

**CITY OF LOS ANGELES  
EMPLOYEE RELATIONS BOARD**  
200 NORTH MAIN STREET, SUITE 1100  
LOS ANGELES, CALIFORNIA 90012  
(213) 485-2066

Third  
AMENDED **UNFAIR  
EMPLOYEE RELATIONS  
PRACTICE CLAIM AGAINST  
MANAGEMENT**

- Who May File a Claim:** In accordance with §4.860 C of the Los Angeles City Employee Relations Ordinance, a claim of unfair employee relations practice may be filed against management by an employee representative, an individual employee or a group of employees, or by a management representative.
- How to File:** Within 90 days after the occurrence of the alleged unfair employee relations practice, file a typewritten original and eight copies of the claim with the Employee Relations Board and simultaneously serve one copy of the claim directly on the party or parties against whom the claim is directed. Use additional sheets if necessary. You may file the claim in person or by mail; you may not file a claim by fax. Refer to Employee Relations Board Rule 8 for additional requirements and procedures.

<b>3. Name of Claimant:</b> Engineers and Architects Association	<b>4. Claimant's Address:</b> 350 S. Figueroa Street, Suite 600 Los Angeles, CA 90071-9863
<b>5. Claimant's Telephone Number:</b> 213-620-6920	
<b>6. Claimant's Representative (e.g., attorney):</b> Adam N. Stern, Attorney	<b>7. Claimant's Representative's Address:</b> Levy Stern and Ford 3660 Wilshire Blvd., Suite 600 Los Angeles, CA 90012
<b>8. Claimant's Representative's Telephone Number:</b> 213-380-3140	
<b>9. Name of Employer Charged:</b> City of Los Angeles, Department of Public Works- Bureau of Contract Administration, Community Development Department, Los Angeles World Airports, Department of General Services	<b>10. Employer's Address:</b> 1149 South Broadway, Suite 300 Los Angeles, CA 90017  1200 West 7th Street, Los Angeles, CA 90017
<b>11. Employer's Telephone Number:</b> 213-744-7300; 626-458-5100; 310-337-4900	One World Way, Los Angeles, CA 90045  Room 701 – City Hall South, Los Angeles, CA 90012

08 SEP 22 PM 12: 29  
 RECEIVED  
 EMPLOYEE RELATIONS BOARD

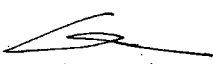
**12. Management has violated and/or is violating the following sections of the Los Angeles City Employee Relations Ordinance (check all boxes that apply):** §4.860 A, 1 , 2 , 3 , 4 , and/or 5 .

**13. Basis of this claim (be specific about facts, names, dates, and places; use additional sheets if needed):**  
See Attached.

**14. Other attempts to remedy this alleged violation, and the results of those attempts.**

**15. I declare that I have read this charge and that the statements herein are true and factual to the best of my knowledge and belief.**

By: Adam N. Stern Attorney  
(Claimant) (Title)

 September 18, 2008  
(Signature) (Date)

**DO NOT WRITE IN THIS BLOCK**

CLAIM NUMBER: \_\_\_\_\_

CURE 1700  
Third Amendment

DATE FILED: \_\_\_\_\_

9-22-08

**NOTE: If this claim is filed by more than one party, the signatures of the additional parties must be provided on an attached sheet.**

## BASIS OF CHARGE

Within the ninety days last past, the above-named Employer has violated its obligation to maintain strict neutrality when more than one union seeks to represent the same group of employees.

Specifically, the above-named Employer has violated its neutrality obligation in the following respects:

1. The Los Angeles World Airports issued security badges to three SEIU organizers, who are not employees of the City of Los Angeles, giving said organizers the right to bypass security checkpoints and free access to Los Angeles World Airport work locations. Los Angeles Airport Police Officer, Mario Morales, admitted to a representative of the Charging Party that the security badges had been issued. The Charging Party has, in the past, repeatedly asked to be issued LAWA security badges in order to facilitate the Union's rights to access its members at work sites, but have been repeatedly denied. By granting security badges to SEIU organizers and denying the same to Charging Party representatives, the Employer has discriminated in favor of SEIU and against the Charging Party.

2. Senior Management Analyst II Adrianna Reteria, who occupies a management level position and who works within the Human Resources department of the Los Angeles World Airports, told employees to go to a lobby area for the purpose of speaking to organizers from SEIU during work time.

3. On August 26, 2008, Principal Clerk, Charletter Delery, Supervisor, hosted a meeting for the specific purpose of furthering the organizing drive of SEIU at the Employer's media center. Ms. Delery told employees to go to the meeting.

4. Department of Public Works Division Head, Michael Patonai, set up a meeting for SEIU organizers, on August 27, 2008, at the Brady Van Nuys City Hall Building and advised employees to attend the meeting.

5. On or about August 19<sup>th</sup>, the Community Development Department located at 1200 W. 7<sup>th</sup> Street, permitted SEIU representatives to occupy a table in the cafeteria and pass out literature in furtherance of their organizing drive. The next day, on August 20, Charging Party representative Christopher Moody attempted to do the

exact same thing that the SEIU organizers had done the day before, specifically by staying in the cafeteria and passing out literature to employees. Christopher Moody was ordered off the premises by the Employer.

