

# LOS ANGELES CITY EMPLOYEE RELATIONS BOARD



200 NORTH MAIN STREET, SUITE 1100  
LOS ANGELES, CALIFORNIA 90012-4124  
TELEPHONE: (213) 473-9703  
FAX: (213) 473-7751  
<http://erb.lacity.org>

R. Douglas Collins  
Chairperson  
Rosalinda Lugo, Ed. D.  
Vice Chairperson  
Christine Diaz-Herrera  
Brenda Suttonwills  
Dianne Baquet-Smith  
  
Najeeb Khoury  
Executive Director

## MINUTES OF MEETING

Monday, July 22, 2024

9:30 A.M.

BOARD MEMBERS PRESENT: R. Douglas Collins  
Rosalinda Lugo  
Christine Diaz-Herrera (via Zoom)  
Brenda Suttonwills  
Dianne Baquet Smith

Chair Collins called the meeting to order at 9:30 a.m. All members of the Board were present.

- 1. Public comments on matters within the Board's jurisdiction. A maximum of ten minutes will be provided for members of the public to address the Board on items of interest that are within the jurisdiction of the Board. Said ten minutes shall be equally divided among speakers, not to exceed five minutes per speaker.**

There were no public comments.

### **2. Election of Officers for Fiscal Year 2024-2025.**

Vice-Chair Lugo nominated R. Douglas Collins to serve as Chair for the 2024-2025 fiscal year; seconded by Member Baquet-Smith; the motion carried unanimously.

Member Suttonwills nominated Rosalinda Lugo, Ed.D. to serve as Vice-Chair for the 2024-2025 fiscal year; seconded by Member Baquet-Smith; the motion carried unanimously.

### **3. Proposed Meeting Schedule for 2025.**

The Board's staff provided a proposed meeting schedule for 2025. Vice-Chair Lugo asked to change the proposed September 22 date to September 29, 2025 due to Rosh Hashanah and to change the proposed December 15 date to December 8, 2025 due to Hanukkah.

Vice-Chair Lugo moved to adopt the revised proposed calendar; seconded by Member Diaz-Herrera; the motion carried unanimously.

### **4. Consideration of Minutes of the Board Meeting of June 24, 2024.**



Member Baquet-Smith moved to approve the minutes of June 24, 2024; seconded by Member Diaz-Herrera; and the motion passed unanimously.

**5. Executive Director's Report:**

**a) New unfair employee relations practice claims filed.**

Executive Director Khoury noted that no new unfair employee relations practice claims had been filed since the Board's last meeting.

**b) Status of impasses.**

There were no updates on the status of impasses.

**c) Administrative matters, if any.**

Executive Director Khoury had no administrative matters to report.

**6. Consideration of requests to withdraw various matters, if any.**

Executive Director Khoury reported that UFLAC sought to withdraw UERP 2219, which was filed against the Fire Department and alleged retaliation and discrimination against a UFLAC member. The parties had entered a settlement agreement, which is why UFLAC was seeking to withdraw the charge.

Member Baquet-Smith moved to approve the request to withdraw; seconded by Member Diaz-Herrera; and the motion passed unanimously.

**7. Consideration of Appeal of Executive Director's determination that a prima facie case was not pled in Unfair Employee Relations Practice claim 2232, filed by Fernando Campos against the City of Los Angeles, Board of Public Works, alleging an inappropriate removal of differential pay.**

Dr. Fernando Campos appeared on his own behalf; Dina Ramirez, Senior Personnel Analyst I, and Jorge Otano, Deputy City Attorney, appeared on behalf of the Board of Public Works.

Dr. Campos alleged that supervisory differential pay was inappropriately removed while he worked at the Board of Public Works, and that he should have been receiving out-of-class pay.

The Executive Director issued a non-prima facie letter, stating that such claims are handled through the grievance process and are not grounds for a UERP.

Dr. Campos was the Executive Officer at the Board of Public Works from 2015-2024. He argued that he essentially served three roles while at the Department of Public Works and oversaw and resolved multi-billion-dollar issues.

Dr. Campos noted that he received differential pay until 2020, when the City removed the pay due to the City's reading of a new MOU provision.

Member Suttonwills noted that there was a meet and confer allegation, and she asked what the alleged failure to meet and confer covered. Dr. Campos stated it covered the Board's failure to meet before eliminating the differential pay. Dr. Campos additionally alleged that Public Works interfered with his rights by not meeting to discuss the removal of pay and by disregarding the grievance process.

Executive Director Khoury noted that Dr. Campos did file a request for arbitration, and that the Employee Relations Board would issue a strike list, although the Board of Public Works may take the position that the matter is not arbitrable for various reasons.

