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STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD

UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE: Case No: **Date Filed: 11/02/2026**

INSTRUCTIONS: File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES ☐ **If so, Case No** NO ☒

1. CHARGING PARTY: EMPLOYEE ☐ EMPLOYEE ORGANIZATION ☒ EMPLOYER ☐ PUBLIC[1] ☐

a. **Full name:** SEIU Local 1000

b. **Mailing Address:** 1808 14th Street, Sacramento, CA 95811

c. **Telephone number:** [redacted]

d. **Name and title of agent to contact:** **E-mail Address:** [redacted]

Telephone number: [redacted] **Fax No.:**

e. **Bargaining Unit(s) involved:** 1, 3, 4, 11, 14, 15, 17, 20, and 21

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION ☐ EMPLOYER ☒

a. **Full name:** California Department of Human Resources

b. **Mailing Address:** 1515 S Street, North Bldg. Suite 400, Sacramento, CA 95811

c. **Telephone number:** [redacted]

d. **Name and title of agent to contact:** **E-mail Address:** [redacted]

Telephone number: [redacted] **Fax No.:**

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. **Full name:**

b. **Mailing address:**

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Gov. Code, § 18524.)

a. **Full name:**

b. **Mailing Address:**

c. **Agent:**

5. GRIEVANCE PROCEDURE

[1]An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569

PERB Received
11/02/26 16:03 PM

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes ☒ No ☐ Unknown ☐

6. STATEMENT OF CHARGE

a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)

☐ Educational Employment Relations Act (EERA) (Gov. Code, § 3540 et seq.)
☒ Ralph C. Dills Act (Gov. Code, § 3512 et seq.)
☐ Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
☐ Meyers-Milias-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
☐ Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code, § 99560 et seq.)
☐ One of the following Public Utilities Code Transit District Acts: San Francisco Bay Area Rapid Transit District Act (SFBART Act) (Pub. Util. Code, § 28848 et seq.), Orange County Transit District Act (OCTDA) (Pub. Util. Code, § 40000 et seq.), Sacramento Regional Transit District Act (Sac RTD Act) (Pub. Util. Code, § 102398 et seq.), Santa Clara VTA, (Pub. Util. Code, § 100300 et seq.), and Santa Cruz Metro (Pub. Util. Code., § 98160 et seq.)
☐ Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
☐ Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)

b. The specific Government or Public Utilities Code section(s) or PERB regulation section(s) alleged to have been violated is/are:

3519(a), (b) and (c)

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are **(*a copy of the applicable local rule(s) MUST be attached to the charge*):**

d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (*Use and attach additional sheets of paper if necessary*.)

See attached

AI ADVISORY

You are accountable for all content in the above filing, including any content created by or assisted by generative artificial intelligence ("AI") or other technological tools. Before filing your document, you must: (1) confirm the existence of all cited authorities, (2) ensure no cited authority is fabricated, misstated, or misleadingly taken out of context, and (3) verify that all information included in the filing, including any information generated or assisted by AI or other technological tools, is accurate. Be advised that including fabricated information in your filing risks serious consequences, including but not limited to striking the filing from the record, dismissing the charge, issuing monetary sanctions, and, if you are an attorney, reporting to the State Bar.

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief. (A Declaration will be included in the e-mail you receive from PERB once you have completed this screen. The person filing this Unfair Practice Charge is required to return a properly filled out and signed original Declaration to PERB pursuant to PERB Regulations 32140 and 32135.)

	/s/	11/02/2026
(Type or Print Name)	(Signature)	Date

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UNFAIR PRACTICE CHARGE

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INSTRUCTIONS: File this charge form via the e-PERB Portal, with proof of service. Parties exempt from using the e-PERB Portal may file the original charge in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES ☐ If so, Case No. NO ☑

1. CHARGING PARTY: EMPLOYEE ☐ EMPLOYEE ORGANIZATION ☑ EMPLOYER ☐ PUBLIC[1] ☐

a. **Full name:** Service Employees International Union, Local 1000

b. **Mailing address:** 1808 14th Street, Sacramento, CA 95811

c. **Telephone number:** [redacted]

d. **Name and title of person filing charge:** [redacted] **E-mail Address:** [redacted]
Telephone number: [redacted]

e. **Bargaining unit(s) involved:** 1, 3, 4, 11, 14, 15, 17, 20, and 21

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION ☐ EMPLOYER ☑

a. **Full name:** State of California, Department of Human Resources

b. **Mailing address:** 1515 S Street, North Building, Ste. 500, Sacramento, CA 95811

c. **Telephone number:** [redacted]

d. **Name and title of agent to contact:** [redacted] **E-mail Address:** [redacted]
Telephone number: [redacted]

