

LOS ANGELES COUNTY  
EMPLOYEE RELATIONS COMMISSION

In the Matter of	)	
	)	
SERVICE EMPLOYEES INTERNATIONAL	)	
UNION, LOCAL 721	)	
	)	
Charging Party,	)	UFC 005-15
	)	
v.	)	
	)	
COUNTY OF LOS ANGELES SHERIFF'S	)	
DEPARTMENT (LASD)	)	
	)	
Respondent.	)	
<hr/>		

**DECISION AND ORDER**

This decision and order pertains to proceedings that were based on an Unfair Practice Charge (UFC) filed by SEIU Local 721 on April 14, 2015, with the Los Angeles County Employee Relations Commission. Sara Adler was appointed as the Hearing Officer (HO) and hearings were held on October 17, 2016, May 22, 2017, and July 31, 2017. Both parties were afforded full opportunity to present relevant evidence, examine and cross examine witnesses, and other arguments. The parties submitted closing briefs, at which time the HO considered the matter fully submitted.

The Union alleged that the Respondent violated the Employee Relations Ordinance (ERO) Section 5.04.240 by retaliating against Josephina Santos, R.N. for filing a grievance on or about October 8, 2014, pertaining to her Performance Evaluation.

Santos had been employed as a nurse by the Los Angeles County Sheriff's Department (LASD) since 2003. At the time at issue, she held the position of Supervising Staff Nurse and was originally assigned to the night shift. In that position, she had consistently received Performance Evaluation ratings of "very good". In early 2014, Santos was assigned to a new supervisor and received an evaluation of "competent". Santos disputed that rating and met with the supervisor. There was no change to the rating.

The HO opined that "the required elements of proof are that the employee engaged in a protected activity, the employer knew of the activity, and the employer took adverse action against the

employee and that adverse action was taken *because* of the exercise of those rights.” In this case, it was determined that although a number of adverse actions were taken against the employee for negligence and/or misconduct, all of the matters in question occurred and were brought to the attention of Santos, prior to the rating and prior to her filing a grievance.

The HO concluded that the Charging Party, SEIU Local 721, did not prove violation of Section 5.04.240 of the ERO. She recommended that ERCOM dismiss UFC Charge 005-15.

There were no exceptions filed pertaining to this decision.

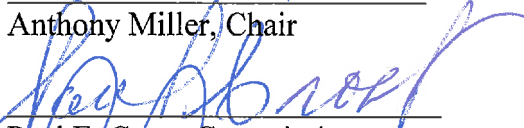
### **ORDERS**

IT IS HEREBY ORDERED that the Hearing Officer’s Report and Recommendation be adopted in full.

IT IS HEREBY ORDERED that the Los Angeles County Sheriff’s Department did not violate Section 5.04.240 of the Los Angeles County Employee Relations Ordinance by retaliating against Josephina Santos for filing a grievance on or about October 8, 2014, pertaining to her Performance Evaluation.

IT IS HEREBY ORDERED that Unfair Practice Charge 005-15 be dismissed.

Dated at Los Angeles, California: February 26, 2018

  
\_\_\_\_\_  
Anthony Miller, Chair  
\_\_\_\_\_  
Paul E. Crost, Commissioner  
\_\_\_\_\_  
Christopher David Ruiz Cameron,  
Commissioner

## PROOF OF SERVICE BY ELECTRONIC MAIL ONLY

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

On February 27, 2018, I personally served the Decision and Order in the matter of UFC 005-15 on the 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>Katie Engst SEIU Local 721 1545 Wilshire Blvd. Los Angeles, CA 90017</p> <p>Email: <a href="mailto:Katie.Engst@seiu721.org">Katie.Engst@seiu721.org</a></p> <p>Jolina Abrena, Associate Liebert Cassidy Whitmore 6033 W. Century Blvd., 5<sup>th</sup> Floor Los Angeles, CA 90045</p> <p>Email: <a href="mailto:jabrena@lcwlegal.com">jabrena@lcwlegal.com</a></p>	<p>Gregory P. Nelson, Captain Los Angeles County Sheriff's Dept. 211 W. Temple Street Los Angeles, CA 90012</p> <p>Email: <a href="mailto:GPNelson@lasd.org">GPNelson@lasd.org</a></p> <p>Mahdi A. Mohamed Advocacy Unit-LASD 4900 S. Eastern Ave., Suite 101 Commerce, CA 90040</p> <p>Email: <a href="mailto:mahmohame@lasd.org">mahmohame@lasd.org</a></p>
--	---

Executed on February 27, 2018 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