

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of

LOS ANGELES COUNTY EMPLOYEES
ASSOCIATION (LACEA), LOCAL 660,
SEIU

Charging Party

v.

DEPARTMENT OF COLLECTIONS, COUNTY
OF LOS ANGELES

Respondent

UFC 6.94

INTERIM
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 Department of Collections (Respondent) alleging that the Respondent violated Sections 12(a)(1) and 12(a)(3) of the Los Angeles County Employee Relations Ordinance (Ordinance) by unilaterally changing the work schedule of approximately 25 employees in the Delinquent Accounts, Public Service, and Special Accounts Divisions of the Department of Collections.

The matter was duly referred to Hearing Officer H. Anthony Miller, who held a hearing on December 15, 1981. Both parties were present and were afforded full opportunity to offer argument and evidence. Post-hearing briefs were filed. The Commission received Hearing Officer Miller's Report on April 26, 1982. Exceptions to the Report were filed with the Commission on June 7, 1982, by the Charging Party. The Respondent did not file a statement in opposition to these Exceptions.

After a careful review of the underlying record, the Hearing Officer's Report, and the Charging Party's Exceptions, the Commission is unable to adopt the recommendation of Hearing Officer Miller. The Hearing Officer made the following recommendation:

Unfair Employment Practice 6.94 should hereby be dismissed with limited jurisdiction retained by the Employee Relations Commission to entertain an appropriate motion upon a showing that (a) the unfair charge has not been resolved by settlement or been submitted promptly to arbitration (b) that the arbitration procedures have not been fair, (c) that the result of the arbitration is repugnant to the Employee Relations Ordinance or (d) that there is

refusal to bargain despite an arbitrator's finding that a duty to bargain exists.
(H0 Report, p. 10.)

As a basis for this recommendation, he concluded that "[t]here are virtually no issues to be resolved in this case which are not matters of contract interpretation." (H0 Report, p. 5.) Although the Hearing Officer is correct in this finding, such finding does not preclude a disposition of the charge on its merits. In a number of prior cases, the Commission has found it necessary to interpret and apply provisions of memoranda of understanding in determining the parties' rights under the Ordinance.^{1/} The Commission further notes that the events giving rise to the instant charge, the filing of the charge, and the referral of the charge to hearing all occurred prior to the Commission's adoption of its Deferral Rule (Rule 6.04.1). It is the intention of this Commission that said Rule be applied prospectively.

For the foregoing reasons, the Commission concludes that to defer the charge to arbitration at this time would, as Charging Party argues in its Exceptions, ". . . involve an

¹ See, for example, UFC 6.48, UFC 7.9, UFC 14.4, and UFC 60.11.

incredible waste of time, resources, and be counterproductive to the objective of securing an expeditious resolution of a labor management relations problem." (Exceptions, p. 4.) Hence, the Commission issues the following Interim Order:

I N T E R I M O R D E R

IT IS HEREBY ORDERED that UFC 6.94 be remanded to the Hearing Officer and that the Hearing Officer either prepare findings of fact, conclusions of law, and recommendations on the merits of the charge, or, preferably, that the Hearing Officer take additional testimony and evidence on the "significant numbers" issue prior to preparing his amended Report.

DATED at Los Angeles, California this 5th day of August, 1982.



LLOYD H. BAILER, Chairman



JOSEPH F. GENTILE, Commissioner



FREDRIC N. RICHMAN, Commissioner