

# **SEIU LOCAL 500 CONSTITUTION AND BYLAWS**

*Revised February 2017*

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## **PREAMBLE**

We are SEIU Local 500, united by the belief in the dignity and worth of workers and the services they provide. We seek a stronger union to build power for ourselves and to protect and develop the welfare and interest of our membership through education and collective action so that we might obtain the best possible compensation for our labor, greater control over all aspects of our work, and improvement of the conditions under which we work. We strive to enhance the strength and influence of the Union while protecting and advancing the civil liberties, rights, and the technical and professional status of our members.

Our strength comes from our unity, and that we must not be divided by forces of discrimination based on race, creed, color, religion, gender, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age or disability. Our power and effectiveness depend upon the active participation and commitment of our members, the development of our leaders, and solidarity with each other and our allies.

We believe we have a moral responsibility to the future generations to leave the world a better place for all who come after us.

## **ARTICLE I. NAME AND AFFILIATION**

The name of this organization shall be SEIU Local 500. This organization is affiliated as Local 500 with the Service Employees International Union, Change to Win (CTW), Canadian Labor Congress (CLC).

## **ARTICLE II. OBJECTIVES**

To unite into one organization, regardless of race, creed, color, religion, gender, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age or disability, all public and not for profit employees in Maryland and the District of Columbia;

To improve the working conditions and standard of living of all members through collective bargaining, political action, and all other legitimate means; and

To establish open and better means of communication between the members and the employing authority.

## **ARTICLE III. MEMBERSHIP**

Section 1. Eligibility for Membership.

Membership shall be open to:

- A. All supporting services employees working for the Montgomery County Public Schools;
- B. All other public employees in Maryland and the District of Columbia;
- C. All employees of all non-profit institutions in Maryland and the District of Columbia;
- D. Any group of employees whose membership will enhance the strength of the existing membership and further the goals of the Local Union; and
- E. Any group of employees, not included in A-D, above, whose application for membership is voted upon favorably by the membership upon recommendation of a member in good standing by a majority of those present and voting at a membership meeting. Prior notification of this vote will be given to the membership.

Section 2. Continuation of Membership.

Membership shall be continuous until the member resigns from the Local, (during the appropriate period), no longer meets the eligibility requirements of Section 1 of this Article, fails to pay the required membership dues, or is suspended or expelled pursuant to this Constitution.

Section 3. Right to Vote, Hold Office, and Voice in Meetings.

The right to vote and hold office shall be open to all members in good standing and each member shall be entitled to a voice at all meetings of the Local.

Section 4. Member Rights, Privileges, and Duties.

A member in good standing is one whose dues are current for the membership year.

Members in good standing, and only members in good standing, shall be eligible to participate in the Union, including voting on contracts, running for office, serving on contract committees, attending Union meetings, and voting on internal Union business.

A. Rights and Privileges of Individual Members.

Every member in good standing of Local 500 shall have the right to enjoy the full benefits of the Union without discrimination as follows:

1. To vote by secret ballot on Union contracts directly affecting him/her as an employee;
2. To vote in all Union elections in accordance with these bylaws;
3. To attend all regular and special membership meetings of the Union and/or his/her Chapter or Division, and participate in the discussion and vote on all questions;
4. To be a candidate for elective office and/or position in accordance with the provisions of these bylaws and to serve on Union committees;
5. To utilize all services provided by the Union and participate in all social, educational, and cultural activities;
6. To receive a fair and open hearing in accordance with the provisions of these bylaws on any charge brought by him/her or against him/her.

B. Duties of Members.

A member of Local 500 shall have the duty and obligation to strengthen and defend the Union and its membership:

1. A member should attend General Membership meetings of the Union and regular and special meetings of his/her Chapter and Division,
2. A member shall respect the rights of fellow Union members;
3. A member shall comply with the decisions of the Union, made pursuant to this Constitution;
4. A member shall observe orderly procedure and decorum at all meetings;
5. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements, and shall refrain from any conduct that would interfere with the performance by this local union of its contractual obligations;
6. A member shall be encouraged to assist in organizing the unorganized and participate in such activities as he/she may be called upon to perform by the Union;
7. A member shall keep the Union advised of his/her current mailing address. Notice to the last address provided shall constitute notice to the member for all purposes under these bylaws;
8. No member shall be a party to any activity to secure the disestablishment of this local union as the collective bargaining agent for any employee.

Every member, by virtue of his/her membership in this Union, authorizes this Union to act as his/her exclusive bargaining representative with full and exclusive power to execute agreements with his/her employer governing terms and conditions of employment and to act for him/her and have final authority

in presenting, processing, and adjusting any grievance, difficulty, or dispute arising under any collective bargaining agreement or out of his/her employment with such employer, in such manner as this Union or its officers deem to be in the best interests of the Union.

