

**BEFORE THE EMPLOYEE RELATIONS COMMISSION
OF THE COUNTY OF LOS ANGELES**

In the matter of

**SERVICE EMPLOYEES INTERNATIONAL,
UNION, LOCAL 721,**

Charging Party,

vs.

**MARGARET TODD, PUBLIC
LIBRARY DIRECTOR**

Respondent.

CASE NO. U.F.C. 22-07

DECISION AND ORDERS

On October 18, 2007, Charging Party, SEIU Local 721 filed an Unfair Practice Charge against Margaret Todd, Public Library Director ("the Respondent"). The Commission granted a hearing and the matter was referred to a hearing before Hearing Officer Thomas S. Kerrigan. Thereafter, a hearing was held wherein both parties were afforded full opportunity to present relevant evidence, examine and cross-examine witnesses, and offer argument. At the conclusion of the hearing, both parties filed written briefs with the Hearing Officer. A verbatim transcript of the proceedings was provided to the Hearing Officer for his consideration in preparing his report to the Commission. After taking the matter under submission the Hearing Officer issued his Hearing Officer's Recommended Findings and Order dated November 22, 2009, and filed it with the Commission.

The Hearing Officer recommended that the Commission find that the evidence was insufficient to show that the termination of Sherry Kimbrel, a part time library page, was based on an unlawful discriminatory motive, i.e. her exercise of her rights as a member of Local 721. Further, as the allegations of the Charge are without merit, that the Charge be dismissed in its entirety.

The Charging Party timely filed its Exceptions to the Hearing Officer's Report. The Respondent timely filed its Response to Exceptions to Hearing Officer's Report.

On July 26, 2010, the Commission heard oral argument on the Exceptions and Response thereto, wherein both parties through their respective representatives, presented oral argument to the Commission.

The Commission having considered all the filings in this matter, the Hearing Officer's report and recommendation, and the oral argument of the parties, issues the following orders.

ORDERS

IT IS HEREBY ORDERED that the Hearing Officer's Report and Recommendation is adopted in its entirety.

IT IS HEREBY ORDERED that Respondent Margaret Todd, Public Library Director, did not violate the Employee Relations Ordinance of Los Angeles County, No. 9646 by discharging Sherry Kimbrel.

IT IS HEREBY ORDERED that the charge herein be dismissed in its entirety.

Dated at Los Angeles, California: October 24, 2011

A handwritten signature in black ink, appearing to read 'R. Douglas Collins', is written over a horizontal line.

R. Douglas Collins, Chair

PROOF OF SERVICE

I, Rose Henderson declare under penalty of perjury as follows:

On October 25, 2011, I personally served the DECISION AND ORDERS in the matter of UFC 22-07 on the parties listed below by placing a true copy thereof in a sealed envelope for collection and mailing in the Los Angeles County Kenneth Hahn Hall of Administration Mail Room addressed as follows:

Alan G. Crowley
Weinberg, Roger & Rosenfeld
3435 Wilshire Boulevard, Suite 620
Los Angeles, CA 90010-1907

Robinetta Mack
Principal Analyst
Chief Executive Office
500 West Temple Street #713
Los Angeles, CA 90012

It is the practice of said mail room to place such correspondence with postage thereon fully prepaid in the United States Postal Service the same day they are received in the mail room.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on Oct 25, 2011 at Los Angeles, California.


Rose Henderson