

# BYLAWS

## SEIU LOCAL 503, OREGON PUBLIC EMPLOYEES UNION

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**SEIU LOCAL 503, OREGON PUBLIC EMPLOYEES UNION  
BYLAWS**

**ARTICLE I - NAME**

The name of this organization shall be the Service Employees International Union Local 503, Oregon Public Employees Union, hereinafter referred to as the "Union".

**ARTICLE II - PURPOSE**

Vision Statement. We envision a just and vibrant society where everyone is treated with dignity and respect, where all workers can provide for themselves and their families.

Purpose Statement. Our Union is a labor organization established to represent and work for the benefit of both public and private sector members on matters of, including but not limited to, employment relations, collective bargaining and contract administration including arbitration and other remedies of law and rule.

Our Union is committed to operating democratically, openly, and through the leadership of its members. We seek to empower our members and their communities to overcome injustice and inequity so that everyone has equal access to opportunity.

**ARTICLE III - MEMBERSHIP**

Section 1. The Union has five (5) types of membership: active, semi-active, associate, retired, and staff.

Section 2. Active Membership.

(a) Active membership in the Union is open to persons in bargaining units for which the Union is the exclusive collective bargaining representative, or units currently being organized by the Union, including non-traditional units that do not have a path to collective bargaining.

(b) Active membership status shall continue during the period of time that an employee is on authorized leave or for the first one hundred and twenty (120) days after employment ends.

(c) Every active member has all rights of Union membership and has equal rights and privileges within the Union. These rights include, but are not

limited to, the right to nominate candidates, to vote in elections or referendums of the Union, to hold office at all levels of the Union, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations of the Union for the conduct of such meetings.

(d) Every active member of the Union has the right to meet and assemble freely with other active or retired members; to express any views, arguments, or opinions; and to express at meetings of the Union such member's views about candidates in an election of the Union or about any business properly before the meeting, subject to the Union's established and reasonable rules pertaining to the conduct of meetings. However, nothing in subsection (a) or (b) of this Section shall be construed to impair the right of the Union to adopt and enforce reasonable rules as to the responsibility of every member toward the Union as an institution and to such member's refraining from conduct that would interfere with the Union's performance of its legal or contractual obligations.

(e) A member's right to attend meetings shall not be limited to those of the member's Local, the Board or its committees, but shall apply to meetings of any Local although the member's right to vote at such meeting shall be governed by the established policies of such meeting group. The visiting member should be identified as a guest. Nothing in this provision shall limit the Board's ability to conduct its business in Executive Session in appropriate circumstances.

### Section 3. Semi-Active Membership.

(a) Semi-active membership is limited to seasonal employees on layoff status and unscheduled employees in bargaining units for which the Union is the exclusive collective bargaining representative.

(b) A semi-active member may hold any office, provided that they remain members in good standing and pay dues at the associate member rate while in semi-active status. Semi-active members shall receive all general publications sent to active members.

### Section 4. Associate Membership.

(a) Associate membership is open to employees excluded from active membership in the Union, staff, or members of affiliated labor organizations.

(b) An associate member of the Union may not vote; may not nominate candidates; may not hold any office in the Union; may not attend or speak

at membership meetings of the Union except by invitation of the officer or officers in charge of the meeting; and may not participate in deliberations on Union business.

#### Section 5. Retiree Membership.

(a) Retiree membership is open to persons who, while employed, were active or associate members of the Union or its predecessor organizations or other SEIU affiliated unions.

(b) Retiree members have all the rights of Union membership except those rights excluded herein. The President of the Retiree Local 001, or, in the President's absence, the Vice President of the Retiree Local 001, shall have voting rights as a member of the Board. Delegates to General Council shall have the same voting rights as other General Council delegates.

(c) Notwithstanding the provisions of subsection (a) of this Section, no retired member, including any retired Past President, who immediately prior to retirement was not an active or semi-active member, under Section 2 of this Article, shall have any membership rights other than the right to participate in programs made especially available for retired persons; the right to meet and assemble with other retired members for the purpose of dealing with matters or concerns relating only to retired members; and the right to express views and vote at such meetings on such matters or concerns. Exceptions to this policy may be granted to former active members of the Union who spent the majority of their employment in the bargaining unit. The grant of this exception requires unanimous approval by the Board. A retired person granted this exception by the Board has the same membership rights as other retired members who retired in active member status. This action may be revoked by a majority vote of the Board.

#### Section 6. Staff Membership. Staff membership is open to Union staff. Staff members have the right to:

(a) Submit resolutions to General Council, vote on dues increases and other union governance issues, including economic and social policy positions, but not on issues specific to bargaining units.

(b) Serve as a representative, with full voting rights on all issues, to any labor board, conference, convention, or other function, if elected by the membership or designated to do so by the Board.

(c) Nominate candidates and vote in statewide Union elections.

(d) Run for and serve in the office of Executive Director.

Section 7. Subject to approval by the Board of Directors, eligibility for continuing membership may be extended to former active members who separate from employment in a bargaining unit currently or formerly represented by the Union and to former staff members who separate from employment with the Union.

Section 8. Membership is contingent upon payment of dues as provided in these Bylaws. (See Article XVIII)

#### **ARTICLE IV - LOCALS**

Section 1. Locals are sub-components of the Union comprised of the active and semi-active members for each state agency, each subsection of a state agency designated as a Local by the Board of Directors (as requested by the members in the affected agency) or other bargaining unit represented by the Union or other non-state agency bargaining unit. All alternate structures must be approved by the elected leaders of the affected Locals (or the bargaining team, in the case of newly formed Locals that do not yet have elected leaders) and the Board of Directors.

Section 2. A regular Local may also be formed by affiliation of an existing employee organization with this Union. Affiliation shall be pursuant to an affiliation agreement between the organization and the Union approved by the Board and signed by the President and Secretary of the Union.

Section 3. Each Local shall file with the Union's Secretary a signed and ratified copy of the Local's provisions for self-government and any subsequent amendments thereto. Any portion of a Local's provisions for self-government in conflict with the Bylaws of the Union or any resolution approved by the General Council shall be void.

Section 4. All active members of the Union shall belong to a Local. An active member may hold membership in more than one Local at a given time, if employed by more than one employer with Union bargaining unit members. In such cases, the member holds full membership rights in each of the Locals where they have membership, but may only have one vote in statewide issues. In order to be able to cast one vote for industry representation in the statewide Board election, a dual Local member shall have a primary industry seat determined by where the longest membership status exists. For purposes of this Article, "statewide" shall also include one representational vote at such events as General Council, bargaining conferences, SEIU conventions, etc.

## **ARTICLE V - MEMBER BILL OF RIGHTS AND RESPONSIBILITIES IN THE UNION AND ON THE JOB**

Section 1. Rights and responsibilities of Union members in the Union include the following:

- (a) The right to have opinions heard and respected, to be informed of union activities, to be educated in union values and union skills;
- (b) The right to choose the leaders of the Union in a fair and democratic manner;
- (c) The right to a full accounting of union dues and the proper stewardship over Union resources;
- (d) The right to participate in the Union's bargaining efforts and to approve Union contracts;
- (e) The right to have members' concerns resolved in a fair and expeditious manner;
- (f) The right and responsibility to use their collective strength to support, propose, amend or oppose laws or ballot measures that affect employees' rights and to otherwise help build a political voice for workers in Oregon and elsewhere;
- (g) The responsibility to help build a strong and effective labor movement, to support the organizing of unorganized workers and to stand up for one's co-workers and all other workers;
- (h) The responsibility to be informed about the internal governance of the Union and to participate in the conduct of the Union's affairs;
- (i) The responsibility to contribute to the support of the Union;
- (j) The responsibility to treat all workers and members fairly;
- (k) The responsibility to offer constructive criticism of the Union.

Section 2. Rights and responsibilities of Union members on the job include the following:

- (a) The right to have work that is worthwhile to society, personally satisfying to the worker, and which provides a decent standard of living, a healthy and safe workplace, and the maximum possible employment security;
- (b) The right to have a meaningful and protected voice in the design and execution of one's work and in the long-term planning by ones' employer as well as the training necessary to take part in such planning;
- (c) The right to fair and equitable treatment on the job;
- (d) The right to share fairly in the gains of the employer;
- (e) The right to participate fully in the work of the Union on the scope, content and structure of one's job;
- (f) The responsibility to participate in the Union's efforts to establish and uphold collective principles and values for effective work participation;
- (g) The responsibility to recognize and respect the interests of all Union members when making decisions about Union goals;
- (h) The responsibility to be informed about the industry in which one works and about the forces that shall affect the condition of workers in the industry;
- (i) The responsibility to participate fully in the Union's efforts to expand the voice of workers on the job;
- (j) The responsibility to give fully and fairly of one's talents and efforts on the job and to recognize the legitimate goals of one's employer.

Section 3. All members of the Union shall have and may freely exercise the rights of union members set forth in law including, but not limited to, the "Union Members' Bill of Rights" of the Labor Management Reporting and Disclosure Act (LMRDA) which is set forth in Appendix 2 of these Bylaws.

## **ARTICLE VI - MISCONDUCT OF MEMBERS**

Section 1. Members who engage in the following or other forms of misconduct shall be subject to discipline up to and including revocation of membership and



expulsion from the Union pursuant to the disciplinary procedures set forth in Appendix 4 of these Bylaws.

- (a) Fail to pay dues and lawful assessments as called for in Article XVIII;
- (b) Engage in the following conduct:
  - (1) Conspire with management to the detriment of the Union or with them in collusion against collective bargaining by the Union;
  - (2) Solicit another labor organization or solicit other Union members or other employees eligible for Union membership to become a member of another labor organization;
  - (3) Pass information or initiate petitions which:
    - a. Call for a new labor organization; or
    - b. Seek to decertify the Union;
- (c) Engage in corrupt or unethical practices or racketeering;
- (d) Financial malpractice;
- (e) Publish or make public statements that declare or imply that the Union endorses, opposes or recommends a ballot measure, candidate, legislation or any other position when the Union has not, in fact, done so;
- (f) Solicit funds or enter into any contract or other arrangement regarding goods, property, or services in the name of the Union, or in such a manner as to imply endorsement by the Union, unless approved by the General Council or by the Board. This limitation shall not apply, however, to activities with a strictly social purpose;
- (g) Knowingly make false statements or representations of a material fact or knowingly fails to disclose a material fact, in any document, report, or other information required to be filed under law; or willfully makes a false entry in or willfully conceals, withholds, or destroys any books, records, reports, or statements required to be kept by law;
- (h) The wrongful taking or retaining of any money, books, papers or any other property belonging to the International Union or Local Union; or the wrongful destruction, mutilation or erasure of any books, records, bills,

receipts, vouchers, or other property of the International Union or the Local Union;

(i) Working as a strikebreaker or violating wage or work standards established by the International Union or a Local Union; or

(j) Bringing false charges against a member or officer without good faith or with malicious intent.

Section 2. A member whose membership has been revoked may be reinstated by a three-fourths (3/4) vote of the Board after six (6) months from the date of revocation.

Section 3. Nothing in this Article is intended to, nor should it be construed to, limit the rights of any member or group of members to exercise their rights of free speech, redress of grievances, and dissent.

## **ARTICLE VII - RESPONSIBILITIES OF OFFICERS**

Section 1. Responsibilities of Statewide Officers, Local Officers, Directors and Assistant Directors, voting General Council Delegates and other officers include the following:

(a) Act to further the purposes and principles of the Union and the interests of its Members;

(b) Preserve and defend the good name of the Union;

(c) Use the privileges of any Union office, whether elected or appointed, to support, protect, and further the purposes, policies and procedures of the Union and to adhere to its governing documents;

(d) To prudently handle any Union fiscal matters, especially handling of Union funds, in conformance with accepted accounting principles, sound fiscal management and all fiduciary responsibilities imposed by law;

(e) To not engage in any conduct or speech, which is intended to harm the Union or its operations unless such speech or conduct is protected by law;

(f) Officers shall not knowingly make false statements or representations of a material fact, or knowingly fail to disclose a material fact, in any document, report, or other information required under the provisions of the Union's Bylaws and shall not willfully make a false entry in or willfully

conceal, withhold, or destroy any books, records, reports, or statements required to be kept by any provision of the Bylaws.

Section 2. Any Union Steward who is temporarily working outside of the bargaining unit for more than thirty (30) consecutive calendar days, shall notify the Union President and be granted a leave of absence from their Union offices for the time in management;

Section 3. Statewide Officers, Local Officers, voting General Council Delegates, Directors and Assistant Directors may be removed from office pursuant to the procedures set forth in Appendix 5 of these Bylaws.

### **ARTICLE VIII - GOVERNANCE OF THE UNION**

Section 1. The General Council is the supreme governing body of the Union and shall meet in regular session every even-numbered year.

Section 2. The Board is the governing body of the Union between sessions of General Council, and the administration of the affairs of the Union is vested in the Board.

Section 3. The Executive Committee of the Board is the governing body between meetings of the Board.

Section 4. In addition to these Bylaws, the Union shall maintain a governing document termed Administrative Policies and Procedures (AP&P). To the extent a provision in the AP&P conflicts with a provision in these Bylaws, the terms of these Bylaws shall prevail.

The AP&P document is amendable by both the General Council and the Board. Provisions adopted by a majority vote of the General Council shall be kept distinct from those adopted by the Board. Provisions adopted by the General Council may be amended by the Board using the General Council process.

(a) Beginning February 1, 2011, the AP&P shall be a wholly Board of Directors' document except for those provisions for which an adopted General Council resolution, or other conclusive evidence, is presented to the January 2011 Board meeting to establish that a particular provision had previously been adopted by the General Council. Any adoption/approval of a revised version of the AP&P by the 2010 General Council shall not be deemed evidence of prior General Council adaptation for purposes of this Section.

(b) All special rules of order governing Board of Director Meetings shall be placed in a separate document named by the Board.

## **ARTICLE IX - THE GENERAL COUNCIL**

### Section 1.

(a) The General Council shall meet in regular session within the State of Oregon during every even-numbered year on dates fixed by the Board of Directors.

