

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.24
(ID # 19560)

MEETING DATE:
Tuesday, July 12, 2022

FROM : HUMAN RESOURCES AND County Counsel :

SUBJECT: HUMAN RESOURCES & COUNTY COUNSEL: Riverside Sheriff's Association Unit Modification Petitions; and amend Ordinance No. 440 pursuant to Resolution No. 440-9275 submitted herewith., All Districts. [Total Cost \$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Formally approve and adopt the written decision reflecting the Board's vote of June 28, 2022, granting the Petitions from RSA to modify the bargaining units represented by SEIU and LIUNA and move the Supervising Welfare Fraud Investigators and Welfare Fraud Investigators to a bargaining unit represented by RSA.
2. Amend Ordinance No. 440 pursuant to Resolution No. 440-9275.

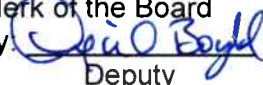
ACTION:Policy


Michael Bowers, Assistant HR Director 7/7/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Hewitt and duly carried, IT WAS ORDERED that the above matter is approved as recommended and that Resolution 440-9275 is adopted as recommended.

Ayes: Jeffries, Spiegel, Washington and Hewitt
Nays: None
Absent: Perez
Date: July 12, 2022
xc: HR, Co.Co.

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$0	\$0	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 22/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside Sheriff's Association (RSA) filed two petitions to move the Welfare Fraud Investigator and Supervising Welfare Fraud Investigator classification series into the Law Enforcement Bargaining Unit, which consists of Deputy Sheriff's and Investigators. Both the Laborers' International Union of North America, Local 777 (LIUNA) and Service Employees International Union, Local 721 (SEIU) have filed challenges to RSA's petition. There are 17 incumbents in the Welfare Fraud Investigator classification currently represented by LIUNA and there are 3 incumbents in the Supervising Welfare Fraud Investigator classification currently represented by SEIU.

Per Section 10(7) of the Employee Relations Resolution (ERR), the matter was to be presented before the Board of Supervisors to decide which is the appropriate unit for the Welfare Fraud Investigator job classification series to be in.

On June 28, 2022, a public hearing on the petitions came before the Board of Supervisors. After arguments by counsel and the presentation of witness statements, the matters were opened for public comment. Following the closing of the public comment period, the Board voted to: (1) Move the Welfare Fraud Investigator from LIUNA to RSA and to direct staff to come back at a later time with a written decision supporting the same; and, (2) Move the Supervising Welfare Fraud Investigator from SEIU to RSA and to direct staff to come back at a later time with a written decision reflecting the same. Both votes passed 4-0, with Supervisor Washington absent from the final vote. The effective date of the transition is the first full pay period following June 28, 2022, which is June 30, 2022.

The attached written decision is provided to document the public proceedings and the Board's decision of June 28, 2022.

Impact on Residents and Businesses

Approval of this recommendation will have no direct impact to residents or businesses.

Attachments:

Decision of the Board of Supervisors for the County of Riverside Pursuant to Section 10 of the Employee Relations Resolution.

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

Resolution No. 440-9275

Dave Rogers
Dave Rogers, Chief Administrative Officer 7/7/2022

1 RESOLUTION NO. 440-9275

2
3 BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on July 12, 2022, that pursuant to Section 8(c) of Ordinance No. 440, the Director
5 of Human Resources is authorized to amend the Class and Salary Listing of Ordinance No. 440, with an
6 operative date *retroactive to June 30, 2022*, as follows:

7

8 <u>Job Code</u>	<u>Class Title</u>	<u>From Salary Plan/Grade</u>	<u>To Salary Plan/Grade</u>
9 37591	Welfare Fraud Investigator	LIU 632	RSA 131
10 37594	Welfare Fraud Investigator A	LIU 649	RSA 141
11 37595	Welfare Fraud Investigator B	LIU 661	RSA 153
12 37592	Supervising Welfare Fraud Investigator	SEUS 370	RSA 170
13 37598	Supervising Welfare Fraud Investigator A	SEUS 389	RSA 177
14 37599	Supervising Welfare Fraud Investigator B	SEUS 407	RSA 190

15 ROLL CALL:

16 Ayes: Jeffries, Spiegel, Washington and Hewitt
17 Nays: None
18 Absent: Perez

19
20
21 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
22 Supervisors on the date therein set forth.

