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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1000; ANICA WALLS, Petitioners/Plaintiffs, v. GAVIN NEWSOM, in his official capacity as Governor of the State of California; the CALIFORNIA DEPARTMENT OF HUMAN RESOURCES; and DOES 1-20, Respondents/Defendants.) Case No. _____)) VERIFIED PETITION FOR WRIT OF) MANDATE AND COMPLAINT FOR) DECLARATORY AND INJUNCTIVE) RELIEF [CCP §§ 1060, 1085]))) Assigned for All Purposes To:)) Judge:) Dept.:))
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Petitioners/Plaintiffs ANICA WALLS and SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1000 (collectively, "Petitioners/Plaintiffs"), bring this Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief (hereinafter "Petition") pursuant to California Code of Civil Procedure sections 1085 and 1060, requesting that the Court issue a writ of mandate or mandamus, declaratory judgment, and injunctive relief against Respondents/Defendants GAVIN NEWSOM and the CALIFORNIA DEPARTMENT OF HUMAN RESOURCES (collectively, "Respondents/Defendants"), for violating and continuing to violate provisions of the California Constitution, state law, regulations and policy by engaging in improper rule-making via executive order mandating a minimum of four in-office days per work week and other ad hoc rules.

Petitioners/Plaintiffs allege as follows:

INTRODUCTION

In a self-serving political move, Governor Gavin Newsom (“Governor Newsom”) ordered all state departments to abandon their telework policies and ordered tens of thousands of state workers to return to the office 4 days per week, at a minimum. This unilateral and unlawful order will cost the California taxpayers millions of dollars as departments scramble to lease new, larger spaces and violates established legislation, as well as the California Constitution. By issuing this Order, Governor Newsom exceeded his power and violated his ministerial duty.

GENERAL ALLEGATIONS

I. The Parties

1. Petitioner/Plaintiff SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1000 (“SEIU Local 1000” or “the Union”) is, and at all times herein mentioned was, a non-profit corporation organized and existing under the laws of the State of California, with its principal place of business in the County of Sacramento. SEIU Local 1000 is the exclusive, recognized employee organization representing approximately 96,000 state employees in State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20 and 21.

2. SEIU Local 1000 and its respective members are all beneficially interested in Respondents/Defendants' faithful performance of their legal and constitutional duties. SEIU Local 1000 has standing to bring this action, on behalf of itself and its members, to ensure that civil service employees receive the full benefits and protections of the administrative regulation promulgation process. Moreover, SEIU Local 1000 has paid taxes in the State of California within the past three years.

3. Petitioner/Plaintiff ANICA WALLS (“Walls”) is a member of State Civil Service Bargaining Unit 1 and is a member of SEIU Local 1000, who currently serves as President of SEIU Local 1000. Walls is employed by the State of California Department of Social Services and is interested in this matter as her work assignment is directly affected by the order. She is within the class of persons beneficially interested in Respondents/Defendants’ faithful performance of their duties.

5. Defendant/Respondent CALIFORNIA DEPARTMENT OF HUMAN RESOURCES (“CalHR”) is, and at all times herein mentioned was, a department of the State of California responsible for managing the non-merit aspects of the state's personnel system and serving as the Governor's designated representative for collective bargaining with the exclusive representatives of state bargaining units under the Ralph C. Dills Act and meeting and conferring on matters relating to supervisory employer-employee relations. (Gov. Code, §§ 19815.2, 3517, 3527.) CalHR is an agency bound by the provisions of the Administrative Procedures Act.

6. Petitioners/Plaintiffs are ignorant of the true names and capacities of Respondents/Defendants herein sued as DOES 1 through 20 and therefore, sue these Respondents/Defendants by such fictitious names. Petitioners/Plaintiffs will amend this Petition to state their true names and capacities once they have been ascertained. Petitioners/Plaintiffs are informed and believe, and on that basis allege, that each of these Respondents/Defendants is in some manner responsible for the acts complained of herein.

7. Respondents/Defendants engaged in the acts alleged herein within the County of Alameda. Accordingly, venue in this County is proper.