(b) A special session of the General Council may be convened:

(1) On the call of the President, with the approval of the Board, with at least ten (10) days written notice to each General Council delegate;

(2) On written demand of two-thirds (2/3) of the Locals, addressed to the President and with at least thirty (30) days written notice to each General Council Delegate.

Any call to a special session shall specify the subjects on which action by the General Council is sought.

### Section 2.

(a) The voting delegate roster of the General Council consists of:

(1) Delegates from the Locals, including Retiree Local;

(2) Board Members, including Statewide Officers;

(3) Assistant Directors.

(b) Eligibility for a voting delegate is limited to active and semi-active members or retired members who were active members at the time they retired or had their active status reinstated by the Board in accordance with Article III, MEMBERSHIP, Section 5(c) of these Bylaws.

(c) Voting delegates shall serve a two (2)-year term. Alternates who become delegates at General Council shall become delegates of record for the two (2)-year term.

(d) Past Presidents. Past Presidents of the Union who are active or semi-active members or staff members, or are retired members who were active members at the time they retired or who have had their active status reinstated by the Board in accordance with Article III, MEMBERSHIP, Section 5(c) of these Bylaws, and who are not elected to a position in Section 2(a) of this article, are permanent non-voting delegates to General Council. They have all delegates' rights and privileges, except voting.

Section 3. Local Representation. Each Local is entitled to a minimum of one (1) delegate. Representation in the General Council is otherwise accorded to each Local on the basis of one (1) delegate for each one hundred (100) members or majority fraction thereof. The number of delegates to which a Local is entitled shall be determined by the most recent Union monthly Membership Report prior to the deadline for notification of delegate strength or by the average annual membership of the previous twelve (12) months available, whichever is higher.

Section 4. Accreditation. A Local delegate is accepted as a member of General Council upon presentation and acceptance at the regular session and/or special session of General Council with credentials signed by an officer of the delegate's Local. Statewide Officers, Directors, Assistant Directors, and the Retiree Local President are accepted as members upon presentation and acceptance of credentials signed by the Union President or Secretary.

Section 5. Voting.

(a) Franchise. Each person who is a voting member of the General Council is entitled and limited to a single vote on each issue, regardless of number of positions held.

(b) Proxy. There is no proxy voting at General Council.

(c) Quorum. A quorum at the General Council is present if two-thirds (2/3) of the voting delegates are present, provided one-half (1/2) of all the Locals are represented.

Section 6. Resolutions.

(a) Resolution Process.

(1) The object of the resolution process is to seek a plan for solving problems for which no satisfactory plan of solution exists; to express a view not previously expressed to date; or revise the Union's position

on a particular economic or social concern which directly or indirectly affects members of the Union. Plans of solution and views expressed shall be compatible with the general welfare and within the purpose of the Union. A resolution shall embrace one subject only and matters properly connected therewith. Resolution sponsorship is an indication of the endorsed need to solve a problem, not necessarily an endorsement of the proposed solution; or the endorsed need to express a view, not necessarily an endorsement of the view expressed. Sponsorship also means that no satisfactory solution or expressed view can be found by any action other than General Council's.

(2) Resolutions may be authored by any member. Resolutions shall be in the form outlined by the Resolutions Review Committee. Resolutions to amend the Bylaws shall address the specific language of the Bylaws with words to be removed in strikethrough and words to be inserted underlined. Local Officers are responsible to provide assistance in the drafting process.

(3) Resolutions may be presented at Local meetings to seek sponsorship. The Local may endorse or reject sponsorship. In the event that the Local does not endorse the resolution, the author of the resolution may, after having obtained the signatures of fifty (50) active members, present it to the Resolutions Review Committee. Resolutions written by a Standing Committee of the Union are sent directly to the Resolutions Review Committee within the same time limits provided in Section 6(a)(4).

(4) Resolutions submitted to the Resolutions Review Committee up to ninety (90) days before General Council convenes shall be considered timely filed. The Board, however, may submit resolutions up to thirty (30) days before General Council convenes. After each filing deadline has passed, the Resolutions Review Committee shall meet to deal with the resolutions as provided in Section 6(b).

(5) Untimely resolutions shall not be accepted unless the subject matter is of such an emergency nature that it could not have been submitted in a timely manner. The decision as to the acceptance of late resolutions shall be the responsibility of the Resolutions Review Committee. If denied, the submitting parties may appeal such a decision to the Board.

(6) No member's resolution shall be denied because of a technicality and/or its format.

(b) Duties of Resolutions Review Committee.

(1) The Resolutions Review Committee shall meet and review resolutions submitted in a timely manner so that resolutions shall be included with the first mailing of delegate registration packets.

(2) Resolutions accepted by the committee shall be edited prior to submission for General Council. The editing process shall not change the object of any resolution.

(3) Resolutions go to the legal and political staffs for comment and to the Union Finance Committee for a cost estimate.

(4) The committee shall return resolutions which are duplications of existing policy resolutions together with a reference to where this matter has previously been addressed.

(5) After the submission deadline, the President shall recommend assignment of the finalized resolutions to General Council committees for committee hearing and action. Resolutions shall be printed for inclusion in delegate packets.

(6) The original date of submission to the Resolutions Review Committee is the controlling date. In the event a resolution is returned to the sponsor for further review and/or action, no late resolution penalty shall apply.

Section 7. Expenses. Authorized expenses of members of the General Council, when attending any session of the Council, are paid by the Union.

Section 8. Voting Between Sessions.

(a) A vote on an issue may be required from the General Council between sessions by either the Board or by an initiative petition signed by 20 percent (20%) of the active membership or endorsed by 30 percent (30%) of the Locals. When a vote is required by the General Council between sessions, the Board shall formulate the question and shall set a time for distribution and return of written ballots containing the question. Voting shall be by those persons entitled to vote as delegates if a special session were called.

(b) The Executive Director shall distribute ballots to those persons entitled to vote, together with directions for voting, and any available supporting or

opposing arguments pertinent to the question. The tally of votes and announcements of results shall be made by the Secretary.

#### Section 9. General Council Committees.

(a) Regular General Council Committees. The following General Council committees are authorized: Employee Representation, Membership Affairs, Retirement, Employee Benefits, Bylaws, Union Operations, Economic and Social Policy/International Affairs.

(b) Procedural and Special General Council Committees. Other authorized General Council committees include: Credentials, Rules, and General Council Planning. There shall be other General Council committees as each Board of Directors or the General Council may from time to time determine to be necessary and authorize.

(c) Appointment of Committee Members.

(1) The President, subject to confirmation by the Board, shall appoint the members of all General Council committees and designate the chairpersons thereof. The members of these committees shall be members of the General Council, with the following exceptions:

a. Members of the Credentials Committee may be appointed from the membership-at-large, including retired members of Union.

b. Members of the Resolutions Review Committee shall be appointed from delegates who attended the previous General Council and shall be appointed at least six (6) months prior to General Council.

(2) Nominees for any statewide office (Union President, Vice President, Secretary, Treasurer, Executive Director) shall not serve as chairpersons of any General Council committees.

(d) The General Council Planning Committee shall serve as the General Council Critique Committee and shall be appointed by the President. The committee receives suggestions on improving General Council, reviews such suggestions, and reports its findings and recommendations to the Board within ninety (90) days after the conclusion of General Council.

(e) The Credentials Committee receives proof of election and passes upon the eligibility of each delegate to the General Council.



(f) The Rules Committee meets before the convening of General Council and proposes rules to be adopted by the Council at its first session. The committee may be called upon during the Council to assist the Parliamentarian in the interpretation of rules.

(g) Committee Handling of Resolutions. The remaining General Council committees hear, consider, and make recommendations to the Council regarding resolutions referred to them by the Resolutions Review Committee, the President, or the Council.

(1) A committee may, by two-thirds (2/3) vote after open debate, elect to hold in committee any resolution assigned to it. These committees shall, after all resolutions have been debated and voted upon in committee, publish a list of resolutions assigned to it and the action taken on them. This list shall clearly indicate the recommendation or "held in committee" and be distributed to all delegates.

(2) The General Council may, by simple majority, vote to call a resolution from committee for discussion by the Council delegates during the discussion of other resolutions from that committee or during new business.

Section 10. The President of any General Council or Special General Council shall appoint a parliamentarian whose sole duty shall be to keep the chairperson advised of proper parliamentary procedure and to advise the chairperson in the form of rulings on parliamentary questions raised during the General Council. The person selected to serve in this capacity shall do so to the exclusion of any other General Council or Special Council office or job.

## **ARTICLE X – CONVENTIONS**

Effective September 2008, delegates to the SEIU Convention shall be determined as follows:

Statewide Officers and members of the Board of Directors shall serve as automatic delegates to the SEIU Convention, as long as they meet all criteria set out by SEIU (which may include having been elected in an LMRDA governed election and having been a member in good standing for at least two years). For the President of the Retiree Local, this may include the Local meeting a threshold number of retiree members. If there are more people entitled to delegate status than the number of delegate slots to which the Union is entitled, then the Statewide Officers shall be automatic delegates,

and names of eligible Directors shall be randomly chosen until all delegate slots are filled. If there are fewer people entitled to delegate status than the number of delegate slots to which the Union is entitled, then Assistant Directors who meet SEIU criteria shall be randomly chosen until all delegate slots are filled.

## **ARTICLE XI - BOARD OF DIRECTORS**

Section 1. The Board of Directors of the Union (the Board) is comprised of Directors holding the seats set forth in Appendix 1 to these Bylaws, the Statewide Officers and the President of Retiree Local 001, and in the President of the Retiree Local 001's absence, the Vice President of the Retiree Local 001.

(a) The Directors/Assistant Directors elections shall be conducted in conjunction with the Statewide Officers election after the regularly scheduled, biennial General Council session.

(b) The term of office for the Board, including Statewide Officers, shall begin with installation on the Friday immediately preceding the first, regularly scheduled, full meeting of the Board following completion of the vote tally. The President and Vice President of Retiree Local 001 shall serve a two-year term and shall be installed at the first full meeting of the Board in May, immediately following their local election.

(c) A member can serve as a Director for only two (2) terms in any six (6)-year period.

(d) Directors and Assistant Directors, other than Directors or Assistant Directors from the Retiree Local, shall be active members of the Union.

Section 2. Powers of the Board.

(a) The Board shall have such powers and duties as are set forth in this and other governing documents of the Union; shall carry out any and all recommendations and instructions from the General Council; and exercise general authority consistent therewith to formulate the program and administer the affairs of the Union between sessions of the General Council.

(b) The Board may adopt such rules and delegate such power as it deems appropriate, consistent with the Union's governing documents.

Section 3. Regular Meetings of the Board.

(a) The Board shall hold at least six (6) general meetings each calendar year. The dates for these meetings shall be published in the union newsletter in the first issue published after the beginning of the calendar year.

(b) Other regular meetings of the Board shall be held at the call of the President, upon at least ten (10) days written notice to each Board member or by call of two-thirds (2/3) of the members of the Board, with fifteen (15) days written notice to each member.

Section 4. Special Meetings of the Board may be called by a majority of the Board, upon five (5) days' written notice, and are limited to a consideration of the matters specified in the call.

Section 5. Quorum of the Board. A majority of the members of the Board shall constitute a quorum.

Section 6. The Board shall determine salaries, fringe benefits, and conditions of employment for the Executive Director through negotiations between the Executive Director and the Board.

Section 7. Terms and conditions of employment for represented employees of the Union shall be subject to collective bargaining, in which the Union shall be represented by a committee consisting of management staff members appointed by the Executive Director and active Union members appointed by the President and approved by the Board.

Section 8. The Board shall follow procedures to protect the rights of dissenting Local members and assure operation of democratic processes.

Section 9. Directors shall perform the following functions and duties as well as other functions and duties as appropriately assigned.

(a) Assist members;

(b) Encourage ethical conduct among members;

(c) Keep the Assistant Director informed of Board matters;

(d) Represent the members at meetings of the Board and serve on committees of the Board;

(e) Upon accepting any assignment to work on the staff of the Union for a period expected to last thirty (30) days or more in duration, a Director shall temporarily step down from the duties of Director and the Assistant Director shall take over the Director's duties until the period of employment on Union staff is ended;

(f) Actively participate in campaigns approved and endorsed by the Board whenever possible. This includes, but is not limited to, phone banking, canvassing, signature gathering, moving petitions, or participation in worksite campaigns;

(g) Serve as a delegate to the SEIU Convention, consistent with the provisions of the governing documents of the Union and the International Union.

Section 10. Assistant Directors shall perform the following functions and duties as well as other functions and duties as appropriately assigned.

(a) Serve in the absence of the Director;

(b) Assist the Director in carrying out the Director's duties;

(c) Upon appointment by the Board, succeed to the office of Director;

(d) Serve on committees of the Board;

(e) Serve as a delegate to the SEIU Convention, consistent with the provisions of the governing documents of the Union and the International Union.

Section 11. Before a Director-elect or an Assistant Director-elect may assume office, the Credentials Committee, if the General Council is in session, or the Board if it is not, shall be furnished with a copy of the certified election tally sheets signed by the Secretary of the Union.

Section 12. There shall be a mandatory orientation session for the members of each new Board held in a timely manner following installation of the new Board.

Section 13. If a Director resigns, is removed from office, or ceases to work or live in the region from which the Director was elected (or in the employer group from which the Director was elected in the case of Directors representing employer groups), the Board shall appoint the Assistant Director to serve the remaining portion of the Director's term. If there is a vacant Director position and there is no Assistant Director from that region or employer group, an election shall be held

within sixty (60) days to elect a Director to serve the remaining portion of the term. Elections shall not be held to fill vacancies unless both the Director and Assistant Director positions are vacant.

## **ARTICLE XII - EXECUTIVE COMMITTEE**

Section 1. The Executive Committee consists of the President, who shall chair the committee; the Immediate Past President; the Vice President; the Secretary, the Treasurer; the Executive Director; and three (3) Directors elected by the Board to serve terms not to exceed twelve (12) months.

Section 2. The Executive Committee shall be elected at the first meeting of the newly-installed Board and every twelve (12) months thereafter.

## **ARTICLE XIII - STATEWIDE OFFICERS AND IMMEDIATE PAST PRESIDENT**

Section 1. The Statewide Officers of the Union are: President, Vice President, Secretary, Treasurer, and Executive Director.

