

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of	}	
WILLIAM G. McCARTHY, JR.		
Charging Party		
v.		UFC 70.26
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 685		
Respondent	}	

DECISION AND ORDER

The charge in this case was filed by William G. McCarthy, Jr. (Charging Party) against the American Federation of State, County and Municipal Employees, Local 685 (Respondent or Union) alleging that the Union violated Section 4 of the Los Angeles County Employee Relations Ordinance (Ordinance) by refusing to cancel his Union membership and dues deduction from his paycheck.

The matter was duly referred to Hearing Officer H. Anthony Miller, who held a hearing on November 12, 1981. Both 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 Miller's Report on March 15, 1982, after an extension of time was granted. No Exceptions to the Report were filed; and therefore, it was unnecessary to file a statement in opposition thereto.

In brief, Hearing Officer Miller found that the security clause of the applicable memorandum of understanding had an "escape period" and that the Charging Party did not wish to wait until the escape period occurred to withdraw from the Union and cancel his dues deductions. The Hearing Officer concluded that since the security clause did not require union membership as a condition of employment, it should be treated ". . . as a rather stringent check-off system . . ." (Hearing Officer's Report, p. 7) which is permissible under the Ordinance. We agree with the Hearing Officer's conclusion that no violation of either the Ordinance or the Meyers-Milius-Brown Act occurred in this matter. The Commission adopts his findings and recommendations as set forth in his Report.

Since the Commission concludes that Respondent's refusal to allow the Charging Party to rescind his dues deductions was not an unfair practice, it follows that the

Charging Party must remain a Union member until he takes advantage of the "escape period" described above.

O R D E R

IT IS HEREBY ORDERED that the charge filed by the Charging Party on August 13, 1981, be dismissed.

DATED at Los Angeles, California, this 23rd day of April, 1982.



LLOYD H. BAILER, Chairman



JOSEPH F. GENTILE, Commissioner



FREDRIC N. RICHMAN, Commissioner