

# CALIFORNIA STATEWIDE LAW ENFORCEMENT ASSOCIATION

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3/3/2014

The Honorable Rob Bonta,  
Assembly Member, 18<sup>th</sup> District  
State Capitol, Room 6025  
Sacramento, CA 95814

Re: Assembly Bill 2032: SUPPORT

Dear Assembly Member Bonta:

On behalf of California Statewide Law Enforcement Association and our 7,000 public safety professionals, we support your Assembly Bill 2032. This bill would maintain the burden of proof in state disciplinary proceedings when an employee is forced to bring an original action in superior court as a result of the State Personnel Board's (SPB) inability to timely act on an appeal from adverse action.

It is consistent with the principles of Constitutional procedural due process for the employer to prove the allegations of the adverse action by a preponderance of evidence in the first instance. On appeal, it is appropriate for the burden to then shift to the appealing party. It is to the advantage of both the State as the employer and the employee to resolve contested disciplinary actions in a timely manner. AB 2032 does not alter the amount of time the SPB has to act on an appeal, but provides an affected employee a fair and timely remedy.

We are pleased to inform you of our support for this important measure.

Sincerely,

Alan Wayne Barcelona  
Special Agent, DOJ  
President, CSLEA

CC: Mr. Craig Brown, Lobbyist