

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

In the Matter of)

LOS ANGELES COUNTY PROFESSIONAL PEACE)
OFFICERS ASSOCIATION)

Charging Party)

and)

COUNTY OF LOS ANGELES (SHERIFF'S)
DEPARTMENT AND PETER J. PITCHESS,)
SHERIFF))

Respondent)
_____)

UFC 9.5

DECISION AND ORDER

DECISION

On December 24, 1974 the Los Angeles County Professional Peace Officers Association (PPOA) filed a charge contending that on or about June 28, 1974 the Sheriff's Department of the County of Los Angeles violated Section 12(a)(1), (2) and (3) of the Employee Relations Ordinance (Ordinance 9646) by unilaterally revoking the practice of permitting PPOA to have access to the Sheriff's Academy for the purpose of communicating with PPOA-represented employees attending the Academy. The charge further alleged that this action was taken "in order to discourage lawful union activity and in order to punish PPOA for engaging in

activities protected by Section 4 of the Ordinance."

Pursuant to the Ordinance and the Rules and Regulations of the Employee Relations Commission, this matter was set for hearing before Hearing Officer Edgar A. Jones, Jr. The Hearing Officer granted Respondent's motion for bill of particulars and thereafter conducted a hearing. The parties filed post-hearing briefs, and the Hearing Officer subsequently submitted a report containing his recommended findings of fact, conclusions, and final order. Respondent filed timely exceptions to the Hearing Officer's report and Charging Party (PPOA) filed an answer to Respondent's exceptions.

At all times material to this proceeding PPOA has been the certified representative of a majority of the "peace officers" in the Sheriff's Department, including the cadets who are processed through a 24-week training program at the Sheriff's Academy prior to their assignment to duty. For a substantial number of years PPOA was included among the organizations that were allowed to send representatives to address these cadets during their regular training hours at the Academy. A PPOA representative routinely appeared before each cadet class once within the first week and once again in the last week of the training program for each class. During the first 14 weeks of the 24-week training program personnel from other law enforcement agencies also attend class sessions with the Sheriff's Department cadets, but during the ten remaining weeks these sessions are confined to the Department's cadets.

On June 28, 1974 the Department issued an order prohibiting PPOA from making any further appearances before cadet classes at the Academy. This directive was caused by certain remarks made by Deputy Thomas Akren, a PPOA representative, during his appearance before a class of cadets at the Academy on June 24, 1974. During a question-and-answer period immediately following Akren's presentation on that date, he was asked about the prospects for enactment of legislation improving the state retirement plan which covers members of the Department. Akren responded to the effect that there would be no difficulty in getting the bill through the legislature but he did not think the Governor would sign it and it appeared that a different Governor (or administration) would be needed before such a bill could be enacted into law. There is conflicting testimony on whether Akren indicated that a Democratic administration would be preferable. As of the date of Akren's remarks, incumbent Governor Ronald Reagan had announced that he was not a candidate to succeed himself.

On July 8, 1974 Deputy Akren was notified of a four-day disciplinary suspension owing to his remarks before the Academy class on June 24 and, also, he was transferred from his field duties (performed out of the Norwalk station, located very near his home) to custodial duties at a location approximately 88 miles from his home for showing "poor judgment" and a consequent need for closer supervision. Akren also was charged with violating specified departmental regulations dealing with political activity and

political discussions by members of the Department. The Department subsequently moved Akren's custodial assignment to a location nearer his home, but the four-day suspension was sustained. The matter was then appealed to the Los Angeles County Civil Service Commission, which, on March 12, 1975, upheld the four-day suspension but took no action on the transfer question.

Meanwhile, on December 5, 1974 PPOA Executive Director Gordon Hayter sent Sheriff Pitchess a written request to arrange for PPOA representatives to make an oral and a written presentation to the current class at the Academy, but this request was denied by the Sheriff's letter dated December 23, 1974.

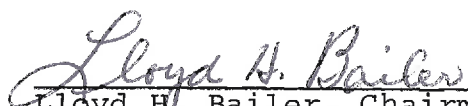
Hearing Officer Jones concluded that the Department's unilateral revocation of the past practice concerning PPOA's access and presentation to cadet classes at the Academy constituted violation of Section 12(a)(1) and (3) of the Ordinance. We concur with this conclusion and with the restoration of the prior PPOA presentation as recommended by the Hearing Officer for this violation. No relief for Deputy Akren having been requested in this unfair charge proceeding, we conclude that no remedy should be ordered with respect to him.

ORDER

The Sheriff is directed to restore to PPOA the right of

access and presentation in the Sheriff's Academy.

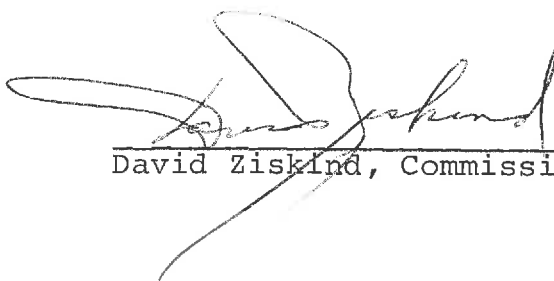
Dated: January 30, 1976



Lloyd H. Bailer, Chairman



William Levin, Commissioner



David Ziskind, Commissioner

va

DECLARATION OF PERSONAL SERVICE

Virginia E. Allan

States:

That on the 30th day of January,
19 76, I served the attached

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by delivering a copy thereof to

Joe Ben Hudgens
Deputy County Counsel

in person.

I declare under penalty of perjury that the foregoing is
true and correct.

Dated: January 30, 1976

Courtesy copy to
--R. Singley
--L. Anderson

By

Virginia E. Allan

DECLARATION OF SERVICE BY MAIL

VIRGINIA E. ALLAN states:

That on the 30th day of January,
19 76, I served the attached

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upon Lester G. Ostrov, Attorney at Law

by depositing a copy thereof, enclosed in a sealed envelope with
postage thereon fully prepaid, in a United States mailbox addressed
as follows:

Mr. Lester G. Ostrov
Bodle, Fogel, Julber, Reinhardt
and Rothschild
Suite 2600
5900 Wilshire Boulevard
Los Angeles, CA 90036

I declare under penalty of perjury that the foregoing is
true and correct.

Dated: 30 January 1976

By Virginia E. Allan

Courtesy copy to
--G. Hayter, PPOA