

R2-03: Authority of Board of Directors to Amend the Administrative Policies & Procedures (AP&P's)

Committee Recommendation: ✓ Do pass

Bylaws Committee: Joshua May (DHS/OHA Local 200), Susan Mundell (PERS Local 459), Joy'e Willman (Homecare Local 99) Andrea Clark (Homecare Local 99), Sally Baudoin (Nursing Homes Local 97), Tammy Tate (Homecare Local 99), Malcolm Scott (ODOT Local 730)

Committee Report

The committee is recommending this resolution as **Do pass** to the General Council.

The author opened debate by expressing a desire to give the board more flexibility to amend outdated or archaic administrative policies and procedures through this resolution. During committee debate, members heard both pro and con statements. Those speaking in favor of the resolution specifically cited the barriers in development of caucuses and committees such as the Women's Council and a proposed Veterans Caucus. Those speaking in opposition thought this resolution gave the board too much authority. Though the committee did hear these concerns, all but one committee member voted to send this resolution forward with a do pass recommendation. As one of the committee members expressed, having an equitable and inclusive union outweighed the concerns the con speakers raised. It was also underscored during committee discussion that our Board has a history of making decisions in the best interest of our Union.



Service Employees

Budget Impact/Cost Estimate: This resolution has no fiscal impact outside of the existing operating budget.
No Additional Impact

International Union

Local 503,

2020 Committee Recommendations:

Oregon Public

Do Pass Pass as Amended

Employees Union

Do Not Pass

2020 General Council Ballot & Resolution Number:

Round 2 Resolution 3

Authority of Board of Directors to Amend the Administrative Policies & Procedures (AP&P's)

1 **Subject: Authority of Board of Directors to Amend the Administrative Policies and Procedures (AP&P)**
2 **Authored by: General Council Governance Workgroup: Helen Moore, Mary Stewart, Angelica Ceja**
3 **Ochoa, Jeni Hall Peel, Patty Falkenstein, Paula Pena, Susan Mundell, and Melissa Unger**
4 **Submitted by: General Council Governance Workgroup**

5
6 **WHEREAS** the Board of Directors of the Union has the power to formulate the program and administer
7 the affairs of the Union between sessions of the General Council;

8 **WHEREAS** the Board is unable to amend anything in the AP&P done by GC resolution, and must wait
9 until the next General Council to propose a needed amendment (or deletion) to some provisions in the
10 AP&P;

11 **WHEREAS** this makes the AP&P less flexible to meet needs of the Union and;

12 **WHEREAS** It also creates inequities, including the inability for the Board to add a Women of Color
13 Caucus to the Women’s Council section of the AP&P because that section was amended by GC:

14 **THEREFORE BE IT RESOLVED by the General Council of SEIU Local 503, OPEU,** that effective four (4)
15 months after General Council, all GC approved AP&P provisions that have not been reaffirmed or
16 amended by GC for more than four (4) years may be amended (including deletion) by the Board.

17 **BE IT FURTHER RESOLVED,** that the Union’s Bylaws shall be amended as follows:

18 **ARTICLE VIII – GOVERNANCE OF THE UNION**

19 ...

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

23 (a) The AP&P document is amendable by both the General Council and the Board. Provisions
24 adopted by a majority vote of the General Council shall be kept distinct from those adopted by
25 the Board. Provisions adopted by the General Council may only be amended by the Board using
26 the General Council process unless a provision has not been reaffirmed or amended by General
27 Council for more than four (4) years. Beginning four (4) months after the conclusion of every
28 General Council, the Board shall have authority to amend such provisions.

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

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

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Equity Statement

This resolution has a **positive** equity impact. There are times when our own governing documents prevent us from taking timely action that would benefit marginalized communities within our Union. For example, the Women of Color Caucus could not be recognized in the same way that other caucuses are recognized due to outdated language in our AP&Ps that the Board did not have the authority to change. This resolution creates a more equitable governance process by providing flexibility for the Board to make changes to language in the AP&Ps that may no longer be relevant and prevent us from doing what we need to do to be an inclusive and anti-racist union.