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

a. **Full name:**

b. **Mailing address:**

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Gov. Code, § 18524.)

a. **Full name:** California Department of Human Resources

b. **Mailing address:** 1515 S Street, North Bldg., Ste. 400

c. **Agent:** Monica Erickson, Director

[1] An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569.

PERB Received
11/02/26 16:03 P

5. GRIEVANCE PROCEDURE

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

Yes ☑ No ☐ Unknown ☐

6. STATEMENT OF CHARGE

a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)

- ☐ Educational Employment Relations Act (EERA) (Gov. Code, § 3540 et seq.)
- ☑ Ralph C. Dills Act (Gov. Code, § 3512 et seq.)
- ☐ Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
- ☐ Meyers-Milias-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
- ☐ One of the following Public Utilities Code Transit District Acts: San Francisco Bay Area Rapid Transit District Act (SFBART Act) (Pub. Util. Code, § 28848 et seq.), Orange County Transit District Act (OCTDA) (Pub. Util. Code, § 40000 et seq.), Sacramento Regional Transit District Act (Sac RTD Act) (Pub. Util. Code, § 102398 et seq.), Santa Clara VTA, (Pub. Util. Code, § 100300 et seq.), and Santa Cruz Metro (Pub. Util. Code., § 98160 et seq.)
- ☐ The Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Supervisory Employees of the Los Angeles County Metropolitan Authority (Pub. Util. Code, § 99560 et seq.)
- ☐ Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
- ☐ Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)

b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are: Government Code section 3519(a), (b) and (c) Unknown ☐

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are **(*a copy of the applicable local rule(s) MUST be attached to the charge*):**

d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent's conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (*Use and attach additional sheets of paper if necessary*.) See attached ☑

[SEE STATEMENT OF THE CHARGE]

DECLARATION

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief and that this declaration was executed on 11/02/2026 (Date)

at Sacramento, California (City and State).

[redacted] (Type or Print Name and Title, if any)

[redacted] (Signature)

Mailing Address: 1808 14th Street, Sacramento, CA 95811

E-Mail Address: [redacted] Telephone Number: [redacted]

PERB Received
11/02/26 16:03 P

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento,

State of California. I am over the age of 18 years. The name and address of my

Residence or business is 1808 14th Street, Sacramento, CA 95811

On November 2, 2026 (*Date*), I served the Unfair Practice Charge (*Description of document(s)*)

_____ (*Description of document(s) continued*) in Case No. _____ PERB Case No., if known).

on the parties listed below by (check the applicable method(s)):

- [x] placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid;
- [ ] personal delivery;
- [ ] electronic service - I served a copy of the above-listed document(s) by transmitting via electronic mail (e-mail) or via e-PERB to the electronic service address(es) listed below on the date indicated. (*May be used only if the party being served has filed and served a notice consenting to electronic service or has electronically filed a document with the Board. See PERB Regulation 32140(b).*)

(*Include here the name, address and/or e-mail address of the Respondent and/or any other parties served.*)

California Department of Human Resources
Frolan Aguiling, Chief Counsel
1515 S Street, North Building, Suite 500
Sacramento, California 95811-7258

California Department of Human Resources
C/O Director Monica Erickson
1515 S Street, North Building, Suite 500
Sacramento, California 95811-7258

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on November 2, 2026 (*Date*),

at Sacramento (*City*) California (*State*).

[redacted] (*Type or print name*)

[redacted] (*Signature*)

PERB Received
11/02/26 16:03 P

I. FACTS

This unfair practice charge concerns the State of California Governor Newsom's administration's attempt to undermine one of the most fundamental rights guaranteed to public employees: the right to engage in protected collective action, including an unfair practice strike. On October 14, 2026, just one week before SEIU Local 1000's historic October 21 Unfair Practice Strike, the California Department of Human Resources (CalHR) issued a statewide directive requiring departments to classify employees participating in the strike as absent without leave (AWOL), to require those employees to enter AWOL on their timesheets, and to subject employees requesting sick leave on the strike date to special medical verification and payroll-docking procedures.

