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1 **I. INTRODUCTION**

2 Supervising Deputy Probation Officers (“SDPO’s” or “Supervisors”) of the Los Angeles County  
3 Probation Department (“Probation” or “the Department” or “the County”) are represented by the  
4 Joint Counsel of the Supervising Deputy Probation Officers Association (“SDPOA”) and the  
5 Service Employees International Union, Local 721 (“Local 721”) collectively referred to as “the  
6 Union.” The Union and the County (collectively “the parties”) entered into negotiations for a  
7 successor agreement in July 2023. Despite numerous negotiations sessions, the parties could not  
8 reach an agreement because the Department insisted on adding a new language to *Article 43*  
9 *Reassignments*. The new language would give the Department the power to unilaterally reassign  
10 SDPO’s across work locations, job assignments, and job classifications, without consideration for  
11 the physical requirements of an assignment or the duties of individual job classifications.  
12

13 After the parties participated in a fact finding hearing on March 1, 2024, after jointly declaring  
14 impasse over Article 43. The Fact Finder recommended that the parties adopt the County’s last best  
15 and final offer (“LBFO”). The Union strongly disagrees with the report’s factual findings and  
16 recommendation. The Department’s proposed changes to Article 43 will endanger public safety by  
17 further worsening the staffing crisis in the Probation Department. If the Board chooses to impose an  
18 agreement, the Union urges the County to maintain the existing language of Article 43.  
19

20 **II. BACKGROUND**

21  
22 A. SDPO Classifications and Work Assignments.

23 SDPOs are sworn peace officers who play a critical role in the Department. Supervisors provide  
24 stability and facilitate the work of every other job classification by providing a link between Deputy  
25 Probation Officers (“DPOs”), Directors, and support staff. They are responsible for training and  
26 supporting every position and filling in gaps whenever there is a need. In short, SDPOs are the glue  
27 that keeps the Department together.  
28

1 Supervisors’ work in two main classifications. The larger of the two is Supervising Deputy  
2 Probation Officer. This classification primarily works in Field Offices supervising DPOs who  
3 oversee probationers after conviction or release from incarceration. Field SDPOs provide critical  
4 public safety services to Los Angeles County by ensuring compliance with relevant statutes and  
5 reducing recidivism into the criminal justice system. Critically, SDPOs ensure that violent offenders  
6 are monitored before they commit another offence. SDPOs also work in residential treatment camps  
7 (“the Camps”) which provide correction and rehabilitation for juvenile offenders in a rural setting.  
8 SDPOs in the Camps live with the juveniles and provide the guidance and mentorship they need to  
9 rehabilitate. This is the only correctional facility Supervising Deputy Probation Officers are  
10 classified to work in as Supervisors in the Juvenile Hall fall into a distinct job classification.

11  
12 The second classification is Supervising Detention Services Officer. These Supervisors  
13 supervise the detention of juveniles sentenced to Juvenile Hall (“the Halls”). While working in the  
14 Hall, they serve as officer of the day, which is a mandated position and oversee the detention and  
15 well being of the juveniles under their care.<sup>1</sup>

16  
17 Typically, SDPOs begin their career working in the Halls and promote into the field once they  
18 gain the necessary education and experience. At the Fact Fining Hearing, SDPO Ruth Tyson  
19 (“Tyson”) testified that the goal of SDPOs is to advance in their career and leave the Halls because  
20 the work is so physically demanding. Testimony of Tyson<sup>2</sup>. Supervisors in the Halls are regularly  
21 asked to restrain juveniles, break up fights, and otherwise maintain order to ensure the safety of the  
22 juveniles and staff. Once SDPOs promote into the field, the work environment changes drastically.  
23 Supervisors work in a professional office environment and supervise DPOs who handle a caseload  
24 of probationers ensuring compliance with the terms of their release.  
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27  
28 <sup>1</sup> SDPOA also represents Supervising Transportation Deputy’s. This is a small classification of approximately 10 employees.

