

# **Constitution and Bylaws SEIU Local 925**

**Amended at the  
Leadership Assembly & General Meeting  
October 24, 2015**

# Constitution and Bylaws of SEIU Local 925

**ARTICLE I – Name of Organization** This organization shall be known as Service Employees International Union, Local 925 (nine twenty five) hereinafter referred to as the “Local”.

## **ARTICLE II – Jurisdiction and Object**

Section 1. Jurisdiction. This Local shall have jurisdiction over public sector workers in Washington State and others as approved by the International Union in accordance with the International Constitution and Bylaws except where the International Union has granted such jurisdiction to the other Chartered Locals.

Section 2. Object. The object of the Local shall be to organize all employees within its jurisdiction; to achieve for its members fair wages, hours and working conditions, together with active participation in the policies and operations of their work places; to promote recognition and respect for the value of its members work; and to follow democratic principles.

## **ARTICLE III – Membership**

Section 1. Membership Eligibility. Eligibility for membership in this Local shall be as set forth in the International Constitution and Bylaws, and applicants for membership shall comply with and be subject to the requirements imposed by these Bylaws and the International Constitution and Bylaws.

Section 2. Full Membership. Full membership is open to any person employed, where the Local has jurisdiction, and a chapter has been authorized by the SEIU 925 board, or any person employed as a regular part-time or full-time staff of the Local. Full membership entitles a person to vote in appropriate officer elections, to nominate and hold office in the Local, to attend meetings, and to receive all other benefits offered to members. Full retiree membership is open to retired persons.

Section 3. Associate Membership. Associate membership is open to a person who is not part of a bargaining unit for which the Local is the exclusive bargaining agent, such as former staff of District 925 or former members. Associate members are not entitled to vote in any of the Local’s elections nor hold any office. Associate members may attend Local and SEIU meetings as observers. Associate members may also represent the local at labor federation meetings. The Executive Board may deny associate membership requests.

Section 4. Retiree Membership. Retiree membership is open any retired person who shares the goals of this union and of the labor movement .Retiree members share all the rights and duties of membership except that they may not run for or hold statewide Officer positions within the local. The Executive Board may deny retiree membership requests. Section 5. No Discrimination. There shall be no discrimination against any member, or any applicant for full membership, or associate membership, or retiree membership by reason of race, creed, color, religion, sex, sexual orientation, national origin, ancestry, disability, political belief or affiliation, or age.

Section 6. Honorary Membership. The Executive Board shall be empowered to issue honorary memberships in the union. Such honorary members will not be eligible to hold office or to participate or vote in union affairs, elections, ratification of contracts, and the determination of salaries or dues.

## **ARTICLE IV – Membership Rights**

Section 1. Member Rights. Full members in good standing of the Local shall have the following rights, among others as outlined in these Bylaws:

- the right to nominate candidates or vote in elections or referendums of the Local;
- the right to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings;
- the right to meet and assemble freely with other members and to express views, arguments or opinions; and to express at meetings views upon candidates in an election of the local or upon any business properly before the meeting;
- the right to information concerning the conduct of the local union business.

## **ARTICLE V – Officers and Duties**

Section 1. Officers. The officers of the Local shall consist of a President, an Executive Vice-President, a Secretary-Treasurer, a first and second Vice-President and the members of the Executive Board and Trustees. Additional Vice-President positions may be created by the Executive Board in order to provide leadership positions for officers of locals that merge or affiliate with the Local.

Section 2. President Duties.

(a) (The President shall be the principal executive officer of this organization and, subject to the oversight of the Executive Board, shall supervise, conduct and control all of the business and affairs of this organization and its officers and employees, and shall carry out the policies set by the Executive Board. The President shall have the power to hire, suspend, or discharge all personnel. The other duties of the President shall include: to preside at all meetings of this union and conduct same in conformity with these Bylaws and the International Constitution and Bylaws; to execute the laws and orders thereof; to vote on all questions whenever his or her vote will affect the result; to appoint all committees; unless otherwise provided for, of which committees he or she shall serve on by virtue of office; to be a delegate to all conventions and meetings where the union is

entitled to representation; to perform executive level leadership responsibilities that are necessary to move the Union forward in its work and mission, including but not limited to contract bargaining, political lobbying, campaign strategy, planning and program implementation, staff and leader training; and to perform all other duties as may be assigned by the Executive Board or membership. The President along with the Secretary-Treasurer shall have the authority to sign checks and documents for or on behalf of the Local.

