

In the Matter of

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

Charging Party

v.

DEPARTMENT OF COLLECTIONS,
COUNTY OF LOS ANGELES

Respondent

DEPARTMENT OF COLLECTIONS,
COUNTY OF LOS ANGELES

Respondent

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issued by the Commission on October 15, 1981, and a Temporary Restraining Order issued by the Los Angeles County Superior Court on October 16, 1981. Both the Cease and Desist Order and the Temporary Restraining Order were vacated on October 27, 1981.^{1/} The work schedule change was implemented on November 2, 1981.

The matter was duly referred to Hearing Officer H. Anthony Miller. Following a hearing conducted on December 15, 1981, the Hearing Officer submitted his Report on April 26, 1982. The Commission issued an Interim Decision and Order, dated August 5, 1982, which remanded the matter to the Hearing Officer and directed him to ". . . either prepare findings of fact, conclusions of law, and recommendations on the merits of the charge, or . . . take additional testimony and evidence on the 'significant numbers' issue prior to preparing his amended Report." Pursuant to said Order, a hearing was held on October 25, 1982, at which the parties appeared and were afforded full opportunity to offer argument and evidence. Both parties filed supplemental briefs addressing the "significant numbers" issue. Hearing Officer Miller

¹The Hearing Officer's amended Report incorrectly states that the Temporary Restraining Order was vacated on November 6, 1981.

submitted his amended Report, dated December 17, 1982. No Exceptions to this Report were filed.

Disposition of the instant charge requires a determination as to whether the Full Understanding, Modifications, Waiver article contained in the four applicable memoranda of understanding (MOUs) relieves the Respondent of its obligation to negotiate on the disputed schedule change. This article provides that negotiations are not required on a management proposed change unless such change affects a "significantly large number of employees in the unit." "Significantly large number" is defined as "(a) a majority of the employees in the unit, (b) all the employees within a department in the unit, or (c) all of the employees within a readily identifiable occupation such as Stenographer or Truck Driver."

Hearing Officer Miller concluded that "[i]n the present situation, the Charging Party's case fails because according to the tripartite definition of 'significantly large numbers' in the Memoranda the work schedule change did not affect a significantly large number of employees." (HO amended Report, p. 10.)^{2/} The Hearing Officer's analysis

²Twenty-seven employees in four bargaining units had their work schedules changed.

in support of this conclusion is consistent with prior decisions of this Commission interpreting and applying the "significant numbers" provision. Hearing Officer Miller further concluded that since the criteria specified in the MOUs requiring continuing negotiations had not been met, there was no duty to negotiate on the work schedule change. Consequently, he recommended that the charge be dismissed.

After a careful review of the Hearing Officer's amended Report and the underlying record, the Commission adopts the findings and recommendations of Hearing Officer Miller.

O R D E R

IT IS HEREBY ORDERED that charge UFC 6.94 be dismissed.

DATED at Los Angeles, California, this 17th day of February, 1983.



LLOYD H. BAILER, Chairman



JOSEPH P. GENTILE, Commissioner



FREDRIC N. RICHMAN, Commissioner