These were not isolated supervisory decisions. They were centralized instructions from the State's bargaining representative, distributed to personnel officers throughout state government for uniform implementation against represented employees in a “confidential” directive.

The directive imperiled the right to strike by placing protected collective activity within an attendance classification ordinarily associated with unauthorized absence and potentially subject to discipline. The State's ability to administer payroll does not include the unrestricted authority to stigmatize protected activity, discourage employees from exercising their rights, or create attendance records that may later be used to justify adverse employment consequences. A statutory right that employees may exercise only at the risk of being labeled AWOL, subjected to special scrutiny, or threatened with employment consequences is a right diminished, impaired and disrupted, as described herein.

The October 21 Unfair Practice Strike

SEIU Local 1000 is the recognized exclusive representative of approximately 100,000 California state employees in Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21.

The parties' Memorandum of Understanding expired on June 30, 2026. During successor negotiations, the Union alleged that CalHR engaged in unlawful bargaining conduct, including unreasonable delays, wholesale rejection of proposals, predetermined bargaining positions, and improper reliance on a prior side letter to avoid meaningful negotiations. The Union filed unfair practice charges challenging that conduct, and PERB issued a complaint. (PERB Case No. SA-CE-2363-S)

SEIU Local 1000 subsequently proceeded with a one-day Unfair Practice Strike scheduled for October 21 to protest the State's alleged unlawful bargaining conduct.

CalHR sought injunctive relief to prevent or restrict the strike and challenged the Union’s declaration of impasse. On October 16, PERB granted the State's request only in part, identifying essential employees necessary to protect public health and safety, while denying the remainder of the request in light of the Union's commitment to exempt designated employees from the strike.

PERB Received
11/02/26 16:03 P

The Union complied with PERB's essential-staffing requirements. Employees not designated essential were entitled to exercise their protected right to strike.

In preparation for the October 21 strike, SEIU Local 1000 undertook an extensive member education and outreach campaign, conducting strike trainings and Zoom meetings attended by thousands of employees, distributing Know Your Rights materials, and communicating regularly through its website and email. A central challenge throughout these efforts was addressing employees' fear of discipline, retaliation, or other employment consequences for participating in the strike. Despite the Union's repeated assurances concerning their protected rights, these concerns persisted. CalHR's directive to classify strike participation as AWOL, a designation associated with unauthorized absence and potential discipline, threatened to compound those fears and undermine the Union's extensive efforts to prepare members to exercise their right to strike.

CalHR's Statewide AWOL Directive

On October 14, 2026, CalHR, through Kim Herlache, distributed a memorandum entitled "SEIU Strike" to State personnel officers. The memorandum provided mandatory statewide instructions governing the treatment of employees participating in the October 21 strike. (Attached as Exhibit 1)

CalHR directed departments to process lost wages as unpaid dock, but separately instructed that the corresponding absence be recorded as AWOL in the leave-accounting system. It further instructed employees participating in the strike to document their own absence as AWOL on their timesheets. The distinction is critical. Docking pay accurately reflects that an employee did not perform compensable work. Designating participation in a protected strike as AWOL, however, affirmatively characterizes that activity as an unauthorized absence.

CalHR did not merely select a payroll code to account for unpaid time. It directed the creation of an attendance record identifying employees who exercised protected rights under a designation associated with unauthorized absence. Nothing in the memorandum expressly prohibited departments from later relying on those records for discipline, attendance monitoring, performance evaluations, or other adverse employment decisions.

The directive was issued in the context of a statewide dispute in which CalHR broke off line pass negotiations with the Union and filed Injunctive Relief pleadings contended that participation in the October 21 strike was unprotected and violated the expired MOU's no-strike provision. Against that backdrop, CalHR's mandatory AWOL designation reinforced the message that employees who exercised their right to strike could be treated as engaging in unauthorized conduct.

