



## LOS ANGELES CITY EMPLOYEE RELATIONS BOARD

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R. Douglas Collins  
Chairman

Anthony Miller  
Vice Chairman

Christopher Ruiz Cameron

Rosalinda Lugo

Rhonda L. Hilyer

Robert R. Bergeson  
Executive Director

### MINUTES OF MEETING

Monday, June 22, 2015

9:30 A.M.

**BOARD MEMBERS PRESENT:** R. Douglas Collins, Chairman  
Anthony Miller, Vice Chairman  
Christopher Ruiz Cameron  
Rosalinda Lugo

**ABSENT:** Rhonda L. Hilyer

Chairman Collins called the meeting to order at 9:31 a.m.

1. **Public comments on matters within the Board's jurisdiction. A maximum of ten minutes will be provided for members of the public to address the Board on items of interest to the public that are within the jurisdiction of the Board. Said ten minutes shall be equally divided among speakers, not to exceed five minutes for one speaker.**

2.  
There were no public comments.

3. **Consideration of minutes of the Board meeting of May 18, 2015.**

Member Cameron moved to approve the minutes of May 18, 2015 (corrected date typo). Seconded by Member Lugo.

Motion carried.

3. **Executive Director's report:**

a) **New unfair employee relations practice claims or representation petitions filed.**

Executive Director Bergeson informed the Board that since its March meeting, three new unfair employee relations practice claims had been received: UERP 1999, filed by Engineers and Architects Association against the Department of Cultural Affairs alleging failure to comply with an information request and retaliation for protected activity (has been processed); UERP 2000, filed by individual employee Frank Alvarado against the General Services Department alleging refusal to arbitrate a grievance (not a prima facie case); and UERP 2001, filed by SEIU, Local 721 against the Los Angeles World Airports alleging interference with protected activity (has been processed).



**b) Status of impasses.**

Mr. Bergeson stated that there were no new requests for imposition of impasse procedures.

**c) Administrative matters, if any.**

Executive Director Bergeson advised the Board that he had no administrative matters to report.

**4. Consideration of requests to withdraw various matters, if any.**

There were no requests for withdrawals.

**5. Consideration of the Personnel Departments report on Petitions C861 and C863, filed by ACEA, AFSCME Local 3090 and SEIU Local 721, respectively.**

The following individuals were present on this matter: Deputy Counsel Najeeb Khoury, on behalf of SEIU, Local 721; Sr. Personnel Analyst Don Harrahill and Sr. Personnel Analyst Cathy Tanaka, on behalf of the Personnel Department.

Chairman Collins stated that the petitions suggested the affected employees were improperly classified, which is a separate matter from unit determination. Moreover, the proper posting did not occur and the Board's staff was advised a week ago that a relevant class had been overlooked by the petitioning unions. He therefore suggested that the deletion and accretion cases be dismissed without prejudice to allow AFSCME and SEIU and the Personnel Department to rectify those problems.

Mr. Khoury clarified that it may have been improperly phrased but the accretion petition was not intended to initiate a reclassification.

Member Cameron moved to approve Mr. Collins' recommendation. Seconded by Member Lugo.

Motion carried.

**6. Request for reconsideration of January 26, 2015 dismissal of Petition C859, filed by Los Angeles Police Detention Officers' Association seeking severance of detention officers (class code 3211) from the Safety/Security Unit, continued from the Board meeting of May 28, 2015.**

The following individual was present on this matter: Deputy Counsel Najeeb Khoury, on behalf of SEIU Local 721. (The petitioner did not appear.)

Mr. Khoury requested dismissal of this matter.

Chairman Collins pointed out that the Board has no rules for severance and it does not contemplate creating them and he asked that unless one of the associate members disagreed, a motion to dismiss be made.

Executive Director Bergeson added for the record that Attorney Michael McGill had previously indicated he thought he could produce some information from PORAC (Police Officers Research Association of California), that contrary to Mr. Khoury's representation, it would not be possible for detention officers to have access to the PORAC Legal Defense Fund. However, said Mr. Bergeson, Mr. McGill informed him by phone such information would not be forthcoming.

Member Cameron moved to deny the request for reconsideration. Seconded by Member Lugo.

Motion carried.

