

EMPLOYEE RELATIONS COMMISSION  
374 Hall of Administration  
500 West Temple Street Los Angeles, California 90012

NOTICE OF IMPASSE

1. Date. September 30, 2021
2. Filed by: Coalition of County Unions  
Blaine Meek, Chair  
2 Cupania Circle  
Monterey Park, CA 91755  
(626) 243-0340
3. Unit: All bargaining units represented by:  
  
AFSCME Council 36  
AFSCME Local 685  
Association for Los Angeles Deputy Sheriffs  
Los Angeles County Building and Trades Council  
California Association of Professional Employees  
California Federation of Interpreters, CWA Local 39000  
Committee of Interns and Residents  
International Union of Operating Engineers, Local 501  
Los Angeles County Lifeguard Association  
Los Angeles County Firefighters Assoc., Local 1014, IAFF  
Professional Peace Officers Association  
Teamsters Local 911  
Union of American Physicians and Dentists
4. Management Representative:  
  
Tim Pescatello
5. List dates of negotiation sessions held: August 25, 2021; August 26, 2021; September 8, 2021; September 10, 2021; September 14, 2021; September 24, 2021; and September 29, 2021.
6. Issues in dispute: On August 4, 2021, the Chair of the County Board of Supervisors, Hilda Solis, issued an Executive Order requiring the County's Chief Executive Officer to establish a mandatory vaccination policy for County employees to be "effective

immediately.” The Policy would require “all County employees to provide proof of full vaccination by October 1, 2021.” The County provided no advance notice to the Coalition, any of the representatives of the Coalition, or the membership of the members of the Coalition, that it intended to either develop or implement a mandatory vaccination program.

Through the course of negotiations, the County repeatedly engaged in direct dealing with the membership of the members of the Coalition, and on many occasions communicated directly with the membership about a variety of aspects of its proposed vaccination policy.

Supervisor Solis’ Executive Order had no force and effect unless it was ratified by the Board of Supervisors. On August 10, 2021, the Board ratified the Executive Order. The motion ratifying the Executive Order required the Chief Executive Officer to “engage with the County’s labor partners regarding the effects of the vaccination policy.”

The County’s first proposal in the negotiations that followed the ratification of the Executive Order required that employees be “fully vaccinated” by October 1, 2021. The proposal defined “fully vaccinated” as beginning 14 days following receipt of the last vaccination in a COVID-19 vaccination regimen. By the time the parties first met in bargaining on August 25, 2021, it was physically impossible for non-vaccinated employees to become “fully vaccinated” by October 1 if they received either the Moderna or Pfizer vaccines simply because there was not enough time before October 1 to receive both injections in either regimen and for fourteen days to pass after the second injection.

The County’s first formal proposal required the County to impose discipline on employees who were non-compliant with what the County described as the “vaccine mandate” if those employees did not qualify for a religious or medical exemption from the mandate. The County proposed a two-step disciplinary process: a five-day unpaid suspension followed by, if the employee remained out of compliance with the policy, involuntary termination of employment.

Throughout the course of the negotiations, the Coalition proposed alternatives to termination. Those alternatives included:

- A. As the County had provided virtually no training to employees on the benefits and risks of vaccination, the Coalition proposed a joint training program to be viewed by all members of the Coalition’s unions. The proposal called for the Coalition and the County to quickly develop a training curriculum, select trainers, and record the training. The purpose of the training was to encourage County employees to become vaccinated. The proposal stated:

“Prior to October 1, 2021, impacted labor organizations shall have the opportunity to participate in a recorded training video aimed at members of

the Department(s). The video shall be 45 minutes in length and shall focus on vaccine development, efficacy, risks, and alternatives. Participants in the training video shall include the Vaccination Coordinator, who will moderate the “Q&A” format of the video, two representatives of the Department of Public Health, and, at the option of the labor organization, a representative of the labor organization and/or a medical resource individual selected by the labor organization. The parties will agree in advance as to the questions that will be asked and answered in the video. The purpose of the video will be to inform employees of the latest scientific information on COVID-19 vaccination.”

