

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

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| In the Matter of |) | |
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| ASSOCIATION FOR LOS ANGELES |) | |
| DEPUTY SHERIFFS |) | |
| |) | |
| Charging Party |) | UFC 011-13 |
| |) | |
| v. |) | |
| |) | |
| LOS ANGELES COUNTY SHERIFF'S |) | |
| DEPARTMENT |) | |
| |) | |
| Respondent |) | |
| |) | |

DECISION AND ORDER

This decision and order pertains to proceedings that were based on a charge filed with the Los Angeles County Employee Relations Commission on March 14, 2013, by the Association for Los Angeles Deputy Sheriffs (ALADS). ALADS filed an Unfair Practice Charge alleging that the Los Angeles Sheriff's Department (LASD) unilaterally revised its Manual of Policies and Procedures to include a new definition of General Behavior and Disorderly Conduct. ALADS' position was that these additions were implemented without meeting and conferring with ALADS.

The hearing for the Unfair Practice Charge 011-13 commenced on January 25, 2018, with Robert Steinberg as the Hearing Officer. Both parties were afforded full opportunity to present relevant evidence, examine and cross examine witnesses, and other arguments. The specifics of the case dealt with the unilateral change and implementation to the Sheriff's Department's Manual of Policy and Procedures (DMPP) specifically Sections 3-01/030.05 (General Behavior) and 3-01/030.06 (Disorderly Conduct). The sequence of events was not in dispute.

In July 2012, LASD drafted proposed changes to DMPP sections indicating they were "revised" as of September 4, 2012. In January 2013, both ALADS and the Professional Peace Officers Association (PPOA) were formally notified of the manual revisions and both Unions were

invited to confer with the Department pertaining to any concerns they had. LASD representatives met with PPOA later in January and met with ALADS on February 13, 2013, wherein the proposed changes were discussed. ALADS sought additional information from LASD and that was furnished on March 7, 2013. ALADS filed its unfair practice charge on March 14, 2013, without seeking additional information from the Department or requesting an additional meeting.

The Union's position was that the changes were in fact implemented in September 2012, without bargaining. The Department's position was that the changes were not substantive, did not expand the basis for discipline and, therefore, did not require bargaining. However, the Department provided ALADS and other bargaining units notice in advance of the intended changes. Additionally, the parties engaged in good faith discussions on February 13, 2013, followed by the Department addressing, on March 7, 2013, questions raised by the Union.

The Hearing Officer opined that ALADS, acted in bad faith when it broke off bargaining by filing the instant unfair labor practice charge on March 14, 2013. The Hearing Officer further opined that although ALADS alleged that the changes were implemented in September 2012, the final revisions to the two DMPP sections, which were modified after meeting with PPOA, did not go into effect until June 7, 2013. This was three months after ALADS ceased bargaining.

The Hearing Officer further opined that the particular revisions of the DMPP did not have any significant or adverse effect on wages, hours, or working conditions and therefore it did not require the Department to negotiate the revisions. The Department did meet and confer with ALADS regarding the proposed manual changes and it was ALADS that terminated bargaining thereafter.

In his discussion, the Hearing Officer discusses "effects bargaining" and opines that, in fact, effects bargaining is what occurred, as the Unions were noticed and meetings took place. The Hearing Officer was silent as to the requirement to also bargain the decision by Management to change disciplinary procedures. This Decision and Order is not meant to indicate there is no requirement to bargain the decision to change disciplinary standards. In cases where that is an issue, the circumstances must be examined before an opinion is definitively rendered.

It was noted by the Hearing Officer, and provided evidence that the Department did confer with the Unions, that a "clearly troublesome change was avoided with the elimination of the word 'detention' from the contemplated General Policy changes." The Hearing Officer further delineated, in his discussion, the various changes and impacts, if any, on the membership.

Subsequent to the February 13, 2013 meeting between the Department and ALADS, ALADS sent a questionnaire to the Department. The Department responded in a timely manner and at

that time, ALADS effectively cut off the meet and confer process by filing the Unfair Labor Practice Charge on March 14, 2013. The Hearing Officer opined that at that point, Management had met and satisfied its obligations of bargaining in good faith as to the contemplated modifications to the "General Behavior" and "Disorderly Conduct" sections of the DMPP and what the changes meant.

The Hearing Officer recommended the following to the Commission:

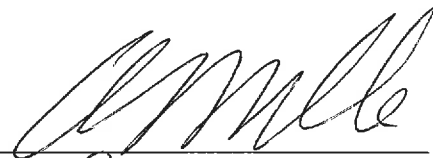
All charges of an Unfair Employee Relations Practice in UFC 011-13 be dismissed.

ORDERS

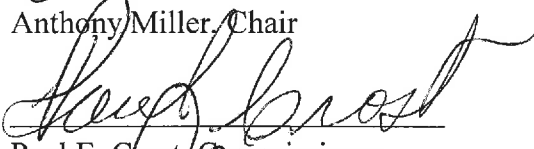
IT IS HEREBY ORDERED that the Hearing Officer's Report and Recommendation be adopted except insofar as indicated with respect to decision bargaining.

IT IS HEREBY ORDERED that Unfair Practice Charge 011-13 be dismissed in its entirety.

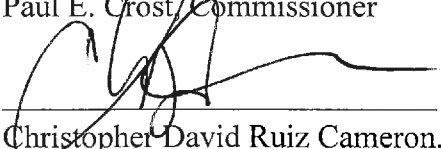
Dated at Los Angeles, California: October 29, 2018



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

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 October 30, 2018, I served the within DECISION AND ORDER in the matter of UFC 011-13 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:

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| Will Aitchison Email: will@pslglawyers.com Alex Wong Liebert Cassidy Whitmore Email: awong@lcwlegal.com Adrianna E. Guzman Liebert Cassidy Whitmore Email: aguzman@lcwlegal.com | Gregory P. Nelson, Commander Los Angeles County Sheriff's Dept. Email: GPNelson@lasd.org Joel Barnett, Captain Los Angeles County Sheriff's Dept. Email: jlbarnett@lasd.org Mahdi A. Mohamed Advocacy Unit-LASD Email: mamohame@lasd.org |
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Executed on October 30, 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