

1 **ARTICLE II, SECTION 3 INFORMATION.**

2 Pursuant to the requirements set forth in Article II, Section 3 of the Policy, PCDSA
3 submits the following:

4 a) Name and address of the employee organization:

5 Placer County Sheriff's Office Association Inc., doing business as "Placer County Deputy
6 Sheriff's Association", P.O. Box 9157, Auburn, California 95604.

7 b) Names and titles of its officers:

8 Josh Tindall, President

9 Dennis Kemper, Vice-President

10 Laurie Bettencourt, Secretary

11 Frank Domeier, Treasurer

12 c) Names of employee organization representatives who are authorized to speak on behalf of
13 the organization:

14 Josh Tindall, President

15 Dennis Kemper, Vice-President

16 Laurie Bettencourt, Secretary

17 Frank Domeier, Treasurer

18 David E. Mastagni, Attorney for PCDSA

19 Will M. Yamada, Attorney for PCDSA

20 Kathleen N. Mastagni, Attorney for PCDSA

21 Bob Jarvis, Labor Representative for PCDSA

22 d) A statement that the employee organization has, as one of its primary purposes, the
23 responsibility of representing employees in their employment relations with the County:

24 The PCDSA's primary purpose is the responsibility of representing employees in their
25 employment relations with the County.

26 e) A statement whether the employee organization is a chapter of, or affiliated directly or
27 indirectly in any manner, with a local, regional, state, national or international
28 organization, and, if so, the name and address of each such other organization:

1 The PCDSA is not a chapter of, nor affiliated directly or indirectly in any manner, with a
2 local, regional, state, national or international union. PCDSA and/or its members are
3 associated with Peace Officers Research Association of California ("PORAC") and State
4 Coalition Of Probation Organizations ("SCOPO").

5 f) Certified copies of the employee organization's constitution and bylaws:

6 Certified copies of the Articles of Incorporation, Bylaws, and certification of Bylaw
7 amendments on March 15, 2004 and March 24, 2006 are attached hereto collectively as
8 Exhibit "1."

9 g) A designation of those persons, not exceeding two in number, and their addresses, to
10 whom notice sent by regular United States mail will be deemed sufficient notice on the
11 employee organization for any purpose:

12 Josh Tindall, President, P.O. Box 9157, Auburn, California 95604

13 Laurie Bettencourt, Secretary, P.O. Box 9157, Auburn, California 95604

14 h) A statement that the employee organization has no restriction on membership based on
15 race, color, religion, creed, sex, national origin, age, sexual orientation, mental or physical
16 disability or medical condition:

17 The PCDSA has no restriction on membership based on race, color, religion, creed, sex,
18 national origin, age, sexual orientation, mental or physical disability or medical condition.

19 i) The job classifications or position titles of employees in the unit claimed to be
20 appropriate and the approximate number of member employees therein:

21 Penal Code Section 830.5 Peace Officers in the classifications of Deputy Probation
22 Officer Trainee, Deputy Probation Officer I, Deputy Probation Officer II, Senior Deputy
23 Probation Officer, and Supervising Probation Officers.

24 j) A statement that the employee organization has in its possession proof of employee
25 support as herein defined to establish that a majority of the employees in the unit claimed
26 to be appropriate have designated the employee organization to represent them in their
27 employment relations with the County:

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1 The PCDSA has in its possession proof of employee support as herein defined to
2 establish that a majority of the employees in the unit claimed to be appropriate have
3 designated the employee organization to represent them in their employment relations
4 with the County. Article I, Section 2 of the Policy defines "Proof of Employee Support"
5 as "(2) a verified authorization petition or petitions recently signed and personally dated
6 by an employee, or (3) employee dues deduction authorization, using the payroll
7 register." Section 2(3) is consistent with PERB Regulation 61450 et seq., which provides
8 that employee support is presumed where an existing unit is divided into two (2) units
9 represented by the same representative.

