

LOS ANGELES COUNTY

EMPLOYEE RELATIONS COMMISSION

374 Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

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

INSTRUCTIONS: File original and 6 copies with Executive Director 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 Director	Do not write in this space Case No. _____ Date Filed _____
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- Charge against:  
Name: District Attorney's Office  
Address: 210 West Temple St. 18th floor, LA, CA 90012 (zip code)

The above named Employer (employer/employee organization) has engaged in and is engaging in unfair employee relations practices within the meaning of Section 5.04 subsection(s) 070 & 240 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

LOS ANGELES COUNTY  
EMPLOYEE RELATIONS COMMISSION

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

Association of Deputy District Attorneys,

AFSCME Local 2682

- Person to Contact: Tris Carpenter Telephone (213) 252-1313

Email: tris@afscme36.org Fax: (213) 487-9822

Address AFSCME District Council 36

514 Shatto Place Los Angeles, CA 90020

(zip code)

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.

Dated:



(signature)

Title: Business Representative

For: ADDA/AFSCME Council 36

On October 2, 2012, management representatives Janet Moore (Director of the Bureau of Branch and Area Operations Region I) and Julie Dixon Silva (counsel to the Employee Relations Division) of the District Attorney's Office (DAO) met with Tris Carpenter (ADDA business representative) and a grievant for a Level 2 grievance hearing as provided under the Memorandum of Understanding. The grievance involved a decision by the DAO to transfer the grievant after she had reported sexual harassment, domestic violence, trespassing, and potential grand theft auto on the part of co-worker. The grievant alleged that the decision made to transfer her (and not the co-worker) was discrimination based on gender, age and race.

After some discussion about the case, the meeting began to break down. It eventually reached the point where the grievant was badgered and repeatedly asked by Ms. Silva as to whether she (the grievant) thought Director Moore (who made the transfer decision) was a racist. Mr. Carpenter sought to end the meeting at that point, saying that the questioning was "over the line," and began to pack up his files to leave.

Director Moore and Ms. Silva protested that the meeting was not over, and told Mr. Carpenter that he did not know what he was talking about. Mr. Carpenter then stated that management had made a decision regarding the grievant's transfer, and they "blew it." At that point, Director Moore and Ms. Silva flew into a rage. Ms. Moore began shouting, calling Mr. Carpenter a "paid lackey whose only existence was to draw a salary from the dues paid by the members of the union." Mr. Carpenter tried to defuse the situation, and told them that this behavior was "a mistake," but Ms. Moore stated that "you (the grievant) can stay but you (Mr. Carpenter) can get the fuck out of my office." As Mr. Carpenter was leaving, the grievant tried to calm down Director Moore, but Director Moore persisted, and continued to yell at her staff to "get him (Mr. Carpenter) the fuck out of here."

After Mr. Carpenter left, Director Moore continued to meet with the grievant. Specifically, Director Moore asked the grievant if she was going to pursue the matter to Level 3 of the grievance process.

The DAO violated the grievant's rights under ERO 5.04.070 by refusing to allow an employee the union representative of their choosing. The same section was also violated by intimidating and coercing the employee after the exercise of her rights by forcing her to meet with the Director.

The DAO also violated ERO 5.04.240 and committed an unfair employee relations practice by restraining the exercise of the rights granted by the ERO when DAO managers refused to allow the grievant to have the representative of her choosing. Further, by exhibiting such anti-union animus, the DAO violated the same section, by effectively restraining and coercing employees in their exercise of their rights to avail themselves of union representation and file grievances under the terms of the MOU.