



PERB
California Public Employment
Relations Board

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April 3, 2025

Garrett Porter, Attorney
Mastagni Holstedt, A.P.C.
1912 I Street
Sacramento, CA 95811

Timothy Yeung, Attorney
Sloan Sakai Yeung & Wong LLP
555 Capitol Mall, Suite 600
Sacramento, CA 95814

Re: *San Mateo County Deputy Sheriff's Association v. County of San Mateo*
Unfair Practice Charge No. SF-CE-2224-M
COMPLAINT

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** within twenty (20) calendar days from the date of service of the COMPLAINT, pursuant to PERB Regulation 32644.¹ The required contents of the **ANSWER** are described in PERB Regulation 32644(b).

If you have not filed a Notice of Appearance form, one should be completed and returned with your **ANSWER**. Please be aware that once legal counsel is designated, PERB will only correspond with that individual(s).

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned. Designated legal counsel who do not attend the Informal Conference for any reason, must designate in writing consent that the meeting go forward in their absence, including, but not limited to the

¹ PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. The text of PERB's Regulations may be found at www.perb.ca.gov.

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execution of a settlement agreement.

Sincerely,

/s/ Jeremy Zeitlin

Jeremy Zeitlin
Senior Regional Attorney

Enclosure

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



SAN MATEO COUNTY DEPUTY SHERIFF'S
ASSOCIATION,

Charging Party,

v.

COUNTY OF SAN MATEO,

Respondent.

Case No. SF-CE-2224-M

COMPLAINT

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

1. Respondent is a public agency within the meaning of Government Code section 3501(c) and PERB Regulation 32016(a).
2. Charging Party is the exclusive representative, within the meaning of PERB Regulation 32016(b), of a bargaining unit that includes a number of Deputy Sheriffs at Respondent's Sheriff's Office.

UNILATERAL CHANGE – MANDATORY OVERTIME

3. Before August 8, 2024, Respondent's temporary policies, effective July 23 through August 7, 2024, contained in Special Orders (e.g., 2024-01, 2024-02, and/or 2024-03) providing, for example, that bargaining unit employees were: (a) "strongly encouraged to voluntarily sign up for 24 hours of overtime per pay period [every two weeks]" and (b) serve at least 12 of the 24 hours in the jail/correctional facility.

4. On or about August 8, 2024, Respondent changed or deviated from the status quo by, among other things, continuing to apply overtime policies contained in Special Orders 2024-01, 2024-02 and/or 2024-03 after they expired on August 7, 2024 and increasing the number of overtime hours worked at a correctional facility to 18 of 24 additional duty hours.

5. Respondent engaged in the conduct described in paragraph 4 without having negotiated with Charging Party to agreement or through completion of negotiations concerning the decision to change the status quo or implement the change in policy and/or the effects thereof.

6. By the acts and conduct described in paragraphs 4 and 5, Respondent failed and refused to meet and confer in good faith in violation of Government Code sections 3505 and 3506.5(c), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(c).

7. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code sections 3506 and 3506.5(a), 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 sections 3503 and 3506.5(b), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

UNILATERAL CHANGE – MINIMUM STAFFING

9. Before August 10, 2024, Respondent maintained an established minimum staffing policy at its jail facilities, for example, a minimum/maximum staffing level of

25/32 for the day shift and 25/30 for the night shift, at the Maguire Correctional Facility (MCF).

10. On or about August 10, 2024, Respondent deviated from the status quo by changing the staffing levels at some jails, for example, by increasing to 35 employees per work shift at MCF.

11. Respondent engaged in the conduct described in paragraph 10 without prior notice to Charging Party and without having afforded Charging Party an opportunity to meet and confer over the decision to change the status quo and/or the effects of its decision to do so.

12. By the acts and conduct described in paragraphs 10 and 11, Respondent adopted an ordinance, rule, resolution or regulation in violation of Government Code section 3504.5(a), failed and refused to meet and confer in good faith in violation of Government Code sections 3505 and 3506.5(c), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(c).

13. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code sections 3506 and 3506.5(a), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

14. This conduct also denied Charging Party its right to represent unit members in violation of Government Code sections 3503 and 3506.5(b), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

INTERFERENCE AND DOMINATION

15. During an August 13, 2024 meeting with bargaining unit employees to discuss emergency staffing policies and the status of negotiations, Respondent's

Executive Director of Administration and Chief of Staff Victor Aenlle stated: "... If you aren't happy with how the [Charging Party's] Board is handling the situation, you should encourage the membership to vote them out."

