

LOS ANGELES COUNTY
EMPLOYEE RELATIONS COMMISSION

RECEIVED
EMPLOYEE RELATIONS
COMMISSION

Charge alleging unfair employee relations practice
(Employee Relations Ordinance No. 9646, Section 12)

AUG 27 2008

INSTRUCTIONS: File original and 3 copies with Executive Officer of the Commission. Serve a copy on the charged party(ies) within 3 calendar days of filing date, and furnish proof of service to the Executive Officer.

Do not write in this space.

Case No. _____

Date filed _____

Charge against:

Name Office of the District Attorney, Los Angeles County
Address 18000 CCB 210 W. Temple St. L.A. Ca. 90012 (zip code)

The above named employer has engaged in and is engaging in unfair employee relations practices within the meaning of Section 5.04.240 & 5.04.160 subsection(s) 1A3 of the Employee Relations Ordinance or Section _____ subsection(s) of the Commission Rules and Regulations.

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

see attached

Full name of party(ies) filing charge: (If employee organization give full name, including local name and/or number.)

Person to Contact: Steven J. Rosen Telephone (213) 700-4133
Address 18000 CCB 210 W. Temple St.
Los Angeles, Ca 90012 (zip code)

DECLARATION

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

Dated: _____
Steven J. Rosen
(signature)
Title President
For Association of Deputy District Attorneys

AMENDED

Within 180 days immediately preceding the filing of this Unfair Charge, the Office of the Los Angeles County District Attorney Administration/Management, (hereinafter simply ADMINISTRATION), without notice to, or bargaining with, the Association of Deputy District Attorneys, (hereinafter ADDA), put into practice a change of terms and conditions of employment by implementing use of new Performance Evaluation (hereinafter P.E.), forms and a new Performance Evaluation process.

On March 24, 2008, ERCOM formally announced that the ADDA was officially a certified bargaining unit. During the pendency of the ADDA's unionization efforts, the ADMINISTRATION informed ADDA of its intentions to modify the P.E. process. On and after April 1, 2008, despite categorical objections lodged by the ADDA, modifications, which significantly change the employer/employee relationship, were implemented without meeting, conferring, negotiating, or bargaining.

Immediately upon formal declaration, by ERCOM establishing the ADDA as a "bargaining unit", the ADDA again formally notified the ADMINISTRATION of objections to the new P.E. and P.E process and requested that they cease and desist implementation until the parties met and conferred and an agreement could be reached. The ADMINISTRATION ignored these requests and instead implemented changes, to the detriment of the bargaining unit members. The ADDA then requested, in writing, that the county direct the ADMINISTRATION to postpone implementation. The County, through the response of their agent Don Washington, clearly acknowledged that the new P.E.s and P.E. process was only "proposed". The ADDA once again requested that the County intervene to halt implementation, but that request has been met by inaction leaving the ADDA with no alternative but to file this unfair labor practice complaint.

The ADMINISTRATION has now fully implemented the new P.E. process, without negotiation or bargaining. This was unilaterally effectuated over specific ADDA objection. The ADMINISTRATION action has thereby forced the ADDA into a weakened bargaining position and injured our relationship with members who expected a negotiation effort by the bargaining unit. By this action, the Office of the District Attorney, through its employees and agents, has failed to bargain and violated the Meyers-Milias-Brown Act and the Los Angeles County Employee Relations Ordinance.

Based on this complaint, we do hereby request that ERCOM issue a cease and desist order pursuant to LACC §5.04.160(E) against the Department of the District Attorney, ordering management to halt implementation and use of the new "P.E." forms and process and further ordering the ADMINISTRATION to rescind and invalidate any such previously issued evaluations performed with the new procedures. The ADDA further requests the names and employee numbers of all Deputy District Attorneys evaluated using the new form.