

ROTHNER, SEGALL, GREENSTONE & LEHENY
ATTORNEYS

510 SOUTH MARENGO AVENUE
PASADENA, CALIFORNIA 91101-3115

GLENN ROTHNER
ANTHONY R. SEGALL
ELLEN GREENSTONE
EMMA LEHENY

JEAN SHIN
MICHELE S. ANCHETA
RICHA AMAR
JONATHAN COHEN
LISA C. DEMIDOVICH
SANAM MAHLOUJJI

TELEPHONE:
(626) 796-7555

FACSIMILE:
(626) 577-0124

WEBSITE:
WWW.RSGLLABOR.COM

May 13, 2009

FOR IMMEDIATE ATTENTION
VIA PERSONAL DELIVERY

Robert R. Bergeson, Executive Director
Los Angeles City Employee Relations Board
200 North Main Street, Suite 1100
Los Angeles, California 90012

Re: Application for Accelerated Action on Claim
(Employee Relations Board Rule 8.22)

Dear Mr. Bergeson:

The recognized employee organizations named as claimants in the enclosed Unfair Employee Relations Practice Claim hereby apply for the Board to take accelerated action on their Claim, pursuant to Employee Relations Board Rule 8.22.

The employer conduct challenged in this Claim will take effect on or before June 11, 2009 and will affect virtually all civilian employees of the City. Given the immediacy and gravity of the conduct challenged, sufficient grounds exist for accelerated action on the Claim.

The Claimants are prepared to provide evidence in support of both this application and the enclosed Claim. As an initial matter, Claimants will appear during the public comment period of the Board's May 18, 2009 meeting.

Thank you for your attention to this urgent matter. If you have any questions, please do not hesitate to contact either myself or Robert Hunt.

Very truly yours,


Emma Leheny

EL/rr

Enclosure

cc: Office of the Mayor c/o City Attorney

**CITY OF LOS ANGELES
EMPLOYEE RELATIONS BOARD**
200 NORTH MAIN STREET, SUITE 1100
LOS ANGELES, CALIFORNIA 90012
(213) 473-9700

**UNFAIR
EMPLOYEE RELATIONS
PRACTICE CLAIM AGAINST
MANAGEMENT**

1. **Who May File a Claim:** In accordance with §4.860 C of the Los Angeles City Employee Relations Ordinance, a claim of unfair employee relations practice may be filed against management by an employee representative, an individual employee or a group of employees, or by a management representative.
2. **How to File:** Within 90 days after the occurrence of the alleged unfair employee relations practice, file a typewritten original and eight copies of the claim with the Employee Relations Board and simultaneously serve one copy of the claim directly on the party or parties against whom the claim is directed. Use additional sheets if necessary. You may file the claim in person or by mail; you may not file a claim by fax. Refer to Employee Relations Board Rule 8 for additional requirements and procedures.

3. Name of Claimant:

Please see page 2.

4. Claimant's Address:

Please see page 2.

5. Claimant's Telephone Number:

Please see page 2.

6. Claimant's Representative (e.g., attorney):

Please see page 2.

7. Claimant's Representative's Address:

Please see page 2.

8. Claimant's Representative's Telephone Number:

Please see page 2.

9. Name of Employer Charged:

City of Los Angeles

10. Employer's Address:

200 North Hill Street
Los Angeles, CA 90012

11. Employer's Telephone Number:

(213) 485-2121

12. Management has violated and/or is violating the following sections of the Los Angeles City Employee Relations Ordinance (check all boxes that apply): §4.860 A, 1 , 2 , 3 , 4 , and/or 5 .

13. Basis of this claim (be specific about facts, names, dates, and places; use additional sheets if needed):

Please see page 3.

14. Other attempts to remedy this alleged violation, and the results of those attempts.

Not applicable.

15. I declare that I have read this charge and that the statements herein are true and factual to the best of my knowledge and belief.

By Emma Leheny
(Claimant)

Attorney
(Title)

Emma Leheny
(Signature)

5/13/09
(Date)

DO NOT WRITE IN THIS BLOCK
CLAIM NUMBER:

DATE FILED:

NOTE: If this claim is filed by more than one party, the signatures of the additional parties must be provided on an attached sheet.

SUPPLEMENT TO COVER SHEET
(For Unfair Employee Relations Practice Claim, filed May 13, 2009)

The parties filing this claim (collectively, "Claimants") are:

American Federation of State, County, and Municipal Employees,
District Council 36
514 Shatto Place, 3rd Floor
Los Angeles, California 90020
Telephone: (213) 487-9887
Facsimile: (213) 487-9822

Service Employees International Union, Local 721

Los Angeles/Orange County Building & Construction Trades Council

International Union of Operating Engineers, Local 501

International Brotherhood of Teamsters, Local 911

Laborers International Union, Local 777

The Claimants are represented by:

Emma Leheny, Esq.
Rothner, Segall, Greenstone & Leheny
510 South Marengo Avenue
Pasadena, California 91101
Telephone (626) 796-7555
Facsimile (626) 577-0124

Robert F. Hunt, Esq.
Service Employees International Union, Local 721
309 South Raymond Avenue
Pasadena, California 91105
Telephone (626) 463-0470
Facsimile (626) 463-1053

BASIS OF CLAIM

(Attachment to Unfair Employee Relations Practice Claim, filed May 13, 2009)

