

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
)	
LOS ANGELES COUNTY EMPLOYEES)	
ASSOCIATION LOCAL 660, SEIU,)	
AFL-CIO)	
)	
Charging Party)	
)	
v.)	UFC 6.78
)	
H. E. DAVIS, JR., PURCHASING)	
AGENT, DEPARTMENT OF PURCHASING)	
AND STORES)	
)	
Respondent)	
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DECISION AND ORDER

This case concerns an allegation by the Charging Party that Respondent was not justified in rejecting the claim of Charging Party that Messrs. Mark Fink and LeRoy Davis be compensated for attending a caucus of the union negotiating committee on May 21, 1979, and May 29, 1979, respectively. By this action, the Charging Party alleged that the Respondent had violated Section 4 and Section 12(a) (1) of the Ordinance.

The Commission referred this matter to Hearing Officer Martin Zimring. A hearing was held on January 16, 1980. The

parties were present and afforded full opportunity to offer argument, present relevant evidence, and examine and cross-examine witnesses. Hearing Officer Zimring submitted a report, dated March 21, 1980. A brief supporting exceptions to the Hearing Officer's Report was filed, as well as a brief in opposition to those exceptions.

The Commission adopts the findings and recommendations of Hearing Officer Zimring. He concluded that:

"No specific authorization was granted by County negotiator that Union committee meetings held subsequent to the negotiation sessions on May 21 and May 29 would be construed as caucuses for which pay would be approved.

"The County was under no obligation to pay the Union negotiating committee members for time spent in attending meetings referred to as caucuses which were called by the Union's chief negotiator on May 21 and May 29, 1979." (Hearing Officer's Report, p. 8.)

It should be noted that the County policy appears to be that reasonable caucus time with pay is permitted. What is reasonable does, of course, vary with each situation. However, where a determination of reasonableness is predicated almost solely on resolutions of credibility as did exist here (Hearing Officer's Report, p. 6), such resolutions should not be overturned unless clearly erroneous and not supported by the record.

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O R D E R

The charge in UFC 6.78 is hereby dismissed.

DATED at Los Angeles, California, this 20th day of
June, 1980.

Lloyd H. Bailer

LLOYD H. BAILER, Chairman


JOSEPH GENTILE, Commissioner

Fredric N. Richman

FREDRIC N. RICHMAN, Commissioner