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(ENDORSED)
FILED
JUN 29 2015
DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY S. Roman DEPUTY

IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

COUNTY OF SANTA CLARA, Plaintiff, v. SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 521, Defendant.	Case No. 115-CV-282467 (~~PROPOSED~~) ORDER Ex Parte Hearing Date: Date: June 29, 2015 Time: TBA Dept.: TBA Judge: TBA
PUBLIC EMPLOYMENT RELATIONS BOARD, Real Party in Interest.	**Exempt from Fees (Gov. Code, § 6103)**

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IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

PUBLIC EMPLOYMENT RELATIONS BOARD, Plaintiff, v. SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 521, Defendant.	Case No.: **[PROPOSED] ORDER GRANTING TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION** Ex Parte Hearing Date: Date: Time: Dept.: Judge:
COUNTY OF SANTA CLARA, Real Party in Interest.	**Exempt from Fees (Gov. Code, § 6103)**

Upon reading and considering the Ex Parte Application, supporting Declaration and Points and Authorities on file in this action, the evidence submitted at the hearing, the oral argument of the parties, and other pleadings and papers on file in this action, it appears to the satisfaction of the Court under the applicable legal test (*Public Employment Relations Board v. Modesto City Schools District* (1982) 136 Cal.App.3d 881 [*Modesto*]), that Plaintiff Public Employment Relations Board (PERB or the Board) has demonstrated that there is "reasonable

cause" to believe that a violation of the Meyers-Milias-Brown Act (Gov. Code, § 3500 et seq. [MMBA or Act]) has occurred or imminently will occur because Defendant Service Employees International Union, Local 521 (SEIU) has engaged in certain conduct, including, but not limited to calling for, authorizing, assisting, encouraging, sanctioning, condoning, lending support to, or causing certain Real Party in Interest County of Santa Clara (County) "essential" employees—specifically, those employees in the positions identified in Exhibit A, attached to PERB's Ex Parte Application for a Temporary Restraining Order (TRO) and Order to Show Cause re Preliminary Injunction (OSC) and attached hereto—to participate in an unlawful work stoppage within the meaning of *County Sanitation Dist. No. 2 v. Los Angeles County Employees Ass'n* (1985) 38 Cal.3d 564 (*County Sanitation*), commencing on Tuesday, June 30, 2015.

It further appears to the satisfaction of the Court that PERB has demonstrated that it is "just and proper" under the standards of *Modesto*, *supra*, 136 Cal.App.3d 881, to issue a Temporary Restraining Order and an Order to Show Cause regarding a Preliminary Injunction, because SEIU's conduct will create a substantial and imminent threat to the health and safety of the public and the County before the matter can be heard on notice.

Accordingly, IT IS HEREBY ORDERED:

1. That Defendant SEIU and its agents, employees, representatives, officers, organizers, committee persons, stewards, members and all corporations, unincorporated associations and natural persons acting in active concert and participation with any of them, until a hearing or trial on a preliminary injunction, be enjoined and restrained;

   a. from calling, continuing, sanctioning, inducing, aiding, enticing, encouraging, abetting, or assisting certain employees—specifically those employed in the positions identified in Exhibit A— to engage in any strike, walkout, slowdown, or work stoppage of any nature against the County during the employees' individual working hours at all work locations from ~~7:00~~ 3:00 a.m. on ~~December 9, 2014~~ June 30, 15 until ~~6:59 on December 11, 2014~~ July 6, 15, and continuing, to the date this matter can be heard on notice; and

   b. from continuing in effect or refusing to rescind any strike, walkout, slowdown, or

3:00 AM

work stoppage, notice, call, order, or sanction heretofore issued by defendant SEIU to or involving those "essential employees" employed in the positions identified in Exhibit A, with respect to the strike or work stoppage which is set to commence on ~~December 9, 2014.~~ June 30, 2015

2. That Defendant SEIU and its agents, employees, representatives, officers, organizers, committee persons, stewards, members of all corporations, unincorporated associations and natural persons acting in and participation with any of them, until a hearing or trial on a preliminary injunction, be enjoined and restrained from doing or attempting to do, directly or indirectly, by any means, method or device whatsoever, any of the acts enjoined in paragraph 1 hereof and each subdivision thereof during the duration of this action.

