

LOS ANGELES COUNTY  
EMPLOYEE RELATIONS COMMISSION

In the Matter of	)	
	)	
ASSOCIATION FOR LOS ANGELES	)	
DEPUTY SHERIFFS (ALADS)	)	
	)	UFC 043-13, UFC 014-15
Charging Party,	)	(Consolidated)
	)	
v.	)	
	)	
COUNTY OF LOS ANGELES SHERIFF'S	)	
DEPARTMENT	)	
	)	
Respondent.	)	
	)	

---

**DECISION AND ORDER**

This decision and order pertains to proceedings that were based on two Unfair Practice Charges (UFC) that were consolidated and filed with the Los Angeles County Employee Relations Commission on October 4, 2013 and September 14, 2015 respectively. The charges were filed on behalf of the Association for Los Angeles Deputy Sheriffs (ALADS). ALADS filed an Unfair Practice Charge (43-13) on behalf of three employees alleging that the Sheriff's Department unilaterally changed its past and consistent practice of over 25 years relating to the manner in which Bargaining Unit 611 members were suspended without pay in criminal investigations. This is related to the County's policy of 18.01(A) suspensions, which is outlined in Los Angeles County Civil Service Rule 18.

The Union alleged that the Department's past and consistent practice of over 25 years was that a suspension without pay would not take effect until such time as felony criminal charges were filed against the Bargaining Unit 611 member. The main allegation was that the Department has unilaterally changed its practice to now suspend a Bargaining Unit 611 member without pay on the basis of misdemeanor criminal charges being filed. This case pertained to three employees. UFC 14-15 contained the same allegations and represented these actions took place against five employees.

The hearing pertaining to the Unfair Practice Charges 43-13 and 14-15 was held on March 1, 2017 and March 2, 2017 with Sara Adler as the Hearing Officer (HO). Both parties were afforded full opportunity to present relevant evidence, examine and cross examine witnesses, and other arguments. Both parties submitted closing briefs, plus additional documents were submitted subsequent to the record closing. The Hearing Officer reopened the record to receive the documents.

According to the HO, ALADS introduced undisputed evidence that between 1996 and 2004, no member of Bargaining Unit 611 had received a Notice of Proposed Suspension (without pay) pursuant to Civil Service Rule 18.01(A) for being criminally charged with a misdemeanor. LASD did not dispute that from 2004 forward, at least 220 Deputies had been charged with misdemeanors. The Hearing Officer noted that in October 2004, one Deputy was given a Notice of Suspension related to Rule 18.01(A). The next Deputy to receive notice was in 2009 and then another Deputy in 2012. Two more Deputies were served in 2013, which resulted in the first UFC being filed. Subsequently, in 2015 three more Deputies were served, resulting in the second UFC being filed.

A witness for the Sheriff's Department testified that from 2008 to 2014, she recalled signing an estimated 10 to 15 notices for Deputies charged with misdemeanors. Another witness testified that members of other bargaining units had been suspended per Los Angeles County Civil Service Rule 18.01(A) when charged with misdemeanors.

The HO noted the following in her report. First, that Civil Service Rule 18.01 (A) is permissive, not mandatory. This rule does not mandate that the suspension be without pay. Notably, the HO opined that the Sheriff's Department does not have a written policy regarding Rule 18.01(A) suspensions for Deputies charged with misdemeanors. She noted that no notification of a change of policy was ever sent to ALADS regarding any changes over suspensions without pay. Finally, she opined that ALADS was never given the opportunity to meet and confer over the suspension without pay of members of Bargaining Unit 611, who were charged with misdemeanors. The Union, in this case, argued past practice.

The Department argued that no past practice existed. Furthermore, even if there was such a past practice, the UFCs that were filed were untimely filed and must be dismissed per ERCOM Rule 6.01. Additionally, the Department argued that the review of the Rule 18.01 Suspensions is vested solely in the Civil Service Commission.

The HO formed the opinion that "there was no doubt that the practice existed prior to 2004 when no Deputy received a Rule 18.01(A) suspension despite numerous Deputies being charged with misdemeanors." The HO determined the question became whether or not ALADS was on notice of a change in practice due to the issuance of a Rule 18.01 suspension Notice to Deputies in 2004, 2009, or 2012.

The HO concluded that the Los Angeles County Sheriff's Department failed to give ALADS an opportunity to meet and confer over a unilateral change effecting wages, hours, and working

conditions in violation of Section 5.04.240 (a) (1) of the Employee Relations Ordinance.<sup>1</sup>

ORDERS

IT IS HEREBY ORDERED that the Hearing Officer's Report and Recommendations be adopted.

IT IS HEREBY ORDERED that the Los Angeles County Sheriff's Department cease and desist from implementing this change of practice until it gives ALADS the opportunity to meet and confer over the suspension without pay of members of Bargaining Unit 611 who have been criminally charged with misdemeanors.

IT IS HEREBY ORDERED that all members of Bargaining Unit 611 who have been suspended without pay under this unilaterally implemented policy shall be made whole as to lost wages and benefits.

Dated at Los Angeles, California: February 26, 2018

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

---

<sup>1</sup> The Hearing Officer referred to Section 12 (A) (1) which references the old Ordinance and Rules.

## 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 043-13 & UFC 014-15 (Consolidated) 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:

Will Aitchison Email: <a href="mailto:will@pslglawyers.com">will@pslglawyers.com</a>  Richard A. Shinee Email: <a href="mailto:Gstras2017@gmail.com">Gstras2017@gmail.com</a>  Neel Ghanshyam, Esq. Email: <a href="mailto:neel.ghanshyam@gphlawyers.com">neel.ghanshyam@gphlawyers.com</a>	Gregory P. Nelson, Captain Email: <a href="mailto:GPNelson@lasd.org">GPNelson@lasd.org</a>  Mahdi A. Mohamed Email: <a href="mailto:mahmohame@lasd.org">mahmohame@lasd.org</a>
---	--

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