Political Statement

No political impact.

Legal Statement

No legal impact.

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Name: Elizabeth (Betty) Holladay

Sub-local: #218

Pro Statement

I am in support of passing this resolution. We have a cumbersome process in our union that is not responsive to change. Sometimes that is good – because it lets suggested changes sift. But other times, we have to wait until General Councils or incur the expense of special vote to create needed change in our union. This amendment has a positive equity impact in that long waited for caucuses can be set up or revised. And I think that in these times, when some people have had to wait 400 years for change, we should not limit our ability to make change to support equity and diversity within our union. We have always had bright, intelligent, and quite frankly rebellious and inquisitive Board members who are always on guard for excesses. That is why I support this creative resolution so that we can address some relatively minor changes that should be implemented now – rather than wait another 2 years for General Council. I have profound respect for our Board, President, and Executive Director. For this reason, I am happy to support this resolution.

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Name: Ann Montague

Sub-local: Retirees

Con Statement

Our affiliation agreement with SEIU which was signed November 7th, 1980 was very specific about our local's right to maintain our democratic governance, "in perpetuity". This was done particularly to continue our unique institution of General Council.

This resolution would be giving power to the much smaller and less representative Board of Directors.

The support for this action claims it ONLY applies to policies and procedures. But this can be a slippery slope. Their argument claiming this somehow restricted the Women of Color Caucus is ridiculous. SEIU members can come together as a caucus and address their issues without bureaucratic approval. And no oppressed group would wait for a policy or procedure to advance their struggle for justice. Also the option always exists to have a vote of General Council delegates if necessary.

It was not so long ago that a former Executive Director dropped a last minute proposed change in governance on the Board that limited the democratic functioning of this union. It was roundly defeated by General Council delegates. This should be also.

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Alice Redding
Sub-local: sub-local 99

Pro Statement

.. The Board of Directors is the back-bone of our union

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Name: Rosalie Pedroza

Sub-local: Retirees

Con Statement

If General Council, the supreme ruling body of this union, elected by every local in this union, passed a resolution, it should stand until it is changed at a future General Council. General Council meets every two years. The Board is elected by job sectors and regions and it is disproportionately made up of representatives of locals who have large memberships. According to this resolution, General Council would need to continuously reaffirm resolutions that have already passed and for which there is no need to change every General Council or else the Board can just arbitrarily change it at any time once a 4 yr period has lapsed. The Board can approve or end ad hoc committees and bring forward resolutions at the next General Council if they want to add or change something, so the argument that they cannot address inequities in the interim is false. The supreme ruling body should not water down their purpose or spend time every General Council to vote again and again on resolutions already passed. If the Board or a local thinks they need to be changed they can bring it to the next General Council.

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Name: Steve Demarest

Sub-local: Employment Department Local 471

Pro Statement

This resolution furthers good governance. It enables the Board of Directors to change archaic provisions in 503's Administrative Policies and Procedures that were adopted by General Council several or even many years before. Currently, such AP&P provisions remain unchanged, keeping bad governance in place, until and if amendments eventually are brought before General Council as resolutions. Passing this resolution has the benefit of freeing up General Council, which always has plenty of resolutions to handle, from dealing with just housekeeping or minor changes, allowing the Council to focus on weightier matters.

General Council will not lose any authority or span of control under this resolution. It will still be our supreme governing body, with the ability to change or undo anything the Board of Directors does. On the other hand, the Board will not be able to change anything General Council has adopted until after General Council has multiple opportunities to address it.

This resolution is modeled on a something that has existed for a long time in our Union. Policy resolutions adopted by General Council expire after four years if General Council does not renew them. Once a General Council-adopted policy expires, the Board can adopt a policy on the issue, which General Council can change.