3. That a Temporary Restraining Order be granted, enjoining and restraining SEIU, its agents, employees, representatives, officers, organizers, committee persons, stewards, and members, and all persons acting in concert with them or any of them, until a hearing upon an Order to Show Cause, from doing or causing or permitting to be done any of the acts complained of in paragraph 1.

4. That SEIU appear before Department S32 of this Court in the courtroom of the County of Santa Clara, on July 6, 2016 ~~, 2014~~, at 8:30, ~~M~~ .m., then and there to show cause why a Preliminary Injunction with a duration of at least ninety (90) days should not be issued to enjoin and restrain SEIU, its agents, employees, representatives, officers, and all corporations, unincorporated associations, and natural persons acting in concert and participation with any of them is specifically enjoined and restrained from:

a. from calling, continuing, sanctioning, inducing, aiding, enticing, encouraging, abetting, or assisting certain employees—specifically those employed in the positions identified in Exhibit A— to engage in any strike, walkout, slowdown, or work stoppage of any nature against the County while any Preliminary Injunction that may issue is in effect; and

b. from continuing in effect or refusing to rescind any strike, walkout, slowdown, or work stoppage, notice, call, order, or sanction heretofore issued by defendant

SEIU to or involving those "essential employees" employed in the positions identified in Exhibit A, at any facilities or workplaces operated by the County of Santa Clara while any Preliminary Injunction that may issue is in effect.

c. IT IS FURTHER ORDERED that a copy of this Order to Show Cause and Temporary Restraining Order, accompanying declaration and points and authorities must be filed and electronically served on the Defendant SEIU no later than _____. The opposition papers must be filed and electronically served on PERB no later than _____. A reply brief must be filed and electronically served on Defendant SEIU no later than _____.

Dated: June 29 2015

HONORABLE [***]
SANTA CLARA COUNTY SUPERIOR COURT
JOSEPH H. HUBER
JUDGE

The Parties agree to meet and confer on expansion of the essential employees list. If they are unable to agree, the Defendant agrees that the Parties will appear on June 30, 2015 at ~~8:15~~ 1:30 in Dept 21 in the matter under file by PERB v. SEIU case # 115CV282467

Exhibit A

County of Santa Clara
Essential Employee Classifications Represented by SEIU Local 521

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
Custodial Health Department of Correction/Juvenile Hall (Decl. Barry.)	Marriage Family Therapists	23	Assessing inmate suicide risk; conducting mental health crisis assessments; writing 5150 holds for inmates with mental disorders.	Provide crisis response to inmates with mental health issues.
Custodial Health Department of Correction/Juvenile Hall	Psychiatric Social Workers	7	Same tasks as Marriage Family Therapists.	Provide crisis response to inmates with mental issues.
Custodial Health Department of Correction/Juvenile Hall	Janitors	4	Cleaning jail facilities, including: clinics, patient care areas, and infirmary. Duties include emptying trash, storing supplies, ensuring biohazardous waste is properly disposed; cleaning human waste from patient rooms. Ensuring clean jail facilities is necessary to prevent the	Ensuring clean facilities for inmates, including disposing of waste to prevent the spread of disease, is essential for the health and safety of the inmates incarcerated in the County's jails.

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
			spread of diseases such as tuberculosis (TB) and MRSA.	
Public Health (Decl. Cody)	Public Health Nurse III	2	Performing triage of patients to identify diseases that need immediate response; identifying large scale outbreaks of infectious diseases.	Public Health Nurses identify the potential outbreak of infectious diseases. This work has a direct impact on the public's health and safety.
Public Health	Public Health Nurse II/Public Health Nurse Specialist	3	Reviewing and responding to medical issues with active TB patients in the TB Control Program; monitoring patients for allergic reactions and scheduled medication intake.	This work involves the active monitoring and prevention of infectious diseases, and is necessary for ensuring the public's health and safety.
Probation Juvenile Facilities (Decl. Garnette.)	Laundry Workers	3	Providing clean clothing and bedding for approximately 190 juvenile offenders. Inmate laundry is a mandated hygienic standards by the California Corrections Standards Authority.	Essential for safe operation and hygiene of the juvenile facilities.
Probation Juvenile Facilities	Food Service Workers	6	Service and preparation of food for juvenile offenders (600 meals per day).	Necessary for the health and safety of juvenile offenders.

