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Admitted in Hawaii  
Also admitted in Nevada  
Also admitted in Illinois  
Also admitted in New York and  
Alaska  
Admitted in Nevada and  
Washington  
Also admitted in Idaho  
Also admitted in New York

February 20, 2024

VIA EMAIL ATTACHMENT ONLY ONLY

Mr. Jonathan Rolnick, Chief Labor Attorney  
City & County of San Francisco  
Office of the City Attorney  
1390 Market Street, 5<sup>th</sup> Floor  
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Email: [REDACTED]

Re: Proposition F: Illegal Substance Dependence Screening and Treatment for Recipients  
of City Public Assistance

Dear Mr. Rolnick:

We are attorneys for the Service Employees International Union, Local 1021 ("SEIU Local 1021"). We write this letter on behalf of our client.

Proposition F requires anybody suspected to be under the influence or otherwise dependent on illegal substances to submit to a drug screening. Those who refuse to participate in the screening will no longer be eligible for County Adult Assistance Program ("CAAP") benefits. In a San Francisco Chronicle article,<sup>1</sup> the City & County of San Francisco ("City") stated that approximately 5,200 people receive CAAP benefits and that approximately one-third (over 1,700) of those have a substance use disorder. Those approximately 1,700 people would be required to enter treatment to continue to receive benefits. However, clinical evidence and literature demonstrate that drug treatment is only effective when a person is ready to receive treatment and that coercive or punitive measures will not help them stop using illegal substances or remain sober. Therefore, Proposition F is likely to result in predictably worse outcomes for nearly 2,000 people.

Moreover, the City, specifically Mayor London Breed, placed Proposition F on the ballot in violation of the Meyers-Milias-Brown Act ("MMBA"). As you know, pursuant to Government Code § 3504, the scope of representation under the MMBA shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, "wages, hours and other terms and conditions of employment." Furthermore, pursuant to Government Code § 3505, the City is obligated to meet and confer promptly upon request by the Union and continue for a reasonable period of time in order to freely exchange information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation.

The City had a duty to provide prior notice and opportunity to bargain over its decision to place Proposition F on the ballot. Proposition F had a reasonably foreseeable significant and adverse

<sup>1</sup> <https://www.sfchronicle.com/sf/article/sf-breed-prop-f-drug-screening-critics-18654008.php>

effect on SEIU Local 1021-represented employees' working conditions at the time the City placed it on the ballot. (*County of Sonoma* (2023) PERB Decision No. 2772a-M.)

The SEIU Local 1021-represented Eligibility Workers at the Human Services Agency ("HSA") will be severely impacted by Proposition F, as they are responsible for determining eligibility for benefits.

If Proposition F passes,

- New screening and eligibility protocols will need to be developed;
- SEIU Local 1021-represented staff will need to train, learn and apply new protocols;
- There will be an increase to threats to SEIU Local 1021-represented staff's safety as recipients are denied benefits.

The HSA is currently understaffed. SEIU Local 1021-represented staff regularly work overtime to keep up with the high volume of work. There is currently a backlog and delay in recipients receiving their benefits due to this staffing shortage. If Proposition F passes, workloads will increase, additional Eligibility Workers and Social Workers will need to be hired, where the Mayor is calling for further cuts to the City's budget. Proposition F includes no additional funding or other provisions to provide for heightened safety measures for the HSA employees.

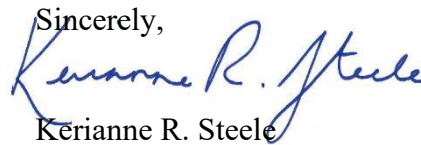
The Department of Public Health ("DPH") employees will be significantly adversely affected too. It is not clear who will be responsible for drug testing the CAAP recipients or what quality control measures will be in place. The failure to plan for this is likely to result in a new wave of contracting out of public sector work, which itself involves negotiable impacts. Proposition F would increase existing employees' workload in the various DPH programs that serve CAAP recipients. Further contracting out of public sector jobs would likely occur to meet this sudden spike in demand for drug treatment services.

At the time of this writing, there are forty-six (46) available beds in City run drug treatment centers. The availability is tracked by the City at <https://findtreatment-sf.org/>. Thus, if as many as 1,700 people are required to seek drug treatment to be eligible to continue to receive CAAP benefits, there will be an insufficient number of available beds to meet the anticipated demands of Proposition F. The City would need to change the criteria for determining which people are placed in drug treatment services in order to prioritize CAAP recipients. It will also need to dramatically increase its existing number of beds. Meanwhile, the Mayor's budget proposes to cut drug treatment and mental health services.

Tragically, what Proposition F is likely to do is cause numerous existing CAAP recipients to lose their benefits because they are not ready to quit using drugs. Proposition F will interrupt their connection to care that is provided through the DPH primary care system and current mental health services in clinics and the Whole Person Integrated Care program. This means more unstable patients will appear in outpatient settings and the San Francisco Zuckerberg Hospital. They are likely to have more overdoses and worse health outcomes for other medical issues. Cutting drug-addicted people off from the services they desperately need will also impose a greater burden on 9-1-1 dispatchers, first responders, Public Workers cleaning crews, paramedics, the morgue, Psychiatric Evaluation Services, and the Emergency Room. As the former CAAP recipients go underground once they are cut off from services, there will be impacts on SEIU Local 1021 members who work in conservator programs, adult probation, child welfare services and many other social services. As you know, SEIU Local 1021 represents employees in all of the service areas referenced in this letter.

The City's need for unencumbered decision making in managing its operations does not outweigh the benefit to employer-employee relations of bargaining over the terms of Proposition F. *County of Sonoma, supra*, PERB Decision No. 2772a-M.) Safety, workload and work preservation concerns lie at the core of traditional labor relations and are particularly amenable to collective bargaining. SEIU Local 1021's safety workload and work preservation concerns should have been addressed through a meet and confer process. The City should have provided SEIU Local 1021 prior notice and opportunity to bargain before it placed this proposition on the ballot.

The City should remove Proposition F from the March 5, 2024 ballot because it suffers from the significant legal defects described in this letter. Please contact me to explain your office's next steps to resolve this legal problem. Thank you.

Sincerely,  
  
Kerianne R. Steele

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cc: Ms. Carol Isen  
Mr. Ardis Graham

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