

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: October 21, 2004

To: All Department Heads (except DWP)
Department Personnel Directors

From: William T Fujioka, City Administrative Officer



Subject: **GUIDELINES REGARDING COMPETING EMPLOYEE ORGANIZATIONS**

This memorandum offers guidelines on dealing with competing employee organizations. It replaces my memorandum to the Heads of All Departments entitled "Affiliation Petition" (March 19, 2002).

In recent weeks, these issues again have arisen as the result of the formation of four new employee organizations. Engineers and Architects Association ("EAA") has filed three unfair employee relations practice charges against City management alleging "unlawful interference." Over the coming months, we expect further activity involving competing employee organizations. Although facts of specific incidents will vary widely, the following are some general guidelines for avoiding "unlawful interference."

Applicable law, including the Employee Relations Ordinance, provides that employees may chose between labor organizations, without interference by management: Section 4.857 of the Employee Relations Ordinance ("ERO") provides that City employees have the right "to form, join, and participate in the activities of employee organizations of their own choosing", and that "no employee shall be interfered with . . . because of his exercise of these rights." Generally, any management action that "tends to interfere with the free exercise of employee rights" violates the ERO.

City managers and supervisors also have the right to engage in protected activity. However, as noted below, such employees may not use their City positions to influence other employees to favor one employee organization over another.

Use of City facilities and posting of flyers: Departments permit qualified employee organizations to use certain City facilities (when available) for meetings, if such use would not interfere with normal department operations, and if the scheduled meeting would permit employees to attend on their own time. The employee organization should be responsible for set up, security, and clean up.

Management must avoid inconsistency in procedures relating to the use of facilities. For example, each employee organization should be required to use the same process to reserve facilities. On the other hand, if a department does not permit the public

(including employee organizations) to use certain rooms, it must consistently enforce that prohibition.

Similarly, if a department requires certain procedures to be followed before flyers can be posted, it may not permit any organization to post flyers without following those procedures. Management should remove flyers posted by non-complying employee organizations as soon as practicable.

Enforcement of work rules: In dealing with employee organization issues, departments must continue their enforcement of work rules, consistent with their established enforcement practices. For example, if a department enforces a rule against the personal use of telephones or e-mail, it must enforce that rule consistently, even if the subject of a telephone call or e-mail is employee organizational activity. Alternatively, if a department permits moderate personal use of telephones or e-mail, the department may not forbid the moderate use of telephones or e-mail that relates to employee organization activity.

Other issues: As noted above, managers and supervisors have the right to engage in protected activity, but they must not take action in their official roles that would favor one organization over another. For example:

- Managers and supervisors may attend and participate in off-duty meetings, in a non-official capacity. However, managers and supervisors should never direct employees to attend a meeting held by one employee organization or the other. They should not permit any such meetings to be held on City time. And they should not permit a work-related meeting to evolve into a discussion of employee organizations. Such discussions should be strictly limited to off-duty time and to participants who attend voluntarily, without being influenced by their managers or supervisors.
- Managers and supervisors may not provide information about non-represented employees to an employee organization that would not be provided to any individual or organization under the same conditions. (Note that an employee organization that is an exclusive bargaining representative may have a broader right to information, as a result of a Memorandum of Understanding.)
- Managers and supervisors should not use their City titles on bulletins or flyers produced by an employee organization to influence the outcome of a dispute between rival organizations. Such use of City titles might give the erroneous impression that management favors one organization over another.

For advice in specific situations or to report any complaints by an employee organization, please contact Royce Menkus, City Administrative Office, Employee Relations Division, at 978-7660.

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c: All City Council Members