Foundational to this violation, CalHR compounded the problem by requiring employees themselves to characterize their participation as AWOL on their timesheets, effectively

PERB Received
11/02/26 16:03 P

compelling employees to adopt the State's adverse attendance designation for their own protected conduct. While it may be withing the State's authority to withhold wages for hours not worked during a strike; the challenged conduct is the State's decision to go beyond lawful payroll deductions and create prejudicial attendance records because employees exercised their statutory right to strike. Employees voiced repeated concerns in calls and questions posed to the Union that dock or AWOL reporting made them feel targeted by management and less likely to exercise their right to strike. After the strike, employees called and submitted questions and expressed fear that their payroll warrants were delayed – despite working every other day and timely submitting time records.

Special Medical Verification and Leave Restrictions

CalHR's directive also imposed special procedures for employees who reported illness on October 21. The memorandum instructed departments to require medical substantiation from employees calling in sick on the strike date if they wished to use leave credits, and to dock their pay pending production and review of that documentation. It directed supervisors to report absences for payroll docking before ordinary verification could be completed. The directive thus established heightened scrutiny of leave requests expressly because they occurred on the day of protected collective activity.

The State may require medical substantiation where authorized by applicable law, the MOU, or established policy. But it may not use a protected strike as an occasion to impose new, blanket requirements that depart from established leave practices without bargaining, nor may it presume that an employee's legitimate illness is suspect merely because it coincides with the Union's strike.

CalHR's memorandum recognized that previously approved leave remained valid and that protected FMLA/CFRA leave must be honored. Those acknowledgments do not eliminate the separate question whether the State imposed materially different verification requirements on employees requesting sick leave on October 21. These changes placed employees in an untenable position: those who participated in the strike were directed to identify themselves as AWOL, while employees who were legitimately ill faced strike-specific scrutiny and potential loss of pay pending documentation.

Confidential Implementation

CalHR designated the October 14 memorandum confidential and instructed recipients not to share it with rank-and-file employees without CalHR approval. The State thus adopted a statewide policy affecting represented employees' attendance and leave records while restricting disclosure of the instructions to the employees whose rights were directly implicated. This secrecy is particularly troubling where the policy concerned participation in a protected strike. Employees were entitled to make informed decisions concerning their statutory rights without secretive management directives creating potentially adverse attendance classifications.

PERB Received
11/02/26 16:03 P

The Union alleges that CalHR's actions were intended, or reasonably tended, to discourage participation in the October 21 strike and to undermine the Union's exercise of protected collective rights.

II. LAW AND UNFAIR PRACTICE CHARGES

A. Interference, Restraint, and Coercion - Government Code Section 3519(a)

The right to strike is foundational to collective bargaining, and the State cannot undermine that right through coercive attendance and leave policies. Government Code section 3519(a) prohibits the State from imposing or threatening reprisals, discriminating or threatening discrimination, or otherwise interfering with, restraining, or coercing employees because of their exercise of rights protected by the Dills Act. PERB has repeatedly recognized that California public employees possess a qualified statutory right to strike, including the right to strike in protest of employer unfair practices.

In *Fresno County In-Home Supportive Services Public Authority* (2015) PERB Decision No. 2418-M, PERB recognized the statutory right to strike in protest of unfair practices. More recently, in *Oakland Unified School District* (2024) PERB Decision No. 2906-E, PERB reaffirmed that unfair practice strikes are protected collective activity and explained that an employer's unfair practices may materially provoke a protected strike. This protection is not incidental to the collective bargaining statute. It is essential to its operation. The right to organize and bargain collectively would be substantially weakened if employees could not engage in concerted action to protest an employer's refusal to honor its statutory obligations.

PERB evaluates interference by examining whether employer conduct objectively tends to impair protected rights. Proof of actual employee intimidation or unlawful employer motive is not required to establish an independent interference violation. (See *City of San Diego* (2020) PERB Decision No. 2747-M; *Claremont Unified School District* (2019) PERB Decision No. 2654.)

PERB has directly addressed the coercive consequences of using potentially disciplinary attendance classifications in connection with protected strike activity. In *County of San Joaquin* (2021) PERB Decision No. 2761-M, pp. 72–74, PERB found that the employer's use of a “Leave Unauthorized” payroll code for nurses prevented from returning to work following a lawful strike constituted adverse action because the designation could expose employees to discipline. PERB rejected the employer's administrative justification, recognizing that the potential disciplinary consequences of an attendance designation cannot be disregarded simply because the employer characterizes it as a payroll function.