<sup>2</sup> References to the record from the Fact Finding Hearing are referred to as Testimony of Name.

1                   B. The Crisis in the Probation Department and Department's Response

2                   For years, the Probation Department has faced a staffing issue that has now become a crisis.  
3  
4                   This staffing crisis has limited the ability of SDPOs to properly do their job and has endangered  
5                   public safety because staff can not properly supervise the probationers and juveniles under their  
6                   charge. This crisis has now made headlines with state regulators threatening to shutter the remaining  
7                   juvenile halls in the County and probationers committing violent crimes in the community. This  
8                   crisis has developed over years due to disinvestment by the County and mismanagement by  
9                   Department leadership. The staffing crisis is most acute in the field offices. There are 282  
10                  Supervising Deputy Probation Officers with 62 current vacancies. In the Halls, the crisis is less  
11                  severe. There are 54 Supervising Detention Officers with only 18 vacancies. Fact Finders Report.  
12  
13                  At hearing, the Department's witness Jeffrey Hickman ("Hickman") Principal Analyst, Probation,  
14                  testified that the Department has failed in its efforts to properly staff the open positions. Testimony  
15                  of Hickman. The Department has made no effort to fill these positions via promotion, recruitment,  
16                  or wage incentives. It is unclear how the Department's plan to deploy SDPOs outside of their job  
17                  classification will address the staffing crisis if the Department has no affirmative plan to recruit  
18                  additional staff.

19  
20                  The County first declared an emergency due to the COVID pandemic in 2020. This emergency  
21                  declaration allowed the Chief Probation Officer to deploy SDPOs out of the Field Offices and into  
22                  the Halls without following the process defined in the MOU for reassignment. To date, the Chief  
23                  Probation Officer continues to declare an emergency despite the State and County lifting their  
24                  emergency declarations, claiming short staffing as justification.

25                  When SDPOs are deployed into the Hall they work out of classification, by performing the work  
26                  of a Supervising Detention Services Officer and often do not work as a Supervisor at all, instead  
27                  working as a DPO. SDPOs are deployed into the Hall without regard for their physical condition. At  
28

1 hearing, SDPO Daniel Ramirez (“Ramirez”) testified that SDPOs with physical impairments who  
2 have not worked in the Hall for decades are asked to physically restrain and protect juveniles.  
3 Testimony of Ramirez. The deployment has worsened Department staffing by increasing injury and  
4 the desire of SDPOs to retire or leave the Department all together. Testimony of Miller.

5 In the most recent round of negotiations, the Department proposed to add “Section H” to *Article*  
6 *43 Reassignments*. The Proposed language states:

7 “Notwithstanding the preceding provisions of this Article, Involuntary Transfers may occur due  
8 to emergency, or to address staffing or operational needs of the Department. The Chief  
9 Probation Officer shall consider the nature of the emergency, staffing, or operational needs  
10 when determining the necessity for Involuntary Transfer”.

11 The language allows the County to freely deploy staff across work locations and job  
12 classifications as long as there is an “operational need.” This is a thinly veiled attempt by the  
13 Department to circumvent the civil service job specifications of SDPOs and deploy Supervisors into  
14 the Halls without needing a so called “emergency” declaration. For the reasons stated below, the  
15 Union believes the Department’s proposal will only worsen the issues in the Department and the  
16 County as a whole.

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19 **III. ARGUMENT**

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21 **A. The County’s Deployment Strategy Will Endanger Public Safety.**

22  
23 When Supervisors are deployed into the Halls they cannot provide critical public safety  
24 services for County residents. Deployment into the Halls removes staff from the Field Offices  
25 without any replacement. This creates a dangerous staffing shortage in the Field and limits the  
26 Department’s ability to properly supervise probationers under their charge. This lack of supervision  
27 can have dangerous consequences if a probationer is able to commit a violent crime because of a  
28 lack of supervision.