(b) The President shall be the first delegate to all conventions to which the Local is entitled to send delegates.

(c) The President shall be a full-time employee of the Local and his or her salary and other compensation shall be set by the Executive Board.

### Section 3. Executive Vice President Duties

(a) The Executive Vice President shall be the second executive officer of this organization and shall report to and assist the President in the operation of the Union. The EVP shall supervise staff and perform other executive level leadership responsibilities that are necessary to move the Union forward in its work and mission, including but not limited to contract bargaining, political lobbying, campaign strategy, planning and program implementation, staff and leader training and to perform other high level organizational duties as needed.

(b) The Executive Vice President shall serve in place of the President in his/her absence and shall assume the Presidency if the President is unable to complete her/his term. The Executive Vice President shall be a full-time employee of the Local and his or her salary and other compensation shall be set by the Executive Board.

### Section 4. Secretary-Treasurer Duties

(a) The Secretary-Treasurer shall keep a correct and impartial record of the proceedings of each meeting of the union and the leadership bodies and shall be responsible for all financial records and transactions. The other duties of the Secretary-Treasurer shall include: to receive and disburse all funds under the direction of the Executive Board; to prepare an annual financial report for the membership; to prepare a monthly financial report for the Executive Board; to keep open for inspection by any member of the organization its accounts; all other duties as may be assigned by the Executive Board or membership or specified by these Bylaws and the International Constitution and Bylaws. In addition, the Secretary-Treasurer shall prohibit business or financial interests of its officer and agents, in conflict with the fiduciary obligation of such persons to the organization. The Secretary-Treasurer along with the President shall have the authority to sign checks on behalf of the union. The Secretary-Treasurer shall promptly forward to the International Treasurer copies of all annual audit reports and copies of all financial reports setting forth a statement of liabilities and a statement of receipts and disbursements which are required by law.

(b) The Secretary-Treasurer shall be the second delegate to all conventions to which the Local is entitled to send delegates.

(c) The Secretary-Treasurer shall be a full-time employee of the Local and his or her salary and other compensation shall be set by the Executive Board. In addition to the Secretary-Treasurer duties outlined above, the Secretary-Treasurer shall perform executive level leadership responsibilities that are necessary to move the Union forward in its work and mission, including but not limited to contract bargaining, political lobbying, campaign strategy, planning and program implementation, staff and leader training as assigned by the President.

## ARTICLE VI – Executive Board; Composition, Powers and Duties

Section 1. Composition of Executive Board. The Executive Board shall consist of the President, Executive Vice President, Secretary-Treasurer, Vice President(s), and representatives from the four (4) divisions of the Local (Higher Education, K-12 Education, Government/Nonprofit, Early Learning) as follows: each division will have one (1) board member for each four hundred (400) members.

The Early Learning Division shall also have two at-large representatives from among the license exempt family child care providers. The Retiree Chapter shall also be eligible to have one representative on the Executive Board.

### Section 2. Election of Executive Board Members.

Executive Board members shall be elected by the general membership of the division of the Local which they represent. In the case of the K-12 Education sector, the Executive Board members shall be elected by the K-12 members in their geographical area as defined below. Executive Board members will serve three (3) year terms.

The K-12 Education sector shall be divided into geographical areas with members elected to represent that region based on numerical strength: North King/South Snohomish County; Southeast King County; East King County; Olympic Peninsula; Snohomish County; Skagit/Whatcom Counties; and Southwest Washington.

In the case of the Early Learning Division which includes center and home-based care, Executive Board members shall be elected by the following regions based on numerical strength: Northwest, Southwest, King, East and mid state.

The Higher Education Division shall include one representative for each 400 members in the combined higher education chapters. The division shall also have one at-large representative from among the university faculty.

The Retiree Representative shall be directly elected by members of the Retiree Chapter.

