

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of
BETTY POUNTIOUS

Charging Party

v.

LOS ANGELES COUNTY EMPLOYEES
ASSOCIATION, LOCAL 660, SERVICE
EMPLOYEES INTERNATIONAL UNION
(SEIU)

Respondent

UFC 70.18

DECISION AND ORDER

The Charge in this case was filed by Betty Pountious (Charging Party) against the Los Angeles County Employees Association, Local 660, Service Employees International Union (Union) alleging that a representative of the Union, Benjamin Robinson, breached the duty of fair representation by the manner in which he handled a matter involving an appraisal of promotability before the Civil Service Commission. The Charge filed by the Charging Party failed to specifically identify those sections of the Employee Relations Ordinance of the County of Los Angeles (Ordinance) alleged to have been

violated; however, a reasonable reading of the March 13, 1980, Charge as amplified by the Charging Party's opening statement during the hearing of this matter indicated that she concluded that the "duty of fair representation" arose in the context of a Civil Service Commission proceeding by virtue of Section 12(b) of the Ordinance.

The matter was duly referred to Hearing Officer Verlin L. McKendree, who held a hearing on January 26, 1981. The parties were present and afforded full opportunity to offer argument and evidence and to examine and cross-examine witnesses. The Charging Party waived her right to file a post-hearing brief. The Respondent submitted the matter on the record. Hearing Officer McKendree submitted his Report dated February 18, 1981. The Charging Party filed Exceptions to the Report on March 30, 1981. The Respondent offered no Statement on the Exceptions.

In brief, the Hearing Officer concluded that the Charge filed by the Charging Party was ". . . without merit . . . and should be dismissed."

Having carefully reviewed Hearing Officer McKendree's Report, the underlying record, and the Exceptions to the Report, the Commission adopts his recommendations as set forth in his Report, but not for the reasons stated therein. Hearing Officer McKendree reached his recommendation on the basis of a detailed review of the conduct of the Union's representative, Benjamin Robinson. Addressing the Charge on this basis assumes that

a duty of fair representation attaches in Civil Service Commission proceedings by the operation of the Ordinance. As stated by the Commission in UFC 70.22, the Commission found that matters before the Civil Service Commission were not within those protections afforded by Section 12(b) of the Ordinance; therefore, the recommendation of the Hearing Officer as set forth in his Report is adopted.

O R D E R

IT IS HEREBY ORDERED that the Charge as filed by Betty Pountious on March 13, 1980, be dismissed.

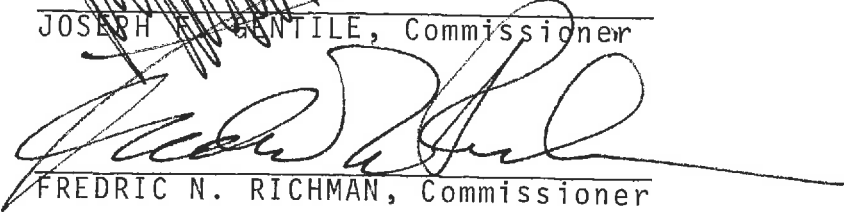
DATED at Los Angeles, California, this 11th day of June, 1981.



LLOYD A. BAILER, Chairman



JOSEPH F. GENTILE, Commissioner



FREDRIC N. RICHMAN, Commissioner