

**CITY OF LOS ANGELES  
EMPLOYEE RELATIONS BOARD**  
200 NORTH MAIN STREET, SUITE 1100  
LOS ANGELES, CALIFORNIA 90012  
(213) 473-9700

**UNFAIR  
EMPLOYEE RELATIONS  
PRACTICE CLAIM AGAINST  
EMPLOYEE ORGANIZATION**

- Who May File a Claim:** Pursuant to §4.860 C of the Employee Relations Ordinance, a claim of unfair employee relations practice may be filed against employees, employee organizations or their representatives, an employee representative, an individual 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, typewritten original and eight copies of the claim with the Employee Relations Board and simultaneously file 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 90010

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

9. Name of Individual or Organization Charged:  
SEIU Local 721

10. Address of Individual or Organization Charged:  
309 S. Raymond Avenue  
Pasadena, CA 91105

11. Phone No. of Individual or Organization Charged:  
626-463-0470

12. The above-named individual(s) and/or employee organization has violated and/or is violating the following sections of the Los Angeles City Employee Relations Ordinance (check all boxes that apply):  
§4.860 B, 1 , 2 , and/or 3 .

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, Esq. Attorney  
(Claimant) (Title)

  
(Signature)

Nov. 7 2008  
(Date)

**DO NOT WRITE IN THIS BLOCK  
CLAIM NUMBER:**

UERP 1726

DATE FILED:

11-10-08

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## Basis of Charge

The Charged Labor Organization has interfered with, restrained and coerced employees in the exercise of rights guaranteed by the Employee Relations Ordinance by retaining and using a list of home addresses of employees, represented by the Charging Party, which it unlawfully obtained from the City Controller. According to the decision issued in Unfair Employee Relations Practice Claims 1376, 1416, 1388 and 1389; Dec. No. U-170, Julie Butcher requested, in late December 2001 or early January, 2002, and received, from City Controller, Laura Chick, a computer disk or disks with EAA represented employees' home addresses.

The Board ordered the City to::

"[S]ubmit a written request to SEIU Local 347 that the information that was released, and any copies thereof, be returned to the City Controller's Office and that any copies of the information stored electronically in SEIU Local 347's computer equipment be deleted." (Page 3 of Board Order)

Pursuant to the Board's Order, by letter dated October 21, 2008, counsel for the Charging Party submitted a Public Records Act request to the City Administrative Officer for all written communications generated pursuant to the above-referenced Order of the Board. In response to that request, counsel for the Charging Party received, inter alia, two letters, the first dated August 25, 2004 from City Attorney Cecil Marr quoting the Board's Order and requesting the return or destruction of the unlawfully released information. Counsel for the Charging Party also received a September 22, 2004, letter from Robert F. Hunt, SEIU Local 347 to City Attorney Cecil Mary. In that letter, Robert Hunt states, in relevant part, the following:

"I directed staff members to search our premises for any 'hard' copies of the information including printed and computer disk versions. The search did not produce any 'hard' copies and I am confident there are no copies of the material in our possession. The information was stored 'electronically' within our computer system. I directed this information to be deleted and I have been advised that the deletion process has been completed. Based on these actions, I believe that SEIU Local 347 has complied with the EBB Order."

Since the Board's Order, SEIU Local 347 was merged into Local 721, and as a result, Local 721 incurred all of the legal obligations and responsibilities formerly borne by SEIU Local 347.

Within the last ninety days, Charging party has discovered SEIU Local 347 and 721 retained the unlawfully produced home addresses of Charging Party's represented employees and distributed the same to its employees and agents for the purpose of raiding bargaining units represented by the Charging Party. The Charged Party instructed its employees and agents to conceal and otherwise not reveal to represented employees how the addresses were obtained.

In Board Decision No. U-170, the Board interpreted the Employee Relations Ordinance to preclude, and make unlawful, the disclosure of home addresses to a labor organization that does not represent those employees. By misrepresenting to the City that it had deleted or otherwise destroyed all of the unlawfully produced information, while simultaneously retaining that information and utilizing it to further their raid against Charging Party's represented units, the Charged Party has interfered with and restrained employees in the exercise of rights guaranteed by the Employee Relations Ordinance and, derivately, the Charging Party has been deprived of its rights under the Employee Relations Ordinance to fairly compete with rival labor organizations upon a level playing field.

The taint to the election process which resulted from the unlawful exposure of employees' home addresses has never been dissipated since the Charged Party continues to utilize the fruit from the tree already found poisonous by the Board.

As a remedy, the Charging Party requests that SEIU Local 721 be ordered to return to the City all copies of the unlawfully disclosed home address information and to delete or otherwise destroy any electronic or other version of that information that it maintains. The Charging Party also requests that all petitions filed by SEIU 721 seeking decertification of Charging Party's represented bargaining units be dismissed, since the Charged Party's unlawful conduct and misrepresentations regarding same have tainted the electoral process to such an extent that a fair election cannot be had.

Charging Party also requests that the usual and customary notice be posted advising employees of the violation of the Employee Relations Ordinance and the remedies provided therefor.