

## LOS ANGELES CITY EMPLOYEE RELATIONS BOARD



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Robert R. Bergeson  
Executive Director

October 24, 2008

William Weeks, Personnel Director  
Department of Public Works  
Room 1800 - City Hall  
Los Angeles, CA 90017

RE: UERP NO. 1720

Dear Mr. Weeks:

The above referenced unfair employee relations practice claim was filed by Engineers & Architects Association on October 24, 2008. The claim alleges that the department has violated Section 4.860 of the Los Angeles Administrative Code. A copy of the claim is attached.

Employee Relations Board Rule 8 requires that the parties review a claim in joint session within 14 calendar days of the date it was filed or longer at the executive director's discretion. The department must therefore meet with the claimant or the claimant's representative no later than **Friday, November 7, 2008**. Rule 8 also provides that the charged party is to file a written response (original and eight copies) to the claim within 21 calendar days of its filing or longer at the executive director's discretion. Accordingly, in the absence of notice from this office to the contrary, the department response is to be filed no later than **Friday, November 14, 2008**.

Because Rule 8 requires claims to be filed within 90 days of the date the charging party first became aware or should have become aware of the act(s) upon which they are based, if the department believes the claim was not filed within that time period, its response should so assert. That response should also address each unresolved allegation contained in the claim and should include a specific admission, denial, or explanation of each unresolved allegation. The response may contain affirmative defenses.

Sincerely,

Handwritten signature of Robert R. Bergeson.

Robert R. Bergeson  
Executive Director

RRB:lar

Enclosures

cc: Tom Coultas, Asst. CAO  
Errol Griffin, CAO/ERD

Adam Stern, Atty., EAA  
Robert Aquino, EAA



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

**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.

**3. Name of Claimant:**  
Engineers and Architects Association

**4. Claimant's Address:**  
350 S. Figueroa Street, Suite 600  
Los Angeles, CA 90071-9863

**5. Claimant's Telephone Number:**  
213-620-6920

**6. Claimant's Representative (e.g., attorney):**  
Adam N. Stern, Attorney

**7. Claimant's Representative's Address:**  
Levy Stern and Ford  
3660 Wilshire Blvd., Suite 600  
Los Angeles, CA 90012

**8. Claimant's Representative's Telephone Number:**  
213-380-3140

**9. Name of Employer Charged:**  
City of Los Angeles, Department of Public  
Works, Bureau of Contract Administration

**10. Employer's Address:**  
Public Works Building,  
1149 S. Broadway, Suite 710,  
Los Angeles, CA 90015

**11. Employer's Telephone Number:**  
213-485-4943

**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.

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**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)

 \_\_\_\_\_ October, 2008  
(Signature) (Date)

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

**DO NOT WRITE IN THIS BLOCK**

**CLAIM NUMBER:**

URRP 1720

**DATE FILED:**

10-24-08

### Basis of Charge

Within the ninety days last past, the above-named Employer has violated their obligation to remain neutral when two labor organizations vie to represent the same group of employees. Specifically, Charlie Mims, Chief Inspector and High-Level Manager for the Department aggressively solicited employees beneath him in the chain of command to sign authorization cards designating SEIU as their bargaining representative. The solicitation of authorization cards by Mr. Mims occurred at work locations during working times. At a minimum, Mr. Mims solicited subordinate signatures on authorization cards on October 7 when Mr. Mims pressured subordinate employee Mr. Alipio to sign an authorization card. Also on October 8th, Charlie Mims pressured subordinate employee Mr. Skarin during work hours to sign an authorization card for SEIU. Also on or about September 29, Mr. Mims pressured subordinate employee Fortman to sign an authorization card on behalf of SEIU. During this interaction, Mims was aggressive, rude and upset and intimidated the employee. By these and other acts, the above-named Employer has and continues to violate the Ordinance.

For a remedy, the Charging Party requests that any petition filed by SEIU seeking to decertify any bargaining unit represented by the Charging Party be dismissed, that the Employer be ordered to cease and desist from violating its obligation to remain neutral and to post the usual and customary notice advising employees of the violation of the Employee Relations Ordinance and the remedy therefor.



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**SERVICE LIST**

City of Los Angeles, Department of Public Works  
Bureau of Contract Administration  
Public Works Building  
1149 S. Broadway, Suite 710  
Los Angeles, CA 90015