Dr. Campos noted that the Union did not respond to his request to file the matter for arbitration.

Chair Collins stated that the Union has the sole power to move a matter to arbitration and need not move matters to arbitration unless it acts for impermissible discriminatory reasons.

Chair Collins also noted that there is a 180-day statute of limitations, making a claim based on an action taken in 2020 untimely. Dr. Campos noted, however, that the dispute was active for a lengthy amount of time, and he never received a definitive denial before he left the Department of Public Works in 2024. He also argued that the clock restarted for each pay period in which he did not receive the differential pay.

Dr. Campos also alleged that he may have been discriminated against due to his ethnicity and marital status.

Member Suttonwills noted that it is not within the Board's authority to compel arbitration.

Deputy City Attorney Otano argued that the previous MOU had language for the disputed bonus but the current MOU does not have the language, which is why the bonus was removed. Deputy City Attorney Otano also argued that the Campos grievances were denied and the Union was notified. Dr. Campos stated he had no knowledge of such notifications.

Vice-Chair Lugo moved to continue the matter to allow the parties to submit evidence about whether such notice to the Union was given; seconded by Member Suttonwills; and the motion was passed unanimously.

**8. Consideration of Draft Decision and Order U-237 in the matter of UERP 2159, filed by Service Employees International Union, Local 721 against the City of Los Angeles, Department of Public Works, alleging interference, retaliation and a unilateral change.**

Attorney Carson Acosta appeared on behalf of SEIU Local 721; Jeanie Molinar, Senior Personnel Analyst II, and Jorge Otano, Deputy City Attorney, appeared on behalf of the Department.

The Department indicated it had filed an opposition to the draft decision and order, but the Executive Director noted that he had not seen such a filing and the Board members did not have it either.

Vice-Chair Lugo asked for edits to the draft order.

Member Suttonwills moved to continue the matter and for the Executive Director to incorporate the Vice-Chair's revisions; seconded by Member Baquet-Smith; and the motion passed unanimously.

**9. Consideration of further processing of Amended Unfair Employee Relations Practice claim UERP 2224, filed by the International Brotherhood of Electrical Workers, Local 18 against the Los Angeles Department of Water and Power (LADWP), alleging a unilateral change in the manner in which non-LADWP retired City employees may be hired into LADWP.**

William Heine, Schwarts, Steinsapir, Dohrmann & Sommers LLP, appeared on behalf of IBEW Local 18; Wendy Genz, Deputy City Attorney, and Jennifer Gregg, Assistant City Attorney, on behalf of the Department of Water and Power.

The charge alleges changes in the way DWP handles retirement benefits. Chair Collins and Vice Chair Lugo both disclosed that they receive pensions from LACERS and CalSTRS respectively. Vice Chair Lugo added that she had returned to work part time while receiving a pension. Neither party asked for the members to recuse themselves.

IBEW Local 18 alleged that there was a practice at DWP, based on an interpretation of the Los Angeles City Charter, that retired non-DWP City employees who received a LACERS pension could not work for or receive a paycheck from DWP. In February 2024, this practice changed. As a result of the change, several former City employees who currently work at DWP were able to begin collecting LACERS benefits while they worked at DWP.

DWP does not deny that the practice changed but asserts that the change in practice is due to an amended legal interpretation by the City Attorney's Office. DWP also noted that it was willing to meet and confer over the effects of the change, but that IBEW refused to do so until the change was undone. DWP also noted that it does not intend to hire LACERS retirees, but that it will not fire the limited number of employees who were able to begin receiving LACERS retirement benefits after the change in the City Attorney's interpretation.

IBEW argued that the change impacts working conditions because it could jeopardize the health of the DWP pension system and because it means some DWP employees will receive extra payments while others will not.

IBEW noted that it had filed an action in court alleging that the City and Department are wrong in their new interpretation.

After a lengthy discussion, Chair Collins noted that the matter could be placed in abeyance pending the outcome of the court action.

Vice-Chair Lugo moved to place the matter in abeyance pending the outcome of the related court action; seconded by Member Suttonwills; and the motion passed unanimously.

Member Diaz-Herrera moved to adjourn the meeting; seconded by Member Baquet-Smith; and the passed unanimously.

MEETING ADJOURNED AT: 10:45 a.m.



NAJEEB KHOURY  
Executive Director

*PERSONS WITH DISABILITIES:* As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its program, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to this meeting. For additional information, please contact Commission Executive Assistant Veronica D. Coleman at (213) 473-9700.