Section 2. The Statewide Officers are elected by the membership statewide. The President becomes the Immediate Past President upon installation of a successor. There is no alternate or replacement for an Immediate Past President.

Section 3. A member can serve as the President for only two (2) consecutive two (2)-year terms or a major portion thereof in any five (5)-year period.

Section 4. A member can serve as the Vice President, the Secretary, the Treasurer or a Director for only two (2) terms in any six (6)-year period.

Section 5. Statewide Officers shall be active members of the Union except that the Executive Director and the Immediate Past President may maintain Staff Membership status or other Union membership status except associate membership.

Section 6. In the event a Statewide Officer, other than the Executive Director, is removed from office, the Board may appoint a Board member or Assistant Director to serve the remaining portion of the term. In the case of a vacancy in the position of Executive Director, the Board may fill the position as it sees fit.

Section 7. The President shall be paid a salary (through the President's respective employer if possible) during the President's term of office. That salary shall be the salary the President earns in the bargaining unit position held at the beginning of the term, including any increases due during the term. But no less than step 6 of

the organizer salary chart. The Union shall also compensate the President at the rate of four hundred dollars (\$400.00) per month. The President shall receive no salary or other payments than those provided by the Union or by the President's bargaining unit employer. The President's membership rights required for holding office shall be maintained during the President's term(s).

Section 8. The President shall serve on a full-time basis during the term(s) of office as a Fair Labor Standards Act exempt individual.

Section 9. The Union shall compensate the Vice President, the Secretary and the Treasurer at the rate of \$130 per month while in the Vice President's, the Secretary's and the Treasurer's respective positions.

Section 10. The Union shall hold harmless and make whole any past president or future president from financial loss, as determined at the time they complete their term of office, in their retirement plan due to lost time for service as president.

#### **ARTICLE XIV - DUTIES OF STATEWIDE OFFICERS AND IMMEDIATE PAST PRESIDENT**

Section 1. The President shall perform the following functions and duties as well as other functions and duties as appropriately assigned.

- (a) Preside at all meetings of the General Council, Board, and Executive Committee;
- (b) Set the agenda for Board meetings and act as the Board administrator;
- (c) Act as the chief spokesperson for the Union;
- (d) Appoint the chairs and members of Committees or Special Councils pursuant to the procedures set out in Article XVII Section 1 of these Bylaws;
- (e) Appoint and, for cause, dissolve all Special committees, subject to approval by the Board;
- (f) Serve as a non-voting ex-officio member of all Standing Committees;
- (g) Deliver to the General Council a report on the President's administration with such recommendations as deemed advisable;
- (h) Cease, upon election, to hold office in any Local;
- (i) Attend and represent the Union at national or regional meetings,

including coalitions in which the Union is participating. If the Vice President is unavailable, the President may delegate a representative to fulfill this responsibility;

(j) Serve as a Union delegate to the SEIU International Convention. This responsibility may not be delegated;

(k) Represent the Union on the SEIU Oregon State Council;

(l) Assist in development and oversight of the Union's internal and external communications program, in conjunction with the Executive Director and Communications Department staff;

(m) Consider and decide on appeals from Arbitration Screening Panels;

(n) Coordinate the activities of the Directors and Assistant Directors to implement strategic goals adopted by the Board of Directors, the Union and the International Union;

(o) Represent the Union at the Legislature and in ballot measure campaigns in conjunction with the Executive Director and the Political Department staff;

(p) As detailed elsewhere in these Bylaws, the President shall also: sign affiliation agreements (Art. IV § 2); sign General Council delegate credentials (Art. IX § 4); perform various functions and make certain appointments (with Board approval where appropriate) at General Council (Art. IX §§ 6(b)(5), 9(c), (d) (g), and 10); make other appointments (Art. XI §§ 3(b) and 7); and perform functions set out in Disciplinary Process Trial and Appeals (Appendix 4).

Section 2. The Immediate Past President shall perform the following functions and duties as well as other functions and duties as appropriately assigned:

(a) Advise the President;

(b) Serve as a nonvoting member of the Board and the Executive Committee;

(c) Serve on committees as appointed by the President;

(d) Provide orientation for General Council delegates;

(e) Serve as an advisor and nonvoting delegate to the SEIU International Convention.

Section 3. The Vice President shall perform the following functions and duties as well as other functions and duties as appropriately assigned:

- (a) In the absence of or upon request of the President, perform the duties of the President;
- (b) Replace the President for the unexpired term in the event of the death, incapacity, resignation, or removal of the President;
- (c) Serve as the chairperson of the Rules Committee, a member of the Executive Committee and a member of the Union Finance Committee and on such other committees to which the Vice President is appropriately assigned or appointed;
- (d) Serve as a delegate to the SEIU International Convention.

Section 4. The Secretary shall perform the following functions and duties as well as other functions and duties as appropriately assigned:

- (a) The Secretary, working with staff as designated by the Executive Director, shall:
  - (1) Keep a correct record of the meetings of the General Council, the Board, the Executive Committee and the Finance Committee;
  - (2) Be custodian of the records of the Union including election records;
  - (3) Serve as a member of the Union Finance Committee and a member of the Executive Committee;
  - (4) Coordinate and keep current a list of policies and procedures of the Union.
- (b) The Secretary shall:
  - (1) Serve on such committees as designated by these Bylaws and to which the Secretary is appointed by the President;
  - (2) Serve as a delegate to the SEIU Convention.
- (c) As detailed elsewhere in these Bylaws, the Secretary shall: sign affiliation agreements (Art. IV § 2); sign General Council delegate credentials (Art. IX § 4); sign certified election tallies (Art. XI § 11); certify or make public various election results (Art. XV §§ 4(i), 5(m) and (p)); notify Locals of failure to file governing documents (Art. XXI § 2) and perform functions



set out in Disciplinary Process Trial and Appeals (Appendix 4).

Section 5. The Treasurer shall perform the following functions and duties as well as other functions and duties as appropriately assigned:

- (a) The Treasurer, working with staff as designated by the Executive Director, shall:
  - (5) Serve as the chairperson of the Union Finance Committee and a member of the Executive Committee;
  - (6) Be responsible for the oversight of the Union's finances and investments;
  - (7) Collect the money, keep the accounts and books of the Union; and render a statement, after a certified audit of the financial condition of the Union, to the General Council and at other times as requested by the Board.
- (b) The Treasurer shall:
  - (1) Be responsible to the Board for annual review of the fiscal operation of the Union and Locals;
  - (2) Serve on such committees as designated by these Bylaws and to which the Treasurer is appointed by the President
  - (3) Serve as a delegate to the SEIU Convention.
- (c) As detailed elsewhere in these Bylaws, the Treasurer shall approve the holding of Local financial records (Art. XX § 6).

Section 6. The Executive Director, or through the Executive Director's delegate, shall perform the following functions and duties as well as other functions and duties as appropriately assigned:

- (a) Serve as the chief executive officer of the Union and have general supervision of and direction over the daily activities of the Local, including employment and supervision of staff, and expenditure of Union funds, subject to the financial ability of the Union to pay and consistent with the priorities and policies of the Union as determined by the Board and the Bylaws;
- (b) In conjunction with the Secretary and appropriate staff, maintain records of the meetings and maintain and coordinate current policies and procedures of the Union;

(c) In conjunction with the Treasurer and appropriate staff, maintain records of the bank accounts and financial transactions, purchase insurance and bonds, collect monies and maintain the books of the Union and prepare an annual budget for the Union.

(d) Serve as a member of the Union's negotiating teams along with member representatives and staff assigned to sit at the bargaining table; oversee other daily activities of the Union such as organizing, contract administration, political activity, and training. The Executive Director may appoint representatives to discharge any of these responsibilities;

(e) Provide regular reports to the Board on the various programs and projects carried out by the Union. Such reports shall allow for time for discussion and evaluation

(f) Maintain an internal and external communications program throughout the Local; represent the Union within the community and with the media, in conjunction with the President who serves as the chief spokesperson for the Union;

(g) Attend and represent the Union at all appropriate national, regional, or Local meetings of a variety of organizations, including coalitions for which the Union is participating. The Executive Director may appoint a representative to discharge this responsibility;

(h) Serve as a Union delegate to the SEIU Convention. This responsibility may not be appointed to another Union representative. However, a duly elected alternate delegate may serve, as appropriate, in the Executive Director's absence;

(i) Cease, on election, to hold any office which until then the Executive Director may have held in the Executive Director's Local. The Executive Director may not hold any other employment while holding this office nor receive a salary from any source other than the Union.

## Section 7. Statewide Officer Vacancies.

(a) Consistent with the provisions of Article XIII, Section 6, if a Statewide Officer, other than the Executive Director, is removed from office or if it is otherwise necessary to fill an office vacancy or newly created office at this level, the Board may appoint from the Board and Assistant Directors a person to serve the remaining portion of the term. In the case of a vacancy in the position of the President, the Vice President shall become the President. In the case of a vacancy in the position of Executive Director, the

Board can fill the position from staff, active membership, from outside the Union or as it otherwise sees fit.

(b) Vacancy in any Local office shall be filled for the remaining portion of the term in such office in accordance with the provisions of the Local's constitution and bylaws.

## **ARTICLE XV - ELECTIONS**

Section 1. Elections shall be conducted for Directors/Assistant Directors, Statewide Officers, Local Officers, and General Council Delegates and Alternates where applicable.

Section 2. The provisions of this Section shall apply to all elections conducted under this Article.

(a) All elections herein shall be conducted by secret ballot. It is the responsibility of the Union to secure the integrity and accuracy of the secret ballot.

(b) Eligibility of members to nominate candidates and/or vote in any election is determined by the member's status set forth in Article III MEMBERSHIP of these Bylaws.

(c) All eligible voters in good standing may nominate candidates (including themselves), be a candidate, and hold office subject to any restrictions contained in these Bylaws.

(d) A notice that nominations are open shall be distributed to all eligible voting members. The notice shall provide adequate time and opportunity for names to be placed in nomination and shall include the office(s) to be filled, the date(s), time(s), and place(s) nominations shall be accepted, a description of the duties of the office(s) and a proper form and instructions for submitting nominations, or a reference to a website where the last two items may be found. Members may request and shall receive printed copies of the materials made available on a website.

Section 3. Campaign rules, candidate rights, and limitations applicable in all elections under this Article.

(a) Neither Union funds derived from dues, assessments, or other levies nor staff time may be used to promote any person's candidacy. No employer may make contributions of cash or anything of value, either directly or indirectly, to promote any person's candidacy. No employee of the Union shall give or lend any Union money, goods, or services to aid the candidacy

of any person seeking election. Members shall not be given free use of Union resources (e.g. copy machines, video equipment) to promote any member's candidacy for Union office.

(b) Except as otherwise provided in these Bylaws, every member shall have the right to vote or otherwise support the candidates of such member's choice without being subject to any penalty, discipline, improper interference or reprisal of any kind by the Union or any member, employee, agent or representative.

(c) Staff who are members of the Union shall be deemed to be in compliance with (a) and (b) above if their activities regarding campaigns do not occur during regular working hours or during any other hours in which staff are assigned to, or are working on union business of any kind.

(d) The Union shall comply with all reasonable requests by candidates to distribute campaign literature to eligible voters at the candidate's personal expense. All candidates shall receive equal privileges and opportunities to avail themselves of this service.

(e) Every candidate shall have the right, once within thirty (30) days prior to the election, to inspect a list containing the names and addresses of all Union members eligible to vote in that election.

(f) Candidates may be allowed to publicize their candidacy at membership meetings, provided equal access and opportunity are afforded all candidates and they are so notified in advance.

(g) Union funds may be used for notices of elections, factual statements related to the elections, and for other expenses necessary for holding an election but not for promoting one candidate over another.

(h) Candidates may, but are not required to, have observers at each polling place and at any tallying or any collection of the ballots. If a mail ballot is used, candidates shall be permitted to have an observer present while ballots are prepared and mailed and when ballots are received, opened, and counted.

(i) The Union shall, through written Board policies, take adequate safeguards to ensure fair elections at all levels of the Union.

#### Section 4. Challenges to Elections

(a) A challenge of any election conducted under this Article must be

signed by the challenger(s) and filed within fifteen (15) calendar days after the election results have been published. Challenges may be filed only by persons eligible to vote in the election.

(b) The challenge shall be presented in writing to the Chair of the Member Representation Committee who shall forward a copy to the President. Upon receipt of the challenge(s) the President shall take steps to place review of the challenge(s) on the agenda of the next regular Board Meeting that would be able to consider the challenges.

(c) The Chair of the Member Representation Committee shall set a date at the earliest practical time for a meeting of the Member Representation Committee to hear and consider evidence in support of and in opposition to the challenge(s). Notice of the time and place of that meeting shall be given to the challenger(s) and the individual(s) whose election is being challenged.

(d) Challengers and those whose election is being challenged may present written or oral evidence at the meeting.

(e) Challengers shall be permitted to submit evidence only on the specific challenges that were timely filed. Any other evidence shall not be received or considered and cannot provide a basis for overturning an election.

(f) The Member Representation Committee may schedule additional hearings with notice of time and place provided to challengers and opponents of the challenge.

(g) The burden of showing cause for setting aside the election is on the challenging parties.

(h) Following its deliberations, the Member Representation Committee shall transmit a written recommendation to the Board concerning disposition of the challenge(s). Copies of that recommendation shall be provided to the challengers and the individuals whose elections were challenged.

(i) Upon consideration of the challenges and recommendations of the Member Representation Committee, the Board shall issue a written statement of its findings, which may include adoption of Member Representation Committee recommendations and direct the Union Secretary to certify the election or order a new election. The Board shall render its decision no later than three (3) months following the challenge.

(j) Challenged elections shall be considered valid until declared otherwise by the Board.

(k) Challenging and challenged parties may be permitted to speak in favor or against the challenges prior to the Board beginning its deliberations. Neither shall be present while the Board engages in deliberations on the challenges.

#### Section 5. Special Rules for Election of Statewide Officers, Directors and Assistant Directors.

These rules shall apply to the conduct of Statewide Officer and Board of Directors elections, in addition to the safeguards and procedures specified in Section 3 above.

