

In the Matter of

ASSOCIATION FOR LOS ANGELES DEPUTY SHERIFFS
Charging Party

and

UFC 14.3

COUNTY OF LOS ANGELES SHERIFFS DEPARTMENT

and PETER J. PITCHESS

Respondent

RECEIVED
EMPLOYEE RELATIONS COMM.
COUNTY OF LOS ANGELES

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APPEARANCES: James R. Tweedy, Esq., for Charging Party; Joe Ben Hudgens, Esq.,
for Respondent; Bodle, Fogel, Julber, Reinhardt & Rothchild,
by Lester G. Ostrow, Esq., for Intervenor

HEARING OFFICER'S RECOMMENDED FINDINGS OF FACT, CONCLUSIONS, AND

FINAL ORDER

Background

Association for Los Angeles Deputy Sheriffs (hereinafter ALADS) is
an employee organization within the meaning of Section 3 (g) of the
Los Angeles County Employee Relations Ordinance, No. 9646 (hereinafter
Ordinance).

On 4 November 1970, ALADS charged Sheriff Peter J. Pitchess with
unfair employee relations practices, alleging, inter alia, that the
Sheriff allowed representatives from the Professional Peace Officers
Association (hereinafter PPOA)--an employee organization within the
meaning of Section 3 (g) of the Ordinance--to conduct recruiting
activities at facilities of the Sheriff's Department (hereinafter
Department), including the Sheriff's Academy. (Commission's Exhibit
[hereinafter CX] 1, Ex. A)

On 11 December 1970, at a meeting before the Employee Relations
Commission (hereinafter ERCOM), the Department, PPOA, and ALADS stipulated
in part as follows (CX-1, Ex. B):

That in the future ALADS will have the same right of representation at the Sheriff's Academy for the purpose of recruiting membership as PPOA has enjoyed in the past. And that the time that has been allotted to PPOA will be divided equally with ALADS in that recruitment program. Furthermore, that with respect to the other Sheriff's facilities throughout the County that...duly qualified representatives [of ALADS] will have the right to go to those facilities and to make their presentations in efforts to recruit members as PPOA is allowed to do....

On the basis of this stipulation, ALADS, with the approval of ERCOM, withdrew its charge.

In June, 1971, PPOA was certified by ERCOM as the majority employee representative in the bargaining unit for Deputy Sheriffs.

On or about 30 September 1971, PPOA and the Department announced that because of PPOA's certification, they were no longer bound by the stipulation agreed to on 11 December 1970, and that, henceforth, ALADS' representatives would not be allowed to conduct recruiting activities at the Sheriff's Academy.

On 6 October 1971, ALADS filed a Petition for Clarification in order to determine its rights under the Ordinance and the stipulation of 11 December 1970 in respect of the use of County facilities for the purpose of recruiting. (CX-1, Ex. C)

On 19 November 1971, the three parties again appeared before ERCOM. As alleged by ALADS (CX-1, Ex. D),

the Department, PPOA, and ALADS agreed that neither organization would be allowed to conduct recruiting activities at Department facilities, but that PPOA would be allowed to appear at the Sheriff's Academy solely for the purpose of explaining to the cadet deputies that PPOA was their certified bargaining unit and describing benefits.

The Hearing Officer has read CX-1, Ex. D, which consists of a portion of the transcript of the proceedings on 19 November 1971 before ERCOM in this matter. Although it is possible to draw an inference from that record to support the above quoted allegation by ALADS, no formal stipulation was entered into by the three parties in interest.

From that time until on or about 26 June 1974, PPOA representatives have regularly appeared at the Sheriff's Academy and, with the knowledge of the Sheriff and of the Department, have described to the cadets the purposes and functions of PPOA, and have passed out and then collected PPOA enrollment and dues deduction authorization cards.

On 27 February 1974, ALADS submitted a written request to the Sheriff for permission to conduct recruiting activities at the Academy. (CX-1, Ex. E) On or about 18 March 1974, the Sheriff, through his representative, Assistant Sheriff Anthony, orally denied the request.

Claiming that this conduct violated the stipulation of 11 December 1970 and the alleged understanding of 19 November 1971, as well as the Ordinance, ALADS, on 18 April 1974, filed the present charge of unfair employee relations practices against the Department and the Sheriff (hereinafter Respondents). (CX-1)

On 21 May 1974, ERCOM issued its charge and notice of hearing in this matter, docketed as UFC 14.3. (CX-2)

On 23 May 1974, Respondents filed a motion for a bill of particulars. (CX-3)

On 29 May 1974, the Hearing Officer granted the motion and issued an order extending the time for filing an answer, and rescheduling the date of hearing. (CX-4)

On 10 June 1974, ALADS filed its response to the bill of particulars.
(CX-5)

On 20 June 1974, PPOA filed a motion to intervene. (CX-7)

On 21 June 1974, Respondents filed their answer to ALADS' charge. (CX-8)

The hearing was held on 28 June 1974, in the Hall of Administration, Los Angeles, California. PPOA's motion to intervene, which was unopposed, was granted by the Hearing Officer. Shortly after ALADS had begun presenting testimony, counsel for Respondents advised the Hearing Officer of a new development affecting the status of the dispute. By agreement of all three parties, George W. Pipkin, Chief of the Administrative Division, Sheriff's Department, was called as a witness by Respondents. He testified that the Sheriff, earlier that morning, had orally revoked the permission to PPOA representatives to appear before Sheriff's Academy cadets and to solicit memberships in their organization. This action was prompted by a report that a political appeal had been made by a PPOA representative when he was addressing a class of Academy cadets on or about 26 June 1974. After some informal discussion, all three parties agreed to a stipulation suggested by the Hearing Officer and summarized in the Recommended Final Order below. The hearing was then adjourned.

Recommended Findings and Conclusions

1. The issue raised by ALADS' charge of unfair employee relations practices has been rendered moot by the action taken by the Sheriff on 28 June 1974 against PPOA. At the moment, both ALADS and PPOA are denied permission to have their representatives appear before classes

of cadets of the Sheriff's Academy and to solicit memberships in their respective organizations. They both therefore stand on an equal footing so far as Respondents are concerned.

2. Whether or not PPOA has a basis for its own unfair employee relations practices charge against Respondents, the issue is not encompassed by the present case.

3. It is at least possible, if not likely, that PPOA's former membership solicitation privileges may be reinstated by the Sheriff in the foreseeable future, at which time ALADS' present allegations would no longer be moot.

4. In that event, it would be both pointless and inequitable to require ALADS to repeat all the prehearing steps in this proceeding as a condition precedent to obtaining a hearing on the merits of its unfair employee relations practices charge.

Recommended Final Order

1. The unfair employee relations practices charge filed by ALADS in UFC 14.3 is moot and is accordingly dismissed without prejudice.

2. In the event that circumstances change again, and PPOA is once more permitted to solicit memberships at Sheriff's Academy meetings, while ALADS continues to be denied that privilege, and ALADS files a new charge of unfair employee relations practices against Respondents, the matter will be docketed by ERCOM as a new case; but it will be scheduled for hearing at the earliest possible time, and the record to date in UFC 14.3

will be made a part of the record in the new proceedings.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Benjamin Aaron".

Benjamin Aaron
Hearing Officer

Los Angeles, California
3 July 1974