6. At the Department of General Services Standards Division, SEIU had arranged to use a city-owned trailer for the purpose of conducting an organizing meeting. A representative from EAA attempted to attend the meeting, but was ordered out of the trailer. The Charging Party's representative left the trailer and stood outside in an effort to speak to represented employees and pass out literature to them. However, a manager called the Human Resources Department of the Department of General Services and the Charging Party's representative was ordered off the property.

7. At the Department of Public Works, Bureau of Sanitation – Hyperion, a city-owned meeting room was used by SEIU for the purpose of furthering their organizing campaign. Department employee Mahesh stated that the SEIU meeting was not for the purpose of decertification, although decertification cards were brought to the meeting. Mahesh further stated that he was, "neutral." The Charging Party is informed and believes that Mahesh is the one who originally set up the SEIU organizing meeting.

8. On or about September 3, 2008, EAA member and Board of Governor Inder Risam received an email from his superior, Lance Oishi. In the email, Mr. Risam was advised that he could not use any City equipment to conduct Union related affairs. This prohibition included a ban on using City email accounts to conduct Union-related affairs. During the 2002 raid by SEIU on the EAA members, EAA filed Unfair Labor Practice Charges contending that employees represented by SEIU were using City equipment, including City computers and email accounts to further their raid. The Employee Relations Board ruled that the City could not prohibit such activities and further ruled that it was an unfair labor practice for EAA to attempt to get City employees disciplined for using City computers and email accounts to further the SEIU raid.

9. On or about September 4, 2008, representatives of EAA were given permission to attend a meeting scheduled by SEIU in Conference Room C of the fourth floor of the Garland Building, 1200 W. 7th Street. Departmental Personnel Officer for the Community Development Department, Michael Bolokoliwicz gave the two EAA representatives permission to attend the meeting. Both EAA representatives assured Mr. Bolokoliwicz that they would not disrupt the meeting in any manner or interfere with any employee's right to attend the meeting. Shortly before the meeting was

scheduled to begin, the two EAA representatives positioned themselves in the hallway by the entrance to the conference room where the SEIU meeting was to be held. EAA representatives passed out literature to employees arriving to attend the meeting. A woman with a City of Los Angeles employee badge appeared and informed the EAA representatives that they would have to leave immediately, and that if they did not security would be called. A security officer arrived shortly thereafter. About ten minutes after the first security officer arrived, the supervisor of the security officer appeared and informed the EAA representatives that they could not pass out literature in the hallway because it was a "private building" and they had to leave the building. The two EAA representatives obeyed the order of security to leave the building. By allowing SEIU representatives access to City buildings for the purpose of furthering their raid while simultaneously banning EAA representatives from the same building is a violation of the City's obligation to remain neutral in this matter.

By these and other acts, the above-named Employer has, and continues to violate the Employee Relations Ordinance. For a remedy, the Charging Party requests that the above-named Employer be ordered to cease and desist from violating its obligation to remain neutral, and because of the widespread violation of the neutrality obligation, requests that the Division Head or similar leveled position be required to read to all employees the usual and customary notice advising employees of the Employee Relations Ordinance and the remedies therefor. Charging Party further requests that any petition filed by SEIU seeking to decertify the Charging Party be dismissed since same is tainted by employer violations of law.

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the  
4 age of 18 and not a party to the within action; my address is 3660 Wilshire Blvd, Suite  
5 600, Los Angeles, California 90010. I declare that I am employed in the office of a  
6 member of the bar of this Court at whose direction this service was made.

7 On September 18, 2008, I served the following document(s): **THIRD AMENDED**  
8 **UNFAIR EMPLOYEE RELATIONS PRACTICE CLAIM AGAINST MANAGEMENT**  
9 **AND BASIS OF CHARGE** on interested parties in this action:

10

via facsimile to.

11

12 by placing the document listed above in a sealed envelope with  
13 postage thereon fully prepaid, in the United States Mail at Los  
14 Angeles, California addressed as set forth below.

15

16 by personally delivering the document(s) listed above to the  
17 person(s) at the address(es) set forth below.

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18 **SEE ATTACHED SERVICE LIST**

19 I am "readily familiar" with the firm's practice of service of process. Under  
20 that practice it would be deposited with U.S. postal service on that same day with  
21 postage thereon fully prepaid at Los Angeles California in the ordinary course of  
22 business.

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

24 Executed on September 18, 2008, at Los Angeles, California.

25   
26 Diane Morgenstern  
27  
28

SERVICE LIST

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City of Los Angeles  
Department of Public Works  
Bureau of Contract Administration  
1149 South Broadway, Suite 300  
Los Angeles, CA 90017

Community Development Department  
1200 West 7<sup>th</sup> Street  
Los Angeles, CA 90017

Los Angeles World Airports  
One World Way  
Los Angeles, CA 90045

Department of General Services  
Room 701  
City Hall South  
Los Angeles, CA 90012