8. Furthermore, the California Attorney General has an office within the County of Alameda, making the County of Alameda an appropriate venue. (Code Civ. Proc., § 401, subd. (1).)

9. Effective January 1, 1995, the California State Legislature set forth its intent “to encourage state agencies to adopt policies that encourage telecommuting by state employees,” finding, that telecommuting is an important means to reduce air pollution and traffic and “stimulates employee productivity while giving workers more flexibility and control over their lives.” (Gov. Code, § 14200.1.)

10. In 2020, due to the COVID pandemic, the State embraced telework and established

1 policies to allow many employees to perform their work from their homes. This protected both
2 the employees and the public from the dangers of COVID. Since 2020, state workers and
3 departments have proven the effectiveness and efficiency of telework policies.

4 11. These work-from-home mandates were implemented with the input of employee unions
5 Specifically, SEIU 1000 negotiated with CalHR regarding the impacts of telework and secured
6 stipends to cover additional employee expenses for internet and other necessary equipment.

7 12. Due to the success of telework, over the next few years, departments made these
8 arrangements more permanent. Upon information and belief, departments relinquished
9 approximately 767,000 square feet of office space, saving California taxpayers approximately
10 \$22.5 million in the 2022-2023 budget year. Now, many meetings, hearings, and conferences are
11 held over web conferencing services even when employees are in-office.

12 13. However, in a sudden and unexpected turn, Governor Newsom issued Executive Order
13 N-22-25 (“EO”) (Exhibit A) on March 3, 2025. Paragraph 1 of Governor Newsom’s Executive
14 Order N-22-25 states:

15 All agencies and departments subject to my authority that provide telework
16 as an option for employees shall implement a hybrid telework policy with a
17 default minimum of four in-person days per work week, with case-by-case
exceptions available as provided in Paragraph 2, effective July 1, 2025.

18 14. Governor Newsom issued this proclamation without issuing a public notice, providing an
19 opportunity for public comment, posting a response in writing to public comments, forwarding
20 all materials relied upon to the Office of Administrative Law (“OAL”) for review, or noticing
21 any of the public sector unions representing the state’s workforce. Indeed, based upon
22 Petitioners/Plaintiffs’ information and belief, he failed to notice CalHR before issuing the EO
23 and setting a 4-month deadline to implement it.

24 15. Governor Newsom issued this far-reaching order without any urgent justification or
25 consideration of obvious barriers to the successful implementation of the directive, such as the
26 lack of funding and availability of office space to accommodate the returning workforce.
27 Governor Newsom claims the previous, more limited April 2024 return to office mandate was
28 issued as a result of research about the “benefits” of in-person work. In touting his preference for

1 in-person work to justify this broad and sudden reorganization of the workforce, Governor
2 Newsom does not cite the sources of any such research. Nor does he credit or account for the
3 vast benefits of telework as experienced by workers and the public since its widespread
4 implementation in 2020, nor the preferences and feedback of the workforce he seeks to
5 command back to the office with a single stroke of his pen.

6 16. Pursuant to paragraph 4 of the EO, CalHR issued generalized guidance to all Agency
7 Secretaries and Department Directors regarding assessment of case-by-case exceptions to the
8 four days in-office expectation. The CalHR memorandum (Exhibit B) barrels forward with the
9 EO's mandate that all agencies must require a default minimum of four in-person days per work
10 week in their telework policies, directs departments to immediately begin reviewing internal
11 policies, parrots the language from the EO regarding the benefits of in-person work, and directs
12 departments to apply exceptions to limited circumstances. Again, this directive was issued
13 without issuing a public notice, providing an opportunity for public comment, posting a response
14 in writing to public comments, forwarding all materials relied upon to the OAL for review, or
15 noticing any of the public sector unions representing the state's workforce.

16 17. In effect, Governor Newsom seeks to return employees to metropolitan areas, such as
17 Oakland and Sacramento, in an attempt to reopen offices and restore employees to city centers
18 and new office spaces by executive fiat, regardless of applicable law. Without establishing legal
19 authority for the cessation of telework, or Return to Office mandate ("RTO"), regardless of
20 geography, department, or operational needs, the EO cites to the nebulous notion of employee
21 comradery. However, upon information and belief, the true intent of the order is to benefit
22 Governor Newsom's own political standing, even at workers' expense. Nothing in the EO
23 authorizes Governor Newsom or CalHR to bypass existing laws that restrict the very action
24 Governor Newsom demands in the EO.

