124; (916) 327-8383.

DATED: August 15, 2007

By

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

Les Chisholm
Division Chief

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



SACRAMENTO COUNTY DEPUTY SHERIFFS'
ASSOCIATION,

Charging Party,

v.

COUNTY OF SACRAMENTO,

Respondent.

Case No. SA-CE-485-M

NOTICE OF FORMAL HEARING

PLEASE TAKE NOTICE that the Public Employment Relations Board (PERB) will conduct a hearing on the unfair practice complaint in this case.

The hearing will be held on September 5 and 6, 2007, at the Sacramento PERB Office, located at 1031 18th Street, Sacramento, California, starting at 10:00 a.m., and continuing day to day thereafter as necessary.

At the time and place specified above, the parties shall have the right to appear in person, by counsel or other representative; to call, examine and cross examine witnesses (see attachment); and to introduce documentary and other evidence regarding the issues. All inquiries shall be addressed to the undersigned at Sacramento Regional Office, 1031 18th Street, Sacramento, CA 95811-4124, 916-324-0143.

DATED: August 15, 2007

By Shawn P. Cloughesy
Shawn P. Cloughesy
Administrative Law Judge

ATTACHMENT

Language Assistance

If either party intends to call a witness who does not proficiently speak or understand the English language and who will request language assistance, please notify the ALJ assigned to the case immediately in writing so that arrangements for a translator can be made. (Government Code section 11513.)

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95814-4174.

On August 15, 2007, I served the following documents regarding Case No. SA-CE-485-M:

PERB'S DECISION WITH RESPECT TO THE REQUEST FOR INJUNCTIVE RELIEF;
COMPLAINT;
NOTICE OF INFORMAL CONFERENCE and
NOTICE OF FORMAL CONFERENCE

on the parties listed below by

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid.

personal delivery.

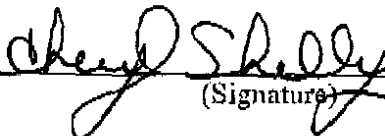
facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

Gary W. Gorski, Attorney
Law Offices of Gary W. Gorski
8549 Nephi Way
Fair Oaks, CA 95628
Fax: (916) 965-6801

Krista C. Whitman, Deputy County Counsel
County of Sacramento
700 "H" Street, Suite 2650
Sacramento, CA 95814
Fax: (916) 874-8207

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 15, 2007, at Sacramento, California.

Cheryl Shelly
(Type or print name)


(Signature)