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VIA E-MAIL ONLY

Paul.Starkey@calhr.ca.gov

December 14, 2021

Paul Starkey
Deputy Director of Labor Relations
California Department of Human Resources
1515 S Street, North Building, Suite 500
Sacramento, California 95811-7258

RICHARD
LOUIS BROWN
President

DAVID JIMENEZ
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

IRENE GREEN
Vice President for Bargaining

Re: **COMPLAINTS RE COVID DATA COLLECTION**

Dear Mr. Starkey:

SEIU Local 1000 has received numerous complaints that management is providing flawed information about COVID testing protocols at the Department of Rehabilitation and the Department of Motor Vehicles, both of which utilize COLOR testing services. While CalHR has provided Frequently Asked Questions (FAQs) regarding the testing process and protections, state managers continue to give inconsistent or incorrect information and fail to direct employees to the FAQs.

SEIU Local 1000 first notified you that it had serious concerns about what information the State was collecting through its first line supervisors across the State. We warned of the consequences of leaving this important role in the hands of first line supervisors, who we predicted would fail in ensuring adequate protections. As predicted, attached is an example of the inadequate information that first line supervisors are providing to employees instead of directing employees to the applicable and specific FAQs:

As you have expressed concerns regarding the ability to opt out of questions and personal information, the following link we discussed speaks to how Color handles personal information: <https://www.color.com/privacy-policy-2>, which includes information on data security and HIPPA compliance (restrictions on sharing information).

If you have additional questions, you may contact Color directly: (844-352-6567) or by email (mycovidtest@color.com) daily, 6am-5pm PST.

Sending employees to these generic sources does nothing to quell concerns about privacy disclosures. COLOR is a genetic testing company. When state employees are directed to such a company's website, and ordered to provide personal information that bears no obvious relation to COVID under threat of discipline, fundamental

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privacy concerns become paramount. For example, employees are directed to provide ethnicity and pregnancy status. These criteria have no apparent relation to the existence of a positive or negative COVID test, yet no explanation is provided as to why consent hinges upon mandating an answer to these questions.

Ultimately, state supervisors lack the correct information to provide to employees about standards concerning use, collection or storage of personal information. The supervisors themselves have no concept of the fact that the FAQs exist or that they may contain information about these very serious concerns. More troubling still, the FAQs do not specifically address how COLOR uses the personal information provided or why additional information beyond name and test result is necessary. One of the Questions states: "In Office Hours it was mentioned that there is no identifying info collected other than employee name, and for very large organizations like some of us in the pilot, we need a way to efficiently filter for positive cases", but no explanation is provided for why additional information needs to be collected.

Consider this an ongoing objection and demand to cease and desist providing inconsistent and flawed directions and information regarding personal data collections. Moreover, SEIU Local 1000 objects to the ongoing threat of discipline as well as the flawed implementation of the testing process at department levels, without regard for the importance of maintaining consistent privacy rights, protections and safeguards.

Thank you for your attention to this letter.

Sincerely,



ANNE M. GIESE
Chief Counsel
SEIU Local 1000

AMG:rje

cc: Richard Louis Brown, President, SEIU Local 1000
Donna Snodgrass, Chief of Staff, SEIU Local 1000
Brooke Pierman, Contract Director, SEIU Local 1000

From: Fernandez, Christopher L@DOR <Christopher.Fernandez@dor.ca.gov>
Sent: Wednesday, December 1, 2021 10:23 AM
To: *****@DOR <*****@dor.ca.gov>
Subject: RE: Color Account Concerns

Good morning ****,

Per our conversation this morning, both taking the test and uploading the results in Color are required components of the Covid-19 testing program.

Additionally, I addressed with you, your colleagues copied in your email and the importance in confidentiality of their status. You stated that these are conversations you had with these individuals and after much discussion, it was agreed upon that you would send this email, to communicate your shared concerns.

As you have expressed concerns regarding the ability to opt out of questions and personal information, the following link we discussed speaks to how Color handles personal information: <https://www.color.com/privacy-policy-2>, which includes information on data security and HIPPA compliance (restrictions on sharing information).

If you have additional questions, you may contact Color directly: (844-352-6567) or by email (mycovidtest@color.com) daily, 6am-5pm PST.

I understand your concerns and will continue to seek inquiry on your behalf.

Thank you,

Chris

Christopher L. Fernandez

Staff Services Manager I, Business Services Consultation Unit

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Inland Empire District

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