25 18. Additionally, Governor Newsom is unilaterally imposing this RTO mandate without any
26 research or acknowledgement of the cost to the state and to the taxpayer. Departments have
27 cancelled leases and entered into new leases for smaller spaces. As things stand, there is not
28 enough space to house all the employees who are currently or were working remotely.

Departments will have to acquire substantial new office space. At current rates, the expense will be enormous. Upon Petitioners/Plaintiffs' information and belief, for the State to immediately act to restore approximately 700,000 + square feet of office space at the cost of \$28 per square foot (on average) will cost about \$20 million per month or \$235 million per year. Governor Newsom's EO fails to recognize the costs associated with this initiative, and they are not reflected in any proposed State budget. The costs associated with this EO were not included in Governor Newsom's proposed budget or considered and approved by the legislature. Governor Newsom's unilateral order usurps the legislature's power over the budget.

19. Governor Newsom and CalHR both have a mandatory duty to comply with the legal requirements concerning the adherence to existing laws, and the promulgation of regulations.

20. Moreover, both Governor Newsom and CalHR have a mandatory duty not to issue rules of general application in a manner which violates the legal restrictions on such rules.

21. These violations of mandatory duties cannot be compensated in damages; once the right is violated, it will be lost. The loss of such rights cannot be compensated fully by damages or other forms of legal relief. Interim injunctive relief directing Respondents/Defendants to cease and desist from failing to adhere to their mandatory duties is therefore proper.

FIRST CAUSE OF ACTION

Improper Rule-Making/Unlawful Underground Regulations

(Writ of Mandate – Code Civ. Proc., § 1085)

22. Petitioners/Plaintiffs incorporate by reference the allegations in paragraphs 1 through 21 herein as if fully set forth in this Cause of Action.

23. Under the Administrative Procedures Act ("APA"), "[n]o state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in Section 11342.600, unless [it] has been adopted as a regulation and filed with the Secretary of State." (Gov. Code, § 11340.5, subd. (a).) In this context, "[r]egulation" means every rule, regulation, order, or standard of general application adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure." (Gov. Code, §

1 11342.600.) A “regulation” that is enforced without complying with the APA is an “underground
2 regulation” and is unlawful. (Cal. Code Regs, tit. 1, § 250, subd. (a).)

3 24. The California Supreme Court in *Armistead v. State Personnel Board*, made compliance
4 with the requirements of the APA mandatory for all state agencies. (*Armistead v. State Personnel*
5 *Board*, (1978) 22 Cal.3d 198.)

6 The California Supreme Court adopted a two-part test in *Tidewater Marine Western*
7 *v. Bradshaw*, to determine when an agency rule is properly designated as a regulation bound by
8 the procedural requirements of the APA. (*Tidewater Marine Western v. Bradshaw*, (1996) 14
9 Cal.4th 557, 570.) The test first determines whether the agency intended its rule to apply
10 generally or to a specific case. (*Id.*) Secondly, the rule must implement, interpret or make
11 specific the law enforced, administered or governed by the agency. (*Id.*)

12 25. When applying the test in *Tidewater Marine*, Respondents/Defendants' actions - creating
13 a rule by which they will implement statewide RTOs, and office expansions pursuant to
14 Governor Newsom's EO - fit under the definition of a regulation defined in Government Code
15 Section 11342.600. However, Respondents/Defendants failed to follow the mandatory
16 administrative procedures set forth in the APA and deemed mandatory in *Armistead*.

17 26. Governor Newsom issued EO N-22-25 on March 3, 2025. Paragraph 1 of the EO states:

18 All agencies and departments subject to my authority that provide telework
19 as an option for employees shall implement a hybrid telework policy with a
20 default minimum of four in-person days per work week, with case-by-case
exceptions available as provided in Paragraph 2, effective July 1, 2025.

