

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
)	
DAVID C. ANDERSON)	
)	
Charging Party)	
)	
v.)	UFC 70.36
)	
PROFESSIONAL PEACE OFFICERS)	
ASSOCIATION (PPOA))	
)	
Respondent)	
)	

DECISION AND ORDER

The charge in this case was filed by Sergeant David C. Anderson (Charging Party), an employee of the Los Angeles County Sheriff's Department, against the Professional Peace Officers Association (PPOA or Respondent) alleging that PPOA had violated Sections 4 and 12(b)(1) of the Los Angeles County Employee Relations Ordinance (Ordinance) by denying his application for membership.

The matter was duly referred to Hearing Officer Michael Prihar, who held a hearing on January 17, 1989. Both parties appeared and were represented by counsel. In lieu of testimony, the parties agreed to a number of stipulated facts and exhibits which were entered into the record. Following the close of the hearing, the Charging Party submitted an opening brief which was answered by the Respondent's brief. Charging Party then submitted a brief in response thereto. The Hearing Officer filed his Report with the Commission on May 22, 1989. The Charging Party submitted Exceptions to this Report and the Respondent thereafter filed a statement in opposition to these Exceptions.

The Respondent is the certified representative for the Supervisory Peace Officers (Unit 612) and Corrections Officers (Unit 621) employee representation units. Included in Unit 612 is the Sergeant classification.

Upon his promotion to Sergeant in 1984, Anderson became a member of PPOA and initially worked within the confines of the organization in an attempt to bring about certain changes designed to improve the representation of PPOA members in Unit 612. In 1986, while an appointed PPOA delegate, Anderson became a Director of the Lieutenants and Sergeants Organization (LASO), an organization formed for the purpose of decertifying PPOA as the representative of Unit 612. Anderson was expelled from PPOA by a vote of its Board of Directors in 1986 for his activities on behalf of LASO. He did not challenge this action either before the Commission or the courts. In 1987, Anderson, as President of LASO, filed a decertification petition with the Commission which sought to replace PPOA as the certified representative for Unit 612 with LASO. An election was conducted in November 1987 with PPOA retaining its certification.

In April 1988, LASO was disbanded and Anderson applied for reinstatement as a member of PPOA. On April 13, 1988, the PPOA Board rejected his request for reinstatement. Anderson thereafter requested reconsideration and was allowed to address the PPOA Board on this matter at its July 13, 1988, meeting. By letter dated July 13, 1988, PPOA affirmed its decision to deny him membership.

The Hearing Officer concluded that PPOA's decision to deny Anderson reinstatement was made for the same reasons involved in his prior expulsion and that these reasons were his dual unionism and

efforts on behalf of LASO to decertify PPOA. Based on an exhaustive review of pertinent public and private sector case law, Hearing Officer Prihar concluded that "[t]he PPOA, by denying Anderson membership and rights associated with such membership, did not engage in acts such as would constitute violations of Los Angeles County Employee Relations Ordinance Sections 4 and/or 12(b)(1)." (H.O. Report, p. 19).

In its Exceptions, the Charging Party essentially recasts the arguments and contentions placed before the Hearing Officer in its opening and reply briefs. We have considered these Exceptions in light of the Hearing Officer's Report and reject them for the reasons set forth in that Report.

Having carefully reviewed Hearing Officer Prihar's Report, the underlying record, the Exceptions to this Report and the response to the Exceptions, the Commission adopts the findings, conclusions, and recommendations as set forth in his Report for the reasons stated therein.

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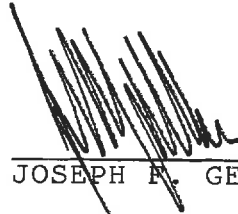
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O R D E R

IT IS HEREBY ORDERED that charge UFC 70.36 is dismissed.

DATED at Los Angeles, California, this 20th day of
October, 1989.



JOSEPH P. GENTILE, Chairman



PAUL K. DOYLE, Commissioner



ROBERT D. STEINBERG, Commissioner