This Union and its officers and Executive Director may decline to process any such grievance, complaint, or dispute if in their discretion and judgment these lack merit.

The decision by the Union to refer a grievance to arbitration shall be governed by the merits of the grievance, the financial condition of the local, the benefits of a successful grievance versus the cost of an arbitration, and other relevant factors.

No member shall engage in dual unionism.

#### Section 5. Membership year.

The membership year shall be October 1 of each year to September 30 of the following year.

#### Section 6. Retired Member.

A member as described in Section 1 above who retires from employment, and who has been a member in continuous good standing of Local 500 for at least one (1) year prior to retirement, is eligible for membership in the Retired Members' Committee. Such membership entitles the member to participate fully within the Committee, and to serve on Union committees where appointed by the Executive Board of the Union, and participate in Local-wide membership meetings in a non-voting capacity. Such retired members will not be entitled to run for Local-wide office. The Retired Members Committee shall adopt bylaws to be approved by the Executive Board of Local 500.

#### Section 7. Organizing Member.

An Organizing Member must be an individual who is employed in a job which is an organizing target by Local 500, and is not part of a bargaining unit for which Local 500 is the exclusive bargaining agent. Organizing Members will be allowed to attend membership meetings of the Local, as the Executive Board deems appropriate, but shall have no voting rights at such meetings or the right to nominate or run for union office. The Executive Board may determine other benefits and privileges applicable to Organizing Members. The Executive Board shall have the authority to establish an "Organizing Member" dues rate, as well as the authority to amend the rate from time to time. The Executive Board may deny Organizing Membership to individuals as it deems appropriate.

### **ARTICLE IV. GOVERNING LAW**

The Constitution and Bylaws as amended of the SEIU, CTW, CLC, is incorporated herein by reference and made a part hereof.

APPENDIX A – MCCSSE/SEIU Affiliation Agreement, as amended, is incorporated herein by reference and made a part hereof.

In any situation where there is a conflict between the provisions of the above International Constitution and Bylaws and the Affiliation Agreement, the Affiliation Agreement shall control.

## **ARTICLE V. GOVERNING STRUCTURE**

### **Section 1. Governing authority.**

The governing authority of this organization, and jurisdiction of all matters pertaining to it, shall be vested in the membership, which shall exercise such jurisdiction at membership meetings, subject to the constitution and bylaws of this Union.

### **Section 2. Authority of membership.**

The general membership is the body of this organization authorized to take lawful action, consistent with these bylaws, and to act in behalf of the Union.

### **Section 3. Election by membership.**

The membership shall elect the officers of the Union.

### **Section 4. Organizational Structure.**

The membership of this Union shall be divided into Divisions and/or Chapters. Such Divisions and/or Chapters shall be determined by the Executive Board and approved by the general membership. Each Chapter, or Division where a Division does not have Chapters, may hold meetings as called by the President, in consultation with the Executive Board.

Divisions and/or Chapters are at all times subject to the control and direction of the Executive Board and shall not be deemed to have identity or status separate and distinct from SEIU Local 500. Divisions and/or Chapters may not act as collective bargaining agent for or a representative of employees and may not formally or informally affiliate with any organization or group whatsoever. The sole purpose of Divisions and/or Chapters is to enable SEIU Local 500 to serve its members through an organizational structure that provides members the means to voice their particular needs in an effective manner.

### **Section 5. Divisions and Chapters.**

The Division and Chapter structure of SEIU Local 500 shall be as follows:

- A. Early Education Division.
- B. K-12 Division. This Division includes the following designated Chapters:
  - (1) MCPS Paraeducators
  - (2) MCPS Office Employees
  - (3) MCPS Media & Technology Employees
  - (4) MCPS Transportation Employees
  - (5) MCPS Building Service Employees
  - (6) MCPS Maintenance Employees
  - (7) MCPS Food Service Employees
  - (8) MCPS Security Employees
- C. Higher Education Division
- D. Local Government Division
- E. Nonprofit Division
- F. Human Services Division

### **Section 6. Other Bargaining Units.**

Consistent with this Constitution and Bylaws, the Executive Board shall determine the chapter and/or division breakdown of other departments, agencies or organizations.

Section 7. Bargaining Unit Definition.

A bargaining unit is defined as the membership covered by a particular bargaining agreement. Bargaining units shall have the authority to ratify or reject their negotiated contracts or agreements, to take appropriate job action, all in accordance with the procedures set down in these Bylaws.

Section 8. Executive Board.