The Executive Board may create additional positions on the Board in order to provide leadership positions for officers of locals that affiliate with the Local. Prior to an officer election, the Board may re-designate the geographical definitions and numbers of seats based on changes in membership numbers and distribution. The Board shall re-designate seats in such a manner as to assure fair representation for all parts of the Local.

Section 3. Authority and Power of Executive Board. Except as may be otherwise provided by these Bylaws, the Executive Board is authorized and empowered to set the general policies of the Local and to adopt a budget for the Local. It shall have the authority to manage, invest, expend,

contribute, use, and acquire Local funds and property in the pursuit and accomplishment of the objectives set forth in the constitution of the International Union and these Bylaws and resolutions adopted in furtherance thereof. The Executive Board is hereby empowered, in addition to such other general powers conferred by these Bylaws to:

3.1 make or change, subject to disapproval by the membership, rules and regulations not inconsistent with these Bylaws or the International Constitution and Bylaws for the management and conduct of the affairs of this Local;

3.2 set the salary and other compensation of the President, Executive Vice President and Secretary- Treasurer and to approve their reasonable expenses and the reasonable expenses of other officers.

3.3 provide for the employment of attorneys, accountants, and such other special or expert services as may be required for the organization; secure an audit of the books of this organization by a certified public accountant at least once year;

3.4 on behalf of the Local, its officers, employees or members, initiate, defend, compromise, settle, arbitrate, release or pay the expenses and costs of any legal proceedings or actions of any nature, if in its judgment it shall be necessary or desirable to protect, preserve, or advance the interests of the organization;

3.5 confirm appointments of the President to fill all vacancies in elected offices which occur during the term of such office in accordance with ARTICLE IX;

3.6 transact all business and manage and direct the affairs of the Local except as may otherwise be herein provided; delegate, when necessary, any of the above powers to any officer for specific and temporary purposes and on condition that the action of such officer or representative be ratified by the Executive Board;

3.7 lease, purchase, or otherwise acquire in any lawful manner for and on behalf of the organization any and all real estate or other property, rights and privileges whatsoever deemed necessary for the prosecution of its affairs and which the organization is authorized to acquire at such price or consideration and generally on such terms and conditions as it thinks fit, and at its discretion pay thereof either wholly or partly in money or otherwise, subject to specific authorization at a membership meeting for such expenditures, excepting for routine expenditures not of a substantial nature;

3.8 sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization whenever in its opinion the Union's interests would thereby be promoted, subject to approval (except as to form) at a membership meeting;

3.9 create, issue and make deeds, mortgages, trust agreements, contracts, and negotiable instruments secured by mortgage or otherwise as provided by resolution of the membership, and do every other act or thing necessary to effectuate the same;

3.10 create trusts, the primary purpose of which is to provide benefits for the members or their beneficiaries, and terminate and effectuate the same, all subject to approval (except as to form) by the membership;

3.11 determine the membership eligible to vote on agreements and strikes and the composition of other membership meetings and adopt rules and regulations concerning the conduct thereof not inconsistent with the International Constitution or these Bylaws;

3.12 determine the manner in which referendums shall be held;

3.13 affiliate this Local with other bodies or organizations as it shall be required to do or which it believes to be in the interest of this Local.

3.14 do all acts, not expressly authorized herein, which are necessary or proper in implementation of the above duties for the protection of the property of the Local for the benefit of the organization and members;

3.15 review and approve all resolutions and constitutional changes to be voted on by the members prior to membership vote at a regular or special membership meeting; provided, however, constitutional amendments endorsed by five hundred (500) members in good standing need no approval of the Executive Board prior to membership vote at a regular or special membership meeting.

Section 4. Investigation of Breach of Fiduciary Duty. The Executive Board shall have the duty to investigate any alleged breach of fiduciary duty when circumstances so warrant and to take appropriate action if the investigation so merits.

Section 5. Executive Board Meetings. The Executive Board shall hold regular meetings at least quarterly without other notice than this by-law at such regular times as shall be designated by resolution of the Executive Board and may hold other meetings at such time and place as shall be determined by the President. Failure to attend a regular meeting of the Executive Board without notifying the Secretary-Treasurer as to the reason(s) either before or after the meeting constitutes an unexcused absence. A second consecutive unexcused absence or the third unexcused absence during the term of office shall be basis for removal from officer after a hearing.

