

LOS ANGELES COUNTY  
EMPLOYEE RELATIONS COMMISSION

In The Matter of	)	
	)	
ASSOCIATION FOR LOS ANGELES	)	
DEPUTY SHERIFFS (ALADS)	)	
	)	
Charging Party	)	UFC 14.23
v.	)	
	)	
SHERIFF'S DEPARTMENT, COUNTY	)	
OF LOS ANGELES	)	
	)	
Respondent	)	

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DECISION AND ORDER

The charge in this case was filed by the Association for Los Angeles Deputy Sheriffs (ALADS or Charging Party) against the Sheriff's Department, County of Los Angeles (County or Respondent) alleging violations of Section 12(a)(1) and 12(a)(2) of the Los Angeles County Employee Relations Ordinance (Ordinance). The Charging Party contends that the County violated these provisions by refusing Deputy Sheriff John Noel the opportunity to have a union representative present during an investigatory meeting conducted by County management personnel on October 15, 1982, and by issuing a written reprimand to Deputy Sheriff David Campbell for activity which occurred while he was acting as a union representative on behalf of Deputies Noel and Refugio Santos.

The matter was duly referred to Hearing Officer Edgar Allan Jones, III, who held a hearing on July 25, 1983. The parties were present and were afforded full opportunity to offer argument, present relevant evidence, and examine and cross-examine witnesses. Post-hearing briefs were filed. Hearing Officer Jones submitted a Report, dated October 3, 1983. Exceptions to this Report were filed by the Respondent on October 18, 1983, and by the Charging Party on October 31, 1983.

With respect to the allegation concerning Deputy Noel's denial of union representation, the Hearing Officer concluded that Deputy Noel did not request such representation during the course of the October 15, 1982 incident. In reaching this conclusion, Hearing Officer Jones credited the testimony of Lieutenant Michael O'Hara and Sergeant Richard Hopkinson as opposed to that of Deputy Noel. Such credibility resolutions reached by the Hearing Officer who had the opportunity to first-hand hear the testimony and observe the demeanor of the various witnesses should not be overturned unless clearly erroneous and not supported by the record. Our review of the record yields sufficient evidence to support Hearing Officer Jones' credibility resolutions. Hence, we adopt his conclusions that Deputy Noel did not request an ALADS representative during the incident in question and that the County's failure to provide said representative was not an unfair employee relations practice proscribed by Sections 12(a)(1) and 12(a)(2) of the Ordinance.

We next turn to the issue of Deputy Campbell's written reprimand. Hearing Officer Jones concluded that during the course of events which precipitated the reprimand, Deputy Campbell was". . . acting in the capacity of a union representative seeking to represent the interests of two bargaining unit members." (H.O. Report, p. 13.) He further concluded that Deputy Campbell's actions in this regard were not of the nature to place him outside the protections afforded by the Ordinance, but merely constituted an attempt to". . . remediate the harm that might have flowed from the alleged violation of the deputies' rights." (H.O. Report, p. 14.) The Hearing Officer therefore concluded that the County violated Section 12(a)(1) of the Ordinance by issuing the written reprimand to Deputy Campbell.

Having carefully reviewed the underlying record, the Hearing Officer's Report, and the Respondent's Exceptions to that portion of the Report addressing the propriety of Deputy Campbell's reprimand, we adopt the Hearing Officer's findings and conclusions concerning Deputy Campbell's reprimand for the reasons set forth in his Report. This Commission, however, with rare exception, has not ordered the posting of a notice as recommended by Hearing Officer Jones. Hence, his recommendations will be modified accordingly.

O R D E R

IT IS HEREBY ORDERED That charge UFC 14.23 be dismissed in part and sustained in part as follows:

1. The Charge that the County violated Sections 12(a)(1) and 12(a)(2) of the Ordinance by failing to afford Deputy Noel the opportunity to have an ALADS representative present at the October 15, 1982 meeting is dismissed;
2. The Charge that the County violated Sections 12(a)(1) and 12(a)(2) of the Ordinance by issuing a written reprimand to Deputy Campbell for exercising his rights as an ALADS representative is sustained with respect to the 12(a)(1) violation; and
3. The County is ordered to cease and desist from such conduct violative of the Employee Relations Ordinance, rescind the April 12, 1983 written reprimand issued Deputy Campbell, and expunge from his personnel file any reference to said reprimand.

DATED at Los Angeles, California this 9th day of December, 1983.

  
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LLOYD H. BAILER, Chairman

  
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JOSEPH F. GENTILE, Commissioner