

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)	
)	
PROFESSIONAL PEACE OFFICERS)	
ASSOCIATION (PPOA))	
)	
Charging Party)	
)	
v.)	UFC 9.19
)	
COUNTY OF LOS ANGELES CHIEF)	
ADMINISTRATIVE OFFICE)	
)	
Respondent)	
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DECISION AND ORDER

The charge in this case was filed by the Professional Peace Officers Association (Charging Party) against the County of Los Angeles and its Chief Administrative Officer (County or Respondent) alleging that the County had violated Sections 12(a)(1) and 12(a)(3) of the Employee Relations Ordinance (Ordinance) by insisting on negotiations regarding a proposed No-Strike Charter Amendment.

The matter was duly referred to Hearing Officer James T. Barker, who held a hearing on July 22, 1988. The parties appeared and were afforded full opportunity to offer argument, present relevant evidence, and examine and cross-examine witnesses. Post-hearing briefs were filed. The Hearing Officer submitted a Report received in the Commission's office on September 6, 1988. The Charging Party thereafter submitted Exceptions to this Report on September 22, 1988. A statement in opposition to these Exceptions was filed by the Respondent on October 6, 1988.

In its Exceptions, Charging Party attempted to withdraw the charge on the basis that the matter is moot. This implied request for withdrawal was opposed by the Respondent in its statement in opposition.

Rule 6.09 (b) of the Commission's Rules and Regulations provides that "[t]he charge may be withdrawn upon motion of the charging party only upon approval by the Commission." Although the proposed Charter Amendment was not placed on the November ballot as initially intended by the County, the instant charge presents significant questions of law concerning matters of continuing interest to the public as well as the County and its employee organizations. As a final determination thereof may prove instructive to all parties similarly situated, the Commission is of the view that the purposes of the Ordinance are best served by issuing a decision in this matter. Hence, the Charging Party's attempt to withdraw the charge at this late stage of the proceedings is denied.

Hearing Officer Barker concluded that the Charging Party "did not prove by the preponderance of the credible evidence that the County violated the Ordinance." (H.O. Report, p. 41). He therefore recommended that the charge be dismissed. Rather than attempt to summarize the specific findings and conclusions on which the Hearing Officer's ultimate conclusion was grounded, we deem it appropriate to incorporate them herein by reference.

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


O R D E R

IT IS HEREBY ORDERED that charge UFC 9.19 is dismissed.

DATED at Los Angeles, California, this 2nd day of December, 1988.



JOSEPH F. GENTILE, Chairman



PAUL K. DOYLE, Commissioner



ROBERT D. STEINBERG, Commissioner