



Telephone: (916) 554-1279  
Facsimile: (916) 554-1292

VIA EMAIL AND US MAIL  
[Tomas.Aragon@cdph.ca.gov](mailto:Tomas.Aragon@cdph.ca.gov)

October 25, 2021

RICHARD  
LOUIS BROWN  
President

DAVID JIMENEZ  
Vice President/  
Secretary-Treasurer

ANICA WALLS  
Vice President for  
Organizing/Representation

IRENE GREEN  
Vice President for Bargaining

Tomás J. Aragón, M.D., Dr. P.H.  
State Public Health Officer & Director  
CA Department of Public Health  
P.O. Box 997377 – MS 0500  
Sacramento, CA 95899-7377

**Re: CEASE AND DESIST BAD FAITH UNILATERAL CHANGES**

Dear Mr. Aragón:

SEIU Local 1000 represents all Health Facility Evaluator Nurses (HFEN) in your department. After the settlement of the SEIU HFEN Unfair Practice Charge, PERB No. SA-CE-2184-S, which withdrew proposed job duty changes, CDPH correctly instructed the DADM to cease assigning Plan of Correction (POC) review to the HFEN classification. Since that time, CDPH has diametrically changed course and is now requiring a significant number of HFENs to review and approve POCs.

CDPH’s own training curriculum outlines that supervisors perform this function. CDPH does not provide training to HFENs to perform this task. Given the grave consequences that attach to POC compliance concerning the health and welfare of facility residents, it is appalling and contrary to legal and ethical requirements to demand and instruct any HFEN to perform this work. Putting this task on untrained HFENs places their nursing license in immediate jeopardy and their professional liability at great risk.

We can only conclude that this reverse course is in direct retaliation for the Union objecting to the assignment of this work and endeavoring to resolve this matter in a mutual settlement. It appears that all along CDPH was intent on assigning this work to HFENs nonetheless. These efforts – which unilaterally change the rights employees have acquired - appear intentionally orchestrated to deter SEIU’s represented workers from engaging in protected union activity in violation of Section 3519, subdivision (a) of the Ralph C. Dills Act. Moreover, such a reversal is blatantly anti-union and operates to chill employee rights to secure Union representation.

SERVICE EMPLOYEES  
INTERNATIONAL UNION  
CTW, CLC

1808 14th Street  
Sacramento, CA 95811

866.471.SEIU (7348)  
[www.seiu1000.org](http://www.seiu1000.org)



Tomás J. Aragón, M.D., Dr. P.H.  
October 25, 2021  
Page 2

---

This letter demands that CDPH cease and desist from instructing or directing HFENs to perform POC review and/or approval. CDPH has now been placed on notice of the unauthorized exercise of managerial authority to disregard their training process. HFEN trainings are necessary and relevant to employee rights. However, to be compliant with legal requirements, their specific content must be honored after the training is complete with respect to the direction of work in the field.

If CDPH fails to correct this reversal immediately and condones this disregard of its internal training process, the Union will have no alternative but to assume that these actions are conducted under color of departmental authority, and constitute a unilateral change, as well as employer interference with the Union's protected activity, and even retaliation. To avoid this conclusion, the Union demands that CDPH immediately cease and correct this conduct. Whenever necessary, the Union intends to exercise all options available to it through PERB in order to protect its legal rights.

Sincerely,



ANNE M. GIESE  
Chief Counsel

cc: Richard Louis Brown, President, SEIU Local 1000