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
Probation Juvenile Facilities	Cooks	3	Prepares three meals per day for juvenile offenders	Necessary for the health and safety of juvenile offenders.
Probation; James Ranch (Juveniles) (Decl. Hardy.)	Probation Counselors (I and II)	14	Supervising approximately 40 juvenile offenders at residential custodial facility. Provide counseling to juvenile offenders. Juvenile offenders are court order to be incarcerated at James Ranch, instead of juvenile hall.	Essential to the safety of the juvenile population at this facility.
Probation; James Ranch (Juveniles)	Probation Assistant	9	Same supervising of juveniles tasks as Probation Counselors, but do not provide counseling.	See above analysis.
County Communications (Decl. Hildebrand.)	Communications Dispatcher III	16	9-1-1 call answering and dispatching for areas served by the County Sheriff and Fire Dept.	Requires extensive training and cannot be easily replaced.
County Communications	Communications Dispatcher II	18	9-1-1 call answering and dispatching for areas served by the County Sheriff and Fire Dept.	Requires extensive training and cannot be easily replaced.
County Communications	Communications Dispatcher I	6	9-1-1 call answering and dispatching for areas served by the County Sheriff and Fire Dept.	Requires extensive training and cannot be easily replaced.

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
County Communications	Senior Communications Dispatcher	6	9-1-1 call answering and dispatching for areas served by the County Sheriff and Fire Dept.	Requires extensive training and cannot be easily replaced.
County Communications	Communications System Techs	1	Installation and maintenance of emergency communications infrastructure, tech support	Requires extensive training and cannot be easily replaced.
Corrections (Decl. Hirokawa.)	Custody Support Assistants - Laundry	3	Clean laundry, i.e. bedding and clothing	Essential for safe operation and hygiene of the adult correctional facilities.
Corrections	Food Services	28	Prepare ~12,000 meals per day for 3800 inmates	Necessary for the health and safety of inmates.
Corrections	Cook I	8	Prepare meals	Necessary for the health and safety of inmates.
Corrections	Cook II	8	Supervise food service workers and inmates	Necessary for the health and safety of inmates.
Social Services Agency Public Administrator /Guardian/ Conservator (Decl. Menicocci)	LPS Deputy Public Guardians	1	PAGC is charged with conserving individuals who are gravely mentally disabled, unable to provide own shelter, food, clothing, and unable to manage assets	Immediate protection for very vulnerable population
Social Services Agency Public Administrator /Guardian/ Conservator	Probate Deputy Public Guardians	1	Same as above	Immediate protection for very vulnerable population

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
Social Services Agency Public Administrator /Guardian/ Conservator	Estate Administrators	1	Same as above	Immediate protection for very vulnerable population
Social Services Agency Adult Protective Services	Social Worker Supervisors	1	Needed to supervise and consult with social workers on "serious daily issues that arise" regarding reports of elder/dependent adult abuse, including immediate life threats	Potential threat to elders and dependent adults.
Social Services Agency Adult Protective Services	Social Workers	3 (1 Spanish speaking and 1 Vietnamese speaking)	Respond in person to reports of imminent danger, life threatening situations, crises on existing cases, requests from law enforcement	Potential threat to elders and dependent adults.
Social Services Agency Department of Employment & Benefit Services	Client Service Technicians	18 (8 bilingual Spanish, 3 bilingual Vietnamese)	Complete applications for public assistance, issue EBT cards for food medicine, medical treatment, and housing; issue Medi-Cal Benefits; operate State Finger Imaging System to issue CalFresh benefits	Walk-in clients would be unable to receive emergency public assistance.
Social Services Agency Department of Employment & Benefit Services	Eligibility Workers	53 (31 Bilingual: 13 Spanish, 11 Vietnamese,	Needed to process applications for expedited services and immediate needs, and to manually rescind the termination of	Applicants would not be able to obtain emergency public assistance; because the strike is of indefinite duration harm is likely to occur.