A. The Executive Board shall consist of the President, Executive Vice President, Secretary, Treasurer, and Vice Presidents. There shall be one Vice President for every 600 members, or major fraction thereof, of each Chapter or Division, in Divisions in which there is no Chapter. Each Chapter, or Division, in Divisions in which there is no Chapter, shall have a minimum of one (1) Vice President, except that if a Division without Chapters or a Chapter contains no members, that Division and/or Chapter shall not be entitled to a Vice President. The Executive Board, subject to the approval of the membership, shall authorize new Division and/or Chapter seats, and may call for special elections in newly created Divisions and/or Chapters. The number of Vice Presidents for each Division and/or Chapter shall not be reduced during the three-year terms of office for elected officers. Any member of the Executive Board missing two (2) consecutive meetings or three (3) meetings in a period of one year without being excused by the President shall stand suspended pending action of the Executive Board. It shall be the duty of all Executive Board members to attend regularly the General Membership and Division and/or Chapter meetings. Executive Board members shall make every effort to notify the President if they are unable to attend a meeting. Special meetings of the Executive Board may be called by the President or by a request to the President by a majority of the Executive Board, the meeting to be held within seven (7) calendar days of the receipt of the request. Executive Board meetings shall be held monthly. A majority of the members of the Executive Board shall constitute a quorum for the transaction of business.

B. The Executive Board has the authority to develop policies and procedures to hold itself accountable to meeting the duties and responsibilities of the positions.

Section 9. Responsibilities.

Subject to the provisions of this Constitution, the Executive Board shall be the governing body of this Union. The affairs of the Union shall be conducted through the authority vested in the Executive Board and the general membership in accordance with these Bylaws. The Executive Board is authorized and empowered to take all lawful action consistent with these Bylaws and to guide the activities, affairs and functions of the Union, and the handling of all funds of the Union. Any action of the Executive Board shall be considered the action of the Union. The Executive Board shall present a proposed budget to the General Membership for comment and discussion prior to its adoption by the Board.

Section 10. Minutes.

The actions of the Executive Board shall be recorded in minutes. Those minutes shall be made available to any member upon request.

Section 11. Authority.

The authority of the Executive Board includes, but is not limited to:

A. The establishment of plans, policies, and procedures that are required for the direction and operation of the Union and the carrying out of decisions of the membership.

B. Approval of a budget, and authorization of annual audits.

C. The hiring of an Executive Director to manage and direct the day-to-day affairs of the Union, to direct the staff and to act as the Union's administrative officer. The Executive Board shall be

empowered to determine the terms of employment of the Executive Director, and in its discretion, to approve and co-sign a contract of employment with the Executive Director governing salary, benefits, and conditions of employment.

D. Approval of the employee contracts for the staff of the Union; and approval of all contracts for services rendered such as legal, auditing, or payroll services, member benefit programs or office leases.

E. Supervising the handling of Union funds, including approval of budgets and authorizing investment of Union funds.

F. Determining when a group of members is considered a functioning Division and/or Chapter for the purpose of representation on the Board.

G. Assuming responsibility for the legislative and political plans of the Local.

H. Establishing such committees as are necessary and consistent with the achievement of the purposes of the Union.

I. Establishing an appropriate method for selecting the negotiating team in each bargaining unit.

#### Section 12. Membership Complaints and Hearings.

The Executive Board shall act, or refer to an Ethics Committee to act, as a hearing board for complaints of individual members who wish to contest actions of members, officers, or Convention delegates who violate this Constitution and Bylaws or the Constitution and Bylaws of SEIU. In the event that the individual members are not satisfied with the ruling of the Executive Board or its delegated committee, the member may further appeal according to the provisions of the SEIU International Constitution and Bylaws.

#### Section 13. Rules of Order.

Executive Board and General Membership meetings shall be governed by Roberts Rules of Order, Revised. A parliamentarian may be appointed by the President of the Union, subject to confirmation by the Executive Board. However, business of the Executive Board which is time sensitive, and, in the opinion of the President, does not require deliberation of the body, may be conducted by telephone or email polling of the Executive Board.

#### Section 14. Expenses.

The Executive Board Members shall be reimbursed expenses according to lawful policies adopted by the Executive Board of the Union.

### **ARTICLE VI. OFFICERS- AUTHORITY, DUTIES AND RESPONSIBILITIES**

#### Section 1. Officers.

The officers of this Union shall be the President, Executive Vice President, Secretary, Treasurer, and Vice Presidents. The officers constitute the Union's Executive Board.

#### Section 2. President.

A. The President shall be responsible for furthering the Union's overall interests and goals, and actively participating in the Union's governance, and political, organizing, and representation activities.

