

In the Matter of

FEDERATION OF PUBLIC SECTOR
WORKERS, PROFESSIONAL SOCIAL
SERVICE SUPERVISORS

Charging Party

v.

COUNTY OF LOS ANGELES, DEPARTMENT
OF PUBLIC SOCIAL SERVICES

Respondent

DECISION AND ORDER

The matter was duly referred to Hearing Officer Paul A. Rothschild, who held hearings on May 19, June 2, and June 7, 1983. 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. Hearing Officer Rothschild filed his Report with the Commission on September 26, 1983. Neither party filed Exceptions to his Report.

The Hearing Officer applied the standard set forth by the National Labor Relations Board (Board) in Wright Line, 105 LRRM 1169 (1980), to evaluate the evidence before him and, in so doing, concluded that the Federation had not ". . . fulfilled its burden of establishing a prima facie case of violating the ordinance. . . ." ¹/ (HO Report, p. 22.) In reaching this conclusion, he acknowledged the difficulties encountered by a union in attempting to establish negative intent on the part of an employer, but concluded that the Federation ". . . has not even marginally made a case in three days of hearing." (HO Report, p. 23.) Consequently, he recommended that the charge be dismissed.

/

/

¹The U.S. Supreme Court in NLRB v. Transportation Management Corp., 113 LRRM 2857 (1983), expressly approved the Board's Wright Line method of allocating the burden of proof in union discrimination cases.

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

O R D E R

IT IS HEREBY ORDERED that the charge be dismissed.

DATED at Los Angeles, California, this 24th day of October, 1983.



LLOYD H. BAILER, Chairman



JOSEPH R. GENTILE, Commissioner