23 KECIA R. HARPER, Clerk of said Board

24
25 By: _____
26 Deputy

27 /kc
28 07/07/2022
440 Resolutions\KC

7-12-2022 3.24

1 RESOLUTION NO. 440-9275

2
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4 regular session assembled on July 12, 2022, that pursuant to Section 8(c) of Ordinance No. 440, the Director
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15 ROLL CALL:

16 Ayes: Jeffries, Spiegel, Washington and Hewitt
17 Nays: None
18 Absent: Perez

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21 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
22 Supervisors on the date therein set forth.

23 KECIA R. HARPER, Clerk of said Board

24
25 By: 
26 Deputy

1
2
3
4 In the Matter of Petition for Unit Modification Between

5
6 RIVERSIDE SHERIFFS' ASSOCIATION,)
7)
8 Petitioner)

9 and)

10)
11 LABORERS' INTERNATIONAL UNION OF)
12 NORTH AMERICAN LOCAL 777; and)
13 SERVICE EMPLOYEES INTERNATIONAL)
14 UNION, LOCAL 721,)
15 Respondents.)

**DECISION OF THE BOARD OF SUPERVISORS
FOR THE COUNTY OF RIVERSIDE
PURSUANT TO SECTION 10 OF THE
EMPLOYEE RELATIONS RESOLUTION**

Hearing Date: June 28, 2022
Hearing Time: 1:30 p.m.
Hearing Location: John F. Tavaglione Executive
Annex
4080 Lemon Street, Riverside, CA 92501
Virtual appearances also offered via Zoom

16 On June 28, 2022, the petitions of the Riverside Sheriffs' Association ("RSA") concerning the
17 Welfare Fraud Investigators ("WFIs") and Supervising Welfare Fraud Investigators ("SWFIs") who work
18 within the County of Riverside's Department of Public Social Services ("DPSS") came on before the Board
19 of Supervisors ("Board") as provided for in Section 10 of the County's Employee Relations Resolution 99-
20 379 ("ERR"). Following a review of the evidence, a public hearing, and testimony from involved parties,
21 the Board voted to permit the transfer of the WFIs and SWFIs to RSA's Law Enforcement Unit ("LEU")¹.
22 The following is the Board's written decision confirming such vote.

23 ///

24 ///

25 ///

26 ///

27 _____
28 ¹ The Board's final vote on both petitions was 4-0, with Supervisor Washington absent at the times the vote were taken.

1 **APPEARANCES**

2 Appearances were made by the counsel listed below during the hearing on June 28, 2022:

3

4 For the Petitioner, RSA:	For the Respondent, LIUNA:	For the Respondent, SEIU:
5 Adam Chaikin of the Law Office 6 of Olins & Chaikin 7 2214 Second Avenue, San Diego, 8 CA 92101 9 Phone: (619) 333-2457 10 Fax: (619) 363-3800 11 Chaikin@laborlawoc.com	12 Calos Coye 13 Rothner, Segall & Greenstone 14 510 South Marengo Avenue 15 Pasadena, California 91101-3115 16 Phone: (626) 796-7555 17 Fax: (626) 577-0124 18 ccoye@rsglabor.com	19 Calos Coye 20 Rothner, Segall & Greenstone 21 510 South Marengo Avenue 22 Pasadena, California 91101-3115 23 Phone: (626) 796-7555 24 Fax: (626) 577-0124 25 ccoye@rsglabor.com

11 **BACKGROUND**

12 On August 9, 2021, pursuant to the procedures set forth in Section 10 of the County's ERR², RSA
13 submitted two petitions to the County on, proposing to move the WFIs and SWFIs from their current
14 bargaining units into a bargaining unit represented by RSA. Employees in these two classifications were
15 being represented by the Inspection and Technical Bargaining Unit of Labors International Union of North
16 America ("LIUNA"), Local 777, and the general Supervisory Unit of Service Employees International
17 Union ("SEIU"), Local 721, respectively. Included with their petitions, RSA submitted the signatures of
18 all WFIs and SWFIs within the County indicating a desire to be represented by RSA³.

