

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
)	
LOS ANGELES COUNTY EMPLOYEES)	
ASSOCIATION (LACEA), LOCAL 660,)	
SEIU)	
)	
Charging Party)	
)	
v.)	UFC 6.152
)	
DATA PROCESSING DEPARTMENT)	
)	
Respondent)	
)	

DECISION AND ORDER

The charge in this case was filed by the Los Angeles County Employees Association (LACEA), Local 660, SEIU, (Charging Party) against the Los Angeles County Data Processing Department (County or Respondent) alleging that the County had violated Section 12(a)(1) of the Los Angeles County Employee Relations Ordinance (Ordinance) by taking various adverse personnel actions against tape librarian Mary Mora in retaliation for her activities as a union steward.

The matter was duly referred to Hearing Officer H. Anthony Miller, who held hearings on June 24 and August 7, 1986. The parties appeared and were afforded full opportunity to present argument and evidence and to examine and cross-examine witnesses. The Hearing Officer filed his Report with the Commission on November 14, 1986. The Respondent filed Exceptions to this Report and the Charging

Party responded with a statement in opposition thereto which objected to these Exceptions on the ground to timeliness. In view of the Order below, no purpose would be served by ruling on Charging Party's timeliness contentions.

In brief, Hearing Officer Miller concluded that various actions taken by the County with respect to Mora including the issuance of an appraisal of promotability score of 70 for the position of senior tape librarian, the refusal to permit her to perform weekend overtime, and the failure to offer her a computer operator trainee position were discriminatory and in retaliation for her union activities. The Hearing Officer's conclusion was grounded in specific credibility determinations as well as in his finding that the County's course of conduct toward Mora began only after she had been appointed a union steward.

Although noting the business justifications for these actions proffered by the County, Hearing Officer Miller concluded that the evidence presented failed to negate the overall pattern of action taken against Mora and that these justifications were not credible in their own right. The Hearing Officer therefore concluded that the County had violated Section 12(a)(1) of the Ordinance.


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

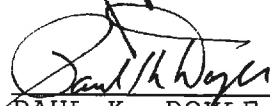
It having been determined that a violation of Section 12(a) (1) of the Employee Relations Ordinance has occurred, the County is hereby ordered to:

1. Cease and desist from discriminating against or retaliating against Mary Mora for engaging in activity protected by the Ordinance.
2. Offer Mary Mora weekend overtime opportunities in the manner consistent with generally applicable policy and practice.
3. Offer Mary Mora the next available computer operator trainee position.
4. Post, where notices to employees of the Data Processing Department are normally posted, a copy of this Decision and Order for a minimum of ten (10) business days.


DATED at Los Angeles, California, this 3rd day of February, 1987.



JOSEPH F. GENTILE, Chairman



PAUL K. DOYLE, Commissioner



ROBERT D. STEINBERG, Commissioner