



PERB
California Public Employment
Relations Board

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October 29, 2021

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Re: *Service Employees International Union Local 1000 v. State of California*
Unfair Practice Charge No. SA-CE-2209-S
COMPLAINT

Dear Parties:

The Office of the General Counsel has issued the enclosed COMPLAINT in the above-entitled matter. The Respondent is required to file an **ANSWER** within twenty (20) calendar days from the date of service of the COMPLAINT, pursuant to PERB

Unfair Practice Charge No. SA-CE-2209-S

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Regulation 32644.¹ The required contents of the **ANSWER** are described in PERB Regulation 32644(b).

If you have not filed a Notice of Appearance form, one should be completed and returned with your **ANSWER**. Please be aware that once legal counsel is designated, PERB will only correspond with that individual(s).

An informal settlement conference will be scheduled shortly. Please direct all inquiries, filings and correspondence to the undersigned. Designated legal counsel who do not attend the Informal Conference for any reason, must designate in writing consent that the meeting go forward in their absence, including, but not limited to the execution of a settlement agreement.

Sincerely,

A handwritten signature in black ink, appearing to read 'KJP', with a long horizontal flourish extending to the right.

Kimberly J. Procida
Regional Attorney

KJP

Enclosure

¹ PERB's Regulations are codified at California Code of Regulations, title 8, section 31001 et seq. The text of PERB's Regulations may be found at www.perb.ca.gov.

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 1000,

Charging Party,

v.

STATE OF CALIFORNIA (CALIFORNIA
DEPARTMENT OF CORRECTIONS AND
REHABILITATION, CALIFORNIA
CORRECTIONAL HEALTH CARE
SERVICES),

Respondents.

Case No. SA-CE-2209-S

COMPLAINT

It having been charged by Charging Party that Respondents engaged in unfair practices in violation of Government Code section 3519, the General Counsel of the Public Employment Relations Board (PERB), pursuant to Government Code sections 3513(h), 3514.5 and 3541.3(i) and California Code of Regulations, title 8, section 32640, issues this COMPLAINT on behalf of PERB and ALLEGES:

1. Respondents are the State employer within the meaning of Government Code section 3513(j).
2. Charging Party is a recognized employee organization within the meaning of Government Code section 3513(b) of Respondents' employees in Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21.
3. Before October 4, 2021, Respondents did not maintain a disciplinary policy when Unit members did not comply with a Covid-19 vaccine requirement.

4. On or about October 4, 2021, Respondents adopted a new Covid-19 vaccine mandate that included immediate discipline for those Unit members who failed to obtain the vaccine, namely:

“3. All staff subject to the order, as determined by each HA, shall complete and submit the CDCR/CCHCS COVID-19 Vaccination Requirement Form by October 7, 2021. **Note: Staff refusing to sign the form shall be notated as “refusing to sign” on the form.**

To ensure consistent application, the steps towards progressive discipline for failure to comply with mandatory COVID-19 vaccine requirements are as follows:

On and after October 15, 2021, non-compliant staff who have neither requested nor been provided accommodation for a sincerely-held religious belief or qualifying medical reason(s) **shall be subject to corrective and adverse action** in accordance with the Department Operations Manual (DOM), Chapter 3, Article 22, *Employee Discipline*, Section 33030.8, et seq.”

(Emphasis in original.)

5. Respondents engaged in the conduct described in paragraph 4 without prior notice to Charging Party and without having afforded Charging Party an opportunity to meet and confer over the decision to implement the change in policy and/or the effects of the change in policy.

6. By the acts and conduct described in paragraphs 4 and 5, Respondents failed and refused to meet and confer in good faith in violation of Government Code section 3519(c).

7. By committing the violation described in paragraph 6, Respondents derivatively interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3519(a).

8. By committing the violation described in paragraph 6, Respondents derivatively denied Charging Party its right to represent bargaining unit employees in violation of Government Code section 3519(b).

Any amendment to the complaint shall be processed pursuant to California Code of Regulations, title 8, sections 32647 and 32648.

DATED: October 29, 2021

Wendi L. Ross
Deputy General Counsel

By  _____
Yaron Partovi
Senior Regional Attorney

PROOF OF SERVICE

I declare that I am a resident of or 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 name and address of my residence or business is Public Employment Relations Board, Los Angeles Regional Office, 425 W. Broadway, Suite 400, Glendale, CA, 91204-1269.

On October 29, 2021, I served the Complaint Cover Letter regarding Case No. SA-CE-2209-S on the parties listed below by X Electronic service (e-mail).

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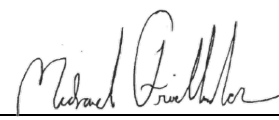
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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 29, 2021, at Glendale, California.

Michael Friedlander
(Type or print name)



(Signature)