



LOS ANGELES CITY EMPLOYEE RELATIONS BOARD

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R. Douglas Collins
Chairman
Anthony Miller
Vice Chairman
Rosalinda Lugo
Rhonda L. Hilyer
Suzanne Steinke
Robert R. Bergeson
Executive Director

MINUTES OF MEETING

Monday, June 26, 2017

9:30 A.M.

BOARD MEMBERS PRESENT: **R. Douglas Collins**
 Anthony Miller
 Rhonda L. Hilyer
 Rosalinda Lugo
 Suzanne Steinke (via conference call)

Chairman Collins called the meeting to order at 9:30 a.m.

Off the record - lost phone connection with Board member Steinke

Back on the record - resumed phone connection with Board member Steinke

- 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 that are within the jurisdiction of the Board. Said ten minutes shall be equally divided among speakers, not to exceed five minutes per speaker.**

Adrienne Chavez, a Sr. Personnel Analyst (PA) with the Personnel Department, stated that she, along with other PAs, signed an interest card with "SEIU" after being told so doing it would allow them an opportunity to hear from the union on why being represented would be in their best interest and that they would have the opportunity to vote on the matter. After having seen Engineers and Architects Association flyers posted throughout the Personnel building, she contacted the Employee Relations Board office for more information on the process and was told that unless EAA received enough interest cards, there would be no vote by the impacted employees and they would likely be represented by "SEIU." Signing an interest card should not waive her right to vote, she asserted, and the impacted employees now believe they were misled by SEIU and she regrets having signed that card.

Nathan Jackson, a Detention Officer with LAPD, spoke about claim UERP 2050, an item on last month's agenda. Mr. Jackson said he misconstrued his burden at that time. Mr. Jackson nevertheless questioned why the Board did not send UERP 2050 to hearing when it successfully stated a prima facie case. Instead, said Mr. Jackson the Board requested a doctor's note even though it would not moot the prima facie case. Mr. Jackson cited various definitions and ERO sections, City Charter sections and statutory restrictions and indicated he may contest the Board's decision.

Chairman Collins responded that the Board is prohibited from taking action or making a decision on matters on this portion of its agenda.

2. Consideration of minutes of the Board meeting of May 22, 2017.

Member Hilyer noted a typographical error on page two, “..the City was found to *have* violated...” and with that correction moved to approve the minutes of May 22, 2017. Seconded by Member Lugo.

Motion carried unanimously.

3. Executive Director’s report:

a) New unfair employee relations practice claims filed.

Executive Director Bergeson informed the Board that since its March meeting, four new unfair employee relations practice claims had been received: UERP 2052, filed by Engineers and Architects Association, against the Recreation and Parks Department alleging retaliation for protected activity (has been processed); UERP 2053, filed by individual employee Jacob Brothers, represented by Engineers and Architects Association, against the Department of Transportation alleging retaliation for protected activity (has been processed); UERP 2054, filed by individual employee Rebecca Moran against the Recreation and Parks Department alleging retaliation for Claimant’s complaint of a “campaign of harassment” by her immediate supervisor (not a prima facie case); UERP 2055, filed by individual employee Beverly Samuel against the Department of Transportation alleging violation of promotional procedures (not a prima facie case).

b) Status of impasses.

Executive Director Bergeson reported that one new request for impasse procedures was filed since the last meeting by L.A. Police Department. Although the filing requests that the parties go to mediation, it does not indicate whether LAPPL agrees to mediate as opposed to wishing to go directly to factfinding and at this time our office is awaiting clarification on that point.

c) Administrative matters, if any.

Executive Director Bergeson informed the Board that he had no administrative matters for their consideration.

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

Executive Director Bergeson stated that the Board had received no requests for withdrawal.

5. Consideration of Petition C880, filed by Los Angeles Professional Managers’ Association seeking to accrete Senior Personnel Analyst to the Personnel Directors Unit, and a “Motion to Intervene” filed by Engineers & Architects Association.

The following individuals were present on this matter: Executive Director Charley Mims, on behalf of

Los Angeles Professional Managers' Association; Attorney Adam Stern, on behalf of Engineers and Architects Association; Deputy City Attorney Janis Barquist, on behalf of the City of Los Angeles; Chief Personnel Analyst Jim Abalos, on behalf of the Personnel Department; and Sr. Labor Relations Specialist Errol Griffin, on behalf of the Office of the City Administrative Officer.

Chairman Collins indicated that a procedural issue needed to be dealt with before the Board can proceed and that is whether EAA has standing to file a Motion to Intervene on this matter.

Attorney Stern responded that EAA has met the ERO's requirements to intervene under the ERO and the rules adopted thereunder. He further stated that the merits of the case are impacted insofar as the petitioner and the intervener seek to upset an existing bargaining unit. In other words, said Mr. Stern, Sr. Personnel Analyst is an appropriate unit in and of itself as the Board determined about a decade ago.

Attorney Barquist agreed with Mr. Stern that Sr. Personnel Analyst is an appropriate stand-alone unit and Mr. Stern added that both the accretion and intervening petitions should be dismissed and if a union wants to represent Sr. Personnel Analysts it should be required to file a petition for certification for that unit.

Mr. Mims responded that the situation has changed since that unit was created and the employees voted not to be represented as the Personnel Directors unit to which LAPMA seeks to accrete Sr. Personnel Analysts did not exist at that time. It is LAPMA's position such accretion would be appropriate.

Mr. Abalos asserted that Sr. Personnel Analysts are supervisors whereas Personnel Directors are managers and LAPMA's petition is per se inappropriate on that basis.

Mr. Griffin stated that the CAO's concern is that in addition to the objection raised by Personnel, there are some Sr. Personnel Analysts who are confidential and some who are not and that since all Personnel Directors are confidential, that is problematic.

After much discussion, Member Lugo moved to dismiss both Petition C880 and EAA's Motion to Intervene. Seconded by Member Hilyer.

Motion carried unanimously.

6. Consideration of further processing of Unfair Employee Relations Practice Claim 2051 filed by individual employee Justin Lass against Los Angeles Fire Department alleging retaliation for protected activity.

The following individuals were present on this matter: Individual employee Justin Lass, on his own behalf; Deputy City Attorney Janis Barquist, on behalf of the Los Angeles Fire Department.

Mr. Lass asserted that with knowledge and deceit, the department withheld his promotional opportunities and has severely altered his career path. Department administration has essentially confirmed that all of its current fireboat operators obtained required Coast Guard certifications by fraud prior to the civil service application process for boat mate and boat pilot, he stated. The result has been that the only two qualified personnel, one of whom is claimant Lass, have not been promoted.

Chairman Collins responded that it is highly questionable whether the Board has jurisdiction over this matter and that there is also a problem with timeliness.

Ms. Barquist stated that the department's position is that the Board clearly does not have jurisdiction for a number of reasons plus the filing is woefully untimely and she requested the matter be dismissed.

After some discussion, Member Lugo moved to dismiss UERP 2051. Seconded by Member Miller.

Motion carried unanimously.

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

Motion carried unanimously.

MEETING ADJOURNED AT: 10:54 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.