Section 6. Executive Board Quorum. A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board. The action of a majority of the Board present at a meeting at which a quorum is present shall be the action of the Board. In the event of a tie vote, the President shall cast the deciding vote.

Section 7. Board Meetings Open to Members. Meetings of the Executive Board are open to Union members as observers, except when an executive session of the Board is warranted. Members are required to pay for their own expenses when attending Board meetings.

Section 8. Payment of Expenses for Board Members. By action of the Board, members of the Board who are not full-time paid officers or employees of the organization may be paid their expenses, including wages lost, if any, for attendance at each meeting of the board.

Section 9. Executive Board Action between Meetings. As to all matters requiring action by the Executive Board when the Executive Board is not in formal session, the Executive Board may act by E-mail, facsimile, letter, or telephone. When action by the Executive Board is required, the President may obtain same via e-mail, correspondence, or telephone to the members of the Executive Board and such members may take action on the matter brought to their attention in the same manner. Such action so taken by the majority of the members of the Executive Board shall constitute action of the Board as through the Executive Board were in formal session.

Section 10. Executive Board Committees. The Executive Board shall appoint a social and economic justice committee (e.g. EmBRACE), finance committee, , organizing committee and committee on political education (Political Action Committee) to assist the Executive Board in these areas of the Local's activity. Other ad hoc committees may be created as needed. Executive Board members shall be appointed by the President to chair each of these committees. The duties of such committees shall be determined by the Executive Board in accordance with the International Constitution and Bylaws.

The International Secretary-Treasurer shall be notified promptly of the composition of the social and economic justice committee, the retiree members committee, the organizing committee, and the committee on political education.

Section 11. Executive Committee. An Executive Committee of the Board shall consist of the President, Executive Vice President, and Sec-Treasurer, local wide Vice Presidents and two Vice-Presidents from each Division chosen by Division and from the elected Executive Board at the beginning of each term of office. The Executive Committee shall meet between Executive Board meetings to transact business and make timely decisions that cannot wait for full Board meetings.

## ARTICLE VII – Board of Trustees

Section 1. Composition and Duties of Board of Trustees. The Board of Trustees shall consist of the Secretary –Treasurer and four (4) members; one elected from each of the four sectors. It shall be the duty of the Trustees to examine and audit the books of the Local and at least annually take inventory of and verify the securities, investments, bank accounts, and cash funds then on hand. Perform any such duties or tasks assigned by the President or executive board.

Section 2. Access to Information and Responsibilities. The trustees shall have full and free access to all documents, books and other records necessary to conduct their examination. The trustees shall insure that each officer, employee or representative of the Local required to be bonded is at all times bonded in accordance with applicable law. The Secretary-Treasurer of the International Union may direct the increase or decrease in the amount of the bond when he or she deems it advisable.

## ARTICLE VIII – Leadership Assembly: Composition, Powers and Duties

Section 1. Composition of the Leadership Assembly. The Leadership Assembly shall consist of the President, Executive Vice President, and Secretary-Treasurer, Vice President(s), Executive Board members, Trustees, and members from each chapter or bargaining unit as defined by the Executive Board as follows: each chapter of twenty (20) or more members will have one (1) Assembly member and an additional member for every 200 members above the first 200.

Section 2. Election of Leadership Assembly Members. Leadership Assembly members shall be elected by the members of the chapter or bargaining unit they represent. Members will serve three (3) year terms.

Section 3. Responsibilities of the Leadership Assembly. The Leadership Assembly is responsible for providing input to the Executive Board on the Local's mission and the program goals and strategies to achieve them, and may act upon any issue affecting the Local's membership. The Assembly shall provide a forum for member education, leadership development and information sharing.

Section 4. Leadership Assembly Meetings. The Leadership Assembly shall meet no less than once each calendar year. Additional meetings may be held as determined by the President. Assembly member's expenses will be paid by the Union, within guidelines established by the Executive Board. Once every three years in October, a Leadership Assembly meeting shall be held to accept nominations for officer positions.

