



LOS ANGELES COUNTY
 EMPLOYEE RELATIONS COMMISSION
 500 West Temple Street
 Hall of Administration, Room 374
 Los Angeles, CA 90012-2718
ERCOMfilings@bos.lacounty.gov
 213-974-2417

**CHARGE ALLEGING UNFAIR EMPLOYEE RELATIONS PRACTICE
 AGAINST MANAGEMENT**

INSTRUCTIONS:

- A. This charge may be filed pursuant of the Employee Relations Ordinance No. 9646, Section 5.04.240 (a)(b).
- B. Complete this form and submit an electronic .pdf copy to ERCOMfilings@bos.lacounty.gov.
- C. Charging Party is responsible for the notification to Respondent within (3) calendar days of filing and shall provide proof of service to ERCOM via ERCOMfilings@bos.lacounty.gov.

DO NOT WRITE IN THIS SPACE
CASE NO. _____
DATE FILED _____

Charge Against:

Name: Los Angles County Probation Departn Address: 9150 E. Imperial Highway, Downey, CA 90242

The above named Employer (employer) has engaged in and/or is engaging in unfair employee relations practices within the meaning of Section 12(a) subsection(s) 1, 2 and 3 of the Employee Relations Ordinance or Section _____ subsection(s) _____ of the Commission Rules and Regulations.

Basis of Charge: (Be specific as to facts/actions, names, addresses, dates, etc. Attach additional pages if required)

Within the last six months, the Employer (County of Los Angeles, Board of Supervisors and Probation Department) has unilaterally implemented changes in the terms and conditions of employment of employees in the charging partys bargaining unit without negotiating with the certified employee organization, charging party.

On about September 6, 2022, after a Closed Session of the Board of Supervisors, the Employer notified Local 685 that it would implement a specialized program to house Secure Youth Treatment Facility minors at its Campus Vernon Kilpatrick located in the Malibu Hills area of the County (SYTF Program). Pursuant to the Memorandum of Understanding (MOU) between Local 685 and the Employer, the Employer is required to notify and negotiate with Local 685 prior to implementation of a program that impacts the terms and conditions of employment (including safety protections, training, wellness, compensation for performance of for high-risk dangerous assignments) for Local 685 Bargaining Unit members. The Employer provided no notice to Local 685 prior to implementing this specialized program. The Employer did not provide any opportunity to negotiate, or negotiate with Local 685 prior to implementing this specialized program. The employer implemented its SYTF program without bargaining to conclusion or exhausting impasse resolution procedures as required under MMBA and the Employee Relations Ordinance.

Continued in Attachment to Unfair Practice Charge (Secure Youth Treatment Facility)

Requested Remedy (if applicable):

Order requiring the Employer immediately to cease and desist its Unfair Practice and bargain in good faith with the Certified Employee Organization / Charging Party prior to continuance of its unilaterally implemented specialized program (SYTF Program)

Charging Party:

Full Name of Party(ies) filing charge: (If Employee Organization give full name, including local and and/or number)
Los Angeles County Probation Officers Union, AFSCME Local 685, AFL-CIO

Contact Person: Esteban Lizardo Email: ELizardo@AFSCME685.com

Cell Phone: 818-516-4270 Office Phone: 213-386-5860

Mailing Address (include zip code): 3375 E. Slauson Avenue, Vernon, CA 90058

Additional Relevant Information:

Declaration

I declare that I have read the above charge(s) and verify under penalty of perjury that the statements therein are true to the best of my knowledge and belief.

Signature 

Printed Name Esteban Lizardo

Title: Attorney for Charging Party

For: AFSCME Local 685

Date: September 9, 2022

ATTACHMENT TO UNFAIR PRACTICE CHARGE

Within the last six months, the Employer (County of Los Angeles, Board of Supervisors and Probation Department) has unilaterally implemented changes in the terms and conditions of employment of employees in the charging party's bargaining unit without negotiating with the certified employee organization, charging party.

On about September 6, 2022, after a Closed Session of the Board of Supervisors, the Employer notified Local 685 that it would implement a specialized program to house Secure Youth Treatment Facility minors at its Campus Vernon Kilpatrick located in the Malibu Hills area of the County (SYTF Program). Pursuant to the Memorandum of Understanding (MOU) between Local 685 and the Employer, the Employer is required to notify and negotiate with Local 685 prior to implementation of a program that impacts the terms and conditions of employment (including safety protections, training, wellness, compensation for performance of for high-risk dangerous assignments) for Local 685 Bargaining Unit members. The Employer provided no notice to Local 685 prior to implementing this specialized program. The Employer did not provide any opportunity to negotiate, or negotiate with Local 685 prior to implementing this specialized program. The employer implemented its SYTF program without bargaining to conclusion or exhausting impasse resolution procedures as required under MMBA and the Employee Relations Ordinance.

