

**BEFORE THE EMPLOYEE RELATIONS COMMISSION  
OF THE COUNTY OF LOS ANGELES**

In the Matter of	)	
	)	
<b>KEVIN LA VELLE FOSTER</b>	)	
	)	
Charging Party	)	
	)	
vs.	)	<b>UFC 003-11</b>
	)	
<b>LOS ANGELES COUNTY-USC MEDICAL CENTER</b>	)	
	)	
Respondent	)	
_____	)	

**DECISION**

On April 25, 2011, the Charging Party, Kevin La Velle Foster filed an Unfair Practice Charge against the Los Angeles County-USC Medical Center ("the Department"). The Commission granted a hearing on the charges and referred the matter to a hearing before Hearing Officer Steven L. Houston.

Hearings were held on November 14, 2011, January 12, 2012 and February 9, 2012. Both parties were afforded full opportunity to present relevant evidence, examine and cross-examine witnesses, and offer argument. At the conclusion of the hearing, both parties filed written briefs with the Hearing Officer. A verbatim transcript of the proceedings was provided to the Hearing Officer for his consideration in preparing his report to the Commission. After taking the matter under submission the Hearing Officer issued his Decision and Orders and filed it with the Commission

The Hearing Officer recommended that the Commission find that:

- 1) The Respondent's actions did not violate Sections 12 (s)(1)(2)(3) or (4) of the Ordinance in denying Mr. Foster the right to represent a bargaining unit member and coworker during a disciplinary grievance hearing.
- 2) UFC 003-11 is dismissed.

Neither the Respondent nor the Charging Party filed exceptions to the Hearing Officer's Report, which came before the Commission at its regular meeting of July 23, 2012. While the Charging Party was not present at this meeting, he had communicated with the Executive Director to the effect that he was unaware that he could file exceptions to the Report. The Commission continued the matter in order to allow the Charging Party to have additional time to file Objections.

On August 13, 2012, the Charging Party filed a further request for an extension of time. The matter was again continued at the August 27<sup>th</sup> meeting of the Commission, and the Interim Executive Director met with the Charging Party on August 28<sup>th</sup>. Charging Party ultimately filed Exceptions on September 18<sup>th</sup>. At its regular meeting of September 24, 2012, the Charging Party was represented by counsel.

The Commission having considered all the filings in this matter, and the Hearing Officer's Report and Recommendations, and the oral argument of the parties, accepts the Hearing Officer's Report as written, and issues the following orders:

### **ORDERS**

IT IS HEREBY ORDERED that the Hearing Officer's Report and Recommendation is adopted in its entirety.

IT IS HEREBY ORDERED that Respondent's actions in this matter did not violate Sections 12 (a)(1)(2)(3) or (4) of the Ordinance for the reasons set forth in the Hearing Officer's Report, and that

UFC 003-11 is dismissed.

Dated at Los Angeles, California:

1/28/13



R. Douglas Collins, Chair



Edna E.J. Francis, Commissioner



Arturo J. Morales, Commissioner