

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
)	
LOS ANGELES COUNTY EMPLOYEES)	
ASSOCIATION (LACEA), LOCAL 660,)	
SEIU)	
)	
Charging Party)	
)	
v.)	UFC 6.213
)	
DEPARTMENT OF HEALTH SERVICES)	
)	
Respondent)	
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DECISION AND ORDER

The charge in this case was filed by the LACEA, Local 660, SEIU (Union or Charging Party) against the Los Angeles County Department of Health Services (County) alleging that the County had violated Sections 12(a)(1), 12(a)(3), and 15 of the Employee Relations Ordinance (Ordinance) by its refusal to negotiate on certain organizational changes implemented at the County-USC Medical Center and provide information to the Union in such regard.

The matter was duly referred to Hearing Officer Michael Prihar, who held hearings on December 13, 1989, January 11 and February 27, 1990. The parties appeared and were afforded full opportunity to offer argument, present relevant evidence, and cross-examine witnesses. Post-hearing briefs were filed.

The Hearing Officer submitted his Report to the Commission on September 10, 1990. No Exceptions were filed to this Report.

This case arose out of various changes implemented during the spring of 1989 in the Patient Financial Services Unit at Unit One of the County-USC Medical Center. These changes had as one result the transfer of duties previously performed by employees represented by the Charging Party to nonrepresented employees.¹ The Union contended that these organizational changes amounted to a reorganization on which negotiations concerning its impact were required by both the Ordinance and the relevant Memorandum of Understanding (MOU). The County characterized the changes as a reassignment or realignment and maintained that it was under no obligation to negotiate thereon.

The Hearing Officer concluded that the changes at issue constituted a reorganization as that term is contemplated in Article 44 of the Unit 722 MOU. Hence, he concluded that under both the Ordinance and the relevant contractual language, the County was required to negotiate the impact of the reorganization as set forth in that article.² In reaching this conclusion, the

¹The Hearing Officer found "clear evidence" that work formerly performed by the bargaining unit class of Patient Financial Services Worker had been transferred to the Patient Financial Service Control Worker class, a nonrepresented position.

²Article 44 provides, in pertinent part, that the County ". . . shall at the earliest time possible meet and confer with the union on the impact of any decision to reorganize when such issues are not covered by Civil Service Rules or Memoranda of Understanding. . . ."

Hearing Officer rejected the County's contention that the Union had waived any rights to negotiate in this regard by virtue of the MOU's Full Understanding, Modification, Waiver provision. The Hearing Officer also found that the County had violated the Ordinance in its refusal to provide the Union requested data concerning the reorganization.

Hearing Officer Prihar further concluded that the Charging Party did not produce adequate proof that the reorganization manifested union animus. His finding of a 12(a)(1) violation on the part of the County therefore reflects a derivative violation grounded in the County refusal to negotiate in violation of Section 12(a)(3) of the Ordinance.

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

O R D E R

IT IS HEREBY ORDERED that charge UFC 6.213 is sustained. The County is ordered to negotiate on the impact of the reorganization in the Patient Financial Services Unit at Unit One of the County-USC Medical Center as set forth under the terms of

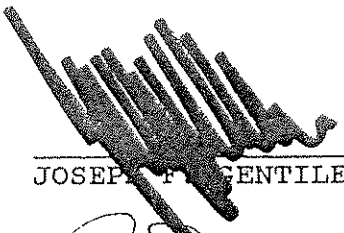
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the MOU. The County is further ordered to provide such necessary information as requested by the Union to effectively negotiate such impact.

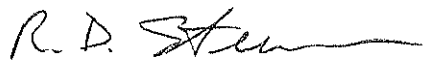
DATED at Los Angeles, California, this 6th day of November, 1990.



JOSEPH P. GENTILE, Chairman



PAUL K. DOYLE, Commissioner



ROBERT D. STEINBERG, Commissioner