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
		2 Tagalog, 1 Cantonese, 3 Mandarin, 1 Korean)	benefits in those cases that individual is still eligible	
Social Services Agency Department of Employment & Benefit Services	Eligibility Worker Supervisor	8	Consult with/supervise eligibility workers	Same as above
Social Services Agency CATS Bureau	Application Decision Support Specialist	1	Provide technical support for the benefits administrations systems	Same as above
Social Services Agency Department of Family & Children's Services	Children's Counselors	7	Counsel traumatized children brought to the Receiving, Assessment and Intake Center because they have been removed from family because of alleged abuse or neglect, or are transitioning from one placement to another; children must be placed in a home within 24 hours	Urgent services to high-risk and vulnerable population
Social Services Agency Department of Family & Children's Services	Senior Children's Counselors	2	Supervise Children's Counselors	Urgent services to high-risk and vulnerable population
Social Services Agency Department of Family & Children's Services	Social Worker IIIs	5	Urgent child-assessment services, identify and assess potential placements within 24 hours	Urgent services to high-risk and vulnerable population
Social Services Agency	Data Office Specialists	1	Ensure documentation of	Urgent services to high-risk and

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
Department of Family & Children's Services			placement dates, caregivers, locations, and placement changes	vulnerable population
Social Services Agency DFCS Bureaus	Social Work Supervisors	10 (Bilingual: 3 Spanish, 2 Vietnamese)	Provide direct supervision and advice to Child Abuse Hotline, Emergency Response, and Dependent Intake Social Workers	Urgent services to high-risk and vulnerable population
Social Services Agency DFCS Bureaus	Social Worker II/III	40 (Bilingual: 16 Spanish, 1 Vietnamese)	Staff the Child Abuse and Neglect Call Center, perform emergency response, dependency investigations, and continuing child welfare services, investigate allegations of abuse, support Juvenile Court Child Dependency proceedings, place children	Urgent services to high-risk and vulnerable population
Social Services Agency DFCS Bureaus	Social Worker I	4	Same	Urgent services to high-risk and vulnerable population
Sheriff's Office Medical Examiner-Coroner's Office (ME-C) (Decl. Smith) (2nd Decl. Clark)	Investigators	8	Investigators respond 24/7 to deaths in order to initiate and conduct the required investigation. They respond to an average of 4 calls per day. They remove bodies from crime scenes and other	Only Coroner's Investigators may remove bodies from death scenes.

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
			places where the Coroner is requested. Bodies will decompose and cause a public health risk.	
Behavioral Health Services Department (BHS) Mental Health (Decl. Tullys)	Juvenile Hall: Psychiatric Social Workers/Marriage and Family Therapists	4 per day	Crisis service intervention and mental health treatment for incarcerated youth.	These services are necessary for the many youth in the juvenile facilities who are experiencing mental health crises, trauma, and/or are on suicide watch.
Behavioral Health Services Department Mental Health	Juvenile Hall: Health Services Representative	1 per day	Works with Probation staff to ensure juveniles can be seen.	Without proper coordination, referrals could be missed. High risk youth would go untreated.
Behavioral Health Services Department Mental Health	Call Center Psychiatric Social Workers/Marriage and Family Therapists (14)	14 during the day; 2 after hours and weekends, one Spanish and one Vietnamese speaker	The Call Center provides 24/7 screening and referral for people with mental health crises. These employees triage callers.	The Call Center operates around the clock and the absence of the Call Center may result in patients being unable to obtain emergency services.
Behavioral Health Services Department Mental Health	Urgent Care Psychiatric Social Workers/Marriage and Family Therapists	1 per shift for three shifts = 3 per day	Provide crisis intervention, triage, and referrals to emergency psychiatric services.	This clinic serves a high-risk population. Patients in psychiatric crises may pose harm to themselves or others. Failure to maintain this service may result in additional psychiatric emergencies.
Behavioral Health	Urgent Care	1 per shift	Provide injectable	This clinic serves a high-risk

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
Services Department Mental Health	Psychiatric Technician	for two shifts = 2 per day	psychotropic medications to clients in crisis.	population. Patients in psychiatric crises may pose harm to themselves or others. Failure to maintain this service may result in additional psychiatric emergencies
Behavioral Health Services Department Mental Health	Evans Lane Psychiatric Social Workers/Marriage and Family Therapist	1 per day	Evans Lane is a residential treatment center for mentally ill adults involved in the criminal justice system. Patients may leave with approval but are subject to strict rules and re-incarceration. These employees provide crisis intervention and mental health treatment services.	Because of the closed nature of this facility, minimum staffing levels should be maintained to protect the needs of the residents.
Behavioral Health Services Department Mental Health	Receiving Center Psychiatric Social Worker/Marriage and Family Therapists	1 per shift for 3 shifts = 3 per day	The Receiving Center provides mental health assessment and treatment services to children removed from their parents care due to child welfare involvement.	The lack of support for children removed from their homes poses an imminent threat to those children.
Behavioral Health Services Department Mental Health	Receiving Center Health Services Representative	5 per day	Work with clinical staff to ensure children will be seen; facilitating initiation of services.	Same as above.
Behavioral Health	Addiction Medicine and	Alexian – 1	The Department of Drug	Given the uniqueness of this program,