The County rejected this proposal and made no counter proposal other than to adhere to its position that non-compliant employees should receive a five-day unpaid suspension and then be terminated.

- B. The Coalition proposed that the County and the Coalition select “vaccination coordinators” in the County’s various departments. The vaccination coordinators would receive training on the latest scientific information concerning vaccination and would be able to meet with employees and Coalition representatives to encourage employees to become vaccinated. The County rejected this proposal and made no counter proposal other than to adhere to its position that non-compliant employees should receive a five-day unpaid suspension and then be terminated.
- C. The Coalition proposed that non-compliant, non-exempt employees be subject to enhanced testing and masking requirements, a strategy used by most large public employers in California. The County rejected this proposal and made no counter proposal other than to adhere to its position that non-compliant employees should receive a five-day unpaid suspension and then be terminated.
- D. Concerned that the County’s proposal would harm the County’s citizens by causing the permanent termination of employment of experienced County employees, the Coalition proposed that non-compliant employees be subject to an involuntary non-disciplinary layoff for the shorter of (1) The time taken by the employee to come into compliance with the vaccination requirement; or (2) The duration of the declared health emergency posed by the COVID pandemic. The County rejected this proposal and made no counter proposal other than to adhere to its position that non-compliant employees should receive a five-day unpaid suspension and then be terminated.
- E. The Coalition proposed that in addition to the religious and medical exemptions described in the County’s proposal there should be a third exemption, “if supported by guidance from the Centers For Disease Control,” for employees with a “prior COVID-19 diagnosis with an antibody level at least equivalent to that produced by

full vaccination.” The County rejected this proposal and made no counter proposal other than to adhere to its position that non-compliant employees should receive a five-day unpaid suspension and then be terminated.

On September 29, 2021, the County’s representatives informed the Coalition that the Board of Supervisors had given the representatives no authority other than to agree to a policy that called for non-compliant employees to receive a five-day unpaid suspension and then be terminated.

On September 29, 2021, the Coalition asked the County how many of its employees were “fully vaccinated.” The County informed the Coalition that it did not know what percentage of County employees were unvaccinated. During the negotiations process, representatives from both the County and the Coalition hypothesized that the number of unvaccinated employees subject to termination under the County’s proposal could be at least “in the thousands.”

The Coalition has repeatedly informed the County in negotiations that the County’s suspension/termination policy will result in a serious disruption of the County’s provision of essential services, with profound effects on public health and safety. For example, the Coalition has provided the County with examples of how the wholesale termination of County employees would impair the provision of lifeguard, firefighting, and law enforcement services, the provision of child welfare and other social services, the ability of the County to maintain staffing in correctional facilities, the ability of citizens to obtain building and other permits from the County, and numerous other significant impacts. The Coalition has pointed out that the speed demanded by the County’s proposal has deprived the County of any understanding of how many employees will be terminated for non-compliance with the County’s proposal, and thus with any understanding of the extent to which the County’s services will be disrupted. Nonetheless, the County continues to adhere to its suspension/discharge proposal.

7. This is a request for appointment of a Mediator, submitted by the Coalition of County Unions.
8. This notice and request is submitted by the Coalition of County Unions.
9. Provide any other relevant information and/or facts: in addition to issues described above, the Coalition and the County remain at impasse over all mandatorily negotiable affects of the County’s proposed vaccination policy.

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- A copy of this Notice of Impasse this date has been served on Manager of the Chief Executive Office, Tim Pescatello, at 500 West Temple Street, Room 774, Los Angeles, California 90012; TPescatello@ceo.lacounty.gov

A handwritten signature in black ink, appearing to read "Blaine J. Meek". The signature is written in a cursive style with a horizontal line underneath.

Signature of CCU Chair