

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of	}	
JOINT COUNCIL OF LACEA, LOCAL 660,	}	
SEIU and SSU, Local 535, SEIU	}	
Charging Party	}	
v.	}	UFC 55.34
LOS ANGELES COUNTY DEPARTMENT	}	
OF PUBLIC SOCIAL SERVICES	}	
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 violations 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: (1) unilaterally instituting in April, 1978 a program of combining caseloads (combo program) for eligibility

workers employed in the East Valley District office of the Department, (2) engaging in bad-faith bargaining with the Union concerning the impact of the combo program, and (3) refusing to pay sick leave benefits and imposing one-day suspensions on approximately 16 eligibility workers for their absences of June 24, 1980.

The matter was duly referred to Hearing Officer Louis M. Zigman, who held hearings on August 5, November 17, November 18, and December 21, 1981. 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 on June 8, 1982. No Exceptions were filed.

Hearing Officer Zigman concluded that ". . . there was an absence of evidence to establish that the Department engaged in any conduct violative of Sections 12(a)(1) and/or (3) of the Employee Relations Ordinance." (HO Report, p. 34.) In reaching this conclusion, the Hearing Officer made the following findings with respect to the allegations raised by the Charging Party: (1) The portion of the charge pertaining to the alleged unilateral implementation of the combo program was untimely filed under the provisions of Rule 6.01^{1/};

¹Employee Relations Commission Rule 6.01 provides, in pertinent part, that "[a] charge shall be deemed untimely and subject to dismissal if filed with the Commission at its office in excess of one hundred eighty (180) days following the occurrence of the alleged act or acts on which the charge is based, or the date on which the charging party knew or should have known of said conduct."

(2) Insufficient evidence existed to support a finding that the County engaged in bad-faith bargaining concerning the impact of the combo program, and (3) By refusing to pay sick leave benefits and imposing suspensions on a number of eligibility workers, the County did not unilaterally change the working conditions of these employees.

The Commission adopts the recommendation of the Hearing Officer as set forth in his Report, for the reasons stated therein. The Commission emphasizes that its adoption of the Hearing Officer's findings concerning the propriety of the County's actions of withholding sick leave pay and imposing suspensions does not constitute a repudiation of the Commission's decision issued in the matter of UFC 60.6. In that case, which also involved a denial of sick leave benefits, the Commission determined that the County had instituted a unilateral change in terms and conditions of employment. The record in the instant matter, however, unequivocally establishes that under Sections 6705 and 15840 of the Department of Public Social Services Personnel Manual, the County had the right to review and to discipline for abuse of sick leave.^{2/} Hence, in exercising this right, the County cannot be found to have effected a unilateral change in terms and conditions of employment.

²These provisions have been in effect for several years without objection from the Charging Party.


O R D E R

IT IS HEREBY ORDERED that the Charge as filed by the Joint Council of LACEA, Local 660, SEIU and SSU, Local 535, SEIU on October 21, 1980, be dismissed.

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



LLOYD H. BAILER, Chairman



JOSEPH P. GENTILE, Commissioner



FREDRIC N. RICHMAN, Commissioner