(a) The President shall appoint members to a Statewide Officer and Board of Directors Elections Committee, subject to ratification by the Board of Directors. The Statewide Officer and Board of Directors Elections Committee shall designate the open period for nominations for Union President, Vice President, Secretary, Treasurer, Executive Director, Directors and Assistant Directors.

(b) Nominations shall be open and forms shall be made available to all eligible members statewide no later than the last Monday in June prior to the biennial session of General Council of the election year and nominations shall close at 5:00 pm on the Friday before General Council.

(c) All candidates shall be provided the opportunity to submit a campaign statement of up to 400 words in length, and a personal photograph. Notice of this opportunity shall be included on the nomination form. If submitted in accordance with the notice, campaign statements of up to 400 words and photographs of duly nominated candidates shall be included in a Voters' Guide, which shall be published by the Union in a format and at a time approved by the Elections Committee.

(d) All duly nominated candidates shall be given equal opportunity to post campaign materials on all designated Union bulletin boards in SEIU 503-represented worksites and further, duly nominated candidates shall be permitted to have campaign materials mailed on their behalf provided they pre-pay for the actual cost of the mailing at any time thirty (30) days' prior to the mailing of ballots through the deadline for receipt of ballots.

(e) Members shall not be given free use of Union resources (e.g. copy machines, video equipment) to promote any member's candidacy for Union office. When approved by the Board, use of Union resources may be allowed on an equal basis with reimbursement for the actual costs involved.

(f) Each nominated candidate for statewide office and Board of Directors of the Union may submit a candidate statement to be mailed to members of the Union eligible to vote in this election. This statement shall be, limited to one (1) uniformly formatted statement of four hundred (400) words or less and a photo (if supplied). "Uniformly formatted" includes hard copy typed or handwritten, any word processing format on disk, e-mail, faxes and any other electronic copy. Photos cannot be faxed.

(g) All duly nominated candidates shall be required to file reports detailing all campaign contributions totaling twenty-five dollars (\$25.00) or more from a single contributor, and all expenditures totaling twenty-five dollars (\$25.00) or more to a single source, during an election period. Such reports shall be filed with the Union's Legal Department. The first report shall be filed no later than one week prior to the mailing of ballots and the second report shall be filed no later than two (2) weeks after the deadline for receipt of ballots. Such reports shall be made available for inspection by any Union member at Union Headquarters and at all branch offices of the Union.

(h) A notice of election shall be mailed to each member at their last known address at least fifteen (15) days prior to election. The notice shall include the date(s), time(s), and place(s) of the election, and the manner in which the ballots shall be cast. Ballots for election of Statewide Officers, Directors and Assistant Directors shall be mailed within four (4) weeks of the close of General Council. There shall be no proxy voting.

(i) Members notified of an election but not receiving a ballot or otherwise needing a replacement ballot shall request a replacement ballot by phone, in person, or in writing. The replacement ballot shall be so marked on the outside return envelope.

(j) All candidates running for statewide and Board of Directors office, even if running unopposed, shall be presented to the statewide membership in the form of a single ballot. In addition, ballots must have a space for a write-in candidate for each office.

(k) Each member may cast one vote for a Director and Assistant Director in their employment group (See Items 1-11 in Appendix 1). Where a member has more than one employer group, that member is limited to one vote in their primary employer group which shall be determined by where the longest membership status exists. Each member may also cast one vote for a Director and Assistant Director from the member's geographic area (see Items 12-22 in Appendix 1). Homecare, Adult Foster Care and Childcare members shall be represented and vote in the geographic area in which they live. Out-of-state Homecare, Adult Foster Care and Childcare workers shall

be represented in the geographic area closest to their home. All other members shall be represented and vote in the geographic area in which they work except that any member may opt, on an individual basis, to have their voting rights for Director and Assistant Director determined by where they live rather than where they work.

(l) Ballots shall be coded to clearly show in what election the ballot was cast. All ballots must be received by the deadline specified in the election notice.

(m) Ballots shall be opened, counted and tallied by a qualified election service. Election results shall be certified by the Elections Committee Chair and Union Secretary, or designee, who shall secure all ballots, envelopes, tally sheets, and other election materials in accordance with this Article.

(n) Ballots, envelopes, election results, and tally forms shall be available for inspection by any active, staff, or retired Union member at the Union Headquarters office for a period of one (1) year following the election.

(o) If no member eligible for an office receives a majority of votes for the office, the eligible member receiving a plurality of the votes shall be deemed the winner.

(p) Election results shall be made public by the Union Secretary, or designee, within five (5) days after the ballots are counted. Candidates shall be provided a copy of the tally sheets for all candidates from their election and information about the challenge process including timelines within this same five (5) day period.

(q) The Elections Committee or its designee shall hear complaints regarding election procedures or rule interpretations except as otherwise provided in Bylaws Article XV, Section 4.

(r) Statewide Officers, Directors and Assistant Directors shall be installed at an appropriate ceremony on the Friday immediately preceding the first, regularly scheduled, full meeting of the Board following completion of the vote tally.

(s) If a Statewide Officer is not installed in their office pursuant to Article XV of these Bylaws, the Board of Directors shall declare the position vacant and another election for the position shall be held.

## Section 6. Special Rules for Elections in Locals

(a) Local officer elections for all Locals within the Union shall be held



between January and April of even numbered years, with those elected taking office no later than May 1st of that year. The seated Retiree Local President shall complete the full two-year term of office on the Board, and the Retiree Local President-elect and the Retiree Local Vice President shall be installed with the full Board. Officer terms of office shall be two (2) years.

(b) Elections for Local Officers shall be conducted in accordance with procedures provided in the Local's governing documents so long as they are not inconsistent with law or these Bylaws.

(c) Each member of a Local shall be provided an opportunity to vote for election of Local Officers, and delegates and alternate delegates to General Council. If an elected alternate delegate is unable to serve, the candidate with the highest number of votes shall be the replacement delegate to General Council.

(d) The President of each Local shall appoint an elections committee of three (3) active members in the Local, who are not nominees, to prepare, distribute, receive, and count the ballots, to certify the election results; and to perform any other task required for conducting Local elections.

(e) The Chairperson of the Nomination/Election Committee shall provide at least fifteen (15) days-notice of an election and shall cause a ballot to be prepared.

(f) Voting shall be by secret ballot, direct mail, a worksite ballot, or at a duly publicized Local meeting ensuring that absentee ballots are available.

(g) The Local elections committee shall announce the election results to the current officers, and all candidates within forty-eight (48) hours of completing the ballot count.

(h) All duly nominated candidates in a statewide Local shall be invited to submit campaign statements not to exceed 200 words in length, and a personal photograph for publication with the ballots. The campaign statement and personal photograph must be submitted by the nominations deadline.

Section 7. Election of Delegate Alternates. In all delegate elections, the formula of a minimum of one (1) alternate for each two (2) delegates shall be followed. If an elected delegate or alternate cannot serve/attend the function to which they were elected, then the candidate with the next highest number of votes shall become the delegate for the remainder of the term. If there are no other

candidates/alternates who ran in the same election, then the members shall be notified of a special election to fill the position. In such instances where a special election is necessary, the election shall be called with a fifteen (15)-day notice to the members.

## **ARTICLE XVI - UNION STEWARDS**

Section 1. The Union shall recognize members to act as Union Stewards. The Union Steward's principal duty shall be to safeguard the Union's ability to represent employees.

Section 2. Each Local's provisions for self-government shall include a procedure for selection and removal of Union Stewards. The Local shall notify the Union of the members selected to act as Union Stewards and of any changes in those acting as Stewards.

Section 3. The duties of Union Stewards shall include but not be limited to the handling of employee grievances through the appropriate contractual procedures, serving as a main communication channel between members and management, Local leadership and staff.

Section 4. Stewards are strongly encouraged to complete Leadership Training and other training opportunities provided by the Union for Union Stewards.

## **ARTICLE XVII - COMMITTEES**

Section 1. The President shall appoint the chairs and members of Standing Committees of the Union, Standing Committees of the Board, Special Committees, and Special Councils subject to ratification by the Board, except as otherwise specified in these Bylaws. Appointments shall be made only after the Union announces available committee and/or council positions and Locals' Presidents have been asked to submit names for available positions. Both the President and the Board shall maintain committee and council membership that respect the Union's diversity of membership.

Section 2. Standing Committees of the Board, Special Councils and Special Committees have been and may be created from time to time by the General Council or the Board. The composition and functions of those Committees and Councils are set forth in the Union's Administrative Policies and Procedures (AP&Ps).

Section 3. The Standing Committees of the Union are Rules, Member Representation, Union Finance and Stewards. Ad hoc committees may be activated by the Board as needed for specific missions or assignments.

Section 4. The functions of the Rules Committee, which shall be chaired by the Union Vice-President and shall be advised by a staff attorney, are to:

- (a) Promote consistency in the Union's governing documents and make periodic recommendations to the Board to achieve that objective.
- (b) Work with sub-locals to ensure that their governing documents are valid under the law and achieve consistency between a sub-local's governing documents and the governing documents of the Union. If any provision of a sub-local's bylaws are inconsistent with any provision of these bylaws or violate law, that provision(s) shall be invalid.

Section 5. The Member Representation Committee shall be advised by a staff attorney and shall make recommendations to the Board in the following areas:

- (a) Election challenges;
- (b) Removal of officers pursuant to Appendix 5 of these Bylaws;
- (c) Allegations of a breach of the Union's duty of fair representation;
- (d) Assist in the resolution of internal Union disputes;
- (e) Contract ratification procedures.

Section 6. The Union Finance Committee shall consist of the Treasurer, as chair, the Vice President, the Secretary and members as designated pursuant to Section 1 of this Article. The Finance Committee shall:

- (a) Develop plans for adequately financing the Union and shall, in even-numbered years, present to the Board at their meeting preceding the General Council Board of Directors' meeting, a budget of estimated receipts, expenditures, and budget balances for the ensuing fiscal year. In odd-numbered years, the same information shall be presented to the Board for approval, at their last Board meeting in the fiscal year.
- (b) Regularly review the fiscal operation of the Union as measured against the budget, report its findings, and make recommendations to the Board.
- (c) Review all funding requests to be made to the Board that shall result in an expense to the Union. The purpose of the review is to:
  - (1) Accurately determine the cost of the proposal;

- (2) Determine the ability of the Union to meet the cost;
  - (3) Judge the overall benefit to the Union;
  - (4) Report to the Board their findings and recommendations.
- (d) Periodically review insurance policies and the fidelity bonds covering Union risks.
  - (e) Review the annual certified report of the audit made of the records and accounts for the Union.
  - (f) Approve of the opening of any investments accounts and oversee the maintenance of investment accounts for the purpose of obtaining the highest level of interest income as possible while maintaining the necessary liquidity and security of capital and taking into consideration the social, environmental and economic impacts of our investments.
  - (g) Perform such other functions regarding fiscal matters as may be directed or authorized by the Board or General Council.

Section 7. Stewards' Committee shall coordinate steward activities statewide and perform the following:

- (a) Plan, request funding for, and implement regular trainings and recognition for stewards (with an awareness of the needs of rural stewards), which shall include a biennial conference and shall include regional trainings, local or employer-specific trainings;
- (b) Provide input into the Member Resource Center's steward newsletter;
- (c) Monitor implementation and revisions of regular Basic and Advanced Steward Training. Encourage stewards to participate in training. Committee members are encouraged to teach Stewards' Training;
- (d) Periodically survey all stewards and contacts to determine training needs, including needs regarding the accessibility of the trainings, and ideas for the recognition and retention of stewards; and
- (e) Coordinate with Locals and the Union to provide appropriate recognition to stewards for their efforts and dedication.

Section 8. Each Committee shall keep minutes of transactions at each meeting, and these minutes shall be included in the Board packets.

Section 9. The chairperson or a designated representative from Standing or Special Committees may present motions to the Board.

### **ARTICLE XVIII - DUES**

Section 1. Union dues shall be as follows:

(a) Dues for active and staff members are 1.7 percent (1.7%) or \$5.00 (five dollars), whichever is greater, of the member's gross monthly salary for time in regular pay status.

(b) Dues for associate members are \$10.00 (ten dollars) per month.

(c) Semi-active members may continue in good standing by continuing to pay associate dues while on semi-active status. The semi-active member may make payment to the Union up to 90 (ninety) days after the end of their season.

(d) Dues for retiree members shall be \$60 annually until age 75, at which time dues would drop to \$25 annually, payable semi-annually in January and July each year. Retiree members may make alternate payment arrangements. Persons joining during one of the semi-annual periods may pay prorated dues to the end of the period including the month in which they join. Each person eligible for retiree membership shall be sent a notice that the person's membership shall be converted to a temporary retiree membership and carried at no cost to the member for 90 days. Included in this notice shall be information on the benefits of continuing as a retired member of the Union, and an application form for continuing membership beyond the 90 days. A person becomes a permanent member upon formal application and payment of dues.

Section 2. Allocations from dues for active and staff members shall be as follows.

(a) \$.30 (thirty cents) from each monthly dues payment shall be allocated to the Union's Strike Benefit Fund and \$.10 (ten cents) goes to the Strike and Job Protection Fund.

(b) \$.75 (seventy-five cents) from each monthly dues payment shall be allocated to the Union's political action program. If a member desires that this contribution not be expended for political action purposes and so indicates in writing, the contribution shall be paid to the Union's scholarship fund.

Section 3. For retiree members, \$1.00 (one dollar) shall go to the Union's General Fund, \$2.67 (two dollars and sixty seven cents) shall go to the Retiree Local account and \$0.50 (fifty cents) shall go to reimburse the cost of the retiree life

insurance policy. Members may make additional contributions to Citizen Action for Political Education (CAPE).

#### Section 4. Changes in dues.

(a) The amounts and structures dues set out in Section 1(a) above, shall not be changed except by a vote of the active and staff membership. A simple majority of the votes cast by the membership shall determine the outcome. Any vote by the membership on change or restructuring of dues shall be conducted separately from votes on other matters.

(b) Dues amounts for Retiree members shall be set by the Local subject to approval by the General Council.