1. The Claimants are recognized employee organizations that represent employees of the City of Los Angeles (the "City").
2. On or around May 12, 2009, the City announced a change to the working hours, working days, and wages of virtually all civilian employees of the City [see May 12, 2009 Letter from Mayor Villaraigosa, attached as Exhibit "A"]. Specifically, the City stated that it will establish workweeks of fewer than 40 hours for City employees. The City also stated that it will reduce the number of workdays for City employees by 26 days per year. Employees affected by these changes to working hours and working days will lose a corresponding amount of pay. The City stated that these changes will be implemented on or before June 11, 2009 [see Exh. A].
3. The City further stated that it would not meet and confer with recognized employee organizations over the changes in working hours, working days and wages [see Exh. A]. The City stated that it would only agree to meet and confer regarding the impacts of these changes [see Exh. A].
4. By the conduct described above, the City violated its obligation to provide advance notice to recognized employee organizations, of an ordinance, rule, resolution or regulation relating to matters within the scope of representation. The City also violated its obligation to meet and confer in good faith on matters relating to wages, hours and other terms and conditions of employment. This conduct violated §§ 4.830, 4.850 and 4.860 of the Employee Relations Ordinance of the City of Los Angeles.
5. As a remedy, the Claimants respectfully request that the City be ordered to cease and desist from making changes to the wages, hours and other terms and conditions of employment without first providing notice and meeting and conferring with recognized employee organizations. To the extent that the City has already made, or makes before resolution of this claim, changes to wages, hours and other terms and conditions of employment, Claimants further request that these changes be rescinded; that the City be ordered to make employees whole for wages, benefits and other compensation lost as a result of the City's unilateral changes; and that the City be ordered to pay interest on lost wages, benefits and other compensation, calculated at the legal rate.

EXHIBIT A



ANTONIO R. VILLARAIGOSA
MAYOR

May 12, 2009

Honorable Members of the City Council
c/o City Clerk
Room 395, City Hall

Dear Council Members:

The unprecedented downturn in the national and regional economy, combined with the impact on our pension investments, has led the City to a fiscal crisis of growing and unanticipated proportion. As a result, we are poised to adopt a budget that will require substantial change to our existing workforce.

The gravity of the fiscal emergency that we face is enormous. Our budget deficit for 2009-10 is approximately \$529 million. The anticipated deficit for fiscal year 2010-11 exceeds \$1 billion. The necessary lag time in realizing actual savings through cost reductions demand that we address this gap immediately. Unless we act with urgency, the City will also face a cash flow crisis, raising the prospect of running out of cash sometime between November 2009 and February 2010.

I therefore request that the City Council adopt a resolution declaring a fiscal emergency. I also request that the Council adopt, as an urgency ordinance, a measure to permit City management to establish alternate workweeks of less than 40 hours for all civilian City classifications. Once this measure is approved, I intend to propose and implement a plan of mandatory furloughs for virtually all civilian City employees.

In light of this intention, I have requested that the City Administrative Office (CAO) invite the City's labor representatives to discuss the impact of a mandatory plan requiring up to 26 furlough days for civilian City employees next fiscal year. These meetings should go forward immediately, as I intend to implement the furlough plan within 30 days of this letter unless discussions lead to workable alternative solutions.

In addition to the steps necessary to begin the furlough program for civilian employees, the City must also commence a targeted layoff program. With the declaration of a fiscal emergency, this program will commence on July 1, 2009, with 1,000 targeted layoffs and include a phase-in of potentially thousands more layoffs during the upcoming fiscal year. These layoffs will focus on management positions as well as line staff.



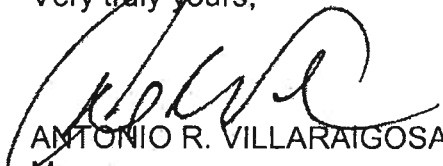
Honorable Members of the City Council
May 12, 2009
Page 2

I will also be working with the City Council and our labor representatives to develop and implement a capped and targeted program to permanently reduce our civilian workforce through a cash-based incentive program. This strategy differs from an early retirement incentive program previously under discussion because it would not add to an already significant unfunded liability in our pension funds.

All of these measures will have a severe adverse impact on the City workforce, City services and the residents that we serve. To address this, I will immediately convene our department general managers in order to develop a plan to minimize service reductions to the greatest extent possible, and will continue to vigorously pursue cost-saving solutions with our City workforce to limit the number of layoffs and maintain as many services as possible.

We have established strong relationships with many of the labor organizations representing our workforce, and it remains my hope that we can address this unprecedented fiscal emergency as partners. Discussions between management and labor should continue to pursue our joint interest in maintaining a sustainable City workforce, with quality services for our residents.

Very truly yours,



ANTONIO R. VILLARATEGOSA
Mayor

PROOF OF SERVICE BY PERSONAL DELIVERY
C.C.P. 1013a

I declare that I am employed in the County of Los Angeles, California.
I am over the age of 18 years and not a party to the within entitled cause. The address of my
business is 1706 So. Figueroa Street, Los Angeles, CA 90015

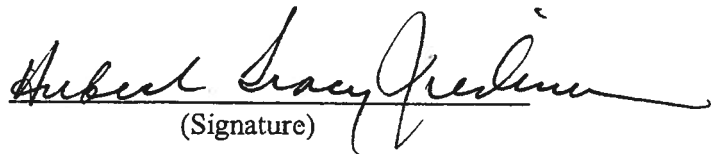
On May 13, 2009, I served the Unfair Employee Relations
Practice Claim Against Management

on the parties listed below by personally delivering a true copy to the business office/place of
hearing, addressed as follows:

Office of the City Attorney
800 City Hall East
200 North Main Street
Los Angeles, California 90012

I declare under penalty of perjury that the foregoing is true and correct and that this
declaration was executed on May 13, 2009, at Pasadena,
California.

Hubert Riedeman
(Type or print name)


(Signature)