

LOS ANGELES COUNTY

EMPLOYEE RELATIONS COMMISSION

In the Matter of	)	
	)	
SERVICE EMPLOYEES INTERNATIONAL	)	
UNION (SEIU), Local 721	)	
	)	
Charging Party	)	<b>UFC 003-15</b>
	)	
vs.	)	
	)	
LOS ANGELES COUNTY DEPARTMENT	)	
OF HEALTH SERVICES	)	
	)	
Respondent	)	
	)	
	)	

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**DECISION**

This decision and order pertains to proceedings that were based on a charge filed with the Los Angeles County Employee Relations Commission on March 12, 2015.

Service Employees International Local 721 (SEIU), the charging party, filed an Unfair Practice Charge that the Los Angeles County Department of Health Services (DHS) violated Section 12(a)(1) of the Employee Relations Ordinance by discharging Relief Nurse Esmeralda Guerra in retaliation for her exercising her right to participate in union activities.

The hearing for Unfair Labor Charge 003-15 was held before Mr. Jeffrey Hauptman on July 7, 2016, July 12, 2016 and September 6, 2016. Both parties were afforded full opportunity to present relevant evidence, examine and cross-examine witnesses and other arguments. Both parties filed closing briefs on November 23, 2016. The Hearing Officer was provided with a verbatim transcript of the proceedings, for his consideration, in preparing his report to the Commission. After taking the matter under submission the Hearing Officer issued his Hearing Officer Report and filed it with the Commission on December 22, 2015. No oppositions or exceptions were filed related to this report.

The Hearing Officer recommended the following to the Commission:

- 1) That the Commission find that the Department of Health Services did not violate Section 12(a)(1) of the Los Angeles County Employee Relations Ordinance by releasing Esmeralda Guerra from her Relief Nurse Position.
- 2) That the Commission dismiss Unfair Practice Charge 003-15 in its entirety.

### **ORDERS**

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

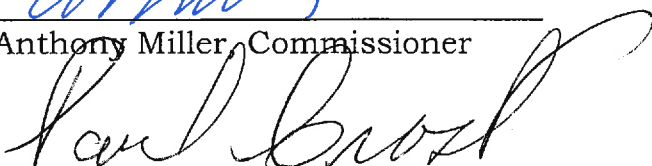
IT IS HEREBY ORDERED that the Department of Health Services did not violate Section 12(a)(1) of the Los Angeles County Employee Relations Ordinance by releasing Esmeralda Guerra from her Relief Nurse Position.

IT IS HEREBY ORDERED that Unfair Practice Charge 003-15 be dismissed in its entirety.

Dated at Los Angeles, California: June 26, 2017

  
Brenda Diederichs, Commissioner

  
Anthony Miller, Commissioner

  
Paul E. Crost, Commissioner

## PROOF OF SERVICE BY ELECTRONIC MAIL ONLY

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the aforesaid county; I am over the age of eighteen years and not a party to the within entitled action; my business address is 500 W. Temple Street, 374 Hall of Administration, Los Angeles, CA 90012.

On July 25, 2017, I served the within DECISION in the matter of UFC 003-15 on the interested parties in said action, by electronic transmission. The electronic transmission report indicated that the transmission was complete and without error. Service was completed as follows:

<p>Sean D. Graham, Esq. Weinberg Roger &amp; Rosenfeld 800 Wilshire Blvd., Suite 1320 Los Angeles, CA 90017-2607</p> <p>Email: <a href="mailto:sgraham@unioncounsel.net">sgraham@unioncounsel.net</a></p> <p>Tim Pescatello CEO Employee Relations 500 W. Temple Street, Room 774 Los Angeles, CA 90012</p> <p>Email: <a href="mailto:tpescatello@ceo.lacounty.gov">tpescatello@ceo.lacounty.gov</a></p>	<p>Robinetta Mack Senior Manager CEO 500 W. Temple Street, Room 774 Los Angeles, CA 90012</p> <p>Email: <a href="mailto:rmack@ceo.lacounty.gov">rmack@ceo.lacounty.gov</a></p> <p>Shelby S. Washington Principal Analyst 500 W. Temple Street, Room 774 Los Angeles, CA 90012</p> <p>Email: <a href="mailto:swashington@ceo.lacounty.gov">swashington@ceo.lacounty.gov</a></p>
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Executed on July 25, 2017 at Los Angeles, California.

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

  
Rose Henderson