- B. The President shall conduct the affairs of the Union in accordance with this Constitution and policy decisions of the membership and shall be the presiding officer.
- C. The President shall at all times be responsible for protecting and enhancing the collective interests of the members, and to that end shall have the authority to act in the name of the Union in:
- (1) negotiating and executing collective bargaining agreements in conjunction with the Executive Board;
  - (2) enforcing collective bargaining agreements;
  - (3) informing government officials at all levels of the Union's position on all matters under their jurisdiction;
  - (4) participating in conferences;
  - (5) ensuring representation at meetings of appropriate legislative and governmental bodies;
  - (6) establishing joint programs of efforts with other unions or employee organizations;
  - (7) taking whatever other action is necessary and proper for these purposes.
- D. The President shall be authorized to call and make arrangements for all meetings, including special and/or emergency meetings, seminars and conferences.
- E. The President shall direct the following activities of the Union: research, educational, legislative, publishing, and political education activities.
- F. The President shall employ, terminate, fix the compensation and expenses, and direct the activities of such office staff, administrative assistants, technical and professional assistants, field staff, organizers and representatives, legal counsel and auditing services as are required to carry out effectively the functions of the Union. The President shall have the authority to sign checks, authorization for expenditures, contracts, and other official documents of the Union, subject to the approval of the Executive Board.
- G. The President shall preside at all meetings of the Union and the Executive Board.
- H. The President shall perform such other duties as may be required by the membership consistent with the provisions of this Constitution.
- I. The President shall not expend or commit funds in excess of the approved budget. The President may, however, transfer funds between budget categories if the need arises, subject to review by the Executive Board.
- J. The President shall appoint a Certified Public Accountant who shall audit all accounts of the Union immediately following the close of each fiscal year with the approval of the Finance Committee.
- K. The President shall make interpretations of this Constitution, and rule on all questions of law, procedure and order. A ruling or interpretation of the President may be appealed to the Executive Board which shall decide same.
- L. The President shall have the deciding vote in case of a tie on any question.
- M. The President shall be a delegate to all conventions of any affiliated organizations.
- N. The President shall make reports on Union activities at each membership meeting.
- O. The President shall keep all membership records and applications cards, and a record of all members admitted by initiation or otherwise, as well as rejections and suspended or expelled members. The President shall send to the International Union an accurate record of all dues payments and other revenue and he or she shall forward to the International Secretary-Treasurer of the International Union the correct names and addresses and social security numbers (including e-mail address and phone number, if available) of all members initiated or readmitted, and of all other persons from whom revenue is derived, as well as those suspended for non-payment of dues or for any other cause; also a correct list of those who take transfer or withdrawal cards, and other information as specified by the International Executive Board. The proper zip code shall be included for each address.
- P. The President shall serve as an ex officio member of all committees of the Union, except the Election Committee.

Q. The President may declare any office vacant if the officer fails to attend, without proper excuse, Executive Board meetings.

R. The salary and compensation of the President shall be determined by the Local Union's Executive Board, and may not be increased nor decreased by more than 10% from one year to the next. Under no circumstances shall the President's salary exceed the top step of the top grade applicable to bargaining unit employees of any established unit represented by the Local Union.

### Section 3. Executive Vice President.

A. The Executive Vice President shall be responsible for furthering the Union's overall interests and goals, and actively participating in the Union's governance, and political, organizing, and representation activities.

B. The Executive Vice President shall work under the supervision of the President. The Executive Vice President shall preside over membership or Executive Board meetings in the temporary absence of the President, and shall perform such other duties as may be assigned by the President.

### Section 4. Secretary.

A. The Secretary shall be responsible for furthering the Union's overall interests and goals, and actively participating in the Union's governance, and political, organizing, and representation activities.

B. The Secretary shall serve as Recording Secretary. At each regular meeting the Secretary shall read the minutes of the preceding meeting, and if said minutes shall be approved, attach thereto the Secretary's official signature and the date of approval. The Secretary shall see that all official written documents of the organization are kept in order and up to date in the office of the organization and have charge of the official seal.

### Section 5. Treasurer.

A. The Treasurer shall be responsible for furthering the Union's overall interests and goals, and actively participating in the Union's governance, and political, organizing, and representation activities.

B. The Treasurer shall see that all dues and other monies received by the organization are deposited in the account of SEIU Local 500 in a bank approved by the Executive Board.

C. The Treasurer shall see that all legitimate bills, charges, and International per capita tax are paid by the organization; see that the books and official financial records of the organization are kept in order and up to date in the office of the organization.

D. The Treasurer shall ensure that the Local promptly forwards to the International Secretary-Treasurer copies of all annual audit reports and copies of all financial reports setting forth a statement of receipts and reimbursements which are required by law.