1 For example, SDPO Ramirez testified that being deployed into the Halls removes staff from  
2 the Special Operations Enforcement Unit, a taskforce that apprehends and investigates dangerous  
3 probationers who have their probation, in coordination with other federal, state, and local law  
4 enforcement agencies. Operations for this unit range from investigating gang homicides, organized  
5 crime, and fugitive apprehension. However, when SDPOs are deployed to the Halls they leave  
6 critical programs unstaffed and unable to apprehend dangerous offenders who are left free to roam  
7 the community. Testimony of Ramirez.

9 SDPO Tyson testified that being deployed into the Hall negatively affects the School Based  
10 Unit of the Juvenile Special Services Bureau, a program housed within LAUSD that closely  
11 supervises juvenile offenders who return to community schools. This program provides guidance  
12 and structure for juveniles as well as crime prevention services for the larger school community.  
13 Testimony of Tyson. When the Department deploys staff out of the Field and into the Halls they  
14 leave critical programs like these understaffed and unable to accomplish their mission.

16 The County's deployment strategy is a poorly placed band-aid intended to cover up the  
17 Department's dangerous staffing crisis. By leaving these critical programs understaffed the  
18 Department is endangering public safety. Both Tyson and Ramirez testified to how being deployed  
19 into the Halls increases their workload and decreases overall morale within the Department.  
20 Ramirez testified that at times, Supervisors must use vacation time to take basic days off. Testimony  
21 of Ramirez and Tyson. This increase in stress and workload will encourage more Supervisors to  
22 leave the Department, only worsening the staffing crises.

24 B. The Fact Finder's Reliance on Other MOUs Is Misapplied.

25  
26 The Union negotiated Article 43 to address the specific issues within the Department. The Fact  
27 Finder urges that the Union should adopt the County's proposed language simply because DPOs  
28 represented by AFSCME Local 685 ("Local 685") agreed to the same language in their last round

1 of negotiations. Further, because SDPOA has a “me too” clause with the Local 685 agreement, the  
2 two MOUs should mirror each other. The “me too” clause is found in *Article 24 Employee Benefits*.

3 The relevant section states:

4 “In addition, the parties agree to jointly recommend to County's Board of Supervisors for  
5 adoption and implementation by amendment to applicable ordinances, the same retirement  
6 benefits as those provided to all the employees in the basic classifications within the Probation  
7 series.” Article 24.  
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11 The fact finder’s reading of the “me too” clause is flawed, however. The purpose of the “me  
12 too” clause has always been strictly monetary, entitling SDPOA to any wage or benefit increase  
13 won by Local 685. However, this language has never required SDPOA to adopt other provisions of  
14 the MOU. There are several examples where the two MOUs differ. The “me too” clause was never  
15 intended to create two identical MOUs and there is a public policy interest in allowing flexibility  
16 between the two bargaining units.  
17

18 Instead, the intent of this clause has always been to eliminate financial differences between the  
19 two units, ensuring that Supervisors are compensated at an equal or higher level than their  
20 subordinates represented by Local 685, not to tether either unit to the other.  
21

22 The Fact Finder also finds that SDPOA’s MOU should reflect the transfer language of other  
23 Local 721 MOU’s. This argument is also misguided because it disregards the unique challenges  
24 faced by SDPOs. The report cites to transfer language for Nurses and other workers represented by  
25 Local 721 that gives Departments greater flexibility to reassign staff. This blatantly ignores the  
26 public policy interest in allowing each bargaining unit to craft language that addresses the unique  
27 needs of each profession.  
28



1       Moreover, SDPOs are the only sworn peace officers within Local 721. The Fact Finder ignores  
2 more apt comparisons from other law enforcement agencies. For example, the Sheriff's Department  
3 policy creates a clear procedure for involuntarily reassigning Deputies that takes into account  
4 seniority and volunteerism instead of the vague "operational need" standard that the Department  
5 suggests here. SDPOA Executive Director Norm Johnson ("Johnson") who worked in the  
6 Department since 1972, testified that the language in Article 43 is a powerful tool against nepotism,  
7 favoritism, and racism that has historically plagued the Department. Testimony of Johnson. These  
8 issues persist today, particularly in other County bargaining units without reassignment protections,  
9 in the form of "freeway therapy" where staff is intentionally reassigned to County offices far from  
10 their home as a tool to punish or force out staff not in agreement with management. Testimony of  
11 Miller.  
12