There are AP&P provisions that need to be changed. Let's provide the flexibility and nimbleness needed for good governance.

Steve Demarest

President

SEIU Local 503, OPEU

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Name: Rhonda Morgan

Sub-local: Local 200

Con Statement

There is a reason the Board is not the supreme governing body of our union. While the Board is composed of passionate, dedicated member leaders representing both the employment sectors and geographic regions of our union, it is still a very small section of our total membership. The Board governs between sessions of General Council (GC) and takes direction from the work of GC. General Council is composed of elected delegates whose numbers are determined by the number of members in each Local. Every Local has at least one delegate to GC and together, they set the priorities for our union every 2 years. The Board should continue to honor the work of the General Council Delegates and follow the priorities and shared wisdom that goes into the policies and procedures that come out of GC, not be able to amend them.

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Becky Wright

Sub-local: sub-local 503

Pro Statement

Pro. I agree with this resolution

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Name: Barbara Evans

Sub-local: Local 99

Con Statement

Again...another request to give to the Board of Directors the right to take away from the delegates of General Council the procedure that allows the delegates to reaffirm policies put in place by the votes of general council delegates and for the delegates to have the say to continue or delete them...by using tactics of other issues important to the body of voting members as the incentive to push this resolution forward is wrong ..it would be better to address that issue as its own resolution and resolve it by creating a pathway for amending according to the process of formulating a plan of action that is equitable to all Without removing the process that is in place for delegates of general council to vote on, and transferring the power to the Board by dismissing the rights of the voting, dues paying members' access of being a general council delegate voter..NO!

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Luella Larsen

Sub-local: Homecare Local 99 District 7

Pro Statement

I believe this will make our Union a more diverse Union.

**R2 - 03: Authority of Board of Directors to Amend the
Administrative Policies & Procedures (AP&P's)**

Name: Denare Archer

Sub-local: Homecare sub-local central oregon

Pro Statement

Glad to see everyone working towards fairness and unity for all. Nice to know that the Board and GC will be able to revive resolutions and by-laws to meet the needs of everyone.

**R2 - 03: Authority of Board of Directors to Amend the
Administrative Policies & Procedures (AP&P's)**

Name: Christina Feigner

Sub-local: homecare

Pro Statement

Neutral

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Name: Joye Willman

Sub-local: homecare

Pro Statement

Between the last General Council and this one, our world has changed and thrust us into a virtual world. We need to be able to allow the Board of Directors to have the ability to vote on AP&P rulings that are not necessary or detrimental to current situations, or to be able to vote on sending out a vote to current GC delegates . I vote yes on this resolution.

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Rebecca sandoval

Sub-local: Local 99

Pro Statement

This will allow the BOD to take action to make our AP&Ps more efficient and relevant.

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Ivonne Rivero
Sub-local: Sub-local 99

Pro Statement

I am in support this resolution and believe that it gives the Board the flexibility to be able to implement the necessary changes to move towards the goal of SEIU becoming an anti-racist organization.

**R2 - 03: Authority of Board of Directors to Amend the
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**Name: Donna Weatherly
Sub-local: 99**

Pro Statement

I can agree.

**R2 - 03: Authority of Board of Directors to Amend the
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Name: jan montes

Sub-local: Homecare

Pro Statement

No statement provided

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Temari Asazuki

Sub-local: Homecare

Pro Statement

No statement provided.

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Daniel (Dan) Smith

Sub-local: OSH #392

Pro Statement

No statement provided

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Mary Stewart

Sub-local: DOR 150

Pro Statement

No statement provided

**R2 - 03: Authority of Board of Directors to Amend the
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Name: CARLA BURNS

Sub-local: 202

Pro Statement

No statement provided

**R2 - 03: Authority of Board of Directors to Amend the
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Name: Anna Young

Sub-local: Homecare Local 99

Pro Statement

No statement provided.