

LOS ANGELES CITY EMPLOYEE RELATIONS BOARD



200 NORTH MAIN STREET, SUITE 1100
LOS ANGELES, CALIFORNIA 90012-4124
TELEPHONE: (213) 473-9700
FAX: (213) 473-7751
<http://erb.lacity.org/>

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

MINUTES OF MEETING

Monday, February 26, 2018

9:30 A.M.

BOARD MEMBERS PRESENT: R. Douglas Collins
Anthony Miller
Rosalinda Lugo
Suzanne Steinke

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

Fred Pickle, DWP Office of Public Accountability executive director and "rate payer advocate" opined that the proposal in item #6 could create problems for his office as it reviews overall labor costs as part and parcel of rates charged to customers. The ideal solution would be create a separate class for the Public Works positions, he said.

No action taken.

- 2. Consideration of minutes of the Board meeting of January 22, 2018.**

Member Steinke moved to approve the minutes of January 22, 2018. Seconded by Member Lugo.

Motion carried.

- 3. Executive Director's report:**

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

Executive Director Bergeson informed the Board that since its January meeting, two new unfair employee relations practice claims had been received: UERP 2067, filed by EAA against the Economic and Workforce Development Department (EWDD) alleging an unlawful unilateral change to employee issued vehicle placards (has been processed); and UERP 2068, filed by AFSCME against ITA alleging an unlawful unilateral change to the Teleworking Program (has been processed).

- 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 two requests for withdrawal. He recommended that the Board approve the request of Los Angeles Port Police Association to withdraw UERP 2057, filed against the Port of Los Angeles.

Member Lugo so moved. Seconded by Member Miller.

Motion carried.

and

the Airport Police Supervisors Association requested approval of withdrawal of UERP 2058, filed against the Los Angeles World Airports.

Member Miller so moved. Seconded by Member Lugo.

Motion carried.

5. Recommending appropriate action on Petition C890, filed by Los Angeles Professional Managers' Association (LAPMA), seeking the creation and representation of a unit of Municipal Police Captains (class code 3188).

Executive Director Bergeson recommended that Petition C890, filed by LAPMA, seeking the creation and representation of a unit of Municipal Police Captains (class code 3188), be posted and scheduled for consideration at the Board's next regular meeting.

Member Steinke so moved. Seconded by Member Lugo.

Motion carried.

6. Consideration of Petition C881, filed by LAPMA seeking the accretion of 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 December 18, 2017.

The following individuals were present on this matter: Executive Director Charley Mims, on behalf of Los Angeles Professional Managers' Association; Sr. Personnel Analyst Don Harrahill, on behalf of the Personnel Department.

Mr. Harrahill stated that the Civil Service Commission (CSC) will take action on the substance of this matter so he requested the item be continued and indicated he would advise Mr. Bergeson when the item is agendaized by the CSC.

Member Miller moved to continue the matter until the CSC renders its decision. Seconded by Member Steinke.

Motion carried.

7. Review of Personnel Department information on:

- a) Petition C885 (confidential Sr. Personnel Analyst's); and**
- b) Petition C888 (non-confidential Sr. Personnel Analyst's).**

The following individuals were present on Items # 7a and #7b: 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.

Per the Board's prior instructions, Mr. Abalos updated Personnel's progress on obtaining information associated with determining which employees holding Sr. Personnel Analyst positions possessed duties rendering them confidential.

Mr. Mims stated he had reviewed Personnel's revised list and does not contest it and requested the matter be moved forward to an election. Mr. Stern responded that also is EAA's position.

Mr. Abalos stated that one employee on the confidential list had been given an emergency appointment and asked whether she should be eligible to vote. Chairman Collins replied that should the parties disagree about her eligibility, she can vote by challenged ballot with her eligibility later determined if need be.

Chairman Collins asked if both unions wished to conduct the elections simultaneously and the response was yes. The unions then requested a mail ballot election.

Member Lugo moved to approve the list of SPA eligibles, to conduct a simultaneous election at the earliest practical date, to approve the unions' request for a mail ballot election with the City Clerk Election Division acting as the Boards' agent and for employees to use the City ID number on the ballot. Seconded by Member Steinke.

Motion carried.

8. Consideration of Hearing Officer's Report and Recommendation in the matter of consolidated UERPs 2044 and 2052, filed by Engineers and Architects Association against the Department of Recreation and Parks, alleging unilateral changes to call-in procedures for aquatic manager absences and retaliation and interference for protected activity.

The following individuals were present on this matter: Attorney Adam Stern, on behalf of Engineers and Architects Association; Deputy City Attorney Janis Barquist, on behalf of the Department of Recreation and Parks.

Deputy City Attorney Barquist indicated the parties had notified Executive Director Bergeson by email that they had agreed to an extension of time for Recreation and Parks to file exceptions to the hearing officer's report in the event settlement discussions proved unsuccessful. Ms. Barquist said that on Friday, February 23, she sent Mr. Bergeson another email indicating a settlement could not be reached. Mr. Bergeson indicated he did not recall having seen the former email and Mr. Stern confirmed that Mr. Bergeson had sent nothing indicating the extension request had been granted. Mr. Stern stated EAA nevertheless had no objection to the extension request being granted now.

After lengthy discussion, Member Steinke moved that the City be allowed to submit exceptions on March 7, 2018 with EAA's rebuttal due March 14 and that the documents be submitted to the Board via

email with hardcopies to follow. Seconded by Member Lugo.

Motion carried.

9. 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's decision to move forward on the Personnel matter to fill the position being vacated by Executive Director Bergeson upon his retirement in July.

Motion carried.

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

Motion carried.

MEETING ADJOURNED AT: 10:18 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.