Under California Senate Bills 92 and 823, as enrolled, a process began for the placement of court-adjudicated youth identified under the Division of Juvenile Justice (DJJ) to be transferred to the custody, care and supervision to the counties, including Los Angeles County. Following the establishment of this law, the County of Los Angeles engaged in the process of establishing specialized facilities within the Probation Department to house and undertake custody supervision of this specialized, extremely high-risk group of minors. Under Welfare and Institutions Code (WIC) Section 707(b), these former DJJ minors were adjudicated as having committed, inter alia, murder, rape, arson, robbery, ~~rape~~ and numerous other critically serious felony offenses. These minors previously were not housed in Probation Department facilities or supervised by Probation Department officers. Instead, these former DJJ minors were transferred to a state facility with enhanced supervision programs commensurate with the extreme nature of their adjudicated offenses. When under DJJ jurisdiction, each youth was housed in a separate living unit for safety and security reasons.

As a result of the transfer of these extremely high-risk serious offenders to the County's supervision, the Probation Department recognized the requirement to meet and confer with Local 685 regarding the implementation of the SYTF Program, a specialized program for the housing and supervision of these minors. Pursuant California State law and the County's own administrative rules, the

SYTF program requires specialized facilities with specialized security housing/living upgrades, and will require Deputy Program Officers (DPO) Detention Services Officers (DSO) and Group Supervisor Nights (GSN) (collectively Probation Officers) to perform specialized functions different than their current assignments, will require specialized training, may require a participating DPO to change their existing work schedule, and will require DPOs to perform work outside of their customary duties. The SYTF Program especially requires Local 685 Probation Officers to work in a significantly more dangerous, life-threatening environment.

In approximately January 2022, Local 685 began negotiations with the County for the purposes of entering into a successor MOU with the County. As part of its negotiation proposals, Local 685 made specific proposals to the Department regarding the Department's intent to implement the SYTF Program, a specialized program for these WIC 707(b) youth. The major thrust of Local 685's successor MOU proposals on the proposed SYTF Program focused on enhanced safety and security both for the Probation Officers and minors in the program. Despite presenting several specific bargaining proposals to the Employer in these negotiations, the Department never provided any responses to Local 685's safety, staffing, operational or compensation proposals, nor did the Department provide any counter proposals.

In an August 23, 2022 Media Statement, the Chair of the County Board of Supervisor's urged the immediate unilateral implementation and change in terms and conditions of bargaining unit employees by transferring these former DJJ minors to Camp Vernon Kilpatrick without meeting and conferring with the certified bargaining agent. This impermissible communication is direct dealing with employees and is intended to circumvent or denigrate the certified bargaining agent for employees.

On September 6th, the Probation Department notified Local 685 that it was implementing its SYTF Program beginning September 12th at its Camp Vernon Kilpatrick facility, a Non-Secure Campus Environment that specifically was built to house and supervise very low-risk youth in a minimally secure environment. In implementing this specialized program, the Employer also contacted Local 685 members directly without any notice to Local 685 prior to contacting its members for the express purpose of directly negotiating with Local 685 members to participate in the unilaterally implemented specialized program. This impermissible communication is direct dealing with employees and is intended to circumvent or denigrate the certified bargaining agent for employees. The Employer intends to begin operating this specialized program without any notice, negotiation, consultation or conferring with Local 685.

By these actions, the Employer has engaged in unilateral implementation policies and procedures that impact the terms and conditions of employees in charging party's bargaining unit. The Employer also has withheld information that is

material to the charging parties' representation of employees in its bargaining unit. The Employer's unilaterally implemented procedures also are designed and intended to interfere with the charging party's communication and representation of members of its bargaining unit in an intentional effort to restrain and coerce employees in the exercise of their rights under the County's Ordinance.

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Attorney for AFSCME Local 685

Certificate of Service:

I, Esteban Lizardo, served Unfair Labor Practice Charge (SYTF Program) on the County and Department by emailing a copy addressed to Jeffrey Hickman and Stacy Simpson on September 9, 2022, in Pasadena, California

A handwritten signature in black ink, consisting of a large, stylized initial 'E' followed by a long, horizontal, wavy line that tapers to the right.

ESTEBAN LIZARDO