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
Services Department Alcohol and Drug Services	Therapy Program Psychiatric Social Workers/Marriage and Family Therapist	per day Central Valley – 1 per day South County – 1 per day	and Alcohol Services operates three methadone clinics. In addition to the staff requested there are two RNs who can perform the work in addition to the requested minimum staff. Patients cannot receive methadone anywhere else and risk withdrawal with serious side effects including death.	and the inability for patients to seek treatment elsewhere, as well as the immediate effects of withdrawal, these clinics should be maintained to protect the health and safety of the patients.
Behavioral Health Services Department Alcohol and Drug Services	Addiction Medicine and Therapy Program Licensed Vocational Nurse/Psychiatry Techs	Alexian – 2 per day Central Valley 3 per day South County 2 per day	See above. The LVNs and Psychiatry Techs, along with the RNs, are the only ones who can administer injections.	Given the uniqueness of this program, and the inability for patients to seek treatment elsewhere, as well as the immediate effects of withdrawal, these clinics should be maintained to protect the health and safety of the patients.
Valley Medical Center Respiratory Care	Respiratory Care Practitioner I	1	Maintain breathing for patients	Failure to provide could result in increased ventilator days, increased hospital stays, possibly patient deaths
Valley Medical Center Respiratory Care	Respiratory Care Practitioner II	39	Same as above	Same as above
Valley Medical Center Respiratory Care	Respiratory Therapy Services Specialist	2	Same as above	Same as above

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
Valley Medical Center Security	Hospital Communications Operator	2	Dispatch first responders on the hospital campuses	Work is similar to emergency dispatcher
Valley Medical Center Pharmacy-Moorpark	Pharmacist	1	Provide medications for inpatient discharge, emergency department, urgent care	A minimum staffing level of pharmacists is reasonably needed for urgent medications that must be prepared onsite quickly
Valley Medical Center Pharmacy –Inpatient	Pharmacist Specialist	1	Performs and supervises duties which require a licensed professional to provide essential care for inpatients hospitalized at VMC.	A minimum staffing level of pharmacists is reasonably needed for urgent medications that must be prepared onsite quickly
Valley Medical Center Pharmacy-Inpatient	Pharmacist	31	Absence would prevent inpatients from receiving antibiotics, TPN(?), and other medications for ill and critically ill patients	A minimum staffing level of pharmacists is reasonably needed for urgent medications that must be prepared onsite quickly
Valley Medical Center Pharmacy for Custodial Health	Pharmacist	7	Provide medications to jail inmates.	Essential to the health of inmates.
Valley Medical Center Pharmacy	Pharmacy Technician	9	Related to the above	Same as above
Valley Medical Center Cardiology Diagnostic	Info Systems Tech III	1	One employee has the knowledge to fix the "Heartlab" and other critical	Essential to ensure working machinery for cardiac patients

County Department	Classification/Position	Number Per Day	Job Duties	Imminent Threat/Essential Function
			equipment in cardiology department.	
Valley Medical Center Cardiology-Diagnostic	Diagnostic Imaging Tech	2	One diagnostic tech need to be available in case of a STEMI (heart ailment).	Essential to ensure immediate diagnostics of cardiac patients
Valley Medical Center VSC Radiation Therapy	Radiation therapists	4	Operatie radiation machines for treatments. No other individual is available to turn on these machines	Essential for patients receiving ongoing radiation treatment
Valley Medical Center VSC Ophthalmology	Ophthalmic Technician	1	Assisting in diagnosing emergency condition by taking fundal (interior eye) photos.	Essential for emergency treatment.
Valley Medical Center Public Health Pharmacy	Pharmacist	2	Deliver antibiotics, TB medication, pain medication ordered by physicians. Provide care related to communicable diseases.	Essential for public health