

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of

UNION OF AMERICAN PHYSICIANS AND
DENTISTS

Charging Party

v.

PHILIP F. STONE, DEPUTY DIRECTOR
OF PERSONNEL, EMPLOYEE RELATIONS,
LOS ANGELES COUNTY

Respondent

UFC 23.1

DECISION AND ORDER

The charge in this case was filed by the Union of American Physicians and Dentists (Union) against Philip F. Stone, Deputy Director of Personnel, Employee Relations, Los Angeles County (County), alleging that the County had committed an unfair employee relations practice in violation of Section 12(a)(3) of the Employee Relations Ordinance when it refused to bargain with the Union after the Union had been duly certified as an employee organization representing Supervisory Psychiatrists in Certification Decision No. 42-79.

The matter was duly referred to Hearing Officer H. Anthony Miller, who held a hearing on October 31, 1980. The parties were present and were afforded full opportunity to offer argument and evidence and to examine and cross-examine witnesses. Post-hearing briefs were filed. Hearing Officer Miller submitted his Report, dated February 2, 1981. The County filed Exceptions to the Report on February 17, 1981. The Union submitted a statement in opposition thereto on February 25, 1981.

In brief, the Hearing Officer concluded that the County violated Section 12(a)(3) of the Employee Relations Ordinance when it refused to negotiate with the Union as the certified representative of the Supervisory Psychiatrists, Department of Mental Health. The Hearing Officer therefore found that the County must meet and begin negotiations with the Union within thirty days from the date of his recommended final order until an agreement or impasse as defined by the Employee Relations Ordinance is reached.

Ancillary to the above recommendations, the Hearing Officer, in addressing a Motion to Dismiss, refused to reach the issue of whether the bargaining unit certified by the Employee Relations Commission in Certification Decision No. 42-79 was appropriate. The Commission agrees with the Hearing Officer's ruling in this regard; therefore, the

Commission will likewise not go behind Certification
Decision No. 42-79.

Having carefully reviewed Hearing Officer H. Anthony
Miller's Report, the underlying record, the Exceptions to
the Report, and the Statement in Opposition to the Exceptions,
the Commission adopts his findings and recommendations as
set forth in his Report.

O R D E R

IT IS HEREBY ORDERED that the charge as filed by
the Union on August 4, 1980, is sustained.

The County is ordered to meet and begin negotiations
with the Union of American Physicians and Dentists within
thirty (30) days from the date of this Order and to continue
negotiations until an agreement or impasse as defined by
the Employee Relations Ordinance is reached.

DATED at Los Angeles, California, this 13th day of
April, 1981.



LLOYD H. BAILER, Chairman



JOSEPH F. GENPILE, Commissioner



FREDRIC N. RICHMAN, Commissioner