CalHR's directive presents the same fundamental problem. CalHR expressly distinguished between docking wages for time not worked and requiring employees to record protected strike participation as AWOL on their own timesheets. Having already provided for the lawful

PERB Received
11/02/26 16:03 P

deduction of wages, CalHR imposed an additional designation associated with unauthorized absence and potential discipline. Indeed, Government Code section 19572(j), expressly identifies inexcusable absence without leave as grounds for discipline. The State cannot transform the exercise of a fundamental statutory right into apparent employee misconduct merely by invoking its payroll procedures.

The coercive effect was amplified by contemporaneous departmental communications repeating CalHR's position that the strike was unprotected and violated the MOU. In that environment, an employee learning that the State would record participation as AWOL could reasonably understand that exercising the right to strike would jeopardize the employee's employment record and potentially expose the employee to discipline. CalHR's compulsory AWOL designation therefore reinforced the very fears of reprisal that the Union had undertaken extensive efforts to overcome through member education, training, and outreach.

The State's legitimate interest in accurately accounting for unpaid time does not justify imposing the stigma and potential disciplinary consequences of unauthorized absence on employees exercising their statutory rights. Nor can the State insulate its conduct from scrutiny by characterizing the designation as an administrative code. Under *San Joaquin*, the practical consequences of the designation matter, and under PERB's objective interference standard, the absence of actual discipline does not eliminate the coercive tendency of the directive.

The State cannot lawfully withhold wages for time not worked and then impose the additional stigma of unauthorized absence for exercising the very right the Dills Act protects. By requiring employees to identify their protected strike participation as AWOL, CalHR reasonably tended to discourage participation in protected collective activity and to undermine the Union's ability to organize future collective action. Such conduct imperils the fundamental right to strike and constitutes interference, restraint, and coercion in violation of Government Code section 3519(a).

B. Discrimination and Retaliation for Protected Activity — Government Code Section 3519(a)

CalHR's directive also supports a claim of discrimination based on protected collective activity. In *Novato Unified School District* (1982) PERB Decision No. 210, PERB established the factors for evaluating employer retaliation, including protected activity, employer knowledge, adverse action, and a causal connection between the protected activity and the adverse action. In *State of California (Correctional Health Care Services)* (2021) PERB Decision No. 2760-S, PERB reaffirmed the requirement that protected activity be a substantial or motivating cause of adverse employer action. However, if an employer's conduct facially discriminates based on protected activity, that is "discrimination in its simplest form," and PERB may infer unlawful discrimination without further evidence of motive. (*Los Angeles County Superior Court* (2018) PERB Decision No. 2566-C.) PERB has recognized that conduct explicitly distinguishing employees based on their protected activity may constitute facial discrimination without separate proof of unlawful motive. (See *County of San Joaquin* (2021) PERB Decision No. 2761-M,

PERB Received
11/02/26 16:03 P

finding that singling out employees who honored picket lines during the strike and reducing their post-strike work opportunities constituted facial discrimination.)

CalHR's directive facially distinguished employees participating in the October 21 strike. It instructed departments to enter AWOL precisely because those employees engaged in strike activity. This was a new announcement which did not previously exist for Local 1000 bargaining units. This designation was designed to alter employees' attendance standing, and therefore subject them to additional scrutiny, or otherwise adversely affect their employment records or conditions. This policy was designed to identify employees and cause retaliation or discrimination against them because of their protected conduct. The causal connection is express: CalHR identified strike participation as the reason for imposing the AWOL designation. Moreover, any subsequent reliance on these entries for discipline, attendance penalties, adverse evaluations, denial of benefits, or other employment consequences would constitute additional evidence of unlawful discrimination or retaliation.

The Union requests investigation of the actual use and consequences of these attendance records and reserves the right to identify additional affected employees and adverse actions as evidence becomes available.

C. Unilateral Change and Refusal to Bargain in Good Faith — Government Code Section 3519(c)

Government Code section 3519(c) prohibits the State from refusing or failing to meet and confer in good faith with a recognized employee organization. An employer violates its bargaining obligation when it unilaterally changes a negotiable term or condition of employment without providing the exclusive representative notice and an opportunity to bargain. In *City of Culver City* (2020) PERB Decision No. 2731-M, PERB explained that unlawful unilateral changes may involve modifications to written agreements, departures from established practices, newly created policies, or the application or enforcement of existing policies in a new manner.

