

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
ASSOCIATION FOR LOS ANGELES DEPUTY)	
SHERIFFS (ALADS) and LOS ANGELES)	
COUNTY LIFEGUARD ASSOCIATION)	
Charging Parties)	
v.)	UFC 80.1
COUNTY OF LOS ANGELES, DEPARTMENT)	
OF PERSONNEL)	
Respondent)	

DECISION AND ORDER

The charge in this case was filed by the Association for Los Angeles Deputy Sheriffs (ALADS) and the Los Angeles County Lifeguard Association (Lifeguards) against the County of Los Angeles (County) alleging that the County had committed an unfair employee relations practice within the meaning of Section 12(a)(3) of the Employee Relations Ordinance (Ordinance) by its refusal and failure to meet and confer in good faith with the Charging Parties concerning the adoption of new Civil Service Rules (Rules).

The matter was duly referred to Hearing Officer Robert D. Steinberg, who held a hearing on Monday, October 27,

1980. The parties appeared and were afforded full opportunity to offer argument and evidence and to examine and cross-examine witnesses. Post-hearing briefs were filed. Hearing Officer Steinberg submitted his Report, dated November 14, 1980, but received in our offices on November 17, 1980. The County filed Exceptions to the Report, and the Charging Parties filed a statement in opposition to these Exceptions.

We accept the findings of fact made by Hearing Officer Steinberg, including the finding that at all times material herein, Lifeguards failed to request negotiations on Rule changes. Steinberg's conclusions of law, however, were reached within the context of events that then existed. His conclusion that the County committed an unfair employee relations practice by failing to meet and confer with ALADS on the Rules was one reached in relationship to the date upon which the Board of Supervisors was to take action on said Rules. When that date was July 29, 1980, the County's position that the July 18 submission by ALADS was untimely and unintelligible was reasonable. When the date was changed to November 18, 1980, the County's position, as indicated by the Hearing Officer, was "no longer tenable" (Report, p. 9). But the Hearing Officer's judgment that the County engaged in a Section 12(a)(3) violation has been superseded by events concerning which Steinberg could have had no knowledge.

As disclosed in the County's Exceptions to the Hearing Officer's Report and Recommendations, and as confirmed in the

statement in opposition to Exceptions, the County did enter again into negotiations with ALADS on amending the Civil Service Rules. These negotiations commenced on November 17, 1980, two days prior to the County's receipt of the Hearing Officer's recommendations. ALADS has not indicated that these negotiations have been carried out in bad faith by the County. Of further significance is the fact that the Board of Supervisors postponed the date of action on the Rules from November 18, 1980, to March 10, 1981. On that date, said Board acted to adopt Final Rules affecting not only the membership of the Charging Parties but all other County Civil Service employees. Those Rules have been in effect since April 9, 1981.

This Commission considers that the reopening of negotiations between the County and ALADS other than in response to the Report of the Hearing Officer and within a time frame permitting meaningful negotiations to take place and the ultimate adoption of Final Civil Service Rules by the Board of Supervisors have operated to moot the remedial recommendations of the Hearing Officer.

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O R D E R

IT IS HEREBY ORDERED that the charge as filed by the Association for Los Angeles Deputy Sheriffs (ALADS) and Los Angeles County Lifeguard Association on August 11, 1980, be dismissed.

DATED at Los Angeles, California, this 3rd day of November, 1981.



LLOYD H. BAILER, Chairman



JOSEPH R. GENTILE, Commissioner



FREDRIC N. RICHMAN, Commissioner