16. By the acts and conduct described in paragraph 15, Respondent interfered with employee rights guaranteed by the Meyers-Milias-Brown Act in violation of Government Code sections 3506 and 3506.5(a), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

17. By the acts and conduct described in paragraph 15, Respondent also dominated or interfered with the administration of Charging Party in violation of Government Code sections 3502 and 3506.5(d), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(d).

18. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code sections 3503 and 3506.5(b), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

BYPASSING THE EXCLUSIVE REPRESENTATIVE

19. On or about August 9, 2024, Respondent, acting through Sheriff Christina Corpus, issued "A Message from the Sheriff" to "All Sheriff's Personnel" informing them, in relevant part, that:

(a) "While the overtime policy has recently expired, I want to emphasize that the executive team and I made every effort in good faith to find a reasonable solution. We made ourselves available, but the urgency was not reciprocated";

(b) "An internal audit by the payroll department revealed 106 employees are

either not contributing to the minimum overtime requirements or are working substantial overtime without supporting the essential needs of corrections.

This is unacceptable”; and

- (c) “There have been claims that the overtime policy is flawed, but this is a significant misrepresentation. In the spirit of transparency, I am making the proposed policy available for your review. The core requirement of 24 hours, which has been in place for over five years remains unchanged. The only adjustment was a modest increase from 12 to 18 hours (A shift of 6 hours to meet the safety needs) dedicated to corrections, where there’s a clear and substantial need.”

20. By the acts and conduct described in paragraph 19, Respondent attempted to bypass, undermine and derogate the authority of Charging Party in violation of Government Code sections 3505 and 3506.5(c), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(c).

21. This conduct interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code sections 3506 and 3506.5(a), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

22. This conduct also denied Charging Party its right to represent bargaining unit employees in violation of Government Code sections 3503 and 3506.5(b), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

INTERFERENCE

23. On October 4, 2024, Mr. Aenlle, by and through his attorney, sent a letter to

Charging Party threatening litigation in response to, in part, Charging Party's letter announcing an employee vote of no confidence against Mr. Aenlle and the filing of the instant charge.

24. By the acts and conduct described in paragraph 23, Respondent interfered with employee rights guaranteed by the Meyers-Milias-Brown Act in violation of Government Code sections 3506 and 3506.5(a), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

25. This conduct also denied Charging Party its right to represent employees in violation of Government Code sections 3503 and 3506.5(b), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

DISCRIMINATION/RETALIATION

26. Carlos Tapia is a public employee within the meaning of Government Code section 3501(d) and within PERB's jurisdiction.

27. Mr. Tapia exercised rights guaranteed by the Meyers-Milias-Brown Act by serving as President of Charging Party, and in this capacity, making media statements, serving as a witness in an August 2024 investigation against Mr. Aenlle, and participating in filing the instant charge that same month.

28. On or about November 12, 2024, Respondent, acting through its agents, took adverse action against Mr. Tapia by ordering his arrest, placing him on administrative leave, and initiating an internal affairs administrative investigation.

29. Respondent took the actions described in paragraph 28 because of the employee's activities described in paragraph 27, and thus violated Government Code sections 3506 and 3506.5(a), and committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

30. This conduct also interfered with Charging Party's right to represent employees in violation of Government Code sections 3503 and 3506.5(b), and is an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(b).

PUNITIVE ACTION AGAINST UNION OFFICIAL

31. Respondent took the disciplinary actions described in paragraph 28 because Mr. Tapia exercised lawful action as an elected, appointed, or recognized representative of Charging Party in violation of Government Code section 3502.1, and thereby committed an unfair practice under Government Code section 3509(b) and PERB Regulation 32603(a).

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

DATED: April 3, 2025

J. Felix De La Torre
General Counsel

By /s/ Yaron Partovi
Yaron Partovi
Principal Attorney Supervisor

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Los Angeles, 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, Los Angeles Regional Office, 425 W. Broadway, Suite 400, Glendale, CA, 91204-1269.

On April 3, 2025, I served the Complaint and Cover Letter regarding Case No. SF-CE-2224-M on the parties listed below by

☐ I am personally and readily familiar with the business practice of the Public Employment Relations Board for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Los Angeles, California.

☐ Personal delivery.

☒ Electronic service (e-mail).

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Timothy Yeung, Attorney
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 3, 2025, at Glendale, California.

J. Carter
(Type or print name)

/s/ J. Carter
(Signature)