Section 5. Leadership Assembly Quorum. A majority of the Assembly shall constitute a quorum for the transaction of business at any meeting of the Assembly. The action of a majority of the Assembly present at a meeting at which a quorum is present shall be the action of Assembly. In the event of a tie vote, the President shall cast the deciding vote.

Section 6. Assembly Meetings open to Members. Meetings of the Leadership Assembly are open to the general membership who may attend as observers. Members are required to pay for their own expenses when attending Assembly meetings.

## ARTICLE IX – Nominations and Elections

Section 1. Nominations of Officers. Nominations of officers shall take place at a Leadership Assembly Meeting in the month of October of each election year. Nominations may also be submitted in writing to the Elections Committee at least one day prior to the nominations meeting. Reasonable notice of the nominations process and meeting shall be given. No person is eligible to run for President, Executive Vice President, and

Secretary-Treasurer or local wide Vice-President who has not been a member in continuous good standing of this Local for a least two years preceding the nomination. Nominated members must present at the meeting at the time of nomination to accept; have given permission to be nominated in writing prior to the meeting or accept the nominations in writing within two days after the meeting. In the event only one candidate is nominated for any office, no election shall be conducted for such office. Such unopposed candidate shall be declared elected by acclamation.

Section 2. Elections Every Three Years. Elections shall be held every three years, during the month of December of each election year. Elected officers shall assume office on January 1 of the next year.

Section 3. Voting at Membership Meeting(s) or Mail Ballot. The election shall be conducted either at membership meeting(s) or through mail ballot as determined by the Executive Board.

Section 4. Elections Committee. The President shall appoint an Elections Committee, none of whom shall be candidates for office, to determine additional voting procedures including the following:

- Members shall receive no less than 30 days notice for elections held at membership meetings. Elections shall be conducted by secret ballot among the members in good standing. There shall be no write-in candidates or proxy voting.
- Officers receiving the highest number of votes shall be declared elected. For those seats which have more than one elected member, the winners shall the highest vote getters in descending order.
- The Elections Committee shall count the votes and shall report the results to the President and Secretary –Treasurer in writing.

Section 5. Position Vacancies. . In the event one of the offices, other than President, becomes vacant, the President shall nominate a member to fill such vacant office for the remainder of the original term. The Executive Board shall vote to confirm the nomination prior to the nominee assuming office. In the event of a vacancy in the office of the President, the Executive Vice President shall assume the position of the President for the remainder of the original term.

Section 6. Officers as Delegates to Conventions. Any officers of the Local elected in conformity with applicable statutes shall be considered eligible delegates to any convention to which the Local is entitled to delegates. If the number of elected officers is less than the number of delegates, then arrangements shall be made for nominations and secret ballot election, if required. If the total number of officers is greater than the number of delegates allowed, then officers shall attend as delegates in the order listed: President, Executive Vice President, and Secretary-Treasurer, First Vice President, Second Vice President, Higher Education Division Seat 1, K-12 Division Seat 1, Local Government /Non-profit Seat 1; Early Learning Seat 1; Retiree Chapter Seat 1; Higher Education Seat 2 and so forth continuing in that descending order. Each seat shall be named by division in numerical order based on the number of votes received by each elected Board member, in descending order.

## ARTICLE X – Dues

Section 1. Revenue. The revenues of the Local shall be derived from monthly dues and other fees or sources as may be approved by the Executive Board.

Section 2. Dues Increases. Any increase in the rate of dues or initiation fees or the levying of any general or special assessments that has not been mandated by the International Union Constitution and Bylaws, shall, when required by applicable law, be determined by the Executive Board, subject to the approval of the membership by a secret ballot vote after reasonable notice at a regular meeting or by mail ballot. In the case of a dues referendum, the Executive Board may appoint an elections committee to establish voting procedures that include but are not limited to the following:

- Written notice shall be mailed to each member at least thirty (30) days prior to the meeting(s) at which the membership will vote on a dues change.
- Voting shall be by secret ballot of the members in good standing and a majority of those voting shall decide the issue.

Section 3. Reasons for Lowered or Waived Dues. The fees and dues of this local may be lowered or waived by the Executive Board for the purpose of organizing and/or accepting into membership persons who have paid up membership or withdrawal cards from another local of the SEIU.