13       While Article 43 is not a panacea against these issues, it is a necessary tool to promote fairness  
14 and professionalism within the Department because it provides a check against the absolute power  
15 of management to reassign staff for illegitimate reasons. It is a mistake to weaken this important  
16 tool in this moment of crisis.  
17

18           C. Deployment to the Halls is a De Facto Demotion for SDPOs.  
19

20       If Article 43 is modified, the Department intends to regularly deploy Field SDPOs into the  
21 Halls which is a de facto demotion. At Hearing, the Department admitted that the addition of  
22 Section H to Article 43 is intended to allow the Department to deploy SDPOs into the Halls without  
23 needing to contend with current reassignment protections in the MOU or individual civil service job  
24 specifications. Testimony of Hickman. The promotional pipeline within the Department begins in  
25 the Halls when DPOs are promoted to Supervising Detention Services Officer. Then Supervisors  
26 promote into the field to escape the physical riggers of working in the juvenile hall. Testimony of  
27  
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1 Tyson. When Supervisors are deployed into the Halls they often work as DPOs and provide no  
2 supervision at all which is a further demotion for Supervisors. Testimony of Tyson.

3           Moreover, as stated above, the job specification for Field SDPOs limits them to work in  
4 Field Offices and Detention Camps while work in the Halls is reserves for Detention Officers.  
5 There is a strong policy interest in preserving the integrity of the different classifications because  
6 each classification is precisely trained for the complexities of their profession. Probation is a highly  
7 specialized area of law enforcement that requires unique training and expertise. The required  
8 expertise changes depending on if a Supervisor works in the Field or in the Halls. It is unreasonable  
9 for the Department to assume a Field Supervisor would automatically be trained or equipped to  
10 properly work outside the limits of their job classification.  
11

12           When Supervisors work full time in the Halls they are required to maintain a physical fitness  
13 level 4, equivalent to a Deputy Sheriff or Firefighter. This fitness level is necessary to maintain  
14 order in the Halls and restrain juveniles when necessary. The requirement decreases drastically for  
15 Supervisors in the Field. Field Supervisors are only required to maintain a fitness level 2, a lower  
16 fitness requirement, which is equivalent of a Typist Clerk in the County. Testimony of Ramirez.  
17 Because Field Supervisors work primarily in an office environment supervising a caseload, they are  
18 not required to maintain high standards of physical fitness. This creates an unsafe situation when  
19 Field Supervisors are deployed into the Halls. Supervisors who have physical injuries, have low  
20 cardio vascular endurance, or are otherwise not maintaining a fitness level 2 to be physically fit to  
21 work in a correctional environment, are asked to physically restrain juveniles in peak physical  
22 condition. This has resulted in a dangerous situation for juveniles and staff because Supervisors are  
23 not able to maintain order. This results in increased injury to Supervisors, further worsening the  
24 staffing crisis within the Department. Testimony of Miller.  
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**IV. CONCLUSION**

For these reasons, we ask the Board to implement the Department’s LBFO without the addition of Section H to Article 43. After a long and protracted negotiations cycle, the parties have agreed to all but one Article. The addition of Section H to Article 43 will harm public safety and deepen the already acute staffing crisis within the department.

The Union has always negotiated in good faith with the Department to come to a mutually beneficial agreement and is still willing to reach a negotiated settlement. However, the Union cannot accept broad language that undermines SDPO’s job classifications. The Union firmly believes implementing the MOU without the addition of Section H is the most prudent way forward for both the Union and the Department.

DATED: May 10, 2024



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