

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
)	
LOS ANGELES COUNTY SAFETY)	
POLICE ASSOCIATION)	
)	
Charging Party)	
)	
v.)	UFC 25.4
)	
DEPARTMENT OF PARKS AND RECREATION)	
)	
Respondent)	
)	

DECISION AND ORDER

The charge in this case was filed by the Los Angeles County Safety Police Association (Union) against the Los Angeles County Department of Parks and Recreation (County) alleging that the County had committed an unfair employee relations practice within the meaning of Section 12(a)(3) of the Employee Relations Ordinance (Ordinance) by unilaterally implementing a five day, eight-hour work week (5/8 Schedule) in place of the prior four day, ten-hour work week (4/10 Schedule) for security officers employed in the Department's North Region.

The matter was duly referred to Hearing Officer Michael Prihar, who held a hearing on November 25, 1986. The parties appeared and were afforded full opportunity to present argument and evidence and to examine and cross-examine witnesses. Post-hearing briefs were filed. The Hearing Officer submitted his Report to the Commission on February 11, 1987. No Exceptions to

this Report were filed.

The evidence is undisputed that the County notified the eight security officers assigned to the North Region of the Department that their schedules would be changed for the 1986 summer season from a 4/10 Schedule to a 5/8 Schedule. Although the County refused to accede to the Union's request to negotiate the matter, the County offered to and did consult regarding the work schedule change.

In brief, Hearing Officer Prihar concluded that the Full Understanding, Modification, Waiver and Work Schedules articles contained in the Memorandum of Understanding (MOU) constituted a waiver of the Union's right to negotiate concerning the schedule change. Although noting that this change did not affect a "significantly large number of employees" as defined in the Full Understanding, Modification, Waiver article, the Hearing Officer found the Work Schedules article to be the more controlling in the instant dispute. In this regard, he concluded that this latter provision constituted clear evidence that the parties had considered and addressed the subject of work schedules during negotiations on the MOU and that the only limitations included therein on the County's right to change employees' work schedules are the requirements that notice be given and the County consult on schedule changes which affect a "majority of the employees in the unit."


Hearing Officer Prihar therefore concluded that the County's unilateral implementation of the work schedule change in question did not constitute a violation of Section 12(a)(3) of the Ordinance. Hence, he recommended that the charge be dismissed.

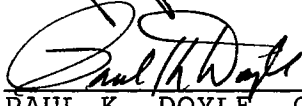
Having carefully reviewed the entire record in this matter, the Commission adopts the findings, conclusions, and recommendations of the Hearing Officer as set forth in his Report for the reasons stated therein.

O R D E R

IT IS HEREBY ORDERED that charge UFC 25.4 is dismissed.

DATED at Los Angeles, California, this 13th day of April, 1987.



JOSEPH P. GENTILE, Chairman

PAUL K. DOYLE, Commissioner

ROBERT D. STEINBERG, Commissioner