21 27. As legal authority for the EO, Governor Newsom cites no laws, and instead makes a
22 general reference to the "power and authority vested in [him] by the Constitution and statutes of
23 the State of California." (Exhibit A.) The EO does not cite to any specific constitutional
24 provision or statute that authorizes Governor Newsom or CalHR to issue the EO and/or
25 unilaterally act in disregard of other existing laws and rules.

26 28. When it relates to state employees or state agencies, the California Constitution provides
27 the Governor with specific authority to request the furnishing of information relating to their
28 duties and then outlines that authority may be provided by statute for the Governor to assign and

1 reorganize functions among executive officers and agencies and their employees. (Article V
2 Sections 4 & 6.)

3 29. On or about March 13, 2025, CalHR issued a Memorandum to implement the RTO
4 mandate, creating an ad hoc and arbitrary system of different RTO policies. (Exhibit B.) The
5 Memorandum advises that each agency or department is required to conduct an analysis on a
6 case-by-case basis to determine whether the circumstances support an exception to the in-person
7 rule. The Memorandum also identifies certain specific limited exceptions to the RTO mandate.

8 30. In effectuating the RTO EO, CalHR's guidance mandates a general requirement as a *fait*
9 *accompli* of a four-day RTO.

10 31. Pursuant to the APA and the court rulings related thereto, these actions constitute a rule
11 of general application.

12 32. Therefore, although CalHR is bound by the regulation promulgation process, CalHR has
13 failed to adhere to that process concerning the issuance of proposed regulations to conduct a
14 RTO mandate. CalHR contemplates that the RTO is being organized and implemented through a
15 plan. However, that plan consists of a series of ad hoc questions and answers posted on the
16 internet, as well as other internal memoranda and documents. (Exhibit C.)

17 33. Respondents/Defendants were at all times relevant hereto required to comply with the
18 requirements of the APA prior to adopting and generally applying rules, regulations and/or
19 procedural standards covered by the APA. (Gov. Code, § 11346, subd. (a).) Those requirements
20 include, but are not limited to, ensuring that the adoption and application of any rules,
21 regulations and/or standards be preceded by public notice, an opportunity for public comment, a
22 response in writing to public comments, and the forwarding of all materials relied upon to OAL
23 for review. (Gov. Code, §§ 11346.4, 11346.5, 11346.8, 11346.9, 11347.3, subd. (c).) Any rule,
24 regulation and/or standard covered by the APA, but not promulgated in accordance with the
25 requirements of the APA, is, and may be declared to be, an invalid underground regulation.
26 (Gov. Code, § 11350; Cal. Code Regs., tit. 1, § 250.)

27 34. Governor Newsom and CalHR abused their discretion, acted in excess of their statutory
28 power and authority, and failed to proceed in the manner required by law, by promulgating and

generally applying the rules, regulations and/or procedural standards described herein without first complying with one or more of the requirements of the APA.

35. Respondents/Defendants have a clear, present and ministerial (i.e. mandatory) duty to comply with the APA and to cease applying void and invalid underground regulations adopted in violation of the APA.

36. Petitioners/Plaintiffs have no right of appeal from the failure of the Respondents/Defendants to act as required by law, nor do Petitioners/Plaintiffs have any available administrative remedy to contest the action, nor do Petitioners/Plaintiffs have a plain, speedy or adequate remedy in the ordinary course of law to enforce Respondents/Defendants' mandatory duties under the laws of the State of California, other than the relief sought in this action.

37. As the organization representing civil service employees employed by Respondents/Defendants, SEIU Local 1000 is beneficially interested in upholding California law and in preserving the laws and duties of the State administrative rule-making process. SEIU Local 1000 and its members, including Walls, have a clear, present and substantial right to require Respondents/Defendants to perform their duties.

38. Petitioners/Plaintiffs have necessarily engaged the services of counsel to represent them in the preparation and prosecution of the within action, resulting from the conduct and threatened conduct of Respondents/Defendants. The legal services rendered will thus, inure to the benefit of all persons employed in the state civil service and to all citizens and taxpayers of the State of California. Such benefits will be derived in part through the efforts of Petitioners/Plaintiffs herein. Therefore, Petitioners/Plaintiffs will, upon entry of final judgment, request that the Court, in its discretion, award the reasonable value of Petitioners/Plaintiffs' counsel's fees and other litigation expenses and assess the amount thereof against Respondents/Defendants, and each of them.

