

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
ASSOCIATION FOR LOS ANGELES DEPUTY)	
SHERIFFS)	
)	
Charging Party)	
)	
and)	
)	
COUNTY OF LOS ANGELES SHERIFF'S)	UFC 14.2
DEPARTMENT)	
)	
Respondent)	
)	
)	

DECISION AND ORDER

On June 20, 1972 Hearing Officer Adolph M. Koven issued his report and recommendations in the above-captioned matter, finding that the Los Angeles County Sheriff's Department (herein "Department") committed an unfair employee relations practice within the meaning of Section 12(a)(1) of the Employee Relations Ordinance of the County of Los Angeles and recommending that this Commission issue an order in affirmation of his recommendations.

The Department filed timely exceptions to the Hearing Officer's report and counsel for the Association for Los Angeles Deputy

Sheriffs (herein "ALADS"), the Charging Party, filed a timely reply to such exceptions.

Pursuant to Section 6.11(a) of its Rules and Regulations, the Commission has considered the entire record in this matter, the report of the Hearing Officer, the exceptions and the reply, and hereby issues its Decision and Order.

The charge alleges that the Department violated Sections 12(a)(1) and (2) of the Ordinance by refusing to permit its supervisory personnel to communicate with Claud T. Smith, the Administrator of ALADS 1/, on matters affecting employee relations; by refusing to answer a letter from Smith regarding employee relations; by refusing to permit Smith to enter Inspector George Pipkin's office in the Hall of Justice; by posting on a station bulletin board a notice advising employees that Smith would not be permitted to attend station briefings or discuss policies and procedures with deputy sheriffs 2/, and by refusing and failing to supply Smith with grievance procedure forms. 3/

1/ ALADS is a duly authorized noncertified representative which represents a substantial number of deputy sheriffs of the Department. Smith became ALADS' Administrator on February 1, 1972 and was registered as its authorized representative.

2/ The Hearing Officer found this allegation was unsupported by the evidence. We agree.

3/ Such forms are made available to employees and are not made available to any employee organization. Thus the refusal to provide Smith with such forms was not part of any attempt to treat

(continued)

The Commission hereby adopts the findings, conclusions and recommendations of the Hearing Officer with the following additions and modifications:

1. In its exceptions the Department contends that the Hearing Officer erred in not finding that Nevins, an Employee Relations Administrator, was authorized to participate in consultation with ALADS. It is contended that the Department has the "inherent" right to designate such representative as it sees fit, so long as the person so designated is able to effectively undertake consultations or negotiations as may be required by the Ordinance.

We find it unnecessary to resolve these questions as it is undisputed that Smith was the only person who was barred from dealing directly with representatives of the Department who had the responsibility, at the departmental level, to consult and confer with representatives of employee organizations, irrespective of whether or not they had been certified as the exclusive representative of employees of the Department. Clearly, the refusal to deal directly with Smith was planned to destroy his effectiveness in representing ALADS because he was not acceptable to the Department. A promise that ALADS

Smith disparately. The propriety of limiting distribution of grievance forms only to employees and not to employee organizations is not before us.

would fare better in its representation of employees if Smith was removed was only thinly disguised in the statements of the Undersheriff to representatives of ALADS during the meeting of February 7, 1972.

Section 4 of the Ordinance confers upon employees of the County the right to ". . . form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations." (Emphasis added.) And Section 12 makes it an unfair employee relations practice for the County to interfere with the exercise of such rights. An employee organization would hardly be of the employees' own choosing if the Department was permitted to nullify the organization's choice of its officers and representatives by the simple device of erecting barriers to effective representation by those officers and representatives who were unacceptable to the Department.

We hold that the discrimination practiced against Smith interfered with the employees' right to select representatives of their own choosing and therefore constituted a violation of Section 12(a)(1) of the Ordinance.4/

4/ In his report, the Hearing Officer stated: ". . . the unfair practices alleged by the charges did not relate to discrimination against ALADS as a noncertified employee organization but against Smith personally." This statement is incorrect, as the charge alleges specifically that the treatment accorded Smith ". . . discriminated against a bona fide employee organization"

2. In a letter dated July 26, 1972 counsel for the Department advised the Commission that Smith is no longer in the employ of ALADS and requested that the Commission declare this matter moot. This request is hereby denied, as we feel that appropriate corrective action must be taken by the Department to ensure departmental employees that there will be no interference in the future with their right to select representatives of their own choosing.


ORDER

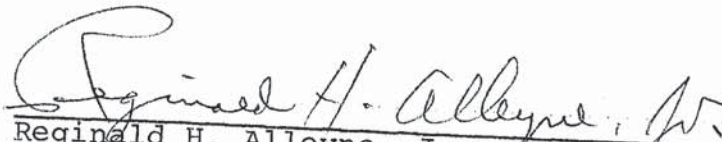
Pursuant to Section 12(f) of the Ordinance, the Department is hereby ordered to:

- (a) Cease and desist from interfering with the right of its employees to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations.
- (b) Advise ALADS in writing that it will not discriminate against its duly authorized representatives by prohibiting any of them free access to direct representatives of the Department upon the same basis accorded all other duly authorized representatives of employee organizations which represent employees of the Department.

- (c) Notify the Commission within ten days from receipt of this Order of the steps taken by it to comply herewith.

Dated: August 30, 1972


Ben Nathanson, Chairman


Reginald H. Alleyne, Jr., Commissioner


Irving Helbling, Commissioner