### **ARTICLE XIX - GENERAL FINANCIAL MATTERS**

Section 1. The fiscal year of the Union is October 1 through September 30.

Section 2. The Union's revenues shall be accounted for in three categories: (1) dues and fair share money, (2) non-dues income, and (3) voluntary contributions. Expenditures for all aspects of collective bargaining, including the necessary work for legislative approval, for merit system benefit grievances, and discharge and discipline cases under the statutes shall ordinarily be paid out of dues and fair share revenues. Expenditures for the non-bargaining aspects of the Union, publications and General Council; for programs for services and benefits for the common good of represented employees; and for all programs limited to members only, shall ordinarily be paid out of dues income. Voluntary contributions shall be spent as provided for by the donor.

Section 3. The Board shall establish and maintain a General Fund Account for recording all income to the Union except those funds under custodianship of the Union.

Section 4. There shall be a Prudent Reserve of 16.6% (sixteen point six percent) – two months of operating expenses – of each year's operating budget in a Special Fund. Each year's calculation of 16.6% shall be based on budgeted expenditures for the same year. If the balance of the Prudent Reserve Fund falls below the required level than action shall be taken by the end of the fiscal year to restore the reserve to the required level through transfer of funds from the operating budget, at a rate to be determined by the Board of Directors but no less than ten cents per dues member and fair share payer per month.

Withdrawals from the Prudent Reserve Fund require a 2/3 majority vote of the Board of Directors. The Board shall have the authority to authorize placement of amounts in excess of the Prudent Reserve into the Special Fund.

The Special Fund may be augmented from any lawful source, such as gifts or the income therefrom, and interest earned on invested funds.

Section 6. All Union money shall be invested by the Union Finance Committee in such a way as to obtain a maximum rate of interest within prudent guidelines

adopted by the Board, taking into account the requirements and policies of the Union and benefit to the members.

Section 7. The total annual budget of the Union as approved by the General Council, or the Board in odd numbered years, shall not be exceeded, except by authority of the Board or General Council.

## **ARTICLE XX – LOCAL FUNDING AND ACCOUNTING**

Section 1. The Union shall maintain an individual accounting of local funds for each Local. The Union shall maintain a list of those officers in each local authorized to disburse local funds. No member, officer, employee, or body of the Union other than the General Council may divert or spend funds allocated to a particular Local's account without the approval of that specific Local except as described in Section 6 of this Article.

### Section 2. Local Funding

(a) Out of each member or fair share payer's dues received at Headquarters, there shall be returned to each Local on a quarterly basis the following amounts except that the Local shall receive an extra five (5) cents per member per month for each CAPE contributor in its membership.

90¢ per member per month for single site Locals.

70¢ per fair share payer per month for single site Locals.

\$1.10 per member per month for statewide Locals.

90¢ per fair share payer per month for statewide Locals.

(b) Beginning January 1, 2017, the funding structure in subsection (a) above shall be discontinued and Locals shall be allotted funds on an annual basis based on the rate of \$1.15 per dues paying member per month and \$.90 per fair share payer per month. The number of members and payers shall be based upon the September membership report immediately prior to the allocation. In no event shall a Local receive less than \$400 per year, except as described in subsection (e) and (f) of this Section.

(c) Locals may initiate a review of membership and fair share numbers when changes occur that cause the actual number of members and fair

share payers to differ significantly from the September membership report. Such requests shall be made to the Finance Committee who shall determine whether or not to grant additional funding. Requests for increased funding based on documented, sustained membership growth and that follow the funding allocation formula in subsection (b) above shall not be denied.

(d) Newly established Locals that have ratified their first contract shall be granted an initial funding as determined by the Board of Directors taking into consideration the amount of funding allotted to Locals of a similar size. This initial Local funding allotment is made on a one time only basis, and is not required to be repaid.

(e) A Local that has accrued an amount equal to two (2) full years of funding shall not receive an annual funding allotment for the fiscal year.

(f) Local funding shall not be allocated to Locals in inactive status.

Section 3. Local Budgets. Headquarters shall provide a budget tool to Local officers upon request.

Section 4. Job-Share Positions. The term "job-share" shall be defined as "one (1) full-time position in employment held by more than one (1) employee". Each job-share partner shall have full membership and voting rights and benefits in the Union.

Section 5. Headquarters shall issue advance payment for mileage when a member is required to spend the member's money on official Union business when such a requirement would pose a hardship to the member with the approval of appropriate officers of the involved Local. Subsequent providing of all necessary receipts to Headquarters, however, shall still be required.

Section 6. A monthly report on the Local's disbursements and balances as well as the monthly billing shall be made available to the appropriate officers of the Local. If the billing is still unpaid in sixty (60) days, the Statewide President or Treasurer can authorize payment from the Local with a copy of the transaction to the Local Officers.

## **ARTICLE XXI - INACTIVATION OF LOCALS**

Section 1. Failure to Fill Local Offices. Any Local that has no officers may be declared inactive by Board of Directors' action at the first meeting of the Board following:

(a) Vacancy of the offices of President, Vice President, Secretary and



Treasurer (or Secretary-Treasurer) of the Local, or

(b) Failure of the Local to elect officers as required under Article XV Section 6 of these Bylaws.

Section 2. Failure to File Constitution and Bylaws. Any Local that fails to file an authenticated copy of that Local's constitution and bylaws shall be notified in writing by the Union Secretary to file such documents within sixty (60) days of the notice. If such documents are not filed with Headquarters in the allotted time, the Board shall declare such Local inactive at the Board's next regular meeting.

Section 3. Violation of Bylaws. Any Local that violates any provision of these Bylaws shall be notified in writing by the President of the Union of the specific violation alleged. The notification shall include a specific directive for the Local to cease such action. If the Local continues such violation(s), the Local shall be declared inactive at the next regular Board meeting. Prior to such declaration, the Local President shall be given twenty (20) days' written notice by the President to appear at the Board meeting to defend the action of the Local.

Section 4. Board action to inactivate a Local under Sections 1 through 3 of this Article shall require a two-thirds (2/3) vote of the Board of Directors.

Section 5. Return to Active Status. A Local shall be returned to active status when the Board receives acceptable evidence from the Local that the circumstances causing the inactive status no longer exist. The Board shall notify the Local President and Headquarters of the Local's active status. The notification shall state the evidence on which the Board based the decision to return the Local to active status. Any Local returning from inactive to active status, shall have Local funds set up in the central ledger account.

## **ARTICLE XXII- LEGAL COMPLIANCE**

Section 1. It is the intent of this Union that its governing documents comply with all applicable laws including, but not limited to, the Labor-Management Reporting and Disclosure Act of 1959. To the extent any specific provision(s) of the governing documents is (are) not in compliance with applicable law, the specific provision(s) shall be null and void.

Section 2. The President and Treasurer, acting with appropriate staff, are responsible on an annual basis for the preparation, signing and filing of a Report of Labor Organization (LM-2) as required under the Labor Management Reporting and Disclosure Act (LMRDA) provisions set forth in Appendix 6 of these Bylaws. Such report and the information contained in the report shall be made available to members of the Union as set forth in subsection (c) of the statutory provisions set forth in Appendix 6.

Section 3. All Statewide Officers, Local Officers, Directors, Assistant Directors and certain Union staff are required, on an annual basis, to disclose information detailed in the provisions of the Labor Management Reporting and Disclosure Act (LMRDA) set forth in Appendix 7 of these Bylaws on forms provided to them by the Union. The Union shall submit the information disclosed to the Secretary of Labor as required by the statutory provision. Such filings shall be made available to members for inspection upon reasonable request.

### **ARTICLE XXIII - POLITICAL ACTION PROGRAM**

Section 1. The Union's political action program with respect to candidate endorsements and expenditures shall be administered by Citizen Action for Political Education (CAPE) (as outlined in its bylaws) which shall make recommendations for endorsements to the Board for final action by a 2/3 majority vote of the Board.

Section 2. All financial matters of CAPE shall be kept separate from all other Union financial matters, and CAPE funds shall be kept separate from all other Union funds and shall not be commingled at any time.

Section 3. A Local may not endorse or give money to any candidate or conduct an independent campaign that is not authorized by the Board.

Section 4. The Union is politically non-partisan.

### **ARTICLE XXIV – NO DISCRIMINATION**

The Union, its officeholders, employees, agents, Union Stewards, and other representatives, shall not discriminate, against any person because of disabilities, race, religion, color, national origin, political belief, gender, gender identification, marital status, age, or sexual orientation.

### **ARTICLE XXV - AMENDMENT OF BYLAWS**

Section 1. These Bylaws and Appendices may be amended, repealed, suspended, or replaced by:

(a) Proposals to the General Council in regular session, adopted by a two-thirds (2/3) vote of the General Council; or

(b) Initiative petition, either signed by 20 percent (20%) of the total active membership, or endorsed by 30 percent (30%) of the Locals, or endorsed by the Board. Such petition shall be addressed to the Union and filed at Headquarters. If it bears the required signatures or endorsements, balloting shall take place as provided in Article IX, GENERAL COUNCIL, Section 9,

Voting Between Sessions, of the Bylaws. Adoption shall be by a two-thirds (2/3) vote of the voting delegates.

Section 2. In the event of enactment of federal or state legislation imposing obligations on the Union as to elections, membership rights, accounting and disclosure, officer conduct, retention of records, bonding, financial relationships of officeholders and employees, etc., which are not already imposed by the Union's Bylaws and which are not within the authority of the Board to impose, the federal or state legislation shall control.

#### **ARTICLE XXVI- PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Union, the Board, and Officers in all cases to which they are applicable and in which they are consistent with these Bylaws, the Union's AP&P or any special rules of order the Union may adopt.

**APPENDIX 1**  
**(See Article XI Section 1 of Bylaws)**  
**DIRECTOR AND ASSISTANT DIRECTOR SEATS**

Directors and Assistant Directors are elected in the following numbers.

1. One member employed by OUS;
2. One member employed by an agency in the Human Services Coalition of DAS;
3. One member employed by an agency in the ODOT Coalition of DAS;
4. One member employed by an agency in the Specials Coalition of DAS;
5. One member employed by an agency in the Institutions Coalition of DAS;
6. One member employed by a local government;
7. One member employed by a private non-profit agency;
8. One member in the Client Employed Provider program or a private home care agency;
9. One member employed by a nursing home, assisted living facility or other private sector care facility;
10. One member employed as a child care provider;
11. One member employed as an adult foster home provider;
12. Three members who work in Region 1/Central Valley (Marion & Polk Counties);
13. Two members who work in Region 2/South Valley (Benton, Lane, Lincoln & Linn Counties);
14. One member who works in Region 3/Southwest Oregon (Coos, Curry, Douglas & Josephine Counties);
15. One member who works in Region 4/Southern Oregon (Jackson, Klamath, Lake, Harney, Malheur and Payette (ID) Counties);
16. One member who works in Region 5/Eastern & Central Oregon (Baker, Crook, Deschutes, Gilliam, Grant, Hood River, Jefferson, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco & Wheeler Counties);
17. Three members who work in Region 6/Multnomah & Clackamas Counties (Multnomah, Clackamas, Columbia, Clark & Cowlitz (WA) Counties);
18. One member who works in Region 7/Northwest Oregon (Clatsop, Tillamook, Washington & Yamhill Counties)
19. The Statewide President of SEIU Local 503, OPEU;
20. The Statewide Vice President of SEIU Local 503, OPEU;
21. The Statewide Secretary of SEIU Local 503, OPEU;
22. The Statewide Treasurer of SEIU Local 503, OPEU;
23. The Statewide Past President of SEIU Local 503, OPEU;
24. The Executive Director of SEIU Local 503, OPEU; and
25. The President of the Retirees' Local of SEIU Local 503, OPEU.

END OF APPENDIX 1

**APPENDIX 2**  
**(See Article V Section 3 of Bylaws)**

**TITLE I -- BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS**

Bill of Rights

(29 U.S.C. 411)

SEC. 101. (a)(1) EQUAL RIGHTS.-- Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

(2) FREEDOM OF SPEECH AND ASSEMBLY.-- Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: *Provided*, That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

(3) DUES, INITIATION FEES, AND ASSESSMENTS.-- Except in the case of a federation of national or international labor organizations, the rates of dues and initiation fees payable by members of any labor organization in effect on the date of enactment of this Act shall not be increased, and no general or special assessment shall be levied upon such members, except-

(A) in the case of a Local organization, (i) by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or (ii) by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot; or

(B) in the case of a labor organization, other than a Local labor organization or a federation of national or international labor organizations, (i) by majority vote of the delegates voting at a regular convention, or at a special convention of such labor organization held upon not less than thirty days' written notice to the

principal office of each Local or constituent labor organization entitled to such notice, or (ii) by majority vote of the members in good standing of such labor organization voting in a membership referendum conducted by secret ballot, or (iii) by majority vote of the members of the executive board or similar governing body of such labor organization, pursuant to express authority contained in the constitution and bylaws of such labor organization: *Provided*, That such action on the part of the executive board or similar governing body shall be effective only until the next regular convention of such labor organization.

(4) PROTECTION OF THE RIGHT TO SUE.-- No labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceeding, or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator: *Provided*, That any such member may be required to exhaust reasonable hearing procedures (but not to exceed a four-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organizations or any officer thereof: *And provided further*, That no interested employer or employer association shall directly or indirectly finance, encourage, or participate in, except as a party, any such action, proceeding, appearance, or petition.

(5) SAFEGUARDS AGAINST IMPROPER DISCIPLINARY ACTION.-- No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect.

## Civil Enforcement

(29 U.S.C. 412)

SEC. 102. Any person whose rights secured by the provisions of this title have been infringed by any violation of this title may bring a civil action in a district court of the United States for such relief (including injunctions) as may be appropriate. Any such action against a labor organization shall be brought in the district court of the United States for the district where the alleged violation occurred, or where the principal office of such labor organization is located.

## Retention of Existing Rights

(29 U.S.C. 413)

SEC. 103. Nothing contained in this title shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and bylaws of any labor organization.

## Right to Copies of Collective Bargaining Agreements

(29 U.S.C. 414)

SEC. 104. It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a Local labor organization, to forward a copy of each collective bargaining agreement made by such labor organization with any employer to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a Local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. The provisions of section 210 shall be applicable in the enforcement of this section.