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SECOND CAUSE OF ACTION

State Teleworking law

(Writ of Mandate – Code Civ. Proc., § 1085)

39. Petitioners/Plaintiffs incorporate by reference the allegations in paragraphs 1 through 21 herein as if fully set forth in this Cause of Action.

40. The statewide telework program is established pursuant to Government Code Sections 14200 through 14203. Government Code Section 14200.1, subdivision (b) states that “[i]t is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.”

41. Similarly, Government Code Section 14201 states that “[e]very state agency shall review its work operations to determine where in its organization telecommuting can be of practical benefit to the agency.”

42. Department of General Services’ (DGS) Statewide Telework Policy (DGS Policy 0181, Exhibit D), states, in its entirety, as follows: “This policy applies to all state of California agencies, departments, boards, commissions, and offices (departments). Departments are responsible for ensuring compliance with the provisions of this policy.”

43. Similarly, the second paragraph of the Statewide Telework Policy states that “[e]ach department shall establish a written policy specific to the department’s business needs in accordance with this statewide policy.” The policy then references the legal authority pursuant to which the Statewide Telework Policy was established.

44. Thus, the Statewide Telework Policy, pursuant to the authorizing legislation that created it, clearly vests the responsibility and authority for telework policies in “each department”.

45. Governor Newsom’s statewide EO and the resulting CalHR guidance therefore, unlawfully usurp the Legislature’s authority by dictating a new telework policy to all state agencies under his sole authority, without regard to departmental need and contrary to the existing legislative and regulatory scheme pertaining to Statewide Telework laws.

46. Respondents/Defendants have violated and will continue to violate their mandatory duty regarding the Statewide Telework laws and policy.

1 47. A plain reading of the EO makes it clear that Governor Newsom did not take any
2 “specific” department’s business need into account, but rather, made a blanket, one-size fits-all
3 policy for all departments based on his own political determination of what policy supports his
4 political future. Respondents/Defendants’ failure to uphold their mandatory duty will waste
5 hundreds of millions of taxpayer dollars at a time when extraordinary cuts are being promoted,
6 when Governor Newsom himself touts the prospect of increased costs to the State due to chaotic
7 demands from the federal government, when the City of Los Angeles seeks extraordinary
8 funding expenditures due to catastrophic damages from recent fires, and other funding demands
9 on the State’s budget.

10 48. At the same time, Respondents/Defendants know or should know that the applicable laws
11 and state policies dictate that determinations on the appropriate RTO policy must be established
12 by each department, in consideration of its unique business needs. Nevertheless,
13 Respondents/Defendants are violating their mandatory duty to abide by legal authority and
14 maintain a department-by-department system of RTO policies, causing an extraordinary and
15 unbudgeted waste of millions of dollars of taxpayer funds.

16 49. By Respondents/Defendants’ failure to uphold their mandatory duty,
17 Respondents/Defendants are unilaterally implementing the EO for RTO in violation of stated
18 laws, rules and policies.

19 50. By the conduct set forth herein, Respondents/Defendants are also acting arbitrarily and
20 capriciously in the performance of their duties.

21 51. Petitioners/Plaintiffs have no right of appeal from the failure of Respondents/Defendants
22 to act as required by law, nor do Petitioners/Plaintiffs have any available administrative remedy
23 to contest the action, nor do Petitioners/Plaintiffs have a plain, speedy or adequate remedy in the
24 ordinary course of law to enforce Respondents/Defendants’ mandatory duties under the laws of
25 the State of California, other than the relief sought in this action.

26 52. As the organization representing civil service employees impacted by the EO, SEIU
27 Local 1000 is beneficially interested in upholding the California Constitution and in preserving
28 the laws and duties of the state civil service. SEIU Local 1000 and its members, including

Walls, have a clear, present and substantial right to require Respondents/Defendants to perform their duties.

