

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
)	
LOS ANGELES COUNTY EMPLOYEES ASSOCIATION)	
(LACEA), LOCAL 660, SEIU)	
)	
Charging Party)	
)	
v.)	UFC 6.88
)	
DISTRICT ATTORNEY, COUNTY OF)	
LOS ANGELES)	
)	
Respondent)	
)	

DECISION AND ORDER

The charge herein was filed by the Los Angeles County Employees Association (LACEA), Local 660, SEIU (Charging Party) against the Los Angeles County District Attorney's Office (County or Respondent) alleging that the County had violated Section 12(a)(1) of the Los Angeles County Employee Relations Ordinance (Ordinance) when it reduced Melba Jenkins from her probationary position of Supervising Child Support Investigator I to Child Support Investigator in retaliation for her filing grievances.

The matter was duly referred to Hearing Officer Philip P. Tamoush. Approximately seventeen days of hearings were conducted at which the parties appeared and were afforded full opportunity to offer argument and evidence and to examine and cross-examine witnesses. Both parties made oral closing arguments

in lieu of submitting briefs. Hearing Officer Tamoush filed his Report with the Commission on November 8, 1984. Exceptions to this Report were filed by the Charging Party on December 31, 1984. The Respondent submitted its statement in opposition to these Exceptions on January 25, 1985.

In brief, the Hearing Officer concluded that the record yielded no evidence that employee Jenkins' Ordinance rights were violated by the County's action of reducing her from her probationary position of Supervising Child Support Investigator I. In reaching this conclusion, Hearing Officer Tamoush found, inter alia, that: 1) The problems between Ms. Jenkins and her immediate supervisor, Lyvonne Nabb, predated Jenkins' filing of her grievances; 2) comparison of Ms. Jenkins' performance in her previous non-supervisory position with that of her performance as a supervisor is inapplicable to the unfair practice charge allegation; 3) the communications, including the monthly evaluations, prepared by Ms. Nabb do not reflect any cause and effect relationship between the filing of grievances and Ms. Jenkins' performance problems, and 4) legitimate and reasonable business purposes existed for most actions described by the Respondent in its documents and evidence.

In its Exceptions, Charging Party contended that credibility resolutions are critical to the disposition of the instant case; on this point, the Commission would agree. The Charging Party further contended that the Hearing Officer failed to make the requisite credibility findings; as to this conclusion, the Commission would disagree.

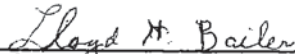
A careful review of the Hearing Officer's Report indicates, contrary to the Charging Party's contention, that the Hearing Officer did make the necessary credibility findings. In this regard, Hearing Officer Tamoush's conclusions concerning the utility of the testimony of the various witnesses, especially those of the Charging Party, in resolving the instant matter and his observations predicated on the tone of some of Ms. Jenkins' testimony are in fact credibility findings, albeit neither precisely nor artfully stated as such. These credibility determinations based in large measure on the Hearing Officer's observations of the appearance and demeanor of the witnesses should not be overturned unless clearly unsupported by the record.

Having 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. Accordingly, the County did not violate Section 12(a)(1) of the Ordinance when it reduced Melba Jenkins during her probationary period from her Supervising Child Support Investigator I position.

O R D E R

IT IS HEREBY ORDERED that charge UFC 6.88 be dismissed.

DATED at Los Angeles, California, this 28th day of February, 1985.



LLOYD H. BAILER, Chairman



JOSEPH F. GENTILE, Commissioner