

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

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| In the Matter of |) | |
| JOINT COUNCIL OF LACEA, LOCAL 660, |) | |
| SEIU and SSU, LOCAL 535, SEIU |) | |
| |) | |
| Charging Party |) | |
| |) | |
| v. |) | UFC 55.30 |
| |) | |
| DEPARTMENT OF PUBLIC SOCIAL |) | |
| SERVICES, COUNTY OF LOS ANGELES |) | |
| |) | |
| Respondent |) | |

DECISION AND ORDER

The charge in this case was filed by the Joint Council of LACEA, Local 660, SEIU and SSU, Local 535, SEIU (Union or Charging Party) against the Los Angeles County Department of Public Social Services (County or Respondent) alleging violation of Sections 12(a)(1) and 12(a)(3) of the Employee Relations Ordinance (Ordinance). The Charging Party contends that the Respondent violated these provisions by its refusal to permit Union review of certain records (PA 123 forms) needed to monitor the County's

compliance with the Caseloads article of the applicable Memorandum of Understanding (MOU).

The matter was duly referred to Hearing Officer Seymour Swerdlow, who held hearings on February 10, 1981, and January 21, 1982. 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 Swerdlow submitted his Report, dated June 4, 1982. Exceptions to the Report were filed by the County on June 16, 1982. The Charging Party did not submit a statement in opposition to these Exceptions.

During the course of these hearings, the Union indicated that the persons for whom it sought access to the PA 123 forms were Union Stewards employed as eligibility workers and eligibility supervisors. Consequently, the Hearing Officer did not address the issue concerning the right of other Union officials to review these forms.

The Commission adopts the findings and recommendations of Hearing Officer Swerdlow. The Hearing Officer concluded that "[t]he Employer violated the Ordinance by failing to permit Union Stewards who are eligibility workers and supervising eligibility workers to review PA 123 forms for the purpose of determining whether there has been compliance

with the caseload provisions of the MOU." (H0 Report, p. 5.) In reaching this conclusion, he stated that "Section 10850 [Welfare and Institutions Code] does not prohibit disclosure of PA 123 forms containing names to Union Stewards who work as eligibility workers and supervising eligibility workers." (H0 Report, p. 4.)

In its Exceptions, the County contends that it has been and remains willing to permit review of the PA 123 forms by Union Stewards employed as eligibility workers and eligibility supervisors. However, to avoid any misunderstanding concerning the County's obligation under the Ordinance, the Commission deems it appropriate to issue the following Decision and Order:

O R D E R

IT IS HEREBY ORDERED that the Charge as filed by the Charging Party on September 17, 1980, be sustained and that the County be directed to permit review of PA 123 forms containing the names of applicants and recipients

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of aid for the purpose of verifying compliance with the Caseloads article of the MOU by Union Stewards employed as eligibility workers and eligibility supervisors.

DATED at Los Angeles, California, this 17th day of August, 1982.



LLOYD H. BAILER, Chairman



JOSEPH F. GENTILE, Commissioner



FREDRIC N. RICHMAN, Commissioner