53. Petitioners/Plaintiffs have necessarily engaged the services of counsel to represent them in the preparation and prosecution of the within action, resulting from the conduct and threatened conduct of Respondents/Defendants. The legal services rendered will thus, inure to the benefit of all persons employed in the state civil service and to all citizens and taxpayers of the State of California. Such benefits will be derived in part through the efforts of Petitioners/Plaintiffs herein. Therefore, Petitioners/Plaintiffs will, upon entry of final judgment, request that the Court, in its discretion, award the reasonable value of Petitioners/Plaintiffs' counsel's fees and other litigation expenses and assess the amount thereof against Respondents/Defendants, and each of them.

THIRD CAUSE OF ACTION

Constitutional Violation

(Writ of Mandate – Code Civ. Proc., § 1085)

54. Petitioners/Plaintiffs incorporate by reference the allegations in paragraphs 1 through 21 herein as if fully set forth in this Cause of Action.

55. In issuing the statewide RTO mandate via EO, Governor Newsom cited "the authority vested in [him] by the State Constitution and statutes of the State of California." The State Constitution and statutes do not grant him any authority to issue such a far-reaching mandate with the stroke of a pen.

56. Article III, Section 3 of the California Constitution states that "[t]he powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution."

57. Article V, Section 1 of the California Constitution states that "[t]he supreme executive power of this State is vested in the Governor. The Governor shall see that the law is faithfully executed."

58. Government Code Section 120102 provides that "[t]he Governor shall supervise the official conduct of all executive and ministerial officers."

1 59. Executive orders may be properly employed to “effectuate a right, duty, or obligation
2 which emanates or may be implied from the Constitution or to enforce public policy embodied
3 within the Constitution and laws.” (63 Ops.Cal.Atty.Gen. 583, citing *Cf. In re Neagle* (1890) 135
4 U.S. 1, 63–64; *Spear v. Reeves* (1906) 148 Cal. 501, 504.)

5 60. Consequently, the EO was an unconstitutional exercise of power, as Governor Newsom’s
6 mandate does not emanate from, nor may it be implied from the Constitution, nor does it enforce
7 public policy embodied within the Constitution and laws.

8 61. Governor Newsom’s actions to unilaterally impose a RTO mandate across all
9 departments and agencies, depriving them of the right to make these decisions individually based
10 on operational needs, are in violation of Article III, Section 3 and Article V, Section 1 of the
11 California Constitution.

12 62. Moreover, the massive impact on the State budget was not considered in this EO, nor
13 were the costs included in the Governor’s budget proposal to the legislature. This violates the
14 separation of powers put forth by the California Constitution.

15 63. By the conduct set forth herein, Governor Newsom is also acting arbitrarily and
16 capriciously in the performance of his duties.

17 64. Petitioner/Plaintiffs have no right of appeal from the failure of the
18 Respondents/Defendants to act as required by law, nor do Petitioner/Plaintiffs have any available
19 administrative remedy to contest the action, nor do Petitioners/Plaintiffs have a plain, speedy or
20 adequate remedy in the ordinary course of law to enforce Respondents/Defendants’ mandatory
21 duties under the laws of the State of California, other than the relief sought in this action.

22 65. As the organization representing civil service employees impacted by the EO, SEIU
23 Local 1000 is beneficially interested in upholding the California Constitution and in preserving
24 the laws and duties of the state civil service. SEIU Local 1000 and its members, including
25 Walls, have a clear, present and substantial right to require Respondents/Defendants to perform
26 their duties.

27 66. Petitioners/Plaintiffs have necessarily engaged the services of counsel to represent them
28 in the preparation and prosecution of the within action, resulting from the conduct and threatened

conduct of Respondents/Defendants. The legal services rendered will thus, inure to the benefit of all persons employed in the state civil service and to all citizens and taxpayers of the State of California. Such benefits will be derived in part through the efforts of Petitioners/Plaintiffs herein. Therefore, Petitioners/Plaintiffs will, upon entry of final judgment, request that the Court, in its discretion, award the reasonable value of Petitioners/Plaintiffs' counsel's fees and other litigation expenses and assess the amount thereof against Respondents/Defendants, and each of them.