## Information as to Act

(29 U.S.C. 415)

SEC. 105. Every labor organization shall inform its members concerning the provisions of this Act.

END OF APPENDIX 2

**APPENDIX 3**  
**(See Article XX Section 1 of Bylaws)**

**FIDUCIARY DUTIES**

SEC. 501. (a) The officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with such organization as an adverse party or in behalf of an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization. A general exculpatory provision in the constitution and bylaws of such a labor organization or a general exculpatory resolution of a governing body purporting to relieve any such person of liability for breach of the duties declared by this section shall be void as against public policy.

(b) When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) and the labor organization or its governing board or officers refuse or fail to sue or recover damages or secure an accounting or other appropriate relief within a reasonable time after being requested to do so by any member of the labor organization, such member may sue such officer, agent, shop steward, or representative in any district court of the United States or in any State court of competent jurisdiction to recover damages or secure an accounting or other appropriate relief for the benefit of the labor organization. No such proceeding shall be brought except upon leave of the court obtained upon verified application and for good cause shown which application may be made ex parte. The trial judge may allot a reasonable part of the recovery in any action under this subsection to pay the fees of counsel prosecuting the suit at the instance of the member of the labor organization and to compensate such member for any expenses necessarily paid or incurred by him in connection with the litigation.

(c) Any person who embezzles, steals, or unlawfully and shallfully abstracts or converts to his own use, or the use of another, any of the moneys, funds, securities, property, or other assets of a labor organization of which he is an officer, or by which he is employed, directly or indirectly, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

END OF APPENDIX 3



**APPENDIX 4**  
**(See Article VI Section 1 of Bylaws)**

**DISCIPLINARY PROCESS TRIALS AND APPEALS**

Section 1. Purpose of Appendix 4.

The disciplinary process set forth in this Appendix applies to members and officers in their capacity as members, and shall be used to determine charges of misconduct brought under Article VI of these Bylaws.

Section 2. Filing of Charges.

(a) Charges against any Member or Officer shall be filed with the Secretary of the Union unless the charges filed are against the Secretary in which case they shall be filed with the President.

(b) The charges must specify the conduct or acts that the Charging Party believes constitute misconduct and the Section(s) of Article VI of these Bylaws the Charging Party believes have been violated.

(c) The charge must be accompanied by any documents, sworn statements or other evidence that the Charging Party believes support the charge(s).

(d) No charges may be filed more than six months after the Charging party learned, or could have reasonably learned, of the conduct which is the basis of the charges.

Section 3. Service of Charges on Charged Party.

(a) The Secretary or President shall promptly provide a copy of the charge and any supporting documents to the Chair of the Member Representation Committee (MRC).

(b) The Chair of the MRC shall cause a copy of the charge and any supporting documents to be sent to the Charged Party by certified mail, return receipt requested, directed to the last known address of the Charged Party.

(c) The materials sent to the Charged Party shall include a letter informing the Charged party that they have 30 days from receipt of

the letter to submit to the MRC Chair any documents, sworn statements or other evidence that the Charged Party believes are relevant to the charges and their defense to the charges.

(d) Upon receipt of the materials submitted by the Charged Party, the MRC Chair shall cause copies of that material to be delivered promptly to the Charging Party.

#### Section 4. MRC Determinations.

(a) Upon receipt of the materials submitted by the Charging Party and the Charged Party, the MRC shall meet within 45 days for purposes of assessing whether reasonable cause exists to believe that the charges at issue have merit.

(b) The Charging Party and the Charged Party shall receive written notice of such meeting no less than 10 day prior to the meeting and may appear at the meeting to present argument to the MRC. Both parties may submit written statements prior to the MRC meeting.

(c) If the MRC determines that the charges were untimely filed or that there is no reasonable cause to believe that the charges have merit, it shall issue a direction dismissing the charges and state the reasons for the dismissal. The MRC shall prepare a written statement of its reasons for dismissing the charges and provide the Charging Party and the Charged Party with that statement by certified mail, return receipt requested. The MRC shall also submit the written statement of its determinations to the Board of Directors.

(d) If the MRC determines there is reasonable cause to believe the charges have merit, it shall so inform the Charging and Charged Parties and shall also convey that determination, in writing, to the Union President accompanied by a recommendation that the Board of Directors approve a Trial Committee to determine whether the charges have merit. Copies of that determination and recommendation shall be provided to the Charged and Charging Parties by certified mail, return receipt requested.

#### Section 5. Appointment of Trial Committee.

(a) At the next regularly scheduled meeting of the Board of Directors, after receipt of the determination/recommendation set forth above in Section 4(d) the President or the Vice-President where the President is the Charged party, shall appoint, with

approval from the Board, a four (4) member Trial Committee, along with four (4) alternates, to hear evidence on the charges.

(b) The Trial Committee shall be chaired by the Secretary unless the Secretary is the Charged or Charging Party in which case the President shall serve as Chair.

(c) Trial Committee members and the Trial Committee Chair shall not be from the same sub-local as either the Charged or Charging party.

(d) The staff advisor to the MRC shall serve as neutral advisor to the Trial Committee as well as to the Charged and Charging parties on trial practice and procedures.

(e) The Trial Committee shall appoint the Charging party or another member of the Union who is not an attorney to present the charges and the relevant evidence on behalf of the Charging party. The Charged party may appear with a representative who shall be a member of the Union and may not be an attorney.

(f) Absent good cause, the Trial Committee shall meet to hear evidence and render a decision on the charges within 30 days of its appointment.

#### Section 6. Trial Committee Hearing and Determinations.

(a) The hearing shall take place and the Secretary (or President) shall serve as the presiding officer.

(b) The Charged and Charging Parties and/or their representatives may appear in person or remotely.

(c) The hearing shall proceed with opening statements. The Charging Party shall proceed first and present all of their evidence in the form of testimony, documents or other relevant evidence. The Charged Party shall then present their case in the same manner. Each side shall be permitted to make closing arguments.

(d) At the hearing, each side shall be permitted to present and cross examine witnesses. Witnesses shall testify under oath administered by the presiding Officer.

(e) Upon closing of the record, the Trial Committee shall enter in deliberations in executive session that shall include only the Trial Committee, the staff advisor and any other person the Presiding Officer deems necessary.

(f) The Trial Committee shall deliberate until such time as it reaches a decision on the merits of the charges. A determination to dismiss or find merit to all or some of the charges must be made by majority vote. If the charges are found to have merit, the Trial Committee shall determine the appropriate penalty which may range in severity from a written sanction to expulsion from the Union or any other punishment or remedy that is deemed just and proper including reimbursement of moneys to the Union or fines.

(g) The Trial Committee shall render its determination within 45 days and shall prepare a written determination, with dissenting opinions if applicable, and deliver the written determinations to the Parties by certified mail and to the President of the Board who shall report back to the Board.

## Section 7. Appeals

(a) When the MRC has dismissed charges under Section 4(c) above or the Trial Committee has dismissed or sustained charges pursuant to Section 6(f), those written determinations shall be transmitted to the Board of Directors, the Charging Party and Charged Party. Either party may file an appeal of that action including the level of sanction imposed, to the Board of Directors within 15 days of the date of the applicable dismissal order or direction.

(b) Such appeal must be in writing and may only rely on evidence that was presented in the process outlined above, unless evidence is newly discovered.

(c) The Board may, at its sole discretion permit the Parties or their representatives to engage in oral argument before it on any appeal.

(d) The Board shall sustain the decision made by the respective committee unless it finds clear and convincing evidence that the determination was in error or the penalty provided was not appropriate.

(e) In the event no appeal to a dismissal of charges is filed, the Board may, by motion supported by a majority vote, remand the matter to

the appropriate committee for reconsideration of issues and questions set out by the Board.

#### Section 8. Exhaustion of Remedies.

Subject to the provisions of applicable statutes, every Member or Officer of the Union against whom charges have been made and disciplinary action taken as a result thereof or who claims to be aggrieved as a result of adverse rulings or decisions rendered, agrees, as a condition of membership and the continuation of membership to exhaust all procedures provided for herein, in the Constitution and Bylaws of the International Union and the Local Union, and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

#### Section 9. Determinations Final and Binding.

Article VI of these Bylaws shall be enforced exclusively through the procedures provided in this Article and any decision rendered pursuant to the procedures provided for herein, including any appeals, shall be final and binding on all parties and not subject to judicial review.

END OF APPENDIX 4

**APPENDIX 5**  
**(See Article VII Section 3 of Bylaws)**

**REMOVAL OF OFFICERS**

Section 1. The following shall apply to officers elected after September 2008.

(a) Holders of office in Locals may be removed from office, as provided for in the involved Local's constitution and bylaws. If no provisions or procedures exist in the involved Local's constitution and bylaws, such officers may be removed from office as provided for under the procedure established in subsection (b) for the removal of other office holders.

(b) Statewide Officers, and holders of all other offices at any level of the Union, may be removed from office by a simple majority vote of the membership eligible to vote for that office and voting. Balloting will occur when called for by initiative petitions bearing signatures of 10 percent 10% of the membership eligible to vote for the office in question as described herein.

(1) To initiate the office holder recall process, the proponent(s) of a proposed recall shall submit a written notice of intent to the chairperson of the Member Representation Committee. The date of this submission shall be the recall initiation date.

(2) To be counted toward satisfaction of the ten percent recall election threshold, recall petition signatures must be gathered within the one hundred eighty (180) days immediately following the recall initiation date; each signature must be dated by the signer at the time of signing; and the signer must have been a member of the Union eligible to vote for the office in question on the date of signing.

(3) Petitions may be delivered to the chairperson of the Member Representation Committee at any time within the one hundred eighty (180) days immediately following the recall initiation date, but no more than seven (7) days after the expiration of that one hundred eighty (180) days.

(4) Upon receipt of such petitions, the chairperson of the Member Representation Committee, together with the members of the Committee, shall determine the validity of membership within fifteen (15) days of their presentation.

(5) For the purpose of determining whether the number of valid signatures satisfies the ten percent recall election threshold, the number of members eligible to vote for the office in question shall be the number of members who were eligible to vote for the office in question on the recall initiation date.

(c) For a Local officer recall, results of the petitions shall be sent to the Local involved. For all other recalls, the results will be sent to the Board. If the threshold has been met, the appropriate governing body shall order an election to be held, within thirty (30) days after the Member Representation Committee determines that the requirements of subsection (b) have been fulfilled. Elections shall be conducted in accordance with Bylaws Article III, GENERAL ELECTION REQUIREMENTS; and/or Article IV, LOCAL ELECTIONS; and/or Article V, DIRECTOR AND ASSISTANT DIRECTOR ELECTIONS; and/or Article VI, STATEWIDE OFFICER ELECTIONS. After validation, the chairperson of the Member Representation Committee shall transmit ballots to the membership for a vote. Ballots will be returned to the Member Representation Committee for tabulation. Results by Local will be published in the next issue of the union newsletter. Where the majority vote is for removal, it shall be effective upon completion of tabulation and the officeholder shall be formally notified by the Board or its designee.

(d) Recall petition campaigns and election campaigns shall be conducted in accordance with Article III GENERAL ELECTION REQUIREMENTS Section 7 (a), 7 (b), and 7 (c), such that no union or employer funds shall be used to promote such campaigns, and all members shall have the right to support and or participate in such campaigns without being subject to any penalty, discipline or other improper interference or reprisal.

Section 2. A person whose membership has been revoked may be reinstated by a three-fourths (3/4) vote of the Board after six (6) months from the date of revocation.

END OF APPENDIX 5

**APPENDIX 6**  
**(See Article XXII Section 2 of Bylaws)**

**LABOR MANAGEMENT REPORTING AND DISCLOSURE ACT**  
**REQUIREMENTS FOR LABOR ORGANIZATION REPORTING (LM-2)**

(29 U.S.C. 431)

SEC. 201. (a) Every labor organization shall adopt a constitution and bylaws and shall file a copy thereof with the Secretary, together with a report, signed by its president and secretary or corresponding principal officers, containing the following information-

- (1) the name of the labor organization, its mailing address, and any other address at which it maintains its principal office or at which it keeps the records referred to in this title;
- (2) the name and title of each of its officers;
- (3) the initiation fee or fees required from a new or transferred member and fees for work permits required by the reporting labor organization;
- (4) the regular dues or fees or other periodic payments required to remain a member of the reporting labor organization; and
- (5) detailed statements, or references to specific provisions of documents filed under this subsection which contain such statements, showing the provisions made and procedures followed with respect to each of the following: (A) qualifications for or restrictions on membership, (B) levying of assessments, (C) participation in insurance or other benefit plans, (D) authorization for disbursement of funds of the labor organization, (E) audit of financial transactions of the labor organization, (F) the calling of regular and special meetings, (G) the selection of officers and stewards and of any representatives to other bodies composed of labor organizations' representatives, with a specific statement of the manner in which each officer was elected, appointed, or otherwise selected, (H) discipline or removal of officers or agents for breaches of their trust, (I) imposition of fines, suspensions, and expulsions of members, including the grounds for such action and any provision made for notice, hearing, judgment on the evidence, and appeal procedures, (J) authorization for bargaining demands, (K) ratification of contract terms, (L) authorization for strikes, and (M) issuance of work permits. Any change in the information required by this subsection shall be reported to the Secretary at the time the reporting labor organization files with the Secretary the annual financial report required by subsection (b).



(b) Every labor organization shall file annually with the Secretary a financial report signed by its president and treasurer or corresponding principal officers containing the following information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year:

- (1) assets and liabilities at the beginning and end of the fiscal year;
- (2) receipts of any kind and the sources thereof,
- (3) salary, allowances, and other direct or indirect disbursements (including reimbursed expenses) to each officer and also to each employee who, during such fiscal year, received more than \$10,000 in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization;
- (4) direct and indirect loans made to any officer, employee, or member, which aggregated more than \$250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;
- (5) direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and
- (6) other disbursements made by it including the purposes thereof, all in such categories as the Secretary may prescribe.

