

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of
FANNIE BUNCHE, et al.

Charging Parties

v.

COUNTY OF LOS ANGELES AND EDWARD
BARRIOS, EMPLOYEE RELATIONS
ADMINISTRATOR

Respondent

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

Intervenor

UFC 70.25

DECISION AND ORDER

The charge in this case was filed by approximately 180 clerical and secretarial employees of the County's three legal departments (Charging Parties) against the County of Los Angeles (County or Respondent) alleging unfair employee relations practices within the meaning of Sections 4, 12(a)(1), 12(a)(3), and 16(b) of the Employee Relations Ordinance (Ordinance). The gravamen of the charge concerned the County's

refusal to negotiate individually with the Charging Parties regarding wages, hours, and terms and conditions of employment.

The matter was duly referred to Hearing Officer William Levin. On October 21, 1981, a hearing was conducted on the Motion to Intervene filed by LACEA, Local 660, SEIU, AFL-CIO (Intervenor). This Motion was unopposed and was granted by the Hearing Officer. A hearing on the substantive issues was held on October 30, 1981. All parties were present and were afforded full opportunity to offer argument and evidence. There were no witnesses since all of the relevant facts were stipulated. Post-hearing briefs were filed. The Commission received Hearing Officer Levin's Report on April 21, 1982, after an extension of time was granted. Counsel for the Charging Parties filed Exceptions to the Report. Neither the Respondent nor the Intervenor submitted a statement in opposition to these Exceptions.

After a careful review of the underlying record, the Hearing Officer's Report, and the Charging Parties' Exceptions, the Commission adopts the findings and conclusions of Hearing Officer Levin. The Hearing Officer synthesized two issues from the facts and the briefs of the parties:

1. Were the Charging Parties seeking to represent themselves individually in their employment relations with the County or collectively as a de facto employee organization?

2. If the Charging Parties were attempting to represent themselves individually, did the County's refusal to negotiate constitute a violation of the Ordinance?

In disposing of the first issue, the Hearing Officer concluded that the Charging Parties were not seeking to represent themselves individually. In reaching this conclusion, he stated that "[t]hey [Charging Parties] formed one organization; they solicited membership based on the one organization; their correspondence reflected one organization; they hired one representative to advise and counsel with them; and they made identical 'proposals.'" (HO Report, p. 21.)

Hearing Officer Levin in addressing the issue of employee rights to self-representation determined that ". . . the public agencies' duties, in terms of meeting with an individual employee who wants to represent himself are not as broad as the duties to negotiate with the certified employee organization under either the Ordinance or under Meyers-Milias-Brown." (Emphasis not ours.) (HO Report, p. 23.) The Hearing Officer thus concluded that ". . . even assuming a finding that the Charging Parties were in fact seeking the right to represent themselves individually . . ." (HO Report, p. 26), the County's refusal to negotiate did not constitute a violation of the Ordinance. He therefore recommended that the charge be dismissed.

The Commission adopts the recommendation of the Hearing Officer as set forth in his Report, for the reasons stated therein.

O R D E R

Charge UFC 70.25 is hereby dismissed.

DATED at Los Angeles, California, this 19th of July, 1982.



LLOYD H. BAILER, Chairman



JOSEPH P. GENTILE, Commissioner



FREDRIC N. RICHMAN, Commissioner