



LOS ANGELES COUNTY EMPLOYEE RELATIONS COMMISSION
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Christopher David Ruiz Cameron, Chair
Anthony Miller, Member

Joseph F. Gentile
Chairman Emeritus

Jeri Weinstein
Executive Director

January 21, 2021

MEETING MINUTES

REGULAR SESSION

A virtual meeting of the Los Angeles County Employee Relations Commission was held on Thursday January 21, 2021 at 1:00p.m. **via Zoom Pro**. A link for attendees was sent via email. A phone number was provided for members of the public for public comment. This information was posted on the ERCOM website via the County of Los Angeles.

The meeting was called to order at 1:00 p.m. All members of the Commission were present and accounted for.

1. Approval of Minutes of November 18, 2020.

The Commission approved the minutes by unanimous vote.

2. Report of Executive Director

Jeri Weinstein reported on the following two items:

- 1) **The Commission is going back to the original procedure for submission of documents. Once the Agenda for the monthly meeting is distributed, no documents pertaining to matters on the distributed agenda will be accepted. If a party needs a matter to have corresponding documentation, in addition to their verbal presentation, they may request a continuance and have the matter held over for the next meeting. Additionally, they may submit a document and indicate the document is for setting a record only and the Commission need not consider it, as the issues were presented verbally.**
- 2) **The next ERCOM meeting will be via Zoom Pro on February 17, 2021, (Wednesday). After this meeting, starting with March 22, 2021 (Monday) ERCOM will return to the regular Monday meeting schedule at 1: 00 P.M.**

3. Public Comment – Submit written public comments as a part of the official record by email to Ercom@bos.lacounty.gov. The deadline to submit written public comment is Wednesday, January 20, 2021 at 5:00 p.m. Please include the agenda item and meeting date in your correspondence. All correspondence received shall become part of the official record. To listen to the meeting by telephone call (1) (669) 900-6833, Meeting ID: 895 5447 0671.

There was no public comment.

4. Consideration of requests for **Unfair Practice Charges:**

- a. American Federation of State, County & Municipal Employees (**AFSCME**),
Local 1083

-UFC 004-20 American Federation of State, County & Municipal
Employees vs. Child Support Services Department
(Refusal to Meet and Confer regarding a matter
considered a change to working conditions, “hoteling”)
(Continued from July 30, 2020)

This matter was continued per mutual request, as the parties are working on a Settlement agreement.

- b. American Federation of State, County & Municipal Employees (**AFSCME**),
Local 148

-UFC 024-19 American Federation of State, County & Municipal
Employees vs. Los Angeles County Law Office of the
Public Defender
(Bad Faith Bargaining)
(Continued from January 27, 2020)

The parties addressed this matter and the Commission moved this matter to hearing. There was no opposition from the County.

- c. American Federation of State, County, & Municipal Employees (**AFCSME**)
Local 685

-UFC 010-20 American Federation of State, County & Municipal
Employees Local 685 vs. Probation Department
(Failure to Negotiate New Absenteeism Policy)
(Continued from October 22, 2020)

-County opposition and request for dismissal

The parties argued this matter and the matter was continued to February.

-UFC 011-20 American Federation of State, County & Municipal Employees Local 685 vs. Probation Department (Failure to Negotiate New Discipline Policy) (Continued from October 22, 2020)

-County opposition and request for dismissal

The parties argued this matter and the Commission unanimously voted to dismiss this Unfair Practice Charge.

d. Association for Los Angeles Deputy Sheriffs (ALADS)

-UFC 005-20 Association for Los Angeles Deputy Sheriffs vs. Los Angeles County Sheriff's Department (Implement schedule changes for Custody Training Officers (CTO)) (Continued from August 27, 2020)

The Union requested this matter be moved to hearing and there was no opposition from the Department. The Commission voted unanimously to move this matter to hearing.

-UFC 006-20 Association for Los Angeles Deputy Sheriffs vs. Los Angeles County Sheriff's Department (Ordinance 20-0520 Amends Title 3 of the LA County Code relating to Sheriff Civilian Oversight Commission and the ability of the IG to access Sheriff's Department Information thru subpoena power) (Continued from August 27, 2020)

- Respondent County of Los Angeles' Objection to Charge Alleging Unfair Employee Relations Practice.
- ALADS Response to County of Los Angeles' Objections to UFC 006-20
- ALADS Points and authorities re: negotiability of Civilian oversight

The parties argued this matter and the Commission voted unanimously to dismiss the charge insofar as it was directed at the *decisions* to adopt the Oversight Legislation in question, but to send the charge to hearing insofar as it was directed to the *effects* of adopting the Oversight Legislation. The Commission will complete a Decision and Order, prior to the assignment of a hearing officer, delineating the issues in question.

- UFC 012-20 Association for Los Angeles Deputy Sheriffs vs. Los County Civil Service Commission
(Unilateral change to Civil Service Commission Rules Pertaining to Disciplinary Hearings)
(Continued from October 22, 2020)
- ALAD's Motion for Interim Relief UFC 012-20
 - County opposition to Motion for Interim Relief UFC 012- 20
 - Response to County opposition to Motion for Interim Relief UFC 012-20

The parties argued this matter. The Commission voted unanimously to dismiss this matter.

e. California Association of Professional Employees (CAPE)

- UFC 016-19 California Association of Professional Employees (CAPE) vs. Assessor's Office
(P. Thomas/Interfering with Participation in Union Activity)
(Continued from October 28, 2019)

This matter was continued at the request of the Union.

