

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
ASSOCIATION FOR LOS ANGELES DEPUTY)	
SHERIFFS (ALADS))	
)	
Charging Party)	
)	
v.)	UFC 14.21
)	
SHERMAN BLOCK, SHERIFF OF)	
LOS ANGELES COUNTY)	
)	
Respondent)	

DECISION AND ORDER

The charge in this case was filed by the Association for Los Angeles Deputy Sheriffs (ALADS or Charging Party) against Sherman Block, Sheriff of Los Angeles County (County or Respondent) alleging that the County violated Section 12(a)(3) of the Los Angeles County Employee Relations Ordinance (Ordinance) when it unilaterally instituted a mandatory rotating shift assignment plan for deputy sheriffs assigned to the Lynwood Sheriff's Station.

The matter was duly referred to Hearing Officer R. Wayne Estes, who held a hearing on November 30, 1982. The parties appeared and were afforded full opportunity to offer

argument and evidence and to examine and cross-examine witnesses. Post-hearing briefs were filed. On March 9, 1983, the Respondent submitted a brief in response to the Charging Party's brief. The Charging Party by letter dated March 31, 1983, contested the propriety of this submission.^{1/} Hearing Officer Estes filed his Report with the Commission on April 5, 1983. Exceptions to this Report were filed by the Respondent on April 19, 1983. Charging Party did not submit a statement in opposition to these Exceptions.

In brief, the Hearing Officer concluded that the implementation of the rotating shift plan was within the scope of representation as defined by the relevant statutes and that a "significant effect" upon working conditions resulted from the implementation of the plan. Hearing Officer Estes further concluded that the "zipper" clause of the Memorandum of Understanding did not serve to waive the Charging Party's right to negotiate concerning the rotating shift plan. In reaching this conclusion, he stated that ". . . there was no showing of any evidence in the collective bargaining process that the Charging Party willingly or at least even knowingly negotiated away the basic 'meet and confer' rights that are its under the appropriate

¹A review of the Transcript discloses that agreement was reached to permit the filing of response briefs at the option of the parties (RT, pp. 6-7). Hence, the Commission, not unlike Hearing Officer Estes, has considered the County's response brief in its deliberations.

statutes and ordinances." (HO Report, p. 11.) Hearing Officer Estes therefore found that the County had violated Section 12(a)(3) of the Ordinance.

Having carefully reviewed the Hearing Officer's Report, the underlying record, and the Exceptions to the Report, the Commission adopts the findings, conclusions, and recommendations for the reasons set forth in his Report.

O R D E R

IT IS HEREBY ORDERED that the charge filed by ALADS on May 6, 1982, be sustained and that the County be directed to (1) reinstate the shift assignment policy in effect at the Lynwood Sheriff's Station prior to May 2, 1982, and (2) negotiate with ALADS concerning any change in said policy.

DATED at Los Angeles, California, this 3rd day of June, 1983.

Lloyd H. Bailer

LLOYD H. BAILER, Chairman


JOSEPH R. GENTILE, Commissioner