

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

In the Matter of)	
)	
SERVICE EMPLOYEES INTERNATIONAL)	
UNION, Local 721)	UFC 010-10 and UFC 001-12
Charging Party)	
)	
vs.)	
)	
LOS ANGELES COUNTY DEPARTMENT)	
OF PUBLIC SOCIAL SERVICES)	
)	
Respondent)	
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DECISION

On June 22, 2010 the Service Employees International Union, Local 721, the Charging Party, filed an Unfair Labor Practice Charge against the Los Angeles County Department of Public Social Services, the Respondent. An amended Unfair Practice Charge was filed on October 18, 2010. The amended charge was subsequently consolidated with UFC 001-12 on January 30, 2012. 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 February 13 and 14, 2012, March 15, 2012, April 25 and 26, 2012, May 23, 2012 and June 14, 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 Report and Recommendations and filed it with the Commission.

The Hearing Officer recommended that the Commission find that:

"Respondent, County of Los Angeles Department of Public Social Services, violated Sections 4 and 12(a)(1) of the ERO when it discharged Martin Barboza and discriminated against Gregory Jefferson for engaging in the concerted protected activity of representing bargaining unit employees regarding working conditions in GAIN REGION VI."

The Respondent timely filed its Exceptions to the Hearing Officer's Report. The Charging Party timely filed its Response to Exceptions to Hearing Officer's Report. On January 28, 2013 and February 25, 2013, both parties, through their respective representatives presented oral argument to the Commission. At its meeting of February 25, 2013, the Commission adopted the Hearing Officer's Report and Recommendations in its entirety.

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, violated Sections 4 and 12(a)(1) of the ERO when it discharged Martin Barboza and discriminated against Gregory Jefferson for engaging in the concerted protected activity of representing bargaining unit employees regarding working conditions in GAIN REGION VI.

IT IS HEREBY ORDERED that Respondent, shall immediately reinstate GSW Martin Barboza to the permanent County position he held when he was discharged on November 30, 2011. Such reinstatement shall be without loss of seniority and to include back pay, minus interim earnings, and other County benefits from the effective date of his termination until the date of his reinstatement.

IT IS HEREBY ORDERED that Respondent, shall cease and desist from, in any like or related manner, interfering with, restraining, discriminating against or coercing GSW's Gregory Jefferson and Martin Barboza in the exercise of rights guaranteed them by the Ordinance.

IT IS HEREBY ORDERED that Respondent, shall also post notice consistent with the Commission's policy and practice regarding these matters.

Dated at Los Angeles, California:

3/27/13

A handwritten signature in black ink, appearing to read 'R. Douglas Collins', written over a horizontal line.

R. Douglas Collins, Chair

PROOF OF SERVICE BY MAIL

I, Rose Henderson declare under penalty of perjury as follows:

On March 27, 2013, I personally served the DECISION AND ORDERS in the matter of UFC 010-10 and UFC 001-12 on the parties listed below by placing a true copy thereof in a sealed envelope for collection and mailing in the Los Angeles County Kenneth Hahn Hall of Administration Mail Room addressed as follows:

James Rutkowski, Esq.
Weinberg, Roger & Rosenfeld
800 Wilshire Blvd., Suite 1320
Los Angeles, CA 90017

Rhonda Albey
CEO Employee Relations
500 W. Temple St., Suite 713
Los Angeles, CA 90012

Lyle M. Goldstein
Dept. of Human Resources
Civil Service Advocacy Division
500 W. Temple St., Suite 555
Los Angeles, CA 90012

It is the practice of said mail room to place such correspondence with postage thereon fully prepaid in the United States Postal Service the same day they are received in the mail room.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 27, 2013 at Los Angeles, CA.


Rose Henderson