19 WFIs and SWFIs are peace officers within the meaning of Cal. Penal Code §830.35(a). The primary
20 function of a WFI is to investigate welfare fraud by gathering evidence through interviewing witnesses and
21 compiling documentation, and ultimately referring the case to the District Attorney's office if warranted.
22 Specifically, the main function of a WFI is to "conduct a variety of complex and sensitive enforcement
23 investigations related to suspected fraudulent receipt of aid and obtain and present facts and evidence in
24

25 ² Cal. Gov't Code §3507 provides that "a public agency may adopt reasonable rules and regulations after consultation in good
26 faith with representatives of a recognized employee organization or organizations for the administration of employer-employee
27 relations ..." The agency's rules shall be followed when making appropriate unit determinations. (Cal. Gov't Code §3507.1(a)).
Accordingly, the County adopted its own Employee Relations Resolution setting forth the County's rules and regulations.

28 ³ Enclosed with the petition were 22 employee authorization cards evidencing the WFIs and SWFIs who desired representation
by RSA, representing 100% of the WFIs and SWFIs working for the County at the time.

1 support of administrative action or prosecution.” (Fact Finder’s Findings, Opinion and Recommendation
2 “Prihar Opinion, 3:5-14.) The main job function of a SWFI is to “supervise the activities of sworn and non-
3 sworn personnel assigned to investigations related to suspected fraudulent receipt of aid and obtain and
4 present facts and evidence in support of administrative action or prosecution.” (Prihar Opinion, 3:14-17.)
5 At present, the County employs 17 WFIs and 3 SWFIs⁴.

6 On September 24, 2021, by and through their counsel, SEIU provided the County with a response
7 and opposition to RSA’s petition concerning the SWFIs. Specifically, SEIU argued that “the factors the
8 County relies on to determine the appropriate employee representation unit, including the community of
9 interest among employees, weighs in favor of maintaining the status quo and keeping Local 721 as the
10 exclusive representative of the SWFIs.” (SEIU Opposition, 1-2.) Several arguments were raised by SEIU
11 in their correspondence, including:

- 12 • Local 721 has been the exclusive representative of County employees in several of these bargaining
13 units, including the Supervisory Unit, for a prolonged period of time. (SEIU Opposition, 2.)
- 14 • Unlike RSA-represented LEU members, SWFIs are miscellaneous members of the California Public
15 Employees’ Retirement System (“CalPERS”) and, are not considered public safety members of
16 CalPERS. (SEIU Opposition, 2.)
- 17 • Besides presenting signatures showing support for severance, RSA’s petition provides the County
18 absolutely no analysis of how the community of interest factors, or the County’s remaining section
19 7 factors, support severance or unit modification. (SEIU Opposition, 3.)
- 20 • RSA cannot show that there is a substantial community of interest between any RSA-represented
21 bargaining unit on the one hand, and SWFIs on the other as: there is nothing distinct about an
22 SWFI’s job functions and duties that would make their inclusion in an RSA-represented unit more
23 appropriate than their continued inclusion in an established Local 721-represented bargaining unit;
24 and there is no evidence of any meaningful interchange between the RSA-represented employees
25 and SWFIs. (SEIU Opposition, 4-5.)

26
27
28 ⁴ During the hearing, RSA confirmed that there is currently one SWFI vacancy due to a recent retirement.

- 1 • SWFIs, like several of the County’s Local-721 represented supervisors in the Supervisory Unit, are
2 part of the DPSS and, ultimately, report to the Assistant Director of Public Social Services. (SEIU
3 Opposition, 6-7.)
- 4 • Employees’ desires alone are immaterial in determining an appropriate unit. *Los Angeles Unified*
5 *School District*, PERB Dec. No. 1267. (SEIU Opposition, 7.)

6 Similarly, on October 15, 2021, by and through their counsel, LIUNA provided the County with a
7 response and opposition to RSA’s petition concerning the WFIs. Specifically, LIUNA argued that “the
8 factors the County relies on to determine the appropriate employee representation unit, including the
9 community of interest among employees, weighs in favor of maintaining the status quo and keeping Local
10 777 as the exclusive representative of the WFIs.” (LIUNA Opposition, 1-2.) Several arguments were raised
11 by LIUNA in their correspondence, including:

- 12 • Local 777 has been the exclusive representative of County employees in several of these bargaining
13 units, including those in the Inspection and Technical Unit, for a prolonged period of time. (LIUNA
14 Opposition, 2.)
- 15 • Unlike RSA-represented LEU members, WFIs are miscellaneous members of the CalPERS and, are
16 not considered public safety members of CalPERS. (LIUNA Opposition, 3.)
- 17 • Besides presenting signatures showing support for severance, RSA’s petition provides the County
18 absolutely no analysis of how the community of interest factors, or the County’s remaining section
19 7 factors, support severance or unit modification. (LIUNA Opposition, 3.)
- 20 • RSA cannot show that there is a substantial community of interest between any RSA-represented
21 bargaining unit on the one hand, and WFIs on the other as: there is nothing distinct about an WFI’s
22 job functions and duties that would make their inclusion in an RSA-represented unit more
23 appropriate than their continued inclusion in an established Local 721-represented bargaining unit;
24 and there is no evidence of any meaningful interchange between the RSA-represented employees
25 and WFIs. (LIUNA Opposition, 4-5.)
- 26 • WFIs are part of the DPSS and, ultimately, report to the Assistant Director of Public Social Services.
27 (LIUNA Opposition, 7.)

- 1 • Employees' desires alone are immaterial in determining an appropriate unit. *Los Angeles Unified*
2 *School District*, PERB Dec. No. 1267. (LIUNA Opposition, 7.)

3 On October 21, 2021, RSA, by and through their counsel, advised the County that RSA did not
4 intend to submit amended petitions as permitted by the ERR. RSA also requested to set a hearing with the
5 Board.

6 On April 26, 2022, the Parties, by and through their counsel, were advised to reserve both June 21,
7 2022 and June 28, 2022 for the Unit Modification Hearing.

8 On June 4, 2022, the Parties jointly recommended a procedure for the hearing, wherein the Parties
9 waived a full evidentiary hearing, and instead requested that the County provide the Board with the pertinent
10 documents from the 2006 petitions related to the WFIs and SWFIs and from this current matter.

11 On June 14, 2022, the following procedures for hearing were communicated to the Parties:

- 12 • **Timing:** The hearing was to be held on June 28, 2022 at 1pm.
- 13 • **Public Access to the Hearing:** The matter would remain open to the public pursuant to the Brown
14 Act.
- 15 • **Information Provided to the Board:** The County agreed to the Parties' request that the County
16 provide the Board with the pertinent documents from both the 2006 petitions⁵ and the pertinent
17 documents for the current matter⁶.
- 18 • **Recording:** The meeting would be recorded via audio/video in the method typical of County Board
19 meetings.
- 20 • **Time of Hearing:** The Board agreed to utilize the timing and format suggested by the Parties,
21 wherein rather than taking sworn testimony, each Party would be permitted to speak to the Board
22 directly in a narrative fashion. As stipulated to between the Parties, RSA was to speak first and
23 would have 25 minutes for the WFIs Petition. LIUNA would then speak next and would have 25
24 minutes to present. RSA would then have 25 minutes to present on the SWFIs Petition. Finally,
25

26 ⁵ These documents included: the hearing officer Prihar's decision dated March 2, 2014; RSA's post-hearing brief; and the Board's
27 rejection of the hearing officer's recommendation dated August 5, 2014

28 ⁶ These documents included: the two petitions submitted on or about August 9, 2021; the oppositions of both SEIU and LIUNA;
and RSA's letter in reply

1 SEIU would have 25 minutes to present. Furthermore, as requested by the Parties, RSA, LIUNA,
2 and SEIU were allowed to speak through counsel, union representatives and other witnesses.

- 3 • **Board Discussion and Decision:** As stipulated to between the Parties, once the narrative portion
4 of the hearing concluded, the Board would be given the opportunity to ask questions of the Parties
5 and counsel. The Board would then discuss the matter, vote, issue an oral decision, and instruct
6 staff to prepare a written decision.

7 On June 15, 2022, counsel for all Parties confirmed there were no objections to the hearing
8 procedures.

9 On June 26, 2022, following discussions between counsel, the County confirmed that a request for
10 virtual attendance could be accommodated, and a virtual attendance link was provided the following day.

11 On June 28, 2022, this matter came before the Board as provided for in Section 10 of the ERR⁷.
12 The matter was heard at the John F. Tavaglione Executive Annex located at 4080 Lemon Street in Riverside,
13 CA 92501. Virtual appearances were also offered via Zoom. Supervisors Jeffries, Spiegel, and Perez were
14 in attendance in person. Supervisors Hewitt and Washington appeared virtually.