FOURTH CAUSE OF ACTION

(Complaint for Declaratory Relief – Code Civ. Proc., § 1060)

67. Petitioners/Plaintiffs incorporate by reference the allegations in paragraphs 1 through 21 herein as if fully set forth in this Cause of Action.

68. An actual and present controversy has arisen and now exists between Petitioners/Plaintiffs and Respondents/Defendants concerning their respective rights, duties, and obligations under the law. Petitioners/Plaintiffs assert that Respondents/Defendants have adopted and are seeking to apply to SEIU Local 1000 and its members, including Walls, a regulation as defined by the APA, but have failed to adopt said regulation in compliance with the APA.

69. Petitioners/Plaintiffs further assert that Respondents/Defendants have acted in violation of the existing Statewide Telework Policy scheme, usurping the Legislature's authority by dictating a new telework policy to all state agencies, contrary to the existing legislative and regulatory scheme pertaining to statewide telework laws, which leaves such determinations to the discretion of individual departments based on operational needs.

70. Petitioners/Plaintiffs also contend that Governor Newsom's action in issuing the EO was an unconstitutional exercise of executive power, as the power to order such a broad RTO mandate does not emanate, nor can it be implied, from existing laws or the Constitution.

71. Petitioners/Plaintiffs contend that through their acts and/or omissions, Respondents/Defendants abused their discretion with regard to these obligations. Petitioners/Plaintiffs are informed and believe that Respondents/Defendants dispute these contentions.

1 72. A judicial declaration is necessary and appropriate at this time to clarify whether
2 Respondents/Defendants' adoption of the regulation described herein and its general application
3 to the entire state workforce are lawful, or whether the regulation is an invalid underground
4 regulation promulgated by Respondents/Defendants in violation of the APA and Statewide
5 Telework laws, as a result of an unconstitutional exercise of executive power.

6 73. Petitioners/Plaintiffs desire a judicial determination of their rights and a declaration of
7 Respondents/Defendants' obligations under these laws, such that the parties, the state workforce,
8 the public, and the courts can be informed as to the legality or illegality of
9 Respondents/Defendants' actions.

10 74. This case seeks enforcement of important public rights and the relief sought is in the
11 public's interest, since it will determine whether Respondents/Defendants violated their
12 mandatory duties or abused their discretion.

13 75. Petitioners/Plaintiffs have no right of appeal from the failure of the
14 Respondents/Defendants to act as required by law, nor do Petitioners/Plaintiffs have any
15 available administrative remedy to contest the action, nor do Petitioners/Plaintiffs have a plain,
16 speedy or adequate remedy in the ordinary course of law to enforce Respondents/Defendants'
17 mandatory duties under the laws of the State of California, other than the relief sought in this
18 action.

19 76. As the organization representing civil service employees employed by
20 Respondents/Defendants, SEIU Local 1000 is beneficially interested in upholding California law
21 and in preserving the laws and duties of the State administrative rule-making process. SEIU
22 Local 1000 and its members, including Walls, have a clear, present and substantial right to
23 require Respondents/Defendants to perform their duties.

24 77. Petitioners/Plaintiffs have necessarily engaged the services of counsel to represent them
25 in the preparation and prosecution of the within action, resulting from the conduct and threatened
26 conduct of Respondents/Defendants. The legal services rendered will thus, inure to the benefit of
27 all persons employed in the state civil service and to all citizens and taxpayers of the State of
28 California. Such benefits will be derived in part through the efforts of Petitioners/Plaintiffs

herein. Therefore, Petitioners/Plaintiffs will, upon entry of final judgment, request that the Court, in its discretion, award the reasonable value of Petitioners/Plaintiffs' counsel's fees and other litigation expenses and assess the amount thereof against Respondents/Defendants, and each of them.