E. The Treasurer, with the collaboration of the Trustees and the President, is to research, prepare, and present the fiscal budget to the Executive Board for approval. They shall also approve a CPA to conduct annual audits. The Treasurer and the two (2) Financial Trustees are responsible for monitoring the spending and report to the Executive Board when projected spending shall be in excess of the approved budget.

F. The Treasurer shall ensure that timely and accurate reports shall be presented to the Executive Board.

### Section 6. Vice Presidents.

A. Each Vice President shall be responsible for furthering the Union's overall interests and goals, and actively participating in the Union's governance, and political, organizing, and representation activities.

- B. The critical responsibilities of Vice Presidents shall include, but are not limited to:
  - 1. Actively participating in efforts to elect politicians committed to the interests of our members;
  - 2. Actively participating in lobbying for legislation which benefits the Union and its membership;
  - 3. Actively participating in efforts to unite non-union workers into the Union;
  - 4. Mentoring and supporting worksite leaders of the Union, and holding them accountable to their union leader responsibilities and commitments;
  - 5. Representing the local union on such occasions and in such situations as determined by the President and/or the Executive Board.
- C. Each Vice President shall commit the time and effort necessary to perform the duties and responsibilities of the position, as described herein, and as the Executive Board may determine.

#### Section 7. Trustees.

Two (2) Trustees shall be elected from the membership at large and shall have duties which include:

- 1. Acting as guardians of the finances of the Union;
- 2. Along with the President and Treasurer, the Trustees will serve as the Finance Committee of the Local;
- 3. Examining the books of the Local Union and, with the approval of the Executive Board, arranging for the audit of financial records of the Local Union at least annually and at periods of time deemed appropriate by the Trustees. At the conclusion of such audit, a report on same shall be made by the Trustees to the Executive Board.

#### Section 8. Terms of office.

Officers and Trustees shall be elected for a three year term. There shall be no limit on the number of terms officers and Trustees may serve as long as procedures in "Article VIII - Elections" are followed.

#### Section 9. Vacancies.

- A. In the event of a vacancy in the office of President, by reason of death, incapacity, or resignation, it shall be the duty of the Executive Vice President, in addition to his or her other duties, to assume the duties of the President. If the Executive Vice President is unable or unwilling to serve in this capacity, the local union Executive Board shall be convened for the purpose of filling the vacancy for the unexpired term by majority vote.
- B. In the event of a vacancy in the office of Executive Vice President, Secretary, or Treasurer, by reason of death, incapacity, or resignation, the local union Executive Board shall be convened for the purpose of filling the vacancy for the unexpired term by majority vote.
- C. In the event of a vacancy in the office of Vice President, within thirty days, the local union Executive Board shall appoint a successor after notifying the members of the affected chapter or division in writing of the vacancy and providing the members with an opportunity to apply.
- D. An office shall be declared vacant by the President when an officer resigns as a member, is suspended or is expelled as a member, or resigns his office, or when an officer no longer meets the eligibility requirements of Article III Section 1. Furthermore, the President may declare an office vacant if, after local union elections take place, no candidate has been nominated and elected by the membership.

#### Section 10. New Officer Positions.

If a major affiliation occurs, or if a major organizing campaign is successful, the Executive Board may create and fill an officer position to enable the affiliate or newly organized group of members to be able to have reasonable participation in the affairs of the Union, subject to the affirmation of the membership through this Constitution's amendment process as outlined in this Constitution.

## **ARTICLE VII. FINANCES**

### **Section 1. Bonding.**

Bonding shall be provided in accordance with law and the International Constitution.

### **Section 2. Financial Transactions.**

All financial documents including but not limited to all checks and other draws upon the organization's bank accounts, shall be signed by the President and the Treasurer. The Executive Board shall designate two persons authorized to sign said documents in the absence of the President and/or Treasurer.

### **Section 3. Honoraria.**

The Executive Board and Trustees shall receive an annual honorarium as follows:

Executive Vice President	\$2,000.00
Secretary	\$2,000.00
Treasurer	\$2,000.00
Vice Presidents	\$1,500.00
Trustees	\$ 500.00

A. The date of payment of the honorarium shall be determined by the Finance Committee. It shall be vested on the basis of time served in the office, and shall be paid on a pro-rata basis in the event that an officer or trustee serves less than a full term.

B. During the month of July immediately preceding the end of officers' terms, the Executive Board may, by a two-thirds (2/3) vote, increase the amount of the honoraria to become effective July 1 of the new Executive Board's term. However, each such increase may not exceed the average increase in the Consumer Price Index for all Urban Consumers (CPI-U) for the Washington-Baltimore area for the previous two (2) July-June years.

C. Receipt of the honorarium is conditioned on participation by the Executive Board member in a minimum of ten (10) events each year in office, and by the Trustee in a minimum of five (5) events each year in office.

