



LOS ANGELES CITY EMPLOYEE RELATIONS BOARD

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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, August 24, 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. 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 July 27, 2015.**

Member Hilyer moved to approve the minutes of July 27, 2015. Seconded by Member Cameron.

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 July meeting, two new unfair employee relations practice claims had been received: UERP 2006, filed by SEIU Local 721 against the Office of the City Administrative Officer alleging bad faith bargaining, to be withdrawn; UERP 2007, filed by Engineers and Architects Association against the Personnel Department alleging retaliation against employee Saturday Aisuan; make whole from all losses suffered as failure to comply with the Civil Service Commission's final decision (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 advised the Board that he had no administrative matters to report.

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

Executive Director Bergeson stated that the Board had received one request for withdrawal. He recommended that the Board approve withdrawal without prejudice of the aforementioned UERP 2006 filed by SEIU, Local 721 against the Office of the City Administrative Officer.

Member Cameron so moved. Seconded by Member Lugo.

Motion carried unanimously.

5. Proposed Board meeting schedule for 2016.

The Board Members discussed the proposed Board meeting schedule for 2016.

Member Cameron moved to approve the proposed Board meeting schedule for 2016. Seconded by Member Lugo.

Motion carried unanimously.

6. Recommending appropriate action on Petition C866, filed by Los Angeles Professional Managers' Association (LAPMA) seeking accretion of Personnel Director I, II, & III (class code 1714) to the Management Employees Unit.

The following individual was present on this matter: Deputy City Attorney Janis Barquist, on behalf of the Personnel Department and the City of Los Angeles.

Ms. Barquist voiced objection to the petition on the ground that it seeks to accrete confidential positions to a unit of non-confidential employees. Mr. Bergeson replied that LAPMA director Charlie Mims told him the unit already contains many confidential employees and although it therefore appears a material issue of fact may exist, the present agenda item is merely for the purpose of recommending posting of the petition.

Executive Director Bergeson then recommended that Petition C866, be posted and scheduled for consideration at the Board's next appropriate meeting.

Member Cameron so moved. Seconded by Member Hilyer.

Motion carried unanimously.

7. Consideration of the Personnel Department's report on Petitions C864 and C865, filed by ACEA, AFSCME Local 3090 and SEIU Local 721, respectively.

The following individuals were present on this matter: Deputy Counsel Najeeb Khoury, on behalf of SEIU, Local 721; AFSCME, Local 3090 President Alice Goff.

The parties indicated they are in agreement with the Personnel Department's report approving of deletion of Duplicating Machine Operator I, II, & III (class code 1493) and Sr. Duplicating Machine Operator (class code 1500) from the Clerical and Support Services Unit and accretion of those classifications to the Service and Crafts Unit.

Member Cameron so moved. Seconded by Member Hilyer.

Motion carried unanimously.

8. Consideration of draft Decision and Order U-222 in the matter of UERP 1962, filed by AFSCME District Council 36, Local 3090 against Los Angeles World Airports alleging an unlawful unilateral change to working hours of Airport Guides.

The following individuals were present on this matter: Attorney Ellen Greenstone and President Alice Goff, on behalf of AFSCME Local 3090; Human Resources Director Paula Adams and Sr. Management Analyst Marie O'Kelly-Green, on behalf of Los Angeles World Airports.

Ms. Adams stated LAWA is prepared to follow the recommended order.

After a noted correction to the order, Member Hilyer moved to approve draft Decision and Order U-222 without modification. Seconded by Member Cameron.

Motion carried unanimously.

9. Receipt of input from associate members regarding Rule change suggestions from Chairman Collins and Executive Director Bergeson.

Mssrs. Collins and Bergeson received comments regarding their proposed revisions and Chairman Collins indicated the proposed changes would be placed on the ERB's website: <http://erb.lacity.org> and discussed at the Board's next meeting.

10. Consideration of further processing of Unfair Employee Relations Practice Claims:

Items 10 a and b were heard simultaneously.

- a) **UERP 1950, filed by L.A. Airport Peace Officers' Association against L.A. World Airports, alleging failure to meet and confer in good faith over a successor MOU to that which expired in 2010.**

- b) **UERP 1996, filed by L.A. Airport Peace Officers' Association against L.A. World Airports, alleging bad faith bargaining due to: post-factfinding implementation of terms inconsistent with the department's last best and final offer or discussions previously made at the bargaining table; alleged refusal to grant contractually agreed to release time for association officers; refusal to implement an agreement for salary parity with LAPD Officer.**

The following individuals were present on UERPs 1950 and 1996: Attorneys Kevin Flaut and John Bakhit, on behalf of L.A. Airport Peace Officers' Association; Deputy City Attorney Christina Checel and Sr. Personnel Analyst Minerva Gutierrez, on behalf of L.A. World Airports.

Attorney Flaut stated his firm, Mastagni Holstedt, had just become counsel to LAAPOA two weeks ago and requested a continuance of one month to meet with the department for possible settlement or compromise of some issues and clarification of others.

Attorney Checel adamantly objected to the request at least as to UERP 1950 since a settlement agreement was signed with LAAPOA's former attorney, Chris Gaspard, last November.

After discussion regarding the charges and possibility of settlement or compromise on some issues, Member Cameron moved to continue UERPs 1950 and 1996. Seconded by Member Miller. Members Hilyer and Lugo then opined that if UERP 1950 had in fact been settled, the department should not have to expend additional effort on the matter.

VOTE: 3 - Ayes (Cameron, Millers, Collins) 2 - Noes (Hilyer, Lugo)
Motion carried.

- c) **UERP 2004, filed by Engineers and Architects Association against the General Services Department alleging an unlawful unilateral change to terms and conditions of employment during probationary period.**

The following individuals were present on this matter: Attorney Adam Stern, on behalf of Engineers and Architects Association; Sr. Personnel Analyst Steve Presberg, on behalf of the General Services Department.

Attorney Stern contended that there was a past practice with which the department failed to comply as detailed in the charge. The disputed fact of whether the employee was properly put on notice that her performance was lacking should be sent to hearing, he argued.

Mr. Presberg asserted that probationary periods are commonly thought of as a continuation of the testing process and exempted under the City Charter from the meet and confer obligation. Mr. Presberg added that several challenges were before this Board several years ago regarding the Civil Service testing process and the Board dismissed every one on the basis it had no jurisdiction.

Each of the Board members then expressed skepticism about the claim. Even assuming *arguendo* the department had failed to comply with a past practice, one such event involving one employee does not rise to the level of a violation of the ERO, they said.

Member Lugo moved to dismiss UERP 2004. Seconded by Member Cameron.
Motion carried unanimously.

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

Motion carried unanimously.

MEETING ADJOURNED AT: 10:28 A.M.



ROBERT R. BERGESON
Executive Director

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