(c) Every labor organization required to submit a report under this title shall make available the information required to be contained in such report to all of its members, and every such labor organization and its officers shall be under a duty enforceable at the suit of any member of such organization in any State court of competent jurisdiction or in the district court of the United States for the district in which such labor organization maintains its principal office, to permit such member for just cause to examine any books, records, and accounts necessary to verify such report. The court in such action may, in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

END OF APPENDIX 6

## **APPENDIX 7**

### **REPORTING AND DISCLOSURE REQUIREMENTS FOR STATEWIDE OFFICERS, LOCAL OFFICERS, DIRECTORS, ASSISTANT DIRECTORS AND UNION STAFF (See Article XXV Section 3 of Bylaws)**

#### **From Labor Management Reporting and Disclosure Act**

(29 U.S.C. 432)

SEC. 202. (a) Every officer of a labor organization and every employee of a labor organization (other than an employee performing exclusively clerical or custodial services) shall file with the Secretary a signed report listing and describing for his preceding fiscal year-

(1) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child derived directly or indirectly from, an employer whose employees such labor organization represents or is actively seeking to represent, except payments and other benefits received as a bona fide employee of such employer;

(2) any transaction in which he or his spouse or minor child engaged, directly or indirectly, involving any stock, bond, security, or loan to or from, or other legal or equitable interest in the business of an employer whose employees such labor organization represents or is actively seeking to represent;

(3) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, any business a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with, the business of an employer whose employees such labor organization represents or is actively seeking to represent;

(4) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization;

(5) any direct or indirect business transaction or arrangement between him or his spouse or minor child and any employer whose employees his organization represents or is actively seeking to represent, except work performed and payments and benefits received as a bona fide employee of such employer and except purchases and sales of goods or services in the regular course of business at prices generally available to any employee of such employer; and

(6) any payment of money or other thing of value (including reimbursed expenses) which he or his spouse or minor child received directly or indirectly from any employer or any person who acts as a labor relations consultant to an employer, except payments of the kinds referred to in section 302(c) of the Labor Management Relations Act, 1947, as amended.

(b) The provisions of paragraphs (1), (2), (3), (4), and (5) of subsection (a) shall not be construed to require any such officer or employee to report his bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934, in shares in an investment company registered under the Investment Company Act or in securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, or to report any income derived therefrom.

(c) Nothing contained in this section shall be construed to require any officer or employee of a labor organization to file a report under subsection (a) unless he or his spouse or minor child holds or has held an interest, has received income or any other benefit with monetary value or a loan, or has engaged in a transaction described therein.

END OF APPENDIX 7

## **APPENDIX 8**

Approved by the SEIU International Executive Board, June 13, 2009

Approved by the SEIU International Executive Board as revised, January 21, 2016

### **SEIU CODE OF ETHICS**

#### **AND CONFLICT OF INTEREST POLICY**

##### **PART A: PREAMBLE**

The Service Employees International Union (SEIU) believes in the dignity and worth of all workers. We have dedicated ourselves to improving the lives of workers and their families and to creating a more just and humane society. We are committed to pursuing justice for all, and in particular to bringing economic and social justice to those most exploited in our community. To achieve our mission, we must develop highly trained and motivated leaders at every level of the Union who reflect the membership in all of its diversity.

Union members place tremendous trust in their leaders. SEIU elected officers and managers owe not just fiduciary obligations to union members; given the moral purpose of our mission, SEIU leaders owe members the highest level of ethical behavior in the exercise of all leadership decisions and financial dealings on members' behalf. Members have a right to proper stewardship over union funds and transparency in the expenditure of union dues. Misuse and inappropriate use of resources or leadership authority undermine the confidence members have in the Union and weaken it. Corruption in all forms will not be tolerated in SEIU. This *Code of Ethics and Conflict of Interest Policy* (the "Code" or "SEIU Code") strengthens the Union's ethics rules of conduct, organizational practices and enforcement standards and thus enhances the Union's ability to accomplish its important mission.

We recognize that no code of ethics can prevent some individuals from violating ethical standards of behavior. We also know that the SEIU Code is not sufficient in itself to sustain an ethical culture throughout the Union. To accomplish the goals for which this Code has been created, we must establish systems of accountability for all elected leaders and staff. These systems must include appropriate checks and balances and internal operating procedures that minimize the opportunity for misuse or abuse, as well as the perception of either, in spending union funds and exercising decision-making authority. The systems also must include adequate provision for training on understanding and implementing this Code. More broadly, we emphasize the importance of the range of standards, practices, and values described in "A Strong Ethical Culture," Section A of the *SEIU Policies on Ethics and Standards* that were enacted with the Code in 2009.

In particular, SEIU is committed to providing meaningful paths for member involvement and participation in our Union. The SEIU Member Bill of Rights and Responsibilities in the Union is a significant source of SEIU members' rights and obligations. Its exclusive enforcement through the procedures set forth in Article XVII of the SEIU Constitution and Bylaws reflects a commitment to the democratic principles that have always governed SEIU. Article XVII's numerous protections against arbitrary or unlawful discipline of members also form an essential ingredient of the democratic life of the Union. Similarly, the requirement that Affiliates provide for regular meetings of the membership, set forth in Article XV, Section 5 of the Constitution, is another important element in the democratic functioning of SEIU. Finally, the provisions against discrimination and harassment on the basis of race, creed, color, religion, sex, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age and disability contained in Article III, Section 4 of the SEIU Constitution and in the Constitutions and Bylaws of Affiliates, the SEIU Anti-discrimination and Anti-harassment Policy and Procedure, and similar policies of Affiliates forbid conduct in violation of SEIU's historic belief that our strength comes from our unity and diversity and that we must not be divided by forces of discrimination.

Individuals subject to this Code are expected to comply with State and Federal laws, the Constitution and Bylaws of SEIU and Affiliates, and the anti-discrimination and anti-harassment policies of SEIU and Affiliates as part and parcel of our commitment to sustaining an ethical culture and the highest standards of conduct throughout the Union.

Violations of these laws and policies are ethical breaches; however, these violations should be addressed through avenues provided by the applicable laws and policies and not through the Code unless they also allege violations of this Code. In particular, the sole enforcement mechanism for matters covered by the SEIU or Affiliate Constitutions and Bylaws is that which is set forth in those documents, unless violations of this Code are also alleged. Finally, grievances that arise under collective bargaining agreements are excluded from enforcement under this Code unless they also allege violations of this Code.

The scope and standards of this Code are set forth in the following Sections.

**SECTION 1. *Applicability to International Union.*** The SEIU Code is henceforth applicable in its entirety to all officers, executive board members and employees of SEIU. These individuals are referred to herein as "covered individuals." SEIU shall append or attach the Code in its entirety to its Constitution and Bylaws in its next and all future publications.

**SECTION 2. *Applicability to SEIU Affiliates.*** By enactment of the SEIU International Executive Board, the SEIU Code is applicable in its entirety to all officers, executive board members and employees of all affiliated bodies and local

unions chartered by SEIU ("Affiliates" herein). These individuals are referred to herein as "covered individuals."

- (a) Each Affiliate shall ensure that the Code extends to all employees as soon as practicable but in no event later than the end of 2020.
- (b) Each Affiliate shall append or attach the Code in its entirety to its Constitution and Bylaws at its next and all future publications.
- (c) Wherever reference herein *is* made to SEIU or an SEIU program, department or position, the corresponding reference is to the particular Affiliate or its equivalent program, department or position.
- (d) Each Affiliate is responsible for enforcing the Code and educating its covered individuals on the Code in a manner consistent with the Code's terms, subject to assistance and oversight from SEIU.
- (e) The Code is not intended to restrain any Affiliate from adopting higher standards and best practices, subject to the approval of the SEIU Ethics Ombudsperson.

***PART B: GENERAL OBLIGATIONS***

***SECTION 3. Obligations of Covered Individuals.***

- (a) *Commitment to the Code.* SEIU and each Affiliate shall provide a copy of the Code to each covered individual. It is the duty and obligation of covered individuals to acknowledge annually that they have received a copy of this Code, that they have reviewed and understand it, and that they agree to comply with it.
- (b) *Duty of disclosure.* Covered individuals shall disclose to the SEIU Ethics Ombudsperson or the Affiliate Ethics Liaison, described in PART F of this Code, any conflict of interest or appearance of a conflict, which arises when their paramount duty to the interest of members is potentially compromised by a competing interest, including but not limited to an interest, relationship or transaction referenced in this Code. Actual, perceived and potential conflicts should be disclosed at the time that covered individuals become aware of them.
- (c) *Disqualification from service to SEIU or Affiliate.* No person shall serve as an officer or managerial employee of SEIU or any Affiliate who has been convicted of any felony involving the infliction of grievous bodily injury, or the abuse or misuse of such person's position or employment in a labor organization to seek or obtain illegal gain at the expense of the members, except for the limited exceptions set forth in applicable federal law.

## **PART C: BUSINESS AND FINANCIAL ACTIVITIES**

### **SECTION 4. *General Duty to Protect Members' Funds; Members' Right to Examine Records.***

- (a) The assets and funds of a labor organization are held in trust for the benefit of the membership. Members are entitled to assurance that those assets and funds are expended for proper and appropriate purposes. The Union shall conduct its proprietary functions, including all contracts for purchase or sale or for the provision of significant services, in a manner consistent with this Code. All officers, executive board members and employees of SEIU and SEIU Affiliates, whether elected or appointed, have a trust and high fiduciary duty to honestly and faithfully serve the best interests of the membership.
- (b) Consistent with Section 20I of the Labor Management Reporting and Disclosure Act, SEIU shall permit a member for just cause to examine any books, records and accounts necessary to verify SEIU's annual financial report under that section to the U.S. Department of Labor.
- (c) Affiliates comprised solely of members employed by government bodies shall permit a member to examine its financial report submitted to a state agency and, consistent with state law and for just cause, to examine any books, records and accounts necessary to verify the Affiliate's financial report.

### **SECTION 5. *Prohibited Financial Interests and Transactions.*** Covered individuals shall not, to the best of their knowledge, have a substantial ownership or financial interest that conflicts with their fiduciary duty.

- (a) For purposes of these rules, a "substantial ownership or financial interest" is one which either contributes significantly to the individual's financial well-being or which enables the individual to significantly affect or influence the course of the business entity's decision-making.
- (b) A "substantial ownership or financial interest" does not include stock in a purchase plan, profit-sharing plan, employee stock ownership plan (ESOP) or blind trust. Nor does it prohibit covered individuals from owning, through a mutual fund or other similar investment vehicle, the publicly traded shares of any employer with which SEIU or an Affiliate engages in collective bargaining or does business or which SEIU or an Affiliate seeks to organize, provided that all transactions affecting such interests are consistent with rates and terms established by the open market.
- (c) It is not permissible for any covered individual to:
  - (1) Knowingly have a substantial ownership or financial interest in any

entity that engages in collective bargaining with SEIU or any of its Affiliates;

- (2) Make or attempt to influence or participate in any way in a decision concerning the relations of SEIU or an Affiliate with a vendor, firm or other entity or individual in which the covered individual or his or her relative, spouse or business partner has a substantial ownership or financial interest; or
  - (3) Engage in any self-dealing transactions with SEIU or any of its Affiliates, such as buying property from or selling property to SEIU, without the informed approval of the International Secretary-Treasurer (or Affiliate Secretary-Treasurer, as applicable), obtained after full disclosure, including an independent appraisal of the fair market value of the property to be bought or sold.
- (d) To ensure compliance with this Section, covered individuals are required to disclose any interests, transactions or interests covered by this Section in accordance with Section 3(b) of this Code.

#### **SECTION 6. *Payments and Gifts from Employers, Vendors and Members.***

- (a) Covered individuals shall not knowingly accept any payments, benefits or gifts of more than minimal financial value under the circumstances presented from any employer that engages or seeks to engage in collective bargaining with SEIU or an Affiliate, or from any business or professional firm that does business or seeks to do business with SEIU or an Affiliate.
  - (1) This Section does not extend to payments and benefits that are provided to covered individuals by prohibited employers as compensation for their primary and regular employment.
  - (2) This Section does not extend to work and services that covered individuals perform for prohibited employers or businesses on a part-time basis, through an arm's length transaction and for normal and customary pay for such work or services.
  - (3) This Section does not extend to participation in events hosted by public officials involving discussion of public policy matters.
  - (4) With respect to perishable items that are more than minimal but that are impracticable to return, such as food, it shall be considered compliance with this Section to discard such an item or place it in a common area for members and office staff to enjoy. If the gift is discarded or enjoyed communally, it is recommended that the giver should be advised of this disposition to dispel the appearance of any conflict of interest on



the part of any covered individual and to discourage recurrence.

- (b) Covered individuals shall not knowingly accept personal payments or gifts from any member absent a personal relationship independent of the relationship between the Union and the member, other than a gift of minimal financial value. This provision does not apply to contributions to campaigns for union office made in accordance with the SEIU Constitution and Bylaws.

**SECTION 7. *Conversion of Union Funds and Property.*** Covered individuals shall not use, convert or divert any funds or other property belonging to SEIU to such individual's personal benefit or advantage.

**SECTION 8. *Applicability to Third Parties.*** The principles of this Code apply to those investments and activities of third parties that amount to a subterfuge to conceal the financial interests of SEIU officers or employees or to circumvent the standards of this Code.

**SECTION 9. *Certain Loans Prohibited.*** SEIU shall not make loans to any officer or employee, or to any of their family members, that at any time exceed \$2,000 in total indebtedness on the part of such officer, employee or family member.

#### **PART D: BENEFIT FUNDS AND RELATED ORGANIZATIONS**

##### **SECTION 10. *Obligations of Covered Individuals.***

(a) *Benefit Funds.*

- (1) For purposes of this Section:
  - a. A "benefit fund or plan" means a retirement, health or welfare benefit fund or plan sponsored by SEIU or an Affiliate, or in which SEIU or an Affiliate participates.
  - b. The definition of "substantial ownership or financial interest" provided in Section 5 applies.
- (2) Covered individuals who serve in a fiduciary position with respect to or exercise responsibilities or influence in the administration of a benefit fund or plan shall not:
  - a. Have any substantial financial interest in, or any compromising personal ties to, any investment manager, insurance carrier, broker, consultant or other firm or individual doing business or seeking to do business with the fund or plan;
  - b. Accept any personal payment from any business or professional firm that

does business or seeks to do business with the fund or plan, other than contractual payment for work performed; or

c. Receive compensation of any kind for service as an employee representative or labor-designated trustee for a fund or plan, except for reimbursement of reasonable expenses properly and actually incurred and provided uniformly to such representatives or trustees, with the proviso that it is not a violation of this provision for an officer or managerial employee who is not a full-time employee of SEIU or an Affiliate to be a lawfully paid employee of a fund or plan if such employment is consistent with applicable legal restrictions and fully disclosed through appropriate reports.