Section 4. Mandatory Per Capita Tax .This Local shall pay per capita tax to the International Union for any person from whom the Local received revenue. The per capita rate shall be set by the International Union.

Section 5. Consequences of Failure to Pay Dues. Any member failing to pay required dues of the Local on or before the last day of the month in which the same are due shall stand automatically suspended from membership and from all rights and privileges of such membership in the Local and in the International union.

Section 6. Member responsibility to Pay Dues. The entire responsibility for the payment of dues to the Local within the time required by the provisions of this article is the sole obligation of each member individually and cannot be delegated to the Local or any of its representatives or any person, whether they be delegates, shop stewards or others.

## ARTICLE XI – Chapter Structure and Membership Meetings

Section 1. Establishment of Chapters and Election of Leaders. Subject to Executive Board approval, a chapter shall be established for each bargaining unit, or for combined bargaining units, or groups of workers with a common employer or industry, who are similarly situated, or for

retired members, as approved by the Executive Board. Each chapter shall elect stewards and Leadership Assembly members in accordance with the formula established by these Bylaws. Each chapter shall elect or recruit and appoint worksite leaders and other leadership positions as needed.

Section 2. Chapter Membership Meetings. Each chapter shall be encouraged to hold chapter membership meetings on a regular basis but in no case less than one per year held in the fall. The Executive Board may establish guidelines and incentives for holding those meetings.

Section 3. Special Membership Meetings. Special membership meetings may be called by the President or the Executive Board. Fifty (50) members shall constitute a quorum at any special meeting.

Section 4. Reasonable Notice of Special Membership Meetings. Reasonable notice of special membership meetings shall be sent to each members of the Local. Only such business as is specified in the call for the special meeting shall be considered at the meeting.

## ARTICLE XII – Collective Bargaining

Section 1. Authority of Chapter Negotiating Committees. The authority to bargain collectively for the chapter or bargaining unit shall be vested in a Negotiating Committee, which shall consist of members selected from the chapter or bargaining unit and representatives from the Local. The Local shall provide training and staff support for the collective bargaining process.

Section 2. Ratification of Contracts by Chapter Members. The results of any collective bargaining negotiations shall be subject to ratification by the members in the bargaining unit. Upon ratification, a contract shall be signed by the Negotiating Committee and an officer of the Local.

Section 3. The authority to call a strike is vested in the Negotiating Committee with the approval of the Executive Board. In order for a strike to be called, it must be authorized by a ratification vote by two-thirds of those affected members who participate in the vote under the following conditions:

1. Timely notice must be given to every affected member that a strike vote is taking place – either at meeting(s) called for this purpose or through a mail ballot.
2. A minimum of 30% of the affected members must participate in the vote.
3. The chapter leadership may vote to set a higher threshold for member participation in a strike vote if they choose – subject to the approval of the Executive Board.

Section 4. Notification to International Union of Strike. The Local shall not call a strike without previous notification to the International President, or where prior notice is not practicable, without notification as soon as possible after commencement of the strike. If the Local fails to give such notice, the International President may withhold sanction of the strike.

## ARTICLE XIII – Responsibility of Members to Local Union

Section 1. Member Obligation to Bylaws and Fellow Members. Every member by virtue of membership in this local is obligated to abide by these Bylaws and the International Constitution and Bylaws with respect to rights, duties, privileges and immunities conferred by them. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.

Section 2. Authority of the Local Regarding Members. Every member by virtue of membership in the Local authorizes the Local to act as exclusive bargaining representative with full and exclusive power to execute agreements with the employer governing terms and conditions of employment and to act for the member and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of employment with such employer, in such manner as the Local or its officers deems to be in the best interest of the Local. The Local and its officers and representatives may decline to process any grievance, complaint or dispute, if in their reasonable judgment such grievance or dispute lacks merit.

Section 3. Responsibilities of Members toward Officers and Representatives of the Local. No member shall interfere with the elected officers or representatives of this organization in the performance of their duties and each member shall, when requested, render such assistance and support in the performance of such duties as may be required of them, provided that this does not interfere with their individual rights as members. Each member and officer shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the performance of the local of its legal or contractual obligations.

