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EMPLOYEE RELATIONS BOARD

8 *Attorneys for Respondent City of Los Angeles*

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11 **CITY OF LOS ANGELES**  
12 **EMPLOYEE RELATIONS BOARD**

13 ENGINEERS AND ARCHITECTS  
14 ASSOCIATION,

UERP NO. 1700

15 vs. Petitioner,

**EMPLOYER'S RESPONSE**

16 CITY OF LOS ANGELES,  
17 DEPARTMENT OF PUBLIC WORKS;  
18 COMMUNITY DEVELOPMENT  
19 DEPARTMENT; LOS ANGELES WORLD  
20 AIRPORTS; DEPARTMENT OF  
21 GENERAL SERVICES,

Respondent.

22 **TO CLAIMANT AND HIS ATTORNEY OF RECORD:**

23 **EMPLOYER, CITY OF LOS ANGELES, DEPARTMENT OF PUBLIC WORKS;**  
24 **COMMUNITY DEVELOPMENT DEPARTMENT, LOS ANGELES WORLD AIRPORTS,**  
25 **DEPARTMENT OF GENERAL SERVICES, answering CLAIMANT'S UNFAIR EMPLOYEE**  
26 **RELATIONS PRACTICE CLAIM AGAINST MANAGEMENT admits, denies and alleges as**  
27 follows:

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1 Pursuant to Employee Relations Board ("ERB") Rule 8.01, the parties met together  
2 on or about October 2, 2008 concerning UERP No. 1700. The parties were unable to  
3 resolve the outstanding issues. The City of Los Angeles denies that it has committed any  
4 alleged unfair employee relations practice.

5 I.

6 INTRODUCTION

7 In this Claim, the Engineers and Architects Association ("EAA" or "Claimant") claims  
8 that several departments of the City of Los Angeles violated § 4.860a (1) of the Employee  
9 Relations Ordinance. EAA lists 9 separate incidents in its charge of purported violations of  
10 the ERO. The essence of all of these charges is that various individual City managers  
11 have treated EAA differently from SEIU 721 by either permitting SEIU 721 access to  
12 facilities, or encouraging employees to attend SEIU 721 events on paid work time.

13 The City of Los Angeles ("City") has at all times attempted to remain neutral  
14 regarding the organizing campaign being conducted by SEIU 721 among employees  
15 currently represented by EAA. The City has repeatedly instructed its managers that they  
16 are to remain neutral while representing the City, and that any organizing activities must  
17 be conducted on personal time. However, individual supervisors are members of the units  
18 at issue in this campaign. Consequently, the City cannot forbid these individuals from  
19 exercising their own individual right to seek information or hold opinions.

20 EAA is also claiming that SEIU 721 has been given preferential treatment when the  
21 Departments have permitted it to use departmental facilities for their meetings. However,  
22 SEIU 721 has complied with City rules concerning obtaining permission for the use of the  
23 facilities. EAA, on the other hand, has not always complied with City rules concerning  
24 obtaining permission for the use of the facilities, and has on occasion shown up  
25 unannounced, without first complying with the City rules concerning notice and permission.  
26 On the occasions where SEIU 721 organizers failed to obtain prior permission, their  
27 organizers were asked to leave the facility.

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II.

**SPECIFIC RESPONSES**

In response to the specifics of EAA's claims, the City states as follows:

1. Los Angeles World Airports ("LAWA") denies that it has ever issued security badges to SEIU 721 or given its organizers either the right to bypass security checkpoints or free access to LAWA work locations. LAWA has always treated SEIU 721 and EAA equivalently with regard to security badges, and access to work locations.
2. Senior Management Analyst II Adrianna Reteria denies that she ever instructed employees to go to a lobby area for the purpose of speaking with SEIU organizers during work time.
3. Department of Public Works, Bureau of Sanitation denies that Principal Clerk Charlette Delery hosted a meeting on work time or told employees to go to such a meeting on work time.
4. Department of Public Works, ("DPW") denies that Michael Patonai set up a meeting for SEIU 721 organizers on August 27, 2008 on work time, or told employees to attend the meeting on work time.
5. Community Development Department ("CDD") denies that it ever granted SEIU 721 organizers permission to set up a table in the cafeteria at 1200 W. 7<sup>th</sup> Street. This building is a rental building and the Cafeteria is owned and managed by the rental agency. CDD has no ownership or control over access to the cafeteria. Security at this building is controlled by the rental agency, not by CDD. CDD has no knowledge about who, if anyone, ordered EAA off the premises.
6. SEIU 721 organizers asked permission to hold a meeting in an area in which is not open to the public. EAA organizers did not ask permission for entry into this non-public area, and therefore were excluded.

- 1 7. Department of Public Works, Bureau of Sanitation has facilities that can be used  
2 by employee organizations. EAA does not state when this purported event  
3 occurred. It is possible that SEIU 721 arranged to hold a meeting there. EAA is  
4 free to also make arrangements to hold meetings at Hyperion.
- 5 8. EAA confirms in this paragraph that the City has sent e-mails to its employees  
6 advising them that they may not use City time or equipment to conduct union  
7 related activities. This assertion confirms that the City is making all possible  
8 efforts at remaining neutral in the dispute between EAA and SEIU 721.
- 9 9. CDD admits that Michael Bolokowicz gave Darryl Cherness and John Larson  
10 permission to be in a CDD hallway in the Garland Building on September 4,  
11 2008. CDD denies any information about who asked them to leave or why any  
12 security personnel were summoned. CDD, however, is only one of numerous  
13 tenants in this building, and the security personnel are managed by the building  
14 owners.

15 **III.**

16 **CONCLUSION**

17 For all the foregoing reasons, Respondent City submits that it has committed no  
18 Unfair Employee Relations Practice and that this charge should be dismissed with  
19 prejudice.

20 DATED: November 13, 2008

Respectfully submitted,

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26 By: 

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