

Service Employees International Union

Local 509

AFL-CIO

**CONSTITUTION
AND
BYLAWS**

Pending approval by the Service Employees International Union
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ARTICLE I
NAME

This organization shall be known as "Service Employees International Union, Local 509, AFL-CIO, CLC."

ARTICLE II
JURISDICTION, OBJECTIVES AND METHODS

Section 1. This Local Union shall have jurisdiction as granted and approved by the International Union in accordance with the International Constitution and Bylaws.

Section 2. The objectives of this Local Union shall be in general the objectives of the Service Employees International Union.

A. To unite Local 509 within the jurisdiction of the Service Employees International Union for mutual welfare, protection, and advancement.

B. To work as union members in the establishment and maintenance of fair wages, hours, working conditions and professional standards.

C. To seek, organize, and unite all workers, eligible for membership (herein), for their mutual advancement, both social and economic.

D. To advance a mutual understanding between the Local and its activities and the communities in which our members live and work.

E. To encourage and support women and members of diverse groups to participate fully in the activities of the Local.

F. To eradicate discriminatory practices by the employer and society at-large.

G. To promote, whenever possible, the interests of the client community served by union members.

H. To foster the value of a public commitment for human services and education.

I. To seek ways to improve the quality of the services that we provide.

J. To help to build a strong labor movement that is reflective of the needs of working men and women.

K. To promote and encourage the involvement of members in the political process, including elections and other forms of political activity.

Section 3. The methods of obtaining the objectives of the Union shall be by giving full measure of support to the Service Employees International Union by petitioning, creating, and fostering sentiment favorable to proposed reforms, by promoting legislation, and by other lawful means.

ARTICLE III
MEMBERSHIP

Section 1. Eligibility. Any person employed within the jurisdiction of this Union shall be eligible for membership. A retired member or a member on approved leave from the jurisdiction of the Local may continue as a member of the Local and respective Chapter. Members who leave the jurisdiction of the Local without obtaining an approved leave are not eligible for membership.

Section 2. Application. Any person who desires to become a member of Local 509 must truthfully and completely fill out the membership application and sign her/his name to that application.

Section 3. Good standing. To become a member in good standing of Local 509, entitled to rights, privileges, and benefits, and applicant shall comply with Section 1 and 2 (above) and pay dues as established by the Local as defined in Appendix C.

Section 4. Associate Membership. In accordance with rules established by the International Union and the SEIU, Local 509 Executive Board, eligible applicants shall be enrolled as Associate Members of SEIU, Local 509. The privileges and obligations incurred shall be described in Appendix B of this Constitution and may be adopted or amended by a two-thirds vote of the SEIU, Local 509 Joint Executive Board and the approval of the International Union.

Section 5. There shall be no discrimination against any member, or any applicant for membership by reason of race, creed, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, or disability.

A. All meetings of SEIU, Local 509 and its subordinate bodies shall be held in facilities that are accessible to members with disabilities. When requested with sufficient advanced notice Local 509 shall provide for these meetings:

1. Sign language interpreters for members who are hard of hearing;
2. Interpreters for members who are hard of hearing and visually impaired;
3. Transportation from home or work to the meeting and return for members, who, because of their disability, would be unable to attend and require special accommodation.
4. Interpretation and translation for members whose primary language is not English.

The only meetings that do not need to comply with this section are those where none of the members or officers eligible to participate are disabled and require special accommodation.

B. In activities of this Local Union, each member shall refrain from sexually harassing conduct, and in the work place shall avoid conduct which has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Section 6. Every member by virtue of his/her membership in the Local Union is obligated to adhere to and follow the terms of the International Constitution, this Local Constitution and the working rules promulgated in accordance with this Constitution, with respect to the rights, duties, privileges, and immunities conferred by them and by statute. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.

Section 7. Every member, by virtue of their membership in this Local Union, authorizes it to act as their bargaining representative with full and exclusive power to execute agreements with their employer governing terms and conditions of employment, and to act for them and have final authority in presenting, processing, and adjusting any grievance, difficulty, or dispute arising under any collective bargaining agreement, or out of their employment with such employer, in such manner as this Local Union or its officers deem to be in the best interest of this Local Union. This Local Union and its officers, business representatives, and agents may decline to process any such grievance, complaint, difficulty, or dispute if in their discretion and judgment such grievance, complaint, difficulty or dispute lacks merit.

Section 8. No member shall interfere with the elected officers or business representatives or business agents 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 the individuals' rights as members. 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 legal or contractual obligations.

Section 9. No member shall engage in dual unionism or espouse dual unionism or disaffiliation in the course of any meeting, or shall slander or libel this Local Union, its members or its officers and shall not be a party to any activity to secure the disestablishment of this Local Union as the collective bargaining agent for any employee.

Section 10. No member shall be permitted at any assembly or meeting to engage in any of the conduct heretofore described.

ARTICLE IV CHAPTER STRUCTURE

Section 1. This Union shall consist of Chapters.