Section 4. No Dual Unionism, Disaffiliation or Disestablishment of the Local. No member shall engage in dual unionism or espouse dual unionism or disaffiliation nor shall any member be a party to activity to secure the disestablishment of the local as the collective bargaining representative for any employee.

## ARTICLE XIV - Due Process

In order to insure members' protection from the filing of frivolous charges, the following procedures shall apply:

Section 1. Procedures for Members Filing Complaints against Members. Whenever complaints are brought by a member against any member or officer of Local 925, such charges must be specific and filed in writing in duplicate with the Secretary-Treasurer specifying the nature of the offense involved. A written copy of such charges shall be served on the accused either personally or by registered or certified mail directly to the last known address of the accused at least ten (10) days before the hearing of the charges. In all cases, the charged party shall be given reasonable time to prepare her or his defense and be afforded a full and fair hearing.

Section 2. Basis for Charges. The basis for charges and remedies shall be governed by the provisions of the Constitution and Bylaws of the

International Union.

Section 3. Hearing Regarding Charges. The President shall appoint at least one member of the Executive Board as a Hearing Officer, and may appoint additional hearing officers from either the Executive Board or membership.

Section 4. Hearing Decision. The decision of the hearing officers shall be deemed final unless the individual or individuals against whom said decision shall have been rendered files with the Secretary-Treasurer a written request to appeal the decision to the Executive Board of the union within (15) days, in accordance with the provisions of the International Constitution and Bylaws, and further appeals shall with in accordance with the International Constitution and Bylaws. If the member charged or preferring such charges is a member of the Executive Board, she/he shall not participate in rendering the decision.

Section 5. Member Permitted Counsel. Any member under charges may have an attorney or another member of this local act as counsel, to represent him or her in the presentation of his or her defense.

## ARTICLE XV – Property Rights

Section 1. Property Titles. The title to all property, funds and other assets of this Local shall at all times be vested in the Executive Board for the joint use of the membership of this Union, but no member shall have any severable proprietary right, title or interest therein.

Section 2. No Member Interest in Property. Membership in this organization shall not vest any member with any rights, title or interest in or to the property of this Local, including the funds of this Local.

## ARTICLE XVI - Affiliations

This Local shall affiliate with the state and local labor federations, where these exist, and with the Service Employees State Council and other appropriate divisions, as determined by the International Union.

## ARTICLE XVII - Dissolution

This Local cannot dissolve, secede or disaffiliate while there are seven (7) dissenting members. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of this Local shall become the property of the International Union. Under no circumstances shall this Local distribute its funds, assets or properties individually among its membership.

## ARTICLE XVIII – Bonding

Every officer or representative of this Local who handles funds or other property of this organization shall be bonded in accordance with the requirements of the International Constitution and Bylaws and applicable statutes. The amount of bond required of each person shall be ascertained by the Executive Board, and the premium charges shall be paid out of the general funds of the union. The Secretary-Treasurer of the International Union may direct the increase or decrease in the amount of the bond when deemed advisable by the Secretary-Treasurer.

## ARTICLE XIX - Savings Clause

If any provisions of these Bylaws shall be modified or declared invalid or inoperative by any competent authority of the executive, judicial, or administrative branch of federal or state government, the Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity or modification and to substitute in its place a provision that will meet the objections to its validity and that will be in accord with the intent and purposed of the invalid or modified provisions.

If any article or section of these Bylaws should be modified or held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this these Bylaws or the application of such article or section to persons or circumstances, other than those as to which is has been held invalid or modified, shall not be affected thereby.

## ARTICLE XX - Amendments

Section 1. Procedure for Amendments to Constitution and Bylaws. The Constitution and Bylaws of this Local may be amended at a special membership meeting or by mail ballot. Proposed amendments shall be submitted in writing either by the Executive Board or by one-third of all chapters following a majority vote of members in those chapters. The proposed amendment shall be submitted to the membership at least one month prior to the meeting(s) and must receive a two-thirds vote for adoption.

No amendment shall be valid or become effective until approved by the International Union.

Section 2. Subordination of Local Constitution and Bylaws. The Constitution and Bylaws of this Local shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended.

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 201 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, foster child, 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(f) 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.