



LOS ANGELES CITY EMPLOYEE RELATIONS BOARD

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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, August 24, 2024

9:36 A.M.

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

Chair Collins called the meeting to order at 9:36 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. Consideration of Minutes of the Board Meeting of August 26, 2024.**

Vice-Chair Lugo noted that the start time was inaccurate, as the August 26, 2024 meeting did not start on time. Member Baquet-Smith moved to approve the minutes of August 26, 2024 with the correction to the start time; seconded by Vice-Chair Lugo; and the motion passed unanimously.

- 3. Executive Director's Report:**

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

Executive Director Khoury noted that the following two new unfair employee relations practice claims had been filed and processed since the Board's last meeting:

- 1) UERP 2235, filed by Service Employees International Union, Local 721 against the Los Angeles Police Department, alleging unilateral change in bonus pay and retaliation;



- 2) UERP 2236, filed by Service Employees International Union, Local 721 against the Los Angeles Police Department, alleging a unilateral change in working assignments related to bumping rights.

b) Status of impasses.

There were no updates on the status of impasses.

c) Administrative matters, if any.

Executive Director Khoury noted that the Governor signed into law a bill that impacts the Board's jurisdiction related to pre-strike injunctive relief and puts limitations on strike-related damages.

4. Consideration of requests to withdraw various matters, if any.

There were no requests to withdraw since the Board's last meeting.

5. 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; Jeanie Molinar, Senior Personnel Analyst II, and Jorge Otano, Deputy City Attorney, appeared on behalf of the Board of Public Works.

This matter had previously been on the Board's agenda and the Board had asked for the parties to submit timelines and for the Board of Public Works to submit a settlement agreement which it claimed prevented this matter from moving forward.

Dr. Campos was the Executive Officer at the Board of Public Works from 2015-2024. Per Dr. Campos, he essentially served three roles while at the Department of Public Works and oversaw and resolved multi-billion-dollar issues. Dr. Campos alleged that a supervisory differential pay was inappropriately removed in 2020, and that he should have been receiving out-of-class pay during his entire tenure at the Board of Public Works.

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. Executive Director Khoury also noted that Dr. Campos had filed related grievances and had filed a request for arbitration in addition to the UERP.

Attorney Otano argued that the Board of Public Works would respond to the grievances which Dr. Campos had submitted on the matter. He further noted that the delay in responding to the grievances was due to the Board of Public Works not having a president, and he anticipated a response to be forthcoming. Attorney Otano also indicated that the Board of Public Works would be denying the grievances due to timeliness reasons, and because Dr. Campos was not substantively entitled to the additional pay after the bonus was subsumed within his salary.

Dr. Campos argued that he filed the grievance in a timely manner and disagreed that the bonus was folded into his salary.

Dr. Campos also claimed that he was discriminated against.

Vice Chair Lugo asked whether the pleading sufficiently alleged discrimination. The Board Members had a discussion about the pleading requirements for discrimination allegations.

Chair Collins noted that there was still a timeliness issue that needs to be addressed and noted that unions have the authority to decide which grievances to advance to arbitration.

Member Suttonwills suggested allowing the Board of Public Works to respond to the grievances, which would then allow Dr. Campos to discuss with his union the possibility of filing requests for arbitrations based on those denials.

Vice Chair Lugo moved to continue the matter for two months; seconded by Member Suttonwills; and the motion passed unanimously.

6. 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.

Jeanie Molinar, Senior Personnel Analyst II, and Jorge Otano, Deputy City Attorney, appeared on behalf of the City of Los Angeles, Department of Public Works. No-one appeared on behalf of the Union.

At its May 2024 meeting, the Board ruled on this matter and directed the Executive Director to draft a Decision and Order for its consideration, which he did. At its July 2024 meeting, the Board directed the Executive Director to make edits to the draft. The Board was now considering the revised Draft Decision and Order.

Attorney Otano argued that the City disagreed with the Board's decision but acknowledged that the Draft Decision and Order accurately reflects the action taken by the Board at its May 2024 meeting.

Member Suttonwills moved to adopt the amended Draft Decision and Order; seconded by Member Diaz-Herrera; the motion passed unanimously.

7. Consideration of Hearing Officer Report and Recommendations in the matter of Petition C983, filed by Los Angeles Department of Water and Power, Management Employees Association (LADWP MEA), seeking the accretion of the class of Secretary Water and Power Commission (class code 9739) into the LADWP Management Employment Unit (MOU 46).

There were no appearances on this matter.

On June 26, 2023, the Board sent this contested matter to hearing, as the Personnel Department questioned whether the Secretary Water and Power Commission (class code 9739) should be accreted into the LADWP MEA unit. The Hearing Officer issued a report dated August 5, 2024 in which he concluded that the accretion would be inappropriate. Neither side filed exceptions to the Report.

Member Suttonwills moved to accept the Hearing Officer Report, to dismiss the petition, and to direct the Executive Director to draft an Order reflecting such action; seconded by Member Baquet-Smith; the motion carried unanimously.

8. Consideration of further processing of Unfair Employee Relations Practice claim UERP 2233, filed by individual Michael Slider against the Los Angeles Police Department, alleging disability discrimination.

There were no appearances on this matter. Before the Board's meeting, the moving party had asked for the matter to be continued.

Member Diaz-Herrera moved to continue the matter; seconded by Member Baquet-Smith; and the motion passed unanimously.

MEETING ADJOURNED AT: 10:18 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.