- UFC 018-19 California Association of Professional Employees (CAPE) vs. Department of Beaches and Harbors
(L. Phan/Interfering with Participation in Union Activity)
(Continued from October 28, 2019)

This matter was continued at the request of the Union.

**f. Los Angeles/Orange Counties Building & Construction Trades Council
AFL-CIO**

- UFC 004-19 LA/Orange Counties Building & Construction Trades vs. Los Angeles County Sheriff's Department (Facility Services Bureau)
AMENDED
(Retaliation)
(Continued from April 22, 2019)

This matter was continued due to lack of a quorum to vote.

g. Professional Peace Officers Association (PPOA)

- UFC 015-20 Professional Peace Officers Association (PPOA) vs. Los County Civil Service Commission
(Unilateral change to Civil Service Commission

Rules Pertaining to Disciplinary Hearings)
(Continued from November 18, 2020)

- PPOA's Motion for Interim Relief UFC 015-20

This matter is the same as UFC 012-20 and the Commission unanimously voted to dismiss this matter as well.

NEW -UFC 017-20 Professional Peace Officers Association (**PPOA**) vs. Los Angeles Sheriff's Department (**LASD**)
(Ordinance 20-0520 Amends Title 3 of the LA County Code relating to Sheriff Civilian Oversight Commission and the ability of the IG to access Sheriff's Department Information thru subpoena power)

- PPOA Motion to Consolidate with UFC 006-20

The parties argued UFC 006-20 in conjunction with this matter as they presented the same issues. The Commission voted unanimously to dismiss the charge insofar as it was directed at the *decisions* to adopt the Oversight Legislation in question, but to send the charge to hearing insofar as it was directed to the *effects* of adopting the Oversight Legislation. The Commission will complete a Decision and Order, prior to the assignment of a hearing officer, delineating the issues in question.

h. Service Employees International Union

-UFC 014-20 Service Employees International Union (**SEIU**), Local 721 vs. Department of Health Services (**DHS**)
(Failure to Negotiate matters that are mandatory subjects of bargaining, including changes to working conditions, contracting out bargaining unit work, failure to provide requested information).
(Continued from November 18, 2020)

This matter was continued at the request of the County. There was no opposition from the Union.

NEW -UFC 016-20 Service Employees International Union (**SEIU**), Local 721 vs. Department of Public Social Services (**DPSS**)
(Changes to working conditions regarding Call Center Eligibility Workers without bargaining with SEIU, Changes to evaluation practices for Call Center Eligibility Workers, without bargaining with SEIU, Failure to provide 8 categories of documents and information necessary for SEIU to determine if there was a change to working conditions, transferring of duties from one classification to two other classifications without bargaining with the SEIU.

This matter was continued at the request of the County. There was no opposition from the Union.

5. Request to **Withdraw Unfair Practice Charge**

-UFC 013-20 Association for Los Angeles Deputy Sheriffs (**ALADS**) vs. Los Angeles Sheriff's Department (**LASD**)
(Failure to process grievance)

Reason: Grievance processed

This matter was continued at the request of the Union.

-UFC 030-18 Service Employees International Union (**SEIU**), Local 721
Vs. Los Angeles County Fire Department (LACFD)
(Negotiable matters involving Medium Truck Drivers
(MTD's))

Reason: Settlement

Withdrawal approved by the Commission

-UFC 008-19 American Federation of State, County, & Municipal
Employees (**AFSCME**), Local 1083 vs Child Support
Services Division (**CSSD**)
(Withdrawal of Negotiated Benefit)

Reason: Settlement

Withdrawal approved by the Commission

-UFC 008-20 American Federation of State, County & Municipal
Employees Local 685 vs. Probation Department
(Failure to Negotiate Specialized Unit)

Reason: Moot

Withdrawal approved by the Commission

6. Consideration of request for **Amendment of Certification:**

NONE

7. Consideration of **Decertification** of AFSCME, Council 36, as the Majority Representative of BU 803, Deputy Public Defender Class and Consideration of Granting **Certified Organization Status** to Los Angeles County Public Defenders Union.

Consideration of **Petition for Decertification of AFSCME, Council 36,** as the Certified Organization representing the Office of the Public Defender.

Consideration of Request and Application, by the Los Angeles County Public Defenders Union to be granted status as a Certified Organization of Los Angeles County.

Bargaining Unit (BU) 803, the Los Angeles County Public Defenders Union, filed a petition for decertification that met the criteria outlined in the Rules and Regulations as far as presenting a 30% showing of interest in decertifying AFSCME, Council 36, as the majority representative in the Bargaining Units' employee relations dealings with the County of Los Angeles.

Additionally, BU 803 submitted an application to be granted status as a Certified Organization of the County of Los Angeles, the Public Defenders Union.

At the meeting on January 21,2021, representatives were present for the Los Angeles Public Defenders Union, as spokespersons for the decertification and future election process, and the request to become a Certified Organization. There were no representatives present from AFSCME, Council 36 to present their position. However, it came to the attention of the Commission that representatives from AFSCME, Council 36 have submitted a protest to the decertification process. The Commission decided that as per the ERCOM Rules and Regulations, a hearing regarding this will take place on February 17, 2021, at the conclusion of the regularly scheduled ERCOM meeting.

8. Commissioner's Special Items.

None

EXECUTIVE SESSION

9. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

None

Jeri Weinstein

JERI WEINSTEIN
Executive Director