- (3) To ensure compliance with this Section, all covered individuals shall disclose any interests, transactions or relationships covered by this Section in accordance with Section 3(b) of this Code.
- (4) No person shall serve in a fiduciary capacity or exercise responsibilities in the administration of a benefit fund or plan who has been convicted of any felony involving the infliction of grievous bodily injury or the abuse or misuse of such person's position or employment in an employee benefit plan to seek or obtain an illegal gain at the expense of the beneficiaries of the employee benefit fund or plan, except for the limited exceptions set forth in applicable federal law.

(b) *Related Organizations.*

- (1) For purposes of this Section, an organization "related to" SEIU or an Affiliate means an organization
  - in which 25 percent or more of the members of the governing board are officers or employees of SEIU or an Affiliate, or
  - for which 50 percent or more of its funding is provided by SEIU or an Affiliate.
- (2) Covered individuals who serve in a fiduciary position with respect to or exercise responsibilities or influence in the administration of an organization related to SEIU shall comply with the provisions and shall hold themselves to the standards of the SEIU Code while they are acting for or on behalf of the related organization.

## **PART E: FAMILY AND PERSONAL RELATIONSHIPS**

**SECTION 11. *Purpose of Rules Governing Family and Personal Relationships.*** SEIU does not prohibit the employment of qualified relatives of current officers or employees, or of individuals with whom an officer or employee has a romantic or intimate personal

relationship. SEIU also does not prohibit the retention of qualified vendors that employ relatives of current SEIU officers or employees or individuals with whom an officer or employee has a personal relationship.

However, SEIU recognizes that the existence of such relationships can lead to problems, including favoritism or the appearance of favoritism toward relatives or those who are involved in a personal relationship. Giving these individuals special treatment- or creating the impression that they receive special treatment -is inconsistent with our principles of stewardship and accountability and with our duty to responsibly conduct the business of SEIU. The provisions of this PART are designed to ensure that family or personal relationships do not influence professional interactions between the employees involved and other officers, employees and third parties.

**SECTION 12. *Definitions.*** For purposes of this PART:

- (a) "Relative" means parent, spouse, spousal equivalent, daughter, son, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew, first or second cousin, corresponding in-law, "step" relation, foster parent, fosterchild, and any member of the employee's household. Domestic partner relatives are covered to the same extent as spousal relatives.
- (b) "Personal relationship" means an ongoing romantic or intimate personal relationship that can include, but is not limited to, dating, living together or being a partner or significant other. This definition applies regardless of gender, gender identification, or sexual orientation of the individuals in the relationship. This restriction does not extend to friends, acquaintances or former colleagues who are not otherwise encompassed in the scope of "personal relationships."

**SECTION 13. *Prohibited Conduct.*** The following general principles will apply:

- (a) Applications for employment by relatives and those who have a personal relationship with a covered individual will be evaluated on the same qualification standards used to assess other applicants. Transmission to the appropriate hiring authority of applications on behalf of individuals who have a family or personal relationship shall not in itself constitute an attempt to influence hiring decisions. Further input into the application process, however, may be deemed improper.
- (b) Covered individuals will not make hiring decisions about their relatives or persons with whom they have a personal relationship, or attempt to influence hiring decisions made by others.
- (c) Supervisory employees shall not directly supervise a relative or a person with whom they have a personal relationship. In the absence of a direct reporting or supervisor-to-subordinate relationship, relatives or employees who have a family or personal relationship generally are permitted to work in the same department, provided that there are no particular operational difficulties.
- (d) Covered individuals shall not make work-related decisions, or participate in or

provide input into work-related decisions made by others, involving relatives or employees with whom they have a personal relationship, even if they do not directly supervise that individual. Prohibited decisions include, but are not limited to, decisions about hiring, wages, hours, benefits, assignments, evaluations, training, discipline, promotions, and transfers.

- (e) To ensure compliance with this Section, all covered individuals must disclose to the Ethics Ombudsperson or the Affiliate Ethics Liaison, as appropriate, any relationships covered by this Section in accordance with Section 3(b) of this Code.

## **PART F: ENFORCEMENT**

**SECTION 14. *Ethics Officer.*** The office of the Ethics Officer is established to provide independent assistance to SEIU in the implementation and enforcement of the Code. The Ethics Officer shall be an individual of unimpeachable integrity and reputation, preferably with experience in ethics, law enforcement and the workings of the labor movement. The Ethics Officer shall provide his or her services under contract and shall not be an employee of the International Union or any of its Affiliates. The Ethics Officer shall be appointed by the International President and confirmed by the International Executive Board. The International President, the International Secretary-Treasurer, and the SEIU International Executive Board may refer matters concerning the Code to the Ethics Officer for review and/or advice, consistent with Sections 22 and 23.

**SECTION 15. *Ethics Ombudsperson.*** The office of SEIU Ethics Ombudsperson is established to oversee implementation and enforcement of the Code and ongoing efforts to strengthen the ethical culture throughout the Union. The Ethics Ombudsperson is responsible for providing assistance to the International Union and Affiliates on questions and concerns relating to the Code and ethical culture; directing the training of SEIU and Affiliate officers and staff concerning the Code and ethical culture; responding to ethics concerns and complaints consistent with Sections 17-23; receiving and resolving disclosures of conflicts of interest; assisting the Ethics Officer; and providing other support as necessary to the overall SEIU ethics program. The Ethics Ombudsperson, in consultation with the Ethics Officer, shall issue a report to the SEIU International Executive Board annually, summarizing compliance, training, enforcement, culture building and related activities, and making recommendations for modifications to the ethics program that he or she believes would enhance the program's effectiveness. The Ethics Ombudsperson may also conduct periodic reviews for the purposes of monitoring compliance with this Code and determining whether partnerships, joint ventures, and arrangements with management organizations conform to this Code, are properly recorded, reflect reasonable investment or payment for goods and services, further SEIU's tax-exempt purposes, and do not result in inurement, impermissible private benefit, or excess benefit transactions. The Ethics Ombudsperson shall be employed in the SEIU Legal Department.

**SECTION 16. *Affiliate Ethics Liaison.*** Each Affiliate shall appoint an Ethics Liaison who will be available for ethics advice or guidance, will serve as an Affiliate's key contact with the International's Ethics Ombudsperson, will assist in enforcement of the Code, will

oversee the delivery of ethics-related training, will assist the Affiliate in strengthening its ethical culture, and will serve as an ethical leader in the Affiliate.

- (a) Presidents, chief executive officers, secretary-treasurers, chief financial officers, chiefs of staff, and the equivalent of any of the foregoing are not eligible to serve as Ethics Liaisons.
- (b) Affiliates are encouraged to consider rotating the Ethics Liaison position periodically, barring operational difficulties, to develop ethical leadership broadly in the Affiliate. Affiliates shall advise the SEIU Ethics Ombudsperson as soon as practicable of the appointment of Ethics Liaisons and of any vacancy that occurs in the position.
- (c) Ethics Liaisons will regularly receive training from the International Union specific to the role. Affiliates should make every effort to ensure the participation of their Ethics Liaisons.

**SECTION 17. *Complaints.***

- (a) Any covered individual or member may file a written complaint concerning alleged violations of the Code. Oral concerns and complaints shall be reduced to writing for further processing as a complaint. Complaints should be signed or contain the name of the complainant(s), and shall be kept confidential pursuant to Section 24. Complaints alleging violation of the Code shall not be enforced under SEIU or Affiliate constitutions and bylaws unless they also allege violations of the constitutions and bylaws.
- (b) The International Union shall post contact information for submission of ethics complaints on the SEIU website and shall provide that information on request.
- (c) Each Affiliate shall provide its staff and membership with contact information for its Ethics Liaison.

**SECTION 18. *Complaints Handled by the International Union.*** Complaints alleging violation of the Code that are submitted to the International Union or the Ethics Officer shall be referred initially to the SEIU Ethics Ombudsperson. The Ethics Ombudsperson shall review ethics complaints submitted to the International Union and shall respond to them in his or her discretion, including but not limited to providing advice or guidance, resolving them informally, directing them to resources outside the ethics office, and referring them to the Ethics Officer or Affiliate for further processing. The individual submitting the complaint shall be notified of the status of the complaint as appropriate in the discretion of the Ethics Ombudsperson but in all events upon its conclusion.

**SECTION 19. *Complaints Handled by Affiliate; Notice to Ethics Ombudsperson.*** Ethics complaints that are raised with or referred to an Affiliate shall be investigated by the affected Affiliate and, where appropriate, may form the basis of employee discipline or formal internal union charges to be processed before a trial body in accordance with the requirements set forth in the Affiliate's constitution and bylaws and/or the SEIU

Constitution and Bylaws. The Ethics Ombudsperson may advise an Affiliate concerning matters related to the investigation and processing of complaints and charges alleging violation of the Code. Where a complaint involves an Affiliate's president, chief executive officer, chief of staff, secretary-treasurer, chief financial officer, or the equivalent, the Affiliate shall notify the Ethics Ombudsperson as soon as practicable.

The Ethics Ombudsperson may consult with the Ethics Officer concerning any question referred by an Affiliate.

**SECTION 20. *Failure to Cooperate; Bad Faith Complaints.*** Unreasonable failure by a covered individual to fully cooperate with a proceeding or investigation involving an ethics complaint or alleged violation of this Code shall constitute an independent violation of this Code. SEIU reserves the right, subject to notice, investigation and due process, to discipline persons who make bad faith, knowingly false, harassing or malicious complaints, reports or inquiries.

**SECTION 21. *Original Jurisdiction.***

(a) *Requests for Original Jurisdiction.* If an Affiliate or an Affiliate executive board member, officer, or member believes that formal internal union charges against a covered individual that also allege violations of this Code involve a situation which may seriously jeopardize the interests of the Affiliate or the International Union, or that the hearing procedure of the Affiliate will not completely protect the interests of the Affiliate, an officer or member, that individual may request that the International President assume original jurisdiction under Article XVII, Section 2(t) of the SEIU Constitution and Bylaws.

(b) *Assumption of Original Jurisdiction by International President.* In accordance with Article XVII, Section 2(f) of the SEIU Constitution and Bylaws, the International President may in his or her discretion assume original jurisdiction of formal internal union charges also alleging violation of this Code if as a result of an investigation he or she believes that the charges filed against a covered individual involve a situation which may seriously jeopardize the interests of the Affiliate or the International Union. In his or her discretion, the International President may refer the matter to the Ethics Officer for a recommendation concerning the possible assumption of original jurisdiction.

**SECTION 22. *Referral of Formal Charges to Ethics Officer.*** If formal internal union charges filed with the International Union under Article XVII, Section 3 of the SEIU Constitution and Bylaws also allege violation of the Code by an officer or executive board member of the International Union or an Affiliate, such charges may be referred to the Ethics Officer for review and recommendations.

**SECTION 23. *Review of Claims by Ethics Officer.***

(a) If after review of the allegations of violations of the Code in a complaint or formal charge, the Ethics Officer finds that the allegations have merit and/or warrant further investigation, he shall recommend a response or course of action for the International Union to respond to the complaint or charges, including but not

limited to the following:

- (1) Further investigation by SEIU personnel and/or outside investigator(s);
  - (2) Filing of formal charges under Article XVII of the SEIU Constitution and Bylaws;
  - (3) Assumption of original jurisdiction by International President pursuant to Article XVII, Section 2(f) of the SEIU Constitution and Bylaws;
  - (4) Appointment of an outside hearing officer to conduct a trial under Article XVII, Section 3 of the SEIU Constitution and Bylaws;
  - (5) Discipline of covered employees;
  - (6) Sanction of covered officers or members accused in formal proceedings, and
  - (7) Other action deemed appropriate in the discretion of the Ethics Officer.
- (b) If the Ethics Officer concludes, after review of allegations of violations of the Code, that the allegations are without merit or that further investigation is not necessary, he or she shall advise the International Union of his or her findings.

## **PART G: PROTECTION OF WHISTLEBLOWERS**

**SECTION 24. Confidentiality.** SEIU will make all reasonable efforts to keep confidential the identity of any person(s) raising an ethics concern, inquiry, report or complaint under the Code unless disclosure is authorized by the complainant or is required for SEIU to carry out its fiduciary or legal duties. SEIU will also treat communications concerning ethics complaints or concerns with as much confidentiality and discretion as possible, provided that it remains able to conduct a complete and fair investigation, carry out its fiduciary and legal duties, and review its operations as necessary.

**SECTION 25. No Retaliation.** SEIU encourages all officers and employees to bring ethics concerns and complaints that the Code has been violated to the attention of the Union, as set forth more fully in PART F above.

- (a) SEIU expressly prohibits retaliation against covered individuals and members for:
- (1) Making good faith complaints, reports or inquiries pursuant to this Code;
  - (2) Opposing any practice prohibited by the Code;
  - (3) Providing evidence, testimony or information relative to, or otherwise cooperating with, any investigation or enforcement process of the Code; and
  - (4) Otherwise participating in the enforcement process set forth in PART F

above.

- (b) In particular, SEIU will not tolerate any form of retaliation against Affiliate Ethics Liaisons for performing their responsibilities.
- (c) Any act of alleged retaliation should be reported to the SEIU Ethics Ombudsperson or the Affiliate Ethics Liaison immediately and will be responded to promptly.

**SEIU Local 503, OPEU  
Code of Ethics Supplemental**

Regarding the SEIU International Code of Ethics and Conflict of Interest Policy, Part C, Section 9 Certain Loans Prohibited, SEIU Local 503 prohibits any loan, directly or indirectly, of money or property of the Union. (29 USC § 501)

END OF APPENDIX 8