(1) Events include, but are not limited to, Executive Board meetings, Labor-Management meetings, Committee activities, Chapter activities, local union political activities – including phone banking, canvassing, testifying before legislative bodies on behalf of the union, etc.

(2) If any member or Executive Board member or Trustee questions whether a particular activity constitutes an "event" for purposes of receiving the honorarium, that question will be presented to the Executive Board within one month of the activity for final determination, which shall be binding on the Executive Board member or Trustee, as well as the Local Union.

D. The amount of the honorarium is subject to pro-rata reduction if an officer or trustee has more than two unexcused absences from meetings (membership, Executive Board, chapter, Division, or other meetings as the President may convene) during a year.

### **Section 4. Financial Records.**

All records of this Local Union pertaining to income, disbursements and financial transactions of any kind whatsoever must be kept for a period of at least six (6) years or longer if required by applicable law.

### **Section 5. Member Benefits.**

The administration of Local 500 shall budget and spend 5% of the revenues of the local, less per capita payments, for benefits directed at and directly available to members of the local, such as discounted purchasing programs, subsidized or reduced cost recreation or entertainment programs, or similar advantages to membership. Salaries or other administrative costs of the program shall not be counted towards the 5% expenditure requirements. The provisions of this Section shall be effected only to the extent that the implementation of these provisions does not adversely affect the ability of the local union to perform its representation functions and meet its responsibilities to operate the local union in the best interests of the members.

## **ARTICLE VIII. ELECTIONS**

### Section 1. Qualifications.

Candidates for the offices of President, Executive Vice President, Secretary, and Treasurer must be members of the organization in good standing for a period not less than 24 months immediately preceding their nomination.

Candidates for President must meet the above qualifications.

Candidates for Vice President may be any member in good standing but must be a member of the Chapter or Division represented by that office, and shall be elected only by members in good standing of the Chapter or Division represented by that Vice President.

No person who has been convicted of a felony as defined in Section 504 of the Landrum-Griffin Act (or an indictable offense in Canada) shall, in accordance with the provisions of applicable law, be eligible to hold office in the local union.

### Section 2. Financial Support.

No candidate (including a prospective candidate) for any office in this Local Union or affiliated body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of this local Union.

### Section 3. Election Procedures.

A. Nominations for President, Executive Vice President, Secretary, and Treasurer, will be made to an Election Committee by petition of at least twenty five (25) members per chapter in a minimum of four chapters, or divisions where there are no chapters. Nominations for Vice Presidents shall be made to an Election Committee by petition of fifteen (15) members of the Chapter or Division in good standing. All nominees shall be in good standing.

B. The Election Committee shall consist of one member from each chapter or division where there are no chapters, and one member-at-large. Each Vice President may nominate a member from the Chapter or Division represented by that Vice President, and the member-at-large shall be nominated by the President. All Election Committee members shall be approved by the Executive Board. In the event that more than one person is nominated from a particular Chapter or Division, other than the member-at-large, the Executive Board shall determine which individual from that Chapter or Division shall serve on the Election Committee. No members from the Executive Board shall be appointed to the Election Committee. Election Committee members shall serve for a three year period beginning January of every election year. The President shall not serve on the committee.

C. The Election Committee shall hold its first meeting within 20 days of January 1 at the call of the President at which time a Chairperson shall be elected and procedures adopted. Subsequent meetings shall be held at the call of the Chairperson.

D. Legal Counsel for the local union shall provide legal advice and staff assistance to the Election Committee in carrying out its responsibilities regarding the election. Legal advice shall concern conduct of the election including, but not limited to, applicable law and procedures, and guidance regarding the institutional interests of the local union in the election. No staff of the local union may engage in any electioneering activities unless such staff is a member of the local union, and no staff of the local union may participate in or be involved in election affairs on behalf of any candidate while on paid time. It is understood and expected that local union staff assist in the proper administration of the election.

E. The President shall advise the membership of the composition of the committee.

F. All information pertaining to nomination and election of officers shall be presented to the membership no later than the last week of February of an election year.

G. Nominations of officers and delegates shall be open on the first day of March of each election year and shall be closed on the first day of April.

H. The Election Committee must obtain the written consent of each nominee, and must submit a slate of eligible nominees to the President on or before April 15. However, for operational necessity, the Election Committee is authorized to extend the due date for submission of a slate of eligible nominees by up to one

week past April 15. No individual may run for more than one office on the Executive Board. The Chairperson of the Election Committee shall notify any member nominated for more than one office and said member shall elect to which office he/she stands for election. The President will notify each nominee of their eligibility. Election committee members may not be candidates for current office. Any individual not eligible to stand for the office so nominated shall be advised of such in writing and given opportunity to request reconsideration by the Election Committee. The Election Committee will notify the President of any such requests and results thereof.

