

LOS ANGELES COUNTY  
EMPLOYEE RELATIONS COMMISSION

In the Matter of	)	
	)	
GEOFFREY EDWARD LEVITT	)	
	)	
Charging Party	)	
	)	
v.	)	UFC 70.40
	)	
LOS ANGELES COUNTY PUBLIC	)	
LIBRARY	)	
	)	
Respondent	)	
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DECISION AND ORDER

The charge in this case was filed by Geoffrey Levitt (Levitt or Charging Party) against the Los Angeles County Public Library (County) alleging that the County had violated Section 12(a)(1) of the Employee Relations Ordinance (Ordinance) by refusing to promote him and by assigning a low examination score in retaliation for his union membership and the filing of grievances.

The charge was duly referred to Hearing Officer George Liskow. Thereafter, Charging Party filed a motion to amend the charge to include the allegation that he was dismissed from County service in retaliation for his exercise of Ordinance protected rights. This amendment was allowed by the Hearing Officer and hearings on the amended charge were held on March 10, April 21 and May 6, 1992. Both parties appeared and were

afforded full opportunity to present relevant evidence, offer argument, and examine and cross-examine witnesses. Post-hearing briefs were filed. The Hearing Officer submitted his Report to the Commission on August 25, 1992. No Exceptions were filed to this Report.

The facts giving rise to this dispute are essentially as follow:

The Charging Party was employed from August 1989 to February 1992 as a part-time, temporary Library Aid assigned to the Antelope Valley Bookmobile. At all times relevant, he was a member of Local 660, SEIU. In December 1989 he participated in an examination for the Library Assistant I position and obtained a score of 98. He was not promoted and subsequently filed a grievance in such regard. In November 1990 Levitt again participated in the Library Assistant I examination and was given a score of 75. This examination score and the County's decision to not promote the Charging Party were challenged by grievances and an appeal brought under the Civil Service Commission Rules. These efforts were unsuccessful. On February 4, 1992 Levitt was notified that he was released from his temporary position effective February 14, 1992.

The Hearing Officer concluded that the Charging Party had "...failed to present a prima facie case of violation of Section 12 of the Los Angeles County Employee Relations Ordinance." (H.O. Report, pg. 7). In this regard, he found no persuasive evidence to establish a causal connection between the

Charging Party's union membership and grievance activities on the one hand and his low examination score and termination on the other. The Hearing Officer further found an absence of objective evidence in support of the Charging Party's assertion that he was better qualified than those employees appointed to the promotional positions for which he had applied. He therefore recommended that the charge be dismissed in its entirety.

Review of the Hearing Officer's Report discloses that credibility assessments were central to his findings and conclusions as summarized above. As this Commission has previously observed, such credibility determinations are entitled to substantial deference on review.<sup>1</sup>

Having carefully reviewed the briefs and the Hearing Officer's Report, the Commission adopts the findings, conclusions, and recommendations as set forth in the Report for the reasons stated therein.

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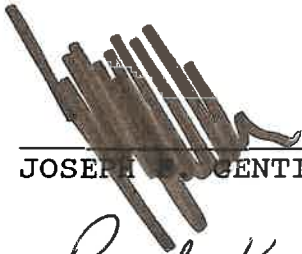
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<sup>1</sup>See, for example, American Federation of State, County and Municipal Employees (AFSCME), Local 119 v. Department of Facilities Management, UFC 1.83 (1990).

O R D E R

IT IS HEREBY ORDERED that charge UFC 70.40 is dismissed.

DATED at Los Angeles, California this 23rd day of  
October, 1992.



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JOSEPH J. GENTILE, Chairman



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PAUL K. DOYLE, Commissioner



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ROBERT D. STEINBERG, Commissioner