PRAYER

WHEREFORE, Petitioners/Plaintiffs SEIU Local 1000 and Walls respectfully pray for judgment against Respondents/Defendants, and each of them, as follows:

On the First Cause of Action:

1. For a peremptory writ of mandate directing Respondents/Defendants to cease and desist improper rulemaking and to rescind improper rules;
2. Pending issuance of a peremptory writ, that this Court issue a temporary restraining order and preliminary injunction, directing Respondents/Defendants to cease and desist improper rulemaking and to rescind improper rules;
3. That this Court, on hearing this petition and in consideration of any return filed thereto, issue an alternative and peremptory writ of mandate directing Respondents/Defendants to cease and desist violations of Government Code Section 11340.5 and *Tidewater Marine*, by creating a rule by which Respondents/Defendants will implement a statewide RTO mandate, or unfunded mandates of office expansions, pursuant to Governor Newsom's EO, which fit under the definition of a regulation defined in Section 11342.600;
4. Pending issuance of a peremptory writ, that this Court issue a temporary restraining order and preliminary injunction, directing Respondents/Defendants to cease and desist from violating their mandatory duty and/or acting in an abuse of discretion with regards to proper rulemaking procedures;
5. For its costs of suit;
6. For its attorney's fees; and
7. For such other and further relief as the Court deems appropriate.

On the Second Cause of Action:

1. For a peremptory writ of mandate directing Respondents/Defendants to cease and desist

1 unlawfully usurping the Legislature's authority and violating the existing statutory and
2 regulatory scheme regarding the Statewide Telework Policy;

3 2. Pending issuance of a peremptory writ, that this Court issue a temporary restraining order
4 and preliminary injunction, directing Respondents/Defendants to cease and desist unlawfully
5 usurping the Legislature's authority and violating the existing statutory and regulatory scheme
6 regarding the Statewide Telework Policy;

7 3. That this Court, on hearing this petition and in consideration of any return filed thereto,
8 issue an alternative and peremptory writ of mandate directing Respondents/Defendants to cease
9 and desist unlawfully usurping the Legislature's authority and violating the existing statutory and
10 regulatory scheme regarding the Statewide Telework Policy;

11 4. For its costs of suit;

12 5. For its attorney's fees; and

13 6. For such other and further relief as the Court deems appropriate.

14 **On the Third Cause of Action:**

15 1. For a peremptory writ of mandate directing Respondent/Defendant Governor Gavin
16 Newsom to cease and desist unconstitutional exercise of executive power in issuance of the RTO
17 Executive Order;

18 2. Pending issuance of a peremptory writ, that this Court issue a temporary restraining order
19 and preliminary injunction, directing Respondent/Defendant Governor Gavin Newsom to cease
20 and desist unconstitutional exercise of executive power in issuance of the RTO Executive Order;

21 3. That this Court, on hearing this petition and in consideration of any return filed thereto,
22 issue an alternative and peremptory writ of mandate directing Respondent/Defendant Governor
23 Gavin Newsom to cease and desist unconstitutional exercise of executive power in issuance of
24 the RTO Executive Order;

25 4. For its costs of suit;

26 5. For its attorney's fees; and

27 6. For such other and further relief as the Court deems appropriate.

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On the Fourth Cause of Action:

1. For a declaratory judgment declaring that, as alleged herein, Respondents/Defendants (a) violated the APA in issuing a rule of general application without compliance with the procedural requirements of the APA; (b) violated the existing statutory and regulatory scheme of the Statewide Telework Policy and unlawfully usurped the Legislature's authority by dictating a new telework policy; and (c) violated the California Constitution by unlawful exercise of executive power;
2. For such other and further relief as the Court deems appropriate.

Dated: June 20, 2025

Respectfully submitted,


SEIU LOCAL 1000

By: 
ANNE M. GIESE, Chief Counsel
SEIU Local 1000

VERIFICATION

I, Anica Walls, declare under penalty of perjury under the laws of the State of California, that I am the President of SEIU Local I000, a Petitioner/Plaintiff in this action, and am the individually named Petitioner/Plaintiff in this action. I have first-hand knowledge of the facts stated in the PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF and could competently testify to them as a witness at a hearing or trial. I have read the foregoing PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, and state that the facts stated therein are true and correct, except as to those facts alleged on information or belief, and as to those facts, I believe them to be true in my personal and official capacities.

DATED: June 20, 2025



ANICA WALLS
President
SEIU Local 1000