**7. Consideration of an appeal filed by individual employee Preston Scott of the Executive Director's decision not to process UERP 1998 filed against Los Angeles World Airports for failure to state a prima facie case.**

The following individuals were present on this matter: Sr. Personnel Analysts D'Ann McCoy-Snearl and Jeanine Jenkins, on behalf of Los Angeles World Airports. (Claimant did not appear.)

Chairman Collins indicated that there are several problems with the filing but the principal one is that Mr. Scott was terminated by the department two years ago. Therefore, he is not an employee under the ERO or the Meyers, Milius, Brown Act, as well as the Boards rules and thus he has no standing to file so the appeal should be denied and the Executive Director's decision be upheld.

Member Cameron moved to deny the appeal. Seconded by Member Lugo.

Motion carried.

**8. Consideration of further processing of Unfair Employee Relations Practice Claims:**

- a) **UERP 1994, filed by LACAA (LA City Attorneys Assoc.) against Office of the City Attorney and City Attorney Mike Feuer alleging retaliation and discrimination against bargaining unit member Oscar Winslow through denial of promotion of a merit salary increase.**

The following individuals were present on this matter: Attorneys David Mastagni and John Melis, on behalf of L.A. City Attorneys Association and its President Oscar Winslow (in the room); Deputy City Attorneys Hugo Rossitter and Jennifer Handzlik, on behalf of the Office of the City Attorney.

Attorney Mastagni stated that the claim is based on two issues. The first is retaliation for concerted activity through the denial of Mr. Winslow's request for promotion and the second is failure to provide relevant information regarding the promotional process. The Office of the City Attorney has refused to provide such information as who were the other candidates, how they were ranked and what the criteria for selection were. Without that information it makes it very difficult if not impossible for President Winslow and the union to pursue this case, said Mr. Mastagni. Moreover, a grievance was filed for the failure to promote and the City has not yet responded to that grievance.

Attorney Rossitter stated that although management has not responded to the grievance, it has been elevated to arbitration and a hearing is set for later this year. He requested that the Board defer UERP 1994 to arbitration, where he believes the union will be unable to prove any nexus between President Winslow's union activity and his failure to promote.

With regard to providing of information, Attorney Handzlik stated that the parties have been engaged in a meet and confer process and management has provided options and proposals for limiting the scope to data about similarly situated individuals. The City has a legitimate concern with regard to candidates' private personnel records, but the department is willing to cooperate, said Ms. Handzlik, who echoed Mr. Rossitter in asking that this matter be held in abeyance until the arbitration process is completed.

After some discussion, Chairman Collins opined that the case should be deferred to arbitration. Member Cameron so moved while commenting the Board can take up the matter at a later date if necessary. Seconded by Member Miller.  
Motion carried.

**b) UERP 1997, filed by individual employee Edith M. Williams against LA Department of Water and Power alleging retaliation for protected activity through denial of a promotion.**

The following individuals were present on this matter: Attorney Howard Rosen, on behalf of Edith M. Williams; Sr. Labor Relations Representative Gabriella Kennedy and Manager of Labor Relations Charles Rodgers on behalf of the Department of Water and Power.

Attorney Rosen stated that Ms. Williams is infinitely more experienced and qualified than candidates promoted in lieu of her who apparently did not similarly engage in protected conduct. Mr. Rosen said it can be shown the department has a history of retaliating against those exercising their rights to file a grievance; once that happens you are black-balled, he asserted.

Ms. Kennedy replied that Mr. Rosen has not provided any proof that Ms. Williams was retaliated against and she disputed the assertion of being blacklisted for filing a grievance. Ms. Kennedy added that in the department, it is common for individuals to file grievances and several who have done so have managed to achieve division director level positions. The selection interview processes is well documented and did not indicate any deliberate downgrading of Ms. Williams, Ms. Kennedy said.

After much discussion, Member Cameron moved to dismiss this matter. Seconded by Member Lugo.

Motion carried.

Member Cameron moved to adjourn the meeting. Seconded by Member Lugo.

Motion carried.

**MEETING ADJOURNED AT: 9:50 A.M.**

  
ROBERT R. BERGESON  
Executive Director

*PERSONS WITH DISABILITIES:* As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its program, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to this meeting. For additional information, please contact Commission Executive Assistant Guadalupe N. Rodarte at (213) 473-9700.