



PERB
California Public Employment
Relations Board

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May 28, 2025

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UAW
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Sacramento, CA 95811-7258

David M. Villalba, Labor Relations Counsel
California Department of Human Resources
1515 S Street, North Building, Suite 500
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Re: *International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) and its designated Local Union, the California Association of Professional Scientists (CAPS), Local 1115, UAW v. State of California (Governor's Office)*
Unfair Practice Charge No. SA-CE-2283-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 Regulation 32644.¹ The required contents of the **ANSWER** are described in PERB Regulation 32644(b).

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.

May 28, 2025

Page 2

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,

/s/ Jeremy Zeitlin

Jeremy Zeitlin
Senior Regional Attorney

Enclosure

STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD



INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS OF
AMERICA (UAW) AND ITS DESIGNATED
LOCAL UNION, THE CALIFORNIA
ASSOCIATION OF PROFESSIONAL
SCIENTISTS (CAPS), LOCAL 1115, UAW,

Charging Party,

v.

STATE OF CALIFORNIA (GOVERNOR'S
OFFICE),

Respondent.

Case No. SA-CE-2283-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. Charging Party is the exclusive representative of the State's Bargaining Unit 10.

2. Respondent is the State employer within the meaning of Government Code section 3513(j).

3. Charging Party and Respondent are parties to a Memorandum of Understanding (MOU), effective July 1, 2022, through July 1, 2027. Article 7.10 of the MOU defines "telework." It states in relevant part:

A. Where operational consideration permits, a department shall establish a telework program . . .

F. Departments that desire to establish a telework or telecommuting policy and/or program or departments desiring to change an existing policy and/or program shall first notify [Charging Party]. Within thirty (30) calendar days of such notification, [Charging Party] may request to meet-and-confer over the impact of a telework or telecommuting policy and/or program or change in an existing telework or telecommuting policy and/or program.

4. The MOU at Article 7.11 also provides that employees with an approved telework agreement on file will receive a \$50 per month stipend if they are Remote Centered, and a \$25 stipend if they are Office Centered.

5. Under existing department telework policies, a number of employees are designated Remote Centered as they telework for at least fifty percent of the time.

6. On or about March 3, 2025, Respondent changed the telework policy described in paragraphs 3-5 and announced a new telework policy. Specifically, on March 3, 2025, Governor Gavin Newsom issued Executive Order N-22-25. The Executive Order states in relevant part:

1. All agencies and departments subject to my authority that provide telework as an option for employees shall implement a hybrid telework policy with a 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.

2. Agencies and departments subject to Paragraph 1 shall consider their individual operational needs in determining whether to offer telework as an option. Consistent with the intent of this Order, agencies and departments shall consider employee requests for more than one telework day per week on a case-by-case basis, as required by any applicable Memorandum of Understanding . . . No later than

March 13, 2025, the California Department of Human Resources (CalHR) shall publish statewide guidance to assist agencies and departments in making appropriate case-by-case exceptions . . .

3. CalHR shall promptly notice impacted bargaining units, to ensure legally required notice is provided prior to implementation of the directives in Paragraphs 1 and 2.

4. . . . Individual agencies and departments shall work with DGS to develop a plan to accommodate the increase in in-person work, including with respect to workplace facilities and employee transportation options, and shall submit such plans to DGS no later than April 1, 2025. DGS shall notify my office no later than May 1, 2025, of any agency or department that has not prepared an adequate plan.

7. Respondent engaged in the conduct described in paragraph 6 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.

8. Respondent did not notify Charging Party of the Executive Order and its new telework policy prior to March 3, 2025.

9. By the acts and conduct described in paragraphs 6 through 8, Respondent failed and refused to meet and confer in good faith in violation of Government Code section 3519(c).

10. 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).

11. 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: May 28, 2025

J. Felix De La Torre
General Counsel

By /s/ Stephanie O'Hara
Stephanie O'Hara
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 May 28, 2025, I served the Complaint and Cover Letter regarding Case No. SA-CE-2283-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 Los Angeles, California.

Personal delivery.

Electronic service (e-mail).

Kavitha Iyengar, Servicing
Representative
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Email: carla.caesar@calhr.ca.gov

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 28, 2025, at Glendale, California.

J. Carter
(Type or print name)

/s/ J. Carter
(Signature)