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R. Douglas Collins  
Chairman  
Christopher Ruiz Cameron  
Vice Chairman  
Anthony Miller  
Rosalinda Lugo  
Rhonda L. Hilyer  
Robert R. Bergeson  
Executive Director

## **MINUTES OF MEETING**

**Monday, December 21, 2015**

**9:30 A.M.**

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

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

- 1. Public comments on matters within the Board's jurisdiction. After action on routine and other matters, 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.**

There were no public comments.

- 2. Consideration of minutes of the Board meeting of November 23 , 2015.**

Member Hilyer moved to approve the minutes of November 23, 2015. Seconded by Member Cameron.

Motion carried unanimously.

- 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 November meeting, two new unfair employee relations practice claims had been received: UERP 2009, filed by Engineers and Architects Association against the Information Technology Agency alleging an unlawful unilateral change in testing and classification procedures (not a prima facie case) and UERP 2010, filed by Los Angeles Police Officers Association against Los Angeles World Airports alleging an unlawful unilateral change in policy and practice (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 announced that the Mayor's re-appointment of Member Miller was confirmed by City Council.

**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 SEIU Local 721 to withdraw UERP 2001 filed against L.A. World Airports.

Member Cameron so moved. Seconded by Member Hilyer.

Motion carried unanimously.

Mr. Bergeson further recommended that the Board approve the request of Detention Officers Association to withdraw Decertification Petition D-40 and Certification Petition C781 (correction C871).

Member Cameron so moved. Seconded by Member Miller.

Motion carried unanimously.

**5. Consideration of the following draft Decisions and Orders:**

- a) Consideration of draft Decision and Order ERB-528, in the matter of Petition C867, filed by Los Angeles/Orange County Building & Construction Trades Council (LAOCBCTC), seeking the accretion of the class of Playground Equipment Supervisor (class code 3325) to the Supervisory Building Trades unit.**

Member Cameron moved to approve draft Decision and Order E.R.B. No. 528 without modification. Seconded by Member Hilyer.

Motion carried unanimously.

- b) Consideration of draft Decision and Order ERB-529, in the matter of Petition C869, filed by Los Angeles/Orange County Building & Construction Trades Council (LAOCBCTC), seeking the accretion of the class of Sr. Port Electrical Mechanic (class code 3847) to the Building Trades unit.**

Member Cameron moved to approve draft Decision and Order E.R.B. No. 529 without modification. Seconded by Member Hilyer.

Motion carried unanimously.

**6. Consideration of appropriate action on Decertification Petition D40 and Petition for Certification C871 filed by the Los Angeles Detention Officers Association for the Safety & Security unit (MOU No. 18), continued from the Board meeting of November 23, 2015.**

Chairman Collins indicated no action would be taken by the Board as both cases were withdrawn under Item 4 and this item is therefore moot.

**7. Hearing before members of the Employee Relations Board to resolve outstanding issues involving Petitions C866, filed by Los Angeles Professional Managers Association (LAPMA); and Petition C870, filed by Human Resource Professionals' Association (HRPA).**

The following individuals were present on this matter: Deputy City Attorney Janis Barquist, on behalf of the City of Los Angeles and the Personnel Department; LAPMA President Charley Mims, Personnel Director Harold Fujita, and SEIU Local 721 Deputy Counsel Najeeb Khoury, on behalf of LAPMA; President Shelley Del Rosario, on behalf of Human Resource Professionals' Association.

Mr. Mims conceded that the Personnel Director class should be a bargaining unit unto itself as advocated by HRP and requested that an election be conducted at the earliest possible time to decide whether LAPMA, HRP or no organization would represent that unit.

Attorney Barquist argued that there are many issues before the Board that need to be addressed besides simply whether Personnel Directors should be in the LAPMA unit. For instance, she said, since the City already has a proliferation of bargaining units, would it not make sense to place Personnel Directors in a unit of confidential managers?

After some discussion, Chairman Collins stated that under both the Employee Relations Ordinance and the Meyers-Milias-Brown Act, these employees have an absolute statutory right to representation. Accordingly, with LAPMA's stipulation, the only remaining question before the Board is what to do with LAPMA's petition for accretion.

Ms. Del Rosario pointed out LAPMA's petition was filed prior to the filing of HRP's petition to create a Personnel Director unit and that the two petitions were for different purposes. Therefore, asserted Ms. Del Rosario, it is possible some of the signators to LAPMA's petition favored inclusion of their classification in the Management Employees unit and would not support a separate unit for Personnel Directors. As such, she argued, LAPMA should be required to submit a new showing of interest.

Chairman Collins and Member Miller opined that to so require of LAPMA as opposed to treating its accretion petition as an intervenor on HRP's petition for certification would be an elevation of form over substance. Executive Director Bergeson added that although he could not divulge the exact number of signatures submitted by LAPMA, Dec. Nos. 448 & 449 regarding accretion of a class which has historically been unrepresented requires majority support. It can therefore be said, stated Mr. Bergeson, that LAPMA submitted valid signatures from at least seven of the 13 Personnel Directors. In contrast, he said, Rule 4.03(a) requires just a ten percent showing of interest for an intervention, which would be just two signatures in this case, so LAPMA has already submitted well over the requisite showing of interest to intervene.

Member Miller added that insofar as some Personnel Directors might have provided a signature to LAPMA solely to be placed in the Management Employees unit, they can vote for “No Organization” in an ERB-conducted election.

Vice Chairman Cameron moved to consider LAPMA’s petition to be an intervenor to HRP’s petition for certification. Seconded by Member Hilyer.

Motion carried unanimously.

Vice Chairman Cameron then moved to order the executive director to prepare for and hold an election for that unit as soon as possible. Seconded by Member Lugo.

Motion carried unanimously.

**8. Consideration of Hearing Officer’s Report and Recommendation in the matter of UERP1910, filed by Engineers and Architects Association against the Department of Recreation and Parks, alleging an unlawful unilateral diverting of bargaining unit work to a retiree. Exceptions filed by Respondent. Rebuttal to Exceptions filed by Claimant. Continued from the July 27, 2015 Board meeting.**

The following individuals were present on this matter: Deputy City Attorney Janis Barquist and Personnel Director Harold Fajita, on behalf of the Department of Recreation and Parks; Executive Director Gregory West and Attorney Adam Stern, on behalf of Engineers and Architects Association; Sr. Labor Relations Specialist Errol Griffin, on behalf of the City Administrative Officer.

The parties were in agreement to hold in abeyance UERP 1910 for another 60 days to further pursue settlement discussions.

Member Hilyer so moved. Seconded by Vice Chairman Cameron.

Motion carried unanimously.

**9. Consideration of further processing of Unfair Employee Relations Practice Claim UERP 2008, filed by Engineers and Architects Association(EAA) against Los Angeles World Airports (LAWA), alleging outsourcing of gate management duties traditionally performed by Airport Superintendent of Operation IIs.**

The following individuals were present on this matter: Deputy City Attorney Janis Barquist and Sr. Personnel Analyst Roberta Beyard, on behalf of LAWA; Executive Director Gregory West and Attorney Adam Stern, on behalf of Engineers and Architects Association; Sr. Labor Relations Specialist Errol Griffin, on behalf of the City Administrative Officer.

The parties were in agreement to hold in abeyance UERP 2008 for 60 days to further pursue settlement discussions.

Vice Chairman Cameron. so moved. Seconded by Member Hilyer.

Motion carried unanimously.

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

Motion carried unanimously.

**MEETING ADJOURNED AT: 10:13 A.M.**

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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.