

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
LOS ANGELES COUNTY SAFETY)	
POLICE ASSOCIATION)	
)	
Charging Party)	UFC 25.2
)	
v.)	DECISION AND ORDER
)	
PARKS AND RECREATION)	
)	
Respondent)	

The charge in this case was filed by the Los Angeles County Safety Police Association (Association or Charging Party) against the Los Angeles County Department of Parks and Recreation (County or Respondent) alleging that the County violated Sections 12(a)(1) and 12(a)(2) of the Employee Relations Ordinance (Ordinance) when it released recurrent Security Officer Kenneth Holtz from County service effective February 9, 1984. The Charging Party contended that Officer Holtz was released in retaliation for his role in a grievance filed by a number of security officers at the County's Bonelli Park.

The matter was duly referred to Hearing Officer Robert D. Steinberg, who held hearings on May 16, June 6, and June 19, 1984. 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. The Hearing Officer submitted

his Report, dated August 17, 1984. Exceptions to this Report were filed by the Association on September 7, 1984. The County submitted its statement in opposition to these Exceptions on September 14, 1984.

In brief, the Hearing Officer concluded that it was a series of complaints lodged against Officer Holtz and not his involvement in the grievance that led to his release. Hearing Officer Steinberg also concluded that Holtz's release was coincidental to the County's professed desire to replace a temporary employee with a permanent one.

In its Exceptions, the Association contended that the County's use of and the Hearing Officer's reliance on material contained in a secret file not made known to Officer Holtz violated Government Code Sections 3305 and 3306, commonly referred to as the "Peace Officer Bill of Rights." The County, in its statement in opposition, asserted that the protections afforded by these Sections do not extend to recurrent employees such as Officer Holtz.

Questions involving the application and interpretation of the Peace Officer Bill of Rights are matters for a court of competent jurisdiction to decide. Hence, the Commission makes no ruling with respect to these matters. Even if coverage of the Peace Officer Bill of Rights extends to Officer Holtz and its provisions had in fact been violated, it does not necessarily follow that a violation of the Ordinance occurred. In this regard, we are simply not persuaded by the Association's argument that the County in relying on material maintained in disregard of the Peace Officer Bill of Rights as the basis for Officer Holtz's release also

violated his rights protected by the Ordinance.

The Commission adopts the findings, conclusions, and recommendations of the Hearing Officer as set forth in his Report, for the reasons stated therein. Accordingly, the County did not violate Sections 12(a)(1) and 12(a)(2) of the Ordinance when it released Kenneth Holtz from his recurrent Security Officer position.


O R D E R

IT IS HEREBY ORDERED that charge UFC 25.2 be dismissed.

DATED at Los Angeles, California, this 24th day of
October, 1984.



LLOYD H. BAILER, Chairman



JOSEPH F. GENTILE, Commissioner