

JUN 7 1982

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of) CASE NO. UFC 55.30
JOINT COUNCIL OF LACEA, LOCAL)
660 and SSU, LOCAL 535, SEIU,) HEARING OFFICER'S REPORT
Charging Party,)
and)
DEPARTMENT OF PUBLIC SOCIAL)
SERVICES, COUNTY OF LOS)
ANGELES,)
Respondent.)

RECOMMENDED FINDINGS OF FACT

The charge in this case was filed on September 17, 1980, and alleges that the Department of Public Social Services, County of Los Angeles, Personnel Division ("Employer") violated Section 12(a) (1) and (3) of the Employee Relations Ordinance ("Ordinance") by refusing to furnish records known as "PA 123 forms" to Joint Council of LACEA, Local 660 and SSU, Local 535, SEIU (collectively the "Union").

At the hearing and in its post-hearing brief, the Union clearly indicated that the persons who it sought to have review the PA 123 forms were Union stewards, who are eligibility workers or supervising eligibility workers. The purpose of the review is to enable the Union to audit compliance with the case load provisions to the Memorandum of Understanding ("MOU"). The Employer refused to furnish the forms without deleting the

1 names of applicants and recipients of aid. The Employer
2 argued that the PA 123 forms, which contain names of applicants
3 and recipients, could not be furnished to the Union because
4 California Welfare and Institutions Code, Section 10850 prohibits
5 such disclosure.

6 The parties agree that if the Hearing Officer rules
7 that Section 10850 prohibits disclosure, the Employer did
8 not violate the Ordinance, but if Section 10850 does not
9 prohibit disclosure, the Employer violated the Ordinance.
10 The Hearing Officer agrees that the outcome of this matter
11 depends on scope of Section 10850 because the Union has estab-
12 lished that names of applicants and recipients, which are on
13 the PA 123 forms but not on any other records offered by the
14 Employer, are needed by the Union in order to independently
15 monitor the case load provisions of the MOU. All of the other
16 alternatives suggested by the Employer require the Union to
17 rely on the memories of employees, or reconciliation or control
18 sheets containing summaries, which do not provide a basis for
19 independent verification or auditing of case loads.

20 21 DISCUSSION

22 The only issue before the Hearing Officer is whether
23 Section 10850 precludes the Employer from furnishing the PA
24 123 forms containing the names of applicants and recipients
25 of aid to Union stewards who work as eligibility workers and
26 supervising eligibility workers. These stewards have access
27 to the PA 123 forms in the normal course of their work, with
28 respect to the cases that they are working on. The Union

1 stewards do not have access to all of the PA 123 forms for
2 which disclosure is being sought. In deciding this case, the
3 Hearing Officer makes no ruling as to whether Union officials
4 who are not eligibility workers, supervising eligibility workers,
5 or employees who have access to the names of applicants or
6 recipients of aid in the ordinary course of their duties have
7 the right to review unedited PA 123 forms.

8 In pertinent part, Welfare and Institutions Code,
9 Section 10850 provides as follows:

10 "Except as otherwise provided in
11 this section, all applications and re-
12 cords concerning any individual made or
13 kept by any public officer or agency
14 in connection with the administration
15 of any provision of this code relating
16 to any form of public social services
17 for which grants-in-aid are received
18 by this state from the United States
19 government shall be confidential,
20 and shall not be open to examination
21 for any purpose not directly connected
22 with the administration of such public
23 social service. . . .

24 * * *

25 "Except as otherwise provided in
26 this section, no person shall publish or
27 disclose or permit or cause to be published

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1 or disclosed any list of persons receiving
2 public social services. . . Such lists
3 or other records shall only be used for
4 purposes directly connected with the
5 administration of public social services.

6 This section shall not prohibit the
7 furnishing of such information to other
8 public agencies for verifying eligibility
9 or for other purposes directly connected
10 with the administration of public social
11 services." (Emphasis added.)

12 The Hearing Officer, after reviewing the post-hearing
13 briefs and the authority cited therein, concludes that Section
14 10850 does not prohibit disclosure of PA 123 forms containing
15 names to Union stewards who work as eligibility workers and
16 supervising eligibility workers. The purpose of disclosure
17 of the names is to enable independent auditing of the case load
18 provisions of MOU. Clearly, eligibility worker case loads are
19 directly related to the administration of form of public social
20 services. In addition, the Union stewards to whom the disclosure
21 shall be made are case workers who have regular access to the
22 names of applicants and recipients. Therefore, both the purpose
23 for the disclosure and the persons to whom disclosure is to be
24 made are outside the prohibition of Section 10850. The Employer
25 contends that

26 "the broad and laudable legislative
27 purpose in providing for confidentiality
28 of public welfare records is to protect

1 applicants and recipients from embarrass-
2 ment and possible exploitation, and to
3 preserve the dignity and encourage the
4 self-respect of those needy and distressed
5 individuals."

6 The disclosure of names to case workers who already have access
7 to the names will not subject applicants and recipients to
8 embarrassment and possible exploitation. Under these circum-
9 stances, confidentiality is not needed "to preserve the dignity
10 and encourage the self-respect of those needy and distressed
11 individuals."

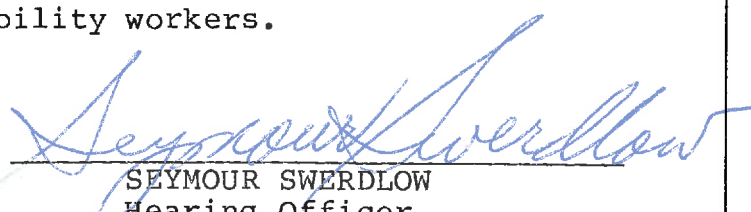
12 13 CONCLUSION

14 The Employer violated the Ordinance by failing to
15 permit Union stewards who are eligibility workers and supervising
16 eligibility workers to review PA 123 forms for the purpose of
17 determining whether there has been compliance with the case
18 load provisions of the MOU. The Hearing Officer makes no
19 finding as to whether the Employer would be required to disclose
20 the PA 123 forms to Union representatives who are not eligibility
21 workers, supervising eligibility workers, or other employees
22 who normally have access to names of applicants and recipients
23 of aid.

24 25 ORDER

26 The Employer is order to permit review of PA 123
27 forms containing the names of applicants and recipients of aid
28 for the purpose of verifying compliance with the case load

1 provisions of the MOU, by Union stewards who are eligibility
2 workers and supervising eligibility workers.


SEYMOUR SWERDLOW
Hearing Officer

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6 DATED: June 4, 1982
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