

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, May 21, 2018

9:00 A.M.

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

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

There were no public comments.

- 2. Consideration of minutes of the Board meeting of April 19, 2018.**

Member Hilyer moved to approve the minutes of April 19, 2018. Seconded by Member Miller.

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 April meeting, four new unfair employee relations practice claims had been received: UERP 2073, filed by SEIU Local 721 against LAWA alleging interference and retaliation for protected activity against steward George Gonzalez (has been processed); UERP 2074, filed by Individual employees Kent Carlson, et al against Public Works/Sanitation alleging unlawful failure to consider claimants for a Sanitation Wastewater Manager III opening (not a prima facie); and UERP 2075, filed by AFSCME, Local 3090 against the Department of Recreation and Parks alleging interference and retaliation against unit members Samuel Rios and Pedro Martinez for Civil Service hearing testimony in favor of Pedro Contreras and alleging racial discrimination against all three men (has been processed); and UERP 2076, filed by EAA against LAWA alleging failure to comply with an information request (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 informed those present of Chairman Collins' signing of the certifications for the two elections for Sr. Personnel Analyst (Petition C885, confidential, and Petition C888, non-confidential) which were announced last month as there were no objections to those elections.

Mr. Bergeson also noted that sitting on the lobby counter is information for a Meet the Arbitrators conference at Southwestern Law School on June 7 at which he and Member Miller will be in attendance.

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 the Personnel Department report on Petition C884, filed by International Brotherhood of Electrical Workers, seeking accretion of the class of Utility Microbiologist (class code 7858) to the LADWP Professional Unit.

There were no appearances on this matter.

Mr. Bergeson recommended approval of Petition C884. Member Miller moved to approve Petition C884 accreting the class of Utility Microbiologist to the LADWP Professional Unit. Seconded by Member Lugo.

Motion carried unanimously.

6. Consideration of Petition C897, filed by L.A. Professional Managers Association seeking deletion of Municipal Police Captain from the Management Employees Unit, and Petition C898, filed by L.A. Police Command Officers Association seeking accretion of Municipal Police Captain to the Police Officers (Captains and above) Unit.

There were no appearances on this matter.

Executive Bergeson stated the Personnel Department had expressed no objection to what these petitions seek and he noted that technically Board Rules require posting prior to accretion of any classification to a bargaining unit but there are only two incumbents and both submitted a letter stating they only want to be represented by the L. A. Police command Officers Association. Mr. Bergeson accordingly recommended approval of both petitions at this meeting without the need to approve Petition C899 now and Petition C898 in June.

After some discussion, Member Lugo moved to post and approve both petitions. Seconded by Member Steinke.

Motion carried unanimously.

7. Consideration of request from Los Angeles Police Protective League (LAPPL) pursuant to ERB Rule 9.04 (g) to make public the factfinder's report in IMP-234, involving the appeal process for denial of a concealed weapon permit to retired sworn employees, and LAPD's request that the report not be made public.

The following individuals were present on this matter: Lt. Art Mendoza, GRD/LAPD, and Deputy City Attorney Janis Barquist, on behalf of the Los Angeles Police Department. No appearance on behalf of LAPPL.

Lt. Mendoza stated that the department does not agree with the factfinder's decision and urged that the Board not make his recommendation public.

After some discussion, Member Hilyer moved to keep confidential the factfinding report. Seconded by Member Lugo.

Motion carried unanimously.

8. Consideration of further processing of Unfair Employee Relations Practice Claim UERP 2053, filed by individual employee Jacob Brothers, represented by EAA, against the Department of Transportation, alleging retaliation for protected activity (successful lawsuit against the department).

The following individuals were present on this matter: Attorney Adam Stern, on behalf of the Claimant; Sr. Personnel Analyst Steve Presberg, on behalf of the Department of Transportation.

Attorney Stern stated the charge speaks for itself and he brought to the Board's attention a typographical error on the first page, second to the last paragraph of the attachment to the claim which alleges "Sometime between February, 2013 and April 2013" whereas the latter date should be 2017.

Mr. Stern questioned the department's allegation regarding laches and stated there are at least two timely claims asserted by Mr. Brothers. When asked what remedy is sought, Mr. Stern responded a cease and desist order against further retaliation, to stop stray comments about Claimant Brothers and denial of Brothers' requested transfer or promotion as the result of filing of a lawsuit.

Mr. Presberg stated the Board has never accepted as a timely filing a statement that alleged adverse action occurred simply some time between one date and another. He therefore urged that UERP be determined to be time barred.

After much discussion, Member Miller moved to continue this matter to allow the Claimant an opportunity to file an amendment to clarifying when the allegedly threatening comments were made with the matter tentatively to return to the Board at its July meeting. Seconded by Member Hilyer.

Motion carried unanimously.

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

Motion carried unanimously.

MEETING ADJOURNED AT: 10:04 A.M.


ROBERT R. BERGESON
Executive Director

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