15 Pursuant to the procedures agreed to by the Parties, each of the Supervisors were provided with
16 written materials in advance of the hearing. Specifically, each Supervisor received RSA's petition,
17 LIUNA's and SEIU's oppositions to the petitions, RSA's response to the oppositions, and pertinent
18 documents related to the previous petition and determination in 2014.

19 In addition to the written materials, each union was provided with time for an oral presentation
20 before the Board. RSA and LIUNA were each given 25 minutes for a presentation of their positions on the
21 WFIs petition. RSA and SEIU were then each given 25 minutes for a presentation of their positions on the
22 SWFIs petition.

23 Following an opportunity for public comment, the Board discussed each petition and voted as
24 follows:

25
26
27 ⁷ See Board of Supervisors Regular Meeting Agenda, publicly available at:
28 http://riversidecountyca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2654

- 1 • As to the WFIs petition, Supervisor Hewitt made a motion to move the WFIs from LIUNA to RSA
2 and to direct staff to come back at a later time with a written decision reflecting the same. Supervisor
3 Perez seconded the motion. The vote passed 4-0, with Supervisor Washington absent from the final
4 vote.
- 5 • As to the SWFIs petition, Supervisor Hewitt made a motion to move the SWFIs from SEIU to RSA
6 and to direct staff to come back at a later time with a written decision reflecting the same. Supervisor
7 Spiegel seconded the motion. The vote passed 4-0, with Supervisor Washington absent from the
8 final vote.

9 **RELEVANT LANGUAGE OF THE ERR**

10 **Section 6. COUNTY RIGHTS**

- 11 a. The following rights and functions are vested exclusively in the County:
- 12 1. To determine the mission of each of its departments, institutions, boards and commissions,
13 pursuant to law.
 - 14 2. To set standards of service to be offered to the public.
 - 15 3. To exercise control and discretion over its own organization and operations.
 - 16 4. To direct, discipline and discharge its employees, in accordance with law, ordinances and
17 regulations.
 - 18 5. To relieve its employees from duty because of lack of work or for other legitimate reasons.
 - 19 6. To determine the methods, means and personnel by which its operations are to be
20 conducted, including the performance thereof by contract, and to determine work loads and
21 staffing patterns.
 - 22 7. To prescribe the qualifications for employment and determine whether they are met.
 - 23 8. To take all other action except as clearly and expressly otherwise provided for by or
24 pursuant to this Resolution.
- 25 b. The establishment, modification or exercise of County rights shall not be subject to the meet and
26 confer process, but shall not preclude consultation as to the practical consequences that decisions on
27 such matters may have on wages, hours or other terms and conditions of
28 employment.

23 **Section 7. CRITERIA FOR ESTABLISHING AN APPROPRIATE EMPLOYEE REPRESENTATION
24 UNIT.**

25 In the determination of appropriate employee representation units, the following factors, among others, are
26 to be considered:

- 26 1. Community of interest among the employees.
- 27 2. The history of employee relations in a unit and among other employees of the County.
- 28 3. The effect of the unit on efficient operations of County Service and sound employee relations.
3. Dividing any classification among two or more units is to be avoided wherever possible.

1 5. The existence of common skills and duties, comparable working conditions or similar educational requirements.

2 6. Each unit should be the largest feasible group of employees having an identifiable common or
3 related interest without reference to geographical locations or the same supervisors.

4 7. No unit shall be established primarily on the basis of the extent to which employees in the proposed unit have organized.

5
6 Section 8. REPRESENTATION UNITS.

7 a. The following units are hereby established:...

8 3. LAW ENFORCEMENT UNIT. Peace officer employees who are safety members of the Public
9 Employees Retirement System, and other classes of employees whose primary functions are directly
10 related to law enforcement.

11 Section 10. MODIFICATIONS OF UNITS.

12 1. A registered employee organization may propose the modification of an established unit by filing
13 a request with the Human Resources Director, accompanied by proof that its represented members
14 comprise 15 percent of the employees in the unit. The Human Resources Director may also propose
15 a modification.

16 2. No such proposal shall be submitted except between July 1 and September 1, for immediate
17 determination.

18 3. The Human Resources Director shall give notice of the proposed modification in writing to the
19 affected organizations of the unit or units and shall post notice in a place or places to which affected
20 employees will have access.

