

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
)	
SOCIAL SERVICES UNION (SSU),)	
LOCAL 535, SEIU)	
)	
Charging Party)	
)	
v.)	UFC 10.41
)	
DEPARTMENT OF PUBLIC SOCIAL)	
SERVICES)	
)	
Respondent)	
)	
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DECISION AND ORDER

The Charge in this case was filed by the Social Services Union, Local 535, SEIU (Union or Charging Party) against the Los Angeles County Department of Public Social Services (County). The Charging Party alleged that the County had violated Section 12(a)(1) of the Employee Relations Ordinance (Ordinance) when management of the Department distributed a memo to employees at the Department's Rancho Dominguez facility which contained an "unfounded attack" against a Union Steward.

The matter was duly referred to Hearing Officer Richard C. Solomon, who held a hearing on January 15, 1992. Both parties appeared and were afforded full and complete opportunity to present relevant evidence, offer argument, and examine and cross-examine witnesses. Post-hearing briefs were filed. The Hearing

Officer submitted his Report to the Commission on March 20, 1992. No Exceptions were filed to this Report.

The facts underlying this dispute are relatively uncontroverted and may be briefly summarized as follows:

In May 1990 Union Steward Margie Cahill sent a memo to the Union expressing concerns regarding perceived health and safety problems at the Rancho Dominguez facility. Although not intended for management, a copy of the memo was obtained by a manager at the facility. Thereafter, a study was performed of the building's air quality by an outside contractor. An August 9, 1990 management memo to the facility employees summarized the results of the study and referenced the May memo sent to the Union. This memo also contained the following paragraph which, according to the Charging Party, comprised the Ordinance violation at issue:

We regret that an inflammatory memo of this nature was produced. The author obviously has no basis in fact and acted irresponsibly and unethically in generating information clearly invalid. Administration action has been taken to ensure this type of unprofessional conduct is not repeated at the expense of our staff.

The Hearing Officer found, and we agree, that the County's memo in question referred to the May memo sent to the Union and that the term "author" was a reference to Union Steward Cahill. We are also in agreement with the Hearing Officer's conclusions that Cahill in advising the Union of a potential safety hazard was engaged in activity protected by the Ordinance

and that the disputed portion of the August 9 memo constituted a threat of reprisal against a Union Steward prohibited by Section 12(a)(1) of the Ordinance.

Having carefully reviewed the briefs and the Hearing Officer's Report, the Commission adopts the findings, conclusions, and recommendations as set forth in the Report for the reasons stated therein.


O R D E R

IT IS HEREBY ORDERED that charge UFC 10.41 is sustained. The County is ordered to rescind the offending portion of the August 9, 1990 memo and to henceforth cease and desist from similarly violating employee rights.

DATED at Los Angeles, California this 15th day of May, 1992.



JOSEPH P. GENTILE, Chairman



PAUL K. DOYLE, Commissioner



ROBERT D. STEINBERG, Commissioner