

# 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, December 18, 2017

9:30 A.M.

**BOARD MEMBERS PRESENT:** R. Douglas Collins  
Anthony Miller  
Rosalinda Lugo  
Rhonda L. Hilyer  
**BOARD MEMBER ABSENT:** Suzanne Steinke

Chairman Collins called the meeting to order at 9:32 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 that are within the jurisdiction of the Board. Said ten minutes shall be equally divided among speakers, not to exceed five minutes per speaker.**

DWP Office of Public Accountability Executive Director Fred Pickle explained that his office is an independent entity except during appointment of the executive director and during the budget process. Mr. Pickle stated that the proposal in Item #5 on today's agenda could impact that independence as the office provides analysis of labor cost and effectiveness. He said the Office of Public Accountability therefore believes that the appropriate solution is to create a new classification for the Petroleum Administrator position.

No action taken.

- 2. Consideration of minutes of the Board meeting of November 27, 2017.**

Member Hilyer noted a typographical error on page five, and recommended changing "*Gerard*" to "*Girard*." With that correction, Member Miller moved to approve the minutes of November 27, 2017. Seconded by Member Hilyer.

Motion carried, Member Steinke abstaining.

- 3. Executive Director's report:**

- a) New unfair employee relations practice claims filed.**

Executive Director Bergeson informed the Board that since its November meeting, no new unfair employee relations practice claims had been received.

Mr. Mims agreed with Mr. Stern and requested that the Board create a Confidential Senior Personnel Analyst Unit. Chairman Collins stated that an agreed-upon eligible voter list would facilitate running an election.

Deputy City Attorney Barquist responded that the City regards both the appropriateness of the bargaining unit and the designation of employees who are confidential as problematic. The City has raised concern with the process by which employees have fallen into the designation of confidential, as the list is overly broad, said Ms. Barquist.

Chairman Collins stated it appears to him that there has not been a process of vetting of departments' designation of confidential status and Ms. Barquist concurred. Chairman Collins added that the practice of the Board is to hold elections with a list of eligible voters that is reasonably accurate to the extent possible. So doing mitigates the possibility of significant legal problems, he said.

Chairman Collins added that is a separate issue from bargaining unit appropriateness and suggested the Board could find the unit to be appropriate but delay the election until there is an agreement on a list of eligible voters. Alternatively, the Board could set the matter for hearing to resolve disputes over individuals' status, he said.

Mr. Stern opined that the City should take responsibility for narrowing the list of employees who are not eligible and then the unions and the City could work together on further culling the list. Chairman Collins suggested the Board could direct the City to prepare the list within six weeks, giving the unions two weeks to review it prior to the Board's February meeting.

CAO Sr. Labor Relations Specialist Errol Griffin, who was in the audience, addressed a related problem he has encountered: City departments' failure to designate one particular representative for the bargaining table has caused confusion in the negotiation process. Is anyone serving in that role therefore always confidential or only confidential part of the time?, he asked.

After much discussion, Chairman Collins suggested the following. First, that the proposed unit be deemed appropriate and the Board order that the matter be set for election with both unions and no organization on the ballot. Second, that the City be directed to review and amend as necessary the list of confidential employees from the Sr. PA class. Third, that the City provide findings on the list of eligible voters to the unions no later than February 12, 2018. Fourth, that this petition be scheduled for the Board's February 26 agenda during which the Board will consider the list of eligible voters. Fifth, if there are small matters of dispute they will be determined by the executive director. Sixth, any small matters of dispute the executive director believes he cannot decide will be resolved by the Board at its meeting of February 26. Seven, should there be a significant number of confidential designations in dispute, that issue will be sent to an expedited hearing with the selection of a hearing officer immediately. Eighth, that an election then be ordered at the earliest practical date. And finally, that the City give an interim report at the Board's January meeting so as to facilitate notifying the unions by February 12 as to why a confidential designation is being assigned and that if no reason is then provided, the confidential designation will not apply.

Member Lugo moved to accept Chairman Collins' proposed directives. Seconded by Member Miller.

**b) Status of impasses.**

Mr. Bergeson advised the Board 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 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 C881, filed by LAPMA seeking the accretion of the class of Utility Rates and Policy Specialist (excluding Office of Public Accountability positions - class code 1681) to the Management Employees Unit, continued from the Board meeting of November 27, 2017.**

The following individuals were present on this matter: Executive Director Charley Mims, on behalf of Los Angeles Professional Managers' Association.

Mr. Bergeson reported to the Board that Don Harrahill of the classification division of Personnel contacted him and stated that three weeks was not enough time to obtain the information requested by the Board at the November meeting. Mr. Bergeson informed Mr. Harrahill that he would so advise the Board and that Mr. Harrahill's appearance would not be required at today's meeting.

After brief discussion, it was determined that all parties involved would meet to deliberate such creation of a new classification. Member Steinke accordingly moved to continue this item to the Board's February 26, 2018 meeting. Seconded by Member Lugo.

Motion carried unanimously.

**6. Consideration of the Personnel Department report on Petition C885, filed by Los Angeles Professional Managers' Association (LAPMA) and intervened on by Engineers and Architects Association (EAA) seeking the creation and representation of a Confidential Senior Personnel Analyst Unit, continued from the Board meeting of November 27, 2017.**

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 and Chief Personnel Analyst Jim Abalos, on behalf of the Personnel Department.

Attorney Stern reminded the Board that this matter was carried over from last month's meeting because the Personnel Department's report responded incorrectly on this item. Mr. Stern said EAA joined LAPMA in urging that an election be scheduled at the earliest possible time to allow employees to decide whether to be represented by a union and, if so, which one.

Motion carried unanimously.

**7. Executive session for a personnel matter.**

Members in executive session.

Members out of executive session and back on the record.

Chairman Collins announced the Board took no action during the executive session.

Motion carried unanimously.

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

Motion carried unanimously.

MEETING ADJOURNED AT: 12:08 P.M.



ROBERT R. BERGESON  
Executive Director

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