21 4. If no challenge as provided below is filed and the Human Resources Director determines that the
22 requested modified unit or units are not appropriate, he shall notify the employee organization which
23 requested the unit of his determination and the reason therefore in writing. The organization may
24 within seven days, modify its request or request the Human Resources Director to arrange a hearing
25 by the Board on its original request.

26 5. Within 15 days after the notice to employees is posted, any other registered employee organization
27 may challenge the appropriateness of the proposed unit or units and request a different unit or units.
28 The challenge shall be filed with the Human Resources Director and must be accompanied by proof
that the represented members of the organization comprise 15 percent of the employees, within any
unit proposed by the challenging organization.

6. If a challenge is filed, the Human Resources Director shall notify the organization which
submitted the original request for modification of the unit: If an amended request for modification
of the unit; If an amended request for modification is not filed within seven days of such notice, the
original request for modification and the challenge shall be submitted to the Board as provided
below. Upon the filing of an amended request, the original request shall be deemed revoked and the
amended request shall be considered on its own merits as if originally filed.

7. If a challenging request has been filed and the challenge has not been resolved by amendment or
withdrawal, the Human Resources Director shall submit the request and the challenge to the Board.
The Board shall hold a hearing on the request and challenge, at which time the organization which
filed the modification request, and the challenging organization shall be heard and the Human

1 Resources Director shall submit his recommendations. The Board shall make final determination on
2 the appropriateness of the representation unit or units.

3 **ARGUMENT**

4 *RSA'S Arguments Related to the WFIs Petition:*

5 RSA's arguments were presented by counsel, Adam Chaikin. Mr. Chaikin asserted the following
6 four points during the 25-minute presentation:

- 7
- 8 • Gov. Code 3502 gives employees a right to be in a union of their choice.
 - 9 • 100% of the WFIs want to be represented by RSA
 - 10 • The WFIs are sworn peace officers, and all engage in active law enforcement type services.
11 Therefore, RSA argued that there exists a community of interest between the WFIs and RSAs LEU.
 - 12 • This community of interest issue was already adjudicated, at length, by hearing officer Prihar in
13 2014.

14 RSA's presentation also included statements from RSA President, Bill Young, and three WFIs. Mr.
15 Young offered that RSA's LEU is responsible for the bargaining of "law enforcement officers" and the
16 WFIs' job description identifies WFIs as "law enforcement". Mr. Young also stated that if any of the WFIs
17 are involved in a shooting, they would not get legal coverage unless they are included as part of RSA.

18 The WFIs shared their positions that WFIs, as fully sworn, armed peace officers with police training,
19 should be part of RSA's LEU. Per the WFIs, the hiring process and background review for WFIs are the
20 same as for Sheriffs and District Attorney investigators. Similarly, the WFIs argued that their primary job
21 functions relate directly to law enforcement and are same as other law enforcement officers represented by
22 RSA. At least one WFI further expressed a concern that there was a need for proper legal representation in
23 the event of a use of force or officer involved shooting that he doubted LIUNA could provide. All three
24 WFIs expressed a desire to be represented by RSA.

25 RSA also relied upon and referenced the 2014 Opinion of hearing officer Prihar, in which it was
26 recommended that the Board grant the petition to transfer the WFIs and SWFIs to the LEU.

27 ///

1 LIUNA's Arguments Related to the WFIs Petition:

2 LIUNA's arguments were presented by counsel, Carlos Coye, and General Counsel, Victor Gordo.

3 Mr. Coye made the following points during LIUNA's 25-minute presentation:

- 4 • The County should keep the same position that the County took on this issue in 2014.
- 5 • RSA's petition is a severance petition that is guided by PERB and the ERR. As such, it is RSA's
6 burden to show that not only was the County mistaken in including the WFIs as part of LIUNA, but
7 that RSA's LEU is the most appropriate bargaining unit to be in.
- 8 • Even still, the County is not required to place the WFIs in the "most appropriate" bargaining unit,
9 but rather is only required to place the WFIs in a unit that would be appropriate. LIUNA argues
10 that the County was correct in placing the WFIs in their union as this was, and remains, an
11 appropriate unit.
- 12 • PERB has acknowledged that severing classifications can de-stabilize a union.