- A. A Chapter shall consist of members who either:
1. Work within a department of the Commonwealth of Massachusetts, or a Commission; or

2. Constitute a group of members with a common professional interest; or
 3. Any group of members as recognized by the Joint Executive Board.
- B. If a group of members of an existing chapter wishes to form a new chapter, they shall submit to the Joint Executive Board:

1. A statement in writing explaining how they meet the standards set forth in Section 1A. Said statement shall include why the new chapter is needed, the members who will constitute the new chapter, and how the new chapter addresses the following criteria:
 - a. Why the existing chapter no longer meets the needs of the proposed new chapter or how the proposed new chapter will better serve the members;
 - b. The size of the proposed new chapter;
 - c. Any other factors that the proposed chapter believes are relevant for the Joint Executive Board to consider.
2. A petition signed and dated no earlier than one (1) year prior to the submission of the petition to the Joint Executive Board by at least fifty (50) members who would be part of the proposed new chapter.

C. At the Joint Executive Board meeting following the presentation of the above-mentioned petition and statement(s), the Joint Executive Board shall vote to accept, reject, or to accept with modifications the proposal to form a new chapter. The decision of the Joint Executive Board shall be final. A group denied authorization to proceed may submit a new request after the denial.

D. If the Joint Executive Board approves a proposed petition, then the members of the proposed chapter must obtain signatures from a majority of the proposed chapter within six (6) months from the date of Joint Executive Board approval.

E. Upon the collection of signatures from a majority of the members of the proposed new chapter, the signatures shall be submitted promptly for verification. Once the signatures are verified, the Joint Executive Board shall vote to affirm or deny the creation of the proposed chapter.

F. Existing chapters which fail to meet the standard or standards set forth in Section 1A for six (6) consecutive months will nominate a chapter or chapters to affiliate with. The members of the old chapter will decide by secret ballot which chapter they will affiliate with when a majority of those voting agree. The vote shall be conducted by the Trustees.

G. Members of SEIU, Local 509 who are affiliated within a specific group with no chapter who wish to affiliate with an existing chapter will nominate a chapter or chapters to affiliate with. They will decide by secret ballot which chapter they will affiliate with when a majority of those voting agree or when a majority of the members in good standing sign a petition to affiliate with a particular chapter. The vote shall be conducted by the Trustees.

H. All members shall be represented by a chapter.

Section 2. The members of each chapter shall elect a Chapter Executive Board. The Chapter Board shall consist of:

- A. A Local Vice President/Chapter President. The duties for this office are described in Article VIII, Section 6.
- B. Members of the Joint Executive Board representing that chapter apportioned in accordance with Article 7, Section 1, sentence 3, which reads: "Joint Executive Board Members shall be appointed to each Chapter on the basis of one (1) Joint Executive Board Member for each two hundred (200) members, or major portion thereof, with each chapter having at least one (1) Joint Executive Board Member.
- C. Other members of the Chapter Executive Board, so that the Chapter Executive Board shall consist of a total of no fewer than seven (7) officers.
- D. Members of the Chapter Executive Board shall be elected in the following manner:
 1. The Local Vice President/Chapter President shall be elected by members of the chapter at large.
 2. A proposal stating how the members of each chapter shall elect Joint Executive Board members and other Chapter Executive Board officers, including a Chapter Secretary, shall be submitted to the Recording Secretary of the Local. The submission shall take place no less than 120 days prior to the general election of the Local. The proposal shall be submitted by the Chapter Executive Board and/or by a petition signed by no less than a majority of the members of the chapter. The Recording Secretary of the Local shall submit the proposal to the next meeting of the Joint Executive Board. The Board shall vote approval or disapproval at the meeting following submission.

Section 3. The list of approved chapters and chapter offices and how they are elected shall be listed by chapter in Appendix A of this Constitution.

Section 4. When SEIU, Local 509 is elected to represent a new jurisdiction, that group of workers shall be allowed to participate in the governance of their chapter. That group of workers may be represented by non-voting, temporary Chapter Board members, and by one or more nonvoting, temporary representatives to the Joint Executive Board.

ARTICLE V ELECTION OF OFFICERS

Section 1. The officers of this Local Union shall consist of a President, Treasurer, Recording Secretary, Local Vice President/Chapter Presidents, Trustees, members of the Joint Executive Board and Sergeant-at-Arms. Chapter Officers shall include: Local Vice President/Chapter Presidents, Chapter Secretaries of Grievances, Chapter Recording Secretaries, Chapter Executive Board Members, Joint Executive Board Members and Stewards. Stewards shall be elected in accordance with Article IX. No President shall be elected to more than two consecutive full terms of office as President. No Local Vice President/Chapter President shall be elected to more than two consecutive full terms of office as Local Vice President/Chapter President. After a one-year absence from office, the former President or Local Vice President/Chapter President may again be nominated and elected to that office. In the event that the office of the Local President or any Local Vice President/Chapter President remains unfilled for six consecutive months, the one-year absence requirement for former Presidents to run for office shall be waived. No member may hold more than one elected Union office other than Steward. When an officer is elected to a higher office in mid-term, the lower office shall be declared vacant.

Section 2. All election procedures shall be in full compliance with the provisions of the Labor Management Reporting and Disclosure Act, as amended. No other provision of this Constitution or action by the Local Union shall take precedence over provisions and guidelines described in the Act.

Section 3. Nominations for all officers shall be submitted from the floor at the General Membership Meeting held in the month of October, in an election year. Nominations and seconds for the Chapter Officers shall come from the Chapter and nominees must be members of that chapter. Nominations and seconds for the Local-wide officers shall come from the body as a whole. All members nominated will be notified, in writing, that they were nominated for Local or chapter office. If a member is nominated for more than one position in any election she