

## STATEMENT OF CHARGES

### *Service Employees Int'l Union, Local 721 v. County of Los Angeles*

1. Service Employees International Union, Local 721 ("Local 721" or "Union") was at all relevant times and is now a recognized employee organization within the meaning of the Los Angeles County Employee Relations Ordinance §5.04.030 and Government Code section 3501(b) and is the exclusive representative of several bargaining units of employees of the County of Los Angeles ("County").
2. The County is a public agency as defined in section 3501 of the Meyers-Milias-Brown Act ("MMBA"). See CAL. GOV'T CODE § 3501.
3. At all relevant times, SEIU Local 721 represented employees at the Los Angeles County Animal Care and Control Department ("Department") were covered by Memorandum of Understanding from October 1, 2018 through April 30, 2022. A true and correct copy of each MOU is attached as Exhibit A.

### **Relevant MOU Provisions**

4. Article 40 Section 2, states in the relevant section:

"A steward shall not be transferred, or change to a different work shift without Local 721 approval as long as work for which he is qualified is available. This paragraph is not to be construed to limit changes resulting from promotion."

A true and correct copy of Article 40 Section 1 and 2 of the parties MOA is attached here as Exhibit A.

### **Facts**

5. On or around December 4, 2022 Lt. Frank Medina ("Lt. Medina") euthanized a small terrier by the name of "Bowie."
6. A rescue organization who sought to adopt Bowie, raise concerns with Bowie's euthanasia with the Board of Supervisors. A true and correct copy of a LA Times Report covering Bowie's euthanasia is attached as Exhibit B.
7. The Union is informed and believes that the public outcry caused the Board of Supervisors to direct the Department to investigate and take action regarding Bowie's case.
8. On or around **December 20, 2022**, Human Resources (**Algae Vega Administrative Services Manager**) contacted Lt. Medina to inform him that he would be the subject of a disciplinary investigation regarding Bowie's euthanasia.
9. The Union is informed and believes that the **County** pursued disciplinary action against Lt. Medina in response to the media attention it received from Bowie's euthanasia.
10. On or around mid-December 2022, the Union is informed and believes that the Department intended to change employees work schedules from 9/80 to 5/40 schedules. At the time Union shop stewards heard rumors that the Department schedule changes were in response to the media attention it received from Bowie's euthanasia.

11. On or around January 12, 2023, Union Shop Steward Victor Gamont (“Gamont”) met with Acting Human Resources Manager Heather Zak (“Zak”) and Department Personnel Assistant Kevin Chang Sr. (“Chang”), to discuss Lt. Medina’s disciplinary investigation.
12. At the conclusion of Lt. Medina’s disciplinary investigation, Shop Steward Gamont addressed the rumors that management intended change the schedules from 9/80 to 5/40. Shop Steward Gamont informed the Zak and Chang that a change in shop steward schedules would constitute a violation of Article 40 Section 2. Zak and Chang did not address the rumors.
13. On or around January 18, 2023, the Department informed Lt. Medina that they would not take disciplinary actions against him.
14. On or around February 2, 2023, Animal Control Manager Lisa Eldridge sent an Interoffice Memorandum announcing the schedule change effective February 12, 2023. A true and correct copy of the Interoffice Memorandum is attached as Exhibit C.
15. To date, the County has changed (7) shop stewards schedules. The Union is informed and believes that the City pursued the schedule changes due Gamont successful representation of Lt. Medina. The Union is informed and believes that the City will continue to change shop steward schedules.

## **Violations**

### **Retaliation**

16. The Department’s decision to moved forth with changing the shop steward’s schedules after shop steward Gamont successfully represented Lt. Medina in a disciplinary investigation constitutes unlawful retaliation against shop stewards representation of Lt. Medina during investigatory proceedings. *See South Orange County Community College District (2022) PERB Dec. No. 2804.* Similarly, the Department’s decision to ignored Gamont’s notice and change the shop steward’s schedule is a retaliatory action against the role of shop steward. *Id.*

### **Unilateral Change and Repudiation of MOU**

17. Furthermore, the Department’s conduct constitutes an unlawful unilateral change in violation of Los Angeles County Employee Relations Ordinance (“ERO”) §§ 5.04.240(A)(1) and 5.04.240(A)(3) and has denied Local 721 rights guaranteed it by the MMBA, in violation of Government Code §§ 3506.5(b) and 3506.5(c). *See also* Government Code §§ 3503, 3504, 3504.5, and 3505. *See also Stockton Unified School District (1980) PERB Dec. No. 143.* Furthermore, the Department has repudiated Article 40 Section 2 of the MOU. *See Coalition of University Employees (2010) PERB Dec. No. 2101-H pp. 25-6* (finding an employer’s interpretation of a contractual provision that is contrary to the intended meaning constitutes a repudiation of the contract).

### **Interference**

18. The Department’s retaliation against shop steward and the unilateral change in their schedules has resulted in harm both to the employee’s and Union’s protected rights under the ERO and MMBA. *See Los Angeles County Employee Relations Ordinance §§ 5.04.070, 5.01.240(A)(1).* *See also MMBA § 3502. See City of San Diego (2020) PERB Dec. No. 2747-M, p. 36.*

## **Requested Remedy**

19. As a remedy, Local 721 seeks *inter alia*, an order requiring the Department to:

- a. Cease and desist from all unlawful conduct alleged herein;
- b. Rescind the 5/40 schedule and reestablish the 9/80 schedules for any shop steward whose schedule has been changed;
- c. Make shop stewards whole in all respects, including any economic losses attributed to the changes to their schedule;
- d. Refrain from changing the schedules of any shop steward whose schedule has not been changed from 9/80 to 5/40;
- e. Post a notice in conspicuous places concerning the Department's violations of the Employee Relations Ordinance and the Government Code; and
- f. Provide such other relief that ERCOM deems just and proper.