The challenged CalHR directive concerned matters within the scope of representation: attendance designations, leave administration, medical substantiation requirements, and the treatment of employee absences. CalHR issued a statewide directive requiring uniform treatment of October 21 absences, including mandatory AWOL coding and special medical verification requirements. To the extent these requirements departed from governing agreements, established attendance practices, or ordinary leave-administration procedures, CalHR imposed unilateral changes without first providing SEIU Local 1000 notice and an opportunity to bargain.

The directive was not limited to an individualized determination of suspected leave abuse. It established policies applicable across State departments based on the occurrence of the Union's protected strike. These actions had a generalized effect on represented employees and the administration of their employment rights. The State cannot avoid its bargaining obligations by

PERB Received
11/02/26 16:03 P

implementing a new policy under the guise of payroll administration or by invoking the existence of a strike as a blanket justification for changing negotiated leave procedures.

Accordingly, CalHR violated Government Code section 3519(c) by unilaterally adopting and implementing changes to negotiable terms and conditions of employment.

D. Interference With the Union's Representational Rights — Government Code Section 3519(b)

Government Code section 3519(b) prohibits the State from denying employee organizations rights guaranteed by the Dills Act. SEIU Local 1000's ability to organize, advise, and represent employees in connection with protected collective action is central to its role as exclusive representative. CalHR's statewide directive directly affected the Union's members and the exercise of their collective rights. Yet CalHR circulated its directives confidentially to management, while instructing recipients not to disclose the instructions to rank-and-file employees. By imposing undisclosed, potentially adverse attendance requirements associated with protected strike participation, CalHR undermined the Union's ability to provide accurate guidance to its members and effectively represent them concerning the consequences of their collective activity.

PERB recognizes that employer interference with employees' protected rights may also deny an employee organization its statutory right to represent those employees. (*State of California (Department of Corrections and Rehabilitation)* (2012) PERB Decision No. 2282-S; *State of California (Department of Youth Authority)* (2000) PERB Decision No. 1374-S.) Here, CalHR's statewide directive undermined the Union's ability to organize and support protected collective action and effectively represent its members. By interfering with the exercise of rights central to the Union's representational function, the State also violated Government Code section 3519(b).

Employees were entitled to make informed decisions concerning their statutory rights without secretive management directives creating potentially adverse attendance classifications. CalHR cannot play the Wizard of Oz - pulling levers behind the curtain to intimidate employees while concealing the machinery of interference from those whose rights are at stake.

SEIU Local 1000 devoted substantial resources to educating members about their protected right to strike, through strike-ready trainings, website communications, emails, and flyers. Despite these efforts, the Union faced persistent fear among members that participating in the strike would expose them to discipline or other employment consequences. CalHR's secret directive to managers requiring employees to characterize their protected strike participation as AWOL reinforced precisely the fears the Union was working to overcome, undermining its efforts to educate, organize, and mobilize members in the exercise of their statutory rights. This interference burdened the Union's representational activities and impaired its ability to effectively exercise the organizational rights guaranteed by the Dills Act.

PERB Received
11/02/26 16:03 P

The directives altered negotiated or established employment practices without notice to the Union, the State further impaired the Union's statutory right to represent employees in bargaining over their terms and conditions of employment. The Union therefore alleges that CalHR's conduct also violated Government Code section 3519(b).

III. REMEDIES

SEIU Local 1000 requests that PERB issue a complaint and find that the State, through CalHR, violated Government Code sections 3519(a), (b), and (c). The right to strike is not meaningful if the State may burden its exercise with threats of unauthorized absence, adverse attendance records, or special employment consequences. PERB's remedy must protect not only those employees who participated on October 21, but the continued ability of all represented employees to exercise their fundamental collective rights without fear of reprisal.

- Cease and desist from interfering with employees' protected right to strike.
- Rescind or correct CalHR's October 14, 2026 directive.
- Remove or correct AWOL entries associated with protected strike participation.
- Prohibit discipline or other adverse consequences based solely on protected strike activity.
- Meet and confer regarding a neutral, non-disciplinary designation for protected strike absences.
- Restore any unlawfully changed sick-leave verification or leave-administration practices.
- Make affected employees whole for lost wages, leave credits, benefits, or other losses.
- Post and electronically distribute a corrective notice to all represented employees.
- Require an appropriate CalHR official to deliver an oral corrective notice, including by recorded video distributed statewide.
- Award reasonable attorney's fees and costs to the extent authorized by law.
- Grant any other relief PERB deems appropriate to effectuate the purposes of the Dills Act.

PERB Received
11/02/26 16:03 P

EXHIBIT 1

PERB Received
11/02/26 16:03 P

From: All Personnel Officers <[redacted] On Behalf Of [redacted]
Kim@CalHR
Sent: Wednesday, October 14, 2026 2:07 PM
To: [redacted]
Subject: SEIU Strike

You don't often get email from [redacted]

Personnel Officers-

CONFIDENTIAL: This message may not be shared with any rank-and- file staff. Please do not copy, forward, transmit, or duplicate, in whole or in part, any portion of this communication, without prior CalHR approval.

This message provides guidance regarding the SEIU strike scheduled for **October 21** and its impact on timekeeping and payroll processing.

Please review the following instructions carefully to ensure employees are not overpaid.

1. **Payroll Cut-Off**
   Monthly Payroll Cut-Off is **October 22**. Departments must ensure all **dock** is keyed for employees who are absent due to participation in the strike. There is a one-day turnaround which may require transactions staff, including supervisors, to work overtime to ensure timely processing. Processing will be done as dock but the absence in the leave accounting system or other system will be coded as AWOL.

2. **Dock Reporting**
   Provide instructions to supervisors/managers that dock must be reported to their personnel specialist or other designated Human Resources person, no later than close of business on October 21 for all employees, including those who are AWOL due to the strike. This includes any employee who is not SEIU that choses to stand in solidarity with SEIU. Reporting dock on October 21 will ensure the Transactions Unit has time to process dock for each employee prior to master run on October 22. Supervisors/managers are to report dock until medical substantiation is provided (see #4).

3. **Time Sheet Documentation**
   Employees who participate in the strike will document their absence as AWOL on their timesheet. Managers and supervisor should be notified so they can communicate and audit upon submission.

4. **Employees on Approved Leave**
   Employees who already had **approved time off** on October 21 are **not considered AWOL**. They may use leave credits to cover their absence, following normal leave approval and usage rules.

5. **Sick Leave Usage on Strike Day**
   Any employees who call in sick on October 21 should be asked to provide **medical substantiation** (a doctor's note) to verify the illness if they want to use leave for their absence. Each case should be carefully reviewed, and leave should only be authorized if it can be substantiated. Supervisors should seek further guidance from their labor relations office and CalHR. Until medical substantiation is provided, the employee will be **docked**.

6. **Employees Calling Out in Solidarity**
   Employees who choose to call out in solidarity with the strike may **not** use leave credits to cover the absence. These absences must be **docked** and recorded as AWOL for leave purposes. Instructions under bullet 1 must be followed to ensure the employee is not overpaid.

7. **Employees who are No Call/No Show**
   Employees who are no call/no show, are to be reported as dock.

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8. **Late Dock Processing**
   It is expected that dock will be keyed prior to cut off. However, if your department is unable to key dock on October 22, please follow the normal **late dock** process. This includes pulling the employee's check during green cycle and reissuing it with the appropriate pay, so employees are not overpaid.

9. **Time Off Requests for October 21**
   Since the strike has been formally announced, employees participating in the strike are not authorized use leave credits. For new time off requests, departments should:
   1. Assess the request based on operational needs assuming a reduced workforce to ensure continuity of business operations.
   2. Refer to the relevant MOU sections. Where appropriate, sick leave may be substantiated by a doctor's note in accordance with the MOU.
   3. Once the employee has returned to the worksite, if substantiation was requested, leave requests should be evaluated on a case-by-case basis in consultation with departmental labor relations offices.
   4. If an employee has FMLA/CFRA and is requesting to take protected leave, the request for leave should be granted. If the employee has a known medical condition but not previously approved for FMLA/CFRA, management should work with departmental labor relations staff prior to denying sick leave.

10. **Exception to the Continuity of Dock (599.785)**
    SEIU employees who have a **planned day off on October 22** can use leave if they chose to strike on October 21. Generally, this is breaking the continuity of dock, however, we are allowing an exception to 599.785.

If you have any questions or need additional clarification, please reach out to [redacted]

We appreciate and thank you for the work you and your departments will be doing to ensure accurate and timely payroll processing.

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