I. In the event an office is uncontested, the eligible nominees for such position(s) shall be deemed elected without necessity for further procedures.

J. In April of the election year, the President upon instructions of the Chairperson of the Election Committee shall notify all members of any and all pertinent election information, including but not limited to candidates and offices for each nomination, time and place of election, procedures and eligibility for voting, and procedures for appealing the conduct or constitutionality of the election.

K. The period during which officers and delegates are elected shall be scheduled and held in May of the election year.

L. Voting shall be done by secret mail ballot and the election to each office shall be determined by a plurality of votes cast. Each candidate will be entitled to an observer in his/her behalf to supervise the balloting and to ascertain the validity of ballots during the counting at the election meeting.

M. Election Appeal- The Election Committee shall establish procedures for appeals concerning the conduct or constitutionality of the election. Appeals may be filed only by persons eligible to vote in the election. All such appeals must be filed within ten days following the election (ballot count), and must specify dates, times, persons involved, law, rule, or Constitution and Bylaws provision alleged to have been violated, and how the conduct being appealed may have affected the outcome of the election. The Election Committee shall distribute copies of all appeals to all candidates within three (3) business days of receiving the appeal. The Election Committee shall act upon all appeals by close of business on June 30. In the event that the Election Committee determines that a fact-finding hearing is warranted for resolving the appeal, such hearing shall be tape-recorded and shall be open to the membership. Notice to the membership shall be announced at least 5 working days prior to the hearing date. The Election Committee shall notify the appealing party of its decision on any appeal in writing, regardless of whether the appeal is upheld or denied. The written decision shall advise the party of the basis for the decision. The Election Committee based upon findings made pursuant to appeal may set aside the election in whole or part and schedule and conduct a new election in September for the offices involved. The filing of an election appeal shall not stay the process for certifying the election and for newly elected officers assuming office effective July 1. If a new election is to be conducted in September, the officers who won the contested election will continue in office until the rerun election has been completed, at which time the winners in the rerun election, if different, shall immediately take office following the election, and shall be installed at a general membership meeting in October.

N. Run-off Elections- In the event of a tie vote for an office, the Election Committee will promptly conduct a run-off election of the tied candidates. Only those voters eligible to vote in the first election may vote in the run-off.

O. Officers elected shall take office July 1 of election year and be formally installed during the first membership meeting in September of the election year.

#### Section 4. Delegates to International Convention.

Officers of this Local Union shall be by the virtue of election to their office, delegates to any International convention held during their term of office. If the number of officers of this Local Union exceeds the number of delegates the Local Union is entitled to send to the International Convention, officers shall be delegates in the following order of priority:

1. President
2. Executive Vice President
3. Secretary
4. Treasurer
5. Vice Presidents, one from each Chapter and/or Division, as appropriate, in descending order based on the seniority of each individual in SEIU Local 500, from most senior to least, and, if there are sufficient delegate

seats for each Chapter and/or Division to select one delegate, additional delegates shall be determined at large, in order of the seniority in SEIU Local 500, from most senior to least. If the number of delegates authorized exceeds officers, such additional delegates and alternates shall be elected by secret ballot and in accordance with the provisions of the International Constitution. The Executive Board shall develop the procedures to be followed for such an election. The above provisions shall be followed insofar as practical in selecting representatives to attend regional conferences, AFL-CIO labor federation meetings or conferences, state labor conferences or conventions, etc.

## **ARTICLE IX. MEMBERSHIP MEETINGS**

### **Section 1. Meetings.**

A minimum of three (3) meetings of the general membership shall be held during the period beginning September and ending June.

A meeting may be postponed and the membership so notified where the President determines it to be in the best interests of SEIU Local 500.

The conduct of meetings shall be governed by Robert's Rules of Order. In the event of a conflict between Robert's Rules of Order and this Constitution, the Constitution shall prevail.

### **Section 2. Special Meetings.**

Special meetings shall be called upon majority vote of the Executive Board or upon presentation to the President of a petition signed by not less than 50 members in good standing. If a special meeting is called pursuant to a petition, the petition must state the purpose or purposes of the meeting. Members must receive 10 days notice of any special meeting and said notice shall state any purpose or purposes of the meeting and whether called by petition or by action of the Executive Board. Only the business called for may be discussed at the Special meeting.

### **Section 3. Quorum.**

Twenty five members shall constitute a quorum and the act of the majority at which a quorum is present shall be the act of the membership.

## **ARTICLE X. DUES**

### **Section 1. Minimum Dues.**

Minimum annual dues of this organization shall be no less than as set forth in the International Constitution.

