

LOS ANGELES COUNTY  
EMPLOYEE RELATIONS COMMISSION

In the Matter of

ADA E. CYRUS

Charging Party

vs.

COUNTY OF LOS ANGELES,  
DEPARTMENT OF MENTAL HEALTH

Respondent

UFC 70.15

DECISION AND ORDER

This case concerns an allegation by the Charging Party that the Respondent was not justified in rejecting as untimely the grievance which was filed by the Charging Party on April 30, 1979. By this action, the Charging Party alleged that the Respondent had violated Section 4 of the Ordinance.

The Commission referred this matter to Hearing Officer Norman H. Greer. A hearing was held on Wednesday, October 24, 1979. The parties were present and were afforded a full opportunity to offer argument, present relevant evidence, and examine and cross-examine witnesses. Hearing Officer Greer submitted a Report, dated February 20, 1980. No exceptions were filed to the Report.

The Commission adopts the findings and recommendations of Hearing Officer Greer. He concluded that ". . . the Respondent was not justified in rejecting as untimely the grievance filed by Mrs. Cyrus on April 30, 1979 because in doing so it did not follow its own rule requiring discussion with both parties before deciding that the grievance was untimely." (Report, p. 7.) He also found that ". . . no violation should be found and no remedial action directed . . . ." (Ibid.) In reaching this conclusion, Hearing Officer Greer stated that "[t]he rejection of the grievance, even though unjustified, did not constitute a violation of Section 4 of the Ordinance because it was completely unrelated to Mrs. Cyrus' right to participate or not participate in employee organization activities or her right to represent herself individually." (Ibid.)

Hearing Officer Greer further concluded that "[t]here is no evidence that the rejection of the grievance without first speaking to both parties was maliciously intended or that it was anything more than an isolated error. The grievance is moot because Mrs. Cyrus' subsequent reassignment gave her the full remedy requested in the grievance." (Ibid., p. 8.)

O R D E R

The Charge in Case No. UFC 70.15 is hereby dismissed.

Dated at Los Angeles, California, this 15th day of  
May, 1980.

Lloyd H. Bailer  
Lloyd H. Bailer, Chairman

  
Joseph F. Gentile, Commissioner