13 Similarly, Mr. Gordo told the Board that nothing had changed since this issue was last considered
14 in 2014. Mr. Gordo clarified that the job description for WFIs does not say "law enforcement", but rather
15 indicates that they are "peace officers". He also shared that LIUNA does offer a legal defense fund that it
16 could make available to the WFIs.

17 Mr. Gordo further argued that RSA had failed to meet the burden of showing a community interest
18 between the WFIs and RSA for several reasons:

- 19 • WFIs are not considered "peace officers" under Government Code section 3508.1.
- 20 • "Peace officers" and "law enforcement officers" are different under the law.
- 21 • The majority of RSA's LEU is in the "safety" membership classification under CalPERS, whereas
22 the WFIs are "miscellaneous" employees.
- 23 • The chain of command for WFIs is of a limited jurisdiction and falls under DPSS, not the Sheriff's
24 Department. Because of this, having the WFIs transfer to RSA would undermine the efficiency of
25 bargaining and would require the County to consider the budget of another department when
26 negotiating.

- 1 • A past attempt to move the WFIs over to a bargaining unit with the District Attorney Investigators
2 had been rejected.
- 3 • No evidence was presented that WFIs work consistently with Sheriffs.
- 4 • WFIs are statutorily limited to investigating welfare fraud and afforded only limited peace officer
5 status.
- 6 • No evidence was presented in the record to establish a distinct and clear community of interest.

7 RSA'S Arguments Related to the SWFIs Petition:

8 In the interest of time, Mr. Chaikin indicated that RSA was relying on the same arguments as
9 presented in support of the WFIs' petition. Mr. Chaikin further argued that the SWFIs had been trying, for
10 decades, to get into RSA in order to obtain "adequate representation". Mr. Young noted that RSA's LEU
11 does include supervisors, such as supervisors from the Probation Department and Sheriff Investigators (a
12 quasi-supervisor position). A statement was also provided by one SWFI, who indicated that legal
13 representation was the primary driver in wanting to move to RSA. Per this individual, SWFIs did not feel
14 confident that SEIU would be able to adequately represent their needs in the event of a use of force or
15 officer involved shooting. It was also noted that there are currently four law enforcement units within the
16 County of Riverside, and the WFIs and SWFIs are the only unit not represented by RSA. Finally, it was
17 clarified that WFIs and SWFIs in San Bernardino are armed and are represented by the Sheriff's union.

18 SEIU'S Arguments Related to the SWFIs Petition:

19 SEIU's arguments were presented by counsel, Carlos Coye. Similarly referencing his prior
20 argument, Mr. Coye again encouraged the Board to focus on the Section 7 factors in the ERR. Regional
21 Director, Eloy Alvarez⁸, stated that there had been no evidence presented to date that SEIU was unable to
22 represent SWFIs. Mr. Alvarez also argued that the SWFIs were "miscellaneous" employees, rather than
23 members of the "safety" membership classification under CalPERS and thus were not eligible to be part of
24 RSA's LEU. Finally, Diana Hong shared that SEIU had obtained a recent pay increase for the SWFIs.

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28 ⁸ Appearing via Zoom

1 **DECISION**

2 In reaching decisions on the petitions, the Board considered the written record supplied as stipulated
3 by the Parties and the arguments presented during the hearing. The Board determined that consideration of
4 the petitions was proper as the petitions were timely submitted between July 1 and September 1⁹. The
5 Board further determined that, given their job requirements and the specific requirement to carry a firearm,
6 a community of interests existed between the WFIs, the SWFIs and those represented by RSA's LEU. The
7 Board also considered the placement of WFIs and SWFIs in similar counties, such as San Bernardino, where
8 both groups are represented by the sheriffs' bargaining unit. Additionally, the Board considered that the
9 evidence presented indicated that 100% of the WFIs and SWFIs were requesting the transfer to RSA.
10 Finally, the Board rejected claims that the movement of 25 employees would destabilize labor relations.

11 Accordingly, the Board voted, and herein confirms, that the petitions to transfer the WFIs and
12 SWFIs are approved. The effective date of the transition is the first full pay period following June 28, 2022.
13 Effective June 30, 2022, the WFIs and SWFIs shall be included as part of RSA's LEU.

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16 Dated: _____

By: _____
SUPERVISOR JEFFREY HEWITT, CHAIR
COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS

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28 ⁹ See ERR, Section 10.