### **Section 2. Initiation Fee.**

The regular initiation fee of this organization shall be \$20.00. The Executive Board shall have the right to waive or set an amount below the prescribed amount.

### **Section 3. Membership Action.**

The membership may, in accordance with Constitutional provisions, establish minimum dues. This shall include the right to make special assessments.

### **Section 4. Dues Rates.**

- A. Only members in good standing in a Division may vote on the dues rates applicable to the members of that Division.
- B. The dues rate for those Divisions which do not yet have members shall be the SEIU International minimum dues rate.
- C. The SEIU Local 500 Executive Board shall have the authority to seek from the International Union President a waiver of the dues rate in excess of the SEIU International minimum dues rate for members in newly-organized units, notwithstanding the rates established for the particular Division.
- D. Dues rates for each Division shall be published as an Appendix to this Constitution and Bylaws.

## **ARTICLE XI. WORKSITE LEADERS**

### Section 1. Role.

Worksite Leaders are on the front lines of our Union's efforts to win power for our members and to raise their standard of living. The Worksite Leader's duties and obligations are many and shall include the following:

- A. Serve as an organizer at his/her work location, to ensure maximum active participation by members in the work of the Union;
- B. Keep all members at the work location informed of Union activities;
- C. Report potential work site problems immediately to the designated local union staff or leaders, and as requested by the Union, resolve them where appropriate;
- D. Actively promote our Union and participate in the Union's program.

### Section 2. Appointment.

Worksite Leaders shall be appointed to office by the President in accordance with procedures established by the Executive Board.

## **ARTICLE XII. COMMITTEES**

All committees of this Union, with the exception of the Election Committee, shall be advisory to the Union's Executive Board. The Executive Board shall establish Committees, and the President shall appoint members.

The standing committees of the Union shall include, but not be limited to the following:

- Civil and Human Rights
- Political Education
- Organizing
- Senior Members Committee

## **ARTICLE XIII. AMENDMENTS**

This Constitution may be amended by a vote of the membership conducted by mail during the period of between January 15 and February 15 each calendar year. The vote shall be decided by a majority of the members who vote. Amendments submitted to the Constitution Committee by October 1 of each year shall be considered in the next ballot under this Article. Amendments may be proposed in writing to the Constitution Committee by any member during the course of the year, provided they are submitted with the signatures of sixty (60) members in good standing in support of the amendment.

The Constitution Committee shall study the amendment and report to the membership its recommendations prior to the ballot being sent to members. The Committee may make changes in the proposed amendments that clarify its intent or eliminate contradictions with other provisions of the Constitution.

The Election Committee shall conduct the vote following rules set by the Executive Board of the Union.

## **ARTICLE XIV. SEVERABILITY**

Any provision of this Constitution which is in conflict with the International Constitution or applicable law is of no force or effect but will not affect the validity of the remaining provisions.

## **ARTICLE XV. TRIALS AND APPEALS**

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

### Section 1. Charges.

The Local Union, its officers or members, and officers of the International Union as the case may be, may be charged with:

1. Violation of any specific provision of this constitution or of the Constitution and Bylaws of the International Union;
2. Violation of an oath of office;
3. Gross disloyalty or conduct unbecoming a member;
4. If an officer, gross inefficiency which might hinder and impair the interests of the Local Union;
5. Financial malpractice;
6. Engaging in corrupt or unethical behavior or racketeering;
7. Advocating or engaging in dual unionism, including but not limited to aiding a rival labor organization, or secession in violation of Article XXV of the SEIU Constitution and Bylaws;
8. Violation of democratically and lawfully established rules, regulations, policies, or practices of the Local Union or the International Union;
9. The wrongful taking or retaining of any money, books, papers, or any other property belonging to the Local Union; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers, or other property of the Local Union;
10. Working as a strikebreaker, or violating wage or work standards established by the Local Union; and
11. The bringing of false charges against a member or officer without good faith or with malicious intent.

Charges must be specific and in writing.

#### Section 2. Procedures.

All trials of members and officers of this union shall follow the procedures under the appropriate article as set forth in the SEIU Constitution and Bylaws.

APPENDIX A  
TO SEIU LOCAL 500 CONSTITUTION & BYLAWS

In accordance with the Constitution and Bylaws of SEIU Local 500, Article X. Section 4. D., the dues rates for each Division are set forth below:

A. Early Education Division	International Union min.; low wage special rate, \$10/month
B. K-12 Division	\$26.00 per pay period for 20 pay periods
C. Higher Education Division	International Union minimum
D. Local Government Division	Inactive
E. Nonprofit Division	International Union minimum
F. Human Services Division	International Union minimum

January 2017

APPENDIX B  
TO SEIU LOCAL 500 CONSTITUTION & BYLAWS

**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.