



PERB
California Public Employment
Relations Board

Sacramento Regional Office
1031 18th Street
Sacramento, CA, 95811-4124
Telephone: (916) 591-3168
Fax: (916) 327-6377



December 17, 2020

Anne M. Giese, Chief Counsel
Service Employees International Union, Local 1000
1808 14th Street
Sacramento, CA 95811

Gail Onodera, Labor Relations Counsel
Department of Human Resources
1515 S Street, North Building, Suite 500
Sacramento, CA 95811-7258

Re: *Service Employees International Union Local 1000 v. State of California*
(*Department of Public Health*)
Unfair Practice Charge No. SA-CE-2184-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 20 calendar days from the date of service of the COMPLAINT, pursuant to PERB 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**.

///

///

///

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.

Unfair Practice Charge No. SA-CE-2184-S

December 17, 2020

Page 2

Also enclosed is a Notice of Informal Conference informing you that an informal settlement conference has been scheduled. If you are unable to meet on the date specified, please follow the instructions in the second paragraph of the notice. All inquiries, filings, and correspondence in this matter should be directed to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheena J. Farro". The signature is written in a cursive, flowing style.

Sheena J. Farro
Regional Attorney

Enclosure

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Sacramento, 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, Sacramento Regional Office, 1031 18th Street, Sacramento, CA, 95811-4124.

On December 17, 2020, I served the Complaint Cover With Notice regarding Case No. SA-CE-2184-S on the parties listed below by

I am personally and readily familiar with the business practice of the Public Employment Relations Board for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Sacramento, California.

Personal delivery.

Facsimile transmission in accordance with the requirements of PERB regulations 32090 and 32135(d).

Electronic service (e-mail).

Anne M. Giese, Chief Counsel
Service Employees International Union, Local 1000
1808 14th Street
Sacramento, CA 95811
Email: agiese@seiu1000.org

Gail Onodera, Labor Relations Counsel
Department of Human Resources
1515 S Street, North Building, Suite 500
Sacramento, CA 95811-7258
Email: gail.onodera@calhr.ca.gov

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 17, 2020, at Sacramento, California.

S. Taylor

(Type or print name)



(Signature)

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 1000,

Charging Party,

v.

STATE OF CALIFORNIA (DEPARTMENT OF
PUBLIC HEALTH),

Respondent.

Case No. SA-CE-2184-S

COMPLAINT

It having been charged by Charging Party that Respondent 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. Charging Party is a recognized employee organization within the meaning of Government Code section 3513(b) of an appropriate unit of employees.
2. Respondent is the State employer within the meaning of Government Code section 3513(j).
3. Before August 26, 2020, Health Facility Evaluator Nursers (HFENs) employed by Respondent were not required to:
 - a. Conduct post-survey activities including reviewing health care facility plans of corrections;
 - b. Conduct follow-up visits at health care facilities to verify facility has corrected cited deficiencies;

- c. Serve as liaison and primary contact for Respondent to assist health care facilities with regulatory actions and processes;
 - d. Provide quality and safety compliance oversight to healthcare facilities;
 - e. Conduct evening, weekend, or holiday surveys; or
 - f. Stay overnight when traveling.
4. On or about August 26, 2020, Respondent unilaterally implemented a modified HFEN duty statement requiring the duties described in paragraph 3.
5. Respondent engaged in the conduct described in paragraph 4 without having afforded Charging Party a reasonable 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, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3519(c).
7. This conduct also interfered with the rights of bargaining unit employees to be represented by Charging Party in violation of Government Code section 3519(a).
8. This conduct also 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: December 16, 2020

Wendi L. Ross
Deputy General Counsel

By 

Kimberly J. Procida
Regional Attorney