10 Pursuant to Article I, Section 2(3), attached is proof of dues deduction authorization
11 reflecting support from 50 probation employees. (A true and correct certified payroll
12 register for the period of January 5, 2008 through January 18, 2008, which identifies all
13 employees who have signed a dues deduction authorization on behalf of the PCDSA is
14 attached hereto as Exhibit "2", and a true and correct certified membership roster
15 identifying by classification all employees, including probation employees designated by
16 "PO", who have signed a dues deduction authorization on behalf of the PCDSA is
17 attached hereto as Exhibit "3".) Pursuant to Article I, Section 2(2) supplemental proof of
18 support is reflected in the attached verified authorization petition signed by 12 probation
19 employees, two (2) of whom had previously rescinded their dues deduct authorization.
20 (True and correct copies of the verified authorization petition is attached hereto as Exhibit
21 "4".)
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23 **STATEMENT OF ALL RELEVANT FACTS AND CITATIONS IN SUPPORT OF THE PROPOSED**
24 **MODIFIED UNIT IN TERMS OF THE POLICIES AND STANDARDS SET FORTH IN ARTICLE II,**
25 **SECTION 8.**
26

27 The factors set forth in Section 8, support a determination that the proposed unit
28 modification of forming a separate Probation Officer Unit represented by the PCDSA is

1 appropriate. The proposed unit will have a positive effect on the efficient operations of the
2 County and its compatibility with the primary responsibility of the County and its employees to
3 effectively and economically serve the public, and provide employees with effective
4 representation based on recognized community of interest considerations. The unit proposed by
5 the PCDSA satisfies the factors set forth in Section 8 as follows:

6 a) Similarity of the general kinds of work performed, types of qualifications required, and
7 the general working conditions:

8 The proposed Probation Officer Unit would be comprised solely of employees that have
9 similar or identical kinds of work, required qualifications and working conditions. All
10 employees are Penal Code Section 830.5 peace officers who are mandated to complete
11 annual training from State of California "Standards and Training for Corrections (STC)."

12 All members of the proposed unit perform similar law enforcement work supervising and
13 monitoring juvenile and adult offenders and are subject to the same working conditions
14 and policies. These employees all are committed to ensuring and maintaining a safe
15 community by providing and enhancing a coordinated level of services and programs,
16 designed to lessen the impact and reoccurrence of crime, and to protect and serve the
17 people of Placer County.

18 All employees have the same or similar educational requirements. All employees are
19 subject to the same or similar background and psychological evaluations and physical
20 requirements. All employees are currently subject to the same benefits, are represented
21 by the PCDSA in the same Law Enforcement Unit, and subject to the same memorandum
22 of understanding. All employees are subject to alternative work-schedules, such as 24
23 hour staffing. They are eligible for shift differential, holiday pay, and specialty
24 assignment pay pursuant to their memorandum of understanding. Furthermore, the
25 employees at issue are all peace officers subject to special disciplinary procedures set
26 forth in Penal Code Section 832.5, and are entitled to special procedural safeguards
27 during disciplinary investigations and appeal rights pursuant to Government Code Section
28 3300 et seq..

1 In *Long Beach Community College District* (1999) PERB Decision No. 1315, PERB held
2 security officers were entitled to sever from the established general employee association,
3 the California School Employees Association, and form a separate bargaining unit
4 comprised solely of campus security officers and become affiliated with Police Officers'
5 Association. PERB based this decision on its determination that the security employees
6 possessed a community of interest separate from the other classified employees. PERB
7 noted the security officers carry guns, wear special uniform, special patches, and special
8 shoes, possessed POST basic certifications, maintained sworn status, received specialized
9 training, physical ability evaluations, and psychological evaluations to be hired. The
10 factors set forth in *Long Beach* are equally applicable to the instant Petition and support
11 the requested unit modification. Similarly, in *Sacramento City Unified School District*
12 (1977) EFRB Decision No. 30, PERB found strong public policy considerations in favor
13 of a separate unit for security officers.

14 The Legislature implicitly recognized the strength of these considerations in the law
15 enforcement context in enacting Government Code Section 3508, which states: "the
16 governing body may not prohibit the right of its employees who are full-time 'peace
17 officers,' as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3
18 of Part 2 of the Penal Code, to join or participate in employee organizations which are
19 composed solely of those peace officers." This section expressly recognizes the
20 appropriateness of, and legal right to form, a Probation Officer Unit comprised of 830.5
21 peace officers.

22 b) History of representation in the County and similar employment; except however, that no
23 unit shall be deemed to be an appropriate unit solely on the basis of the extent to which
24 employees in the proposed unit have organized:

25 The employees in proposed Probation Officer Unit have historically been represented
26 together in the same Law Enforcement Unit (with other Placer County peace officer
27 classifications) and represented by the same Exclusively Recognized Employee
28 Organization, the PCDSA. The proposed unit continues the existing history of

1 representation, albeit with the probation employees subject to a separate memorandum of
2 understanding. The long negotiating history strongly supports establishment of a
3 Probation Officer Unit represented by the PCDSA. (See, *Livermore Valley Unified School*
4 *District* (1981) PERB Decision No. 165.)

5 c) Consistency with the organizational patterns of the County:

6 The proposed Probation Officer Unit is consistent with the organizational patterns of the
7 County because they will remain represented by the DSA. The only change that will
8 result is the employees will be subject to a separate memorandum of understanding. This
9 change is desirable in that probation employees' wages are not determined through
10 Proposition F, as are the wages of other employee classifications in the Law Enforcement
11 Unit.

12 d) Effect of differing legally mandated impasse resolution procedures:

13 The proposed Probation Officer Unit will be comprised of employees who are all subject
14 to the same impasse resolution procedures. Currently all members of the existing Law
15 Enforcement Unit are subject to the same impasse resolution procedures, which culminate
16 in impasse arbitration pursuant to Code of Civil Procedure Section 1299 et seq.. Pursuant
17 to CCP §§ 1299.3(e) and 1299.4, all probation employees in the proposed unit may
18 submit their collective bargaining disputes to an arbitration panel. The proposed
19 modification does not change these rights.

20 e) Number of employees and classifications, and the effect on the administration

21 of employer-employee relations created by the fragmentation of classifications and
22 proliferation of units:

23 The proposed unit encompasses approximately 91 employees and five (5) classifications.
24 No fragmentation of classifications will occur because all classifications in the probation
25 series will be placed in the same unit. The requested modification will not result in
26 proliferation of units, because only peace officer employees, as defined in Government
27 Code Section 3508 have a statutory right to be represented in a unit composed entirely of
28 peace officers under the same Penal Code section. Further, the probation employees do

1 not seek, nor does the statute require, proliferation of separate units comprised of
2 different probation classifications.

3 Finally, as Penal Code Section 830.5 peace officers, the probation employees have a
4 statutory entitlement under Government Code Section 3508 to form a unit comprised
5 solely of 830.5 peace officers notwithstanding any other considerations.

6 f) Effect on the classification structure and impact on the stability of the employer-employee
7 relationship of dividing a single or related classifications among two or more units:

8 The proposed unit does not divide single classifications among two or more units.

9 Although the probation classifications are broadly related to the other law enforcement
10 classifications in the Law Enforcement Unit, they will remain represented by the same
11 exclusively recognized employee organization, the PCDSA. Therefore the effect of the
12 proposed Probation Officer Unit is de minimis.

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VERIFICATION

I, Josh Tindall, declare:

1. I am the President of the Placer County Deputy Sheriffs' Association.
2. I am duly authorized to and hereby do file this Petition(s) on behalf of the PCDSA.
3. I declare under penalty of perjury, under the laws of the State of California, that the foregoing Petition is true and correct to the best of my knowledge, and if called upon to testify thereto, I could and would competently do so.

Executed on February 14, 2008 in Sacramento, California.



JOSH TINDALL
PCDSA President

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento

On 2-14-08 before me, Barbie Lynn DeJong, Notary Public
Date Here, Insert Name and Title of the Officer

personally appeared Joshua James Sanchez Tindal
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Barbie Lynn DeJong
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Verification

Document Date: 2-14-08 Number of Pages: 1 Page

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____