

## ◀ NEWS (/ARTICLES)

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Civil Litigation

Jun. 30, 2023

# State's attorneys will take work from home dispute to arbitration

**Since 2021, the union representing 4,500 attorneys has been battling several state departments who have tried to force staff attorneys to come back into the office.**

An arbitrator will decide if attorneys working for the state can defy orders to return to their offices.

The California Attorneys, Administrative Law Judges and Hearing Officers in State Employment is the exclusive bargaining unit for about 4,500 attorneys who work for the California government. Since 2021, it has been battling several state departments who have tried to force staff attorneys to come back into the office after a year or more of working at home because of pandemic restrictions.

Citing a memorandum of understanding it signed last year, the union sued in February to compel arbitration. California Attorneys, Administrative Law Judges and Hearing Officers in State Employment v. California Department of Human Resources, 34-2023-00334685-CU-PT-GDS (Sac. Super. Ct., filed Feb. 14, 2023).

Judge Timothy W. Salter issued a tentative ruling on Monday in favor of the union. He rejected the department's claims that the telework orders were not subject to arbitration and that the union had to negotiate on an employee by employee basis. Salter, a retired Stanislaus County Superior Court Judge sitting on temporary

assignment in Sacramento County, also denied the department's claims it could raise evidence of intent beyond the language of the MOU.

Salter issued a final order in favor of the union on Wednesday, writing there is a "presumption of arbitrability in the present circumstance."

"CalHR refused to adhere to our contract and submit to arbitration," said union vice president Ryan Smith on Thursday. "Our MOU provides arbitration as the final step, and that's where we were in the process. They just didn't want to do it."

Smith also pointed to repeated statements by Gov. Gavin Newsom supporting telework. In interviews in 2021, for instance, Newsom said working from home and flexible schedules would be part of "the new normal" for the state workforce even as the pandemic passed.

"It benefits the taxpayer," said Smith, who is also a deputy attorney general. "It benefits the employer. It benefits the environment with less driving. And it benefits our members. Morale is way up."

"CalHR does not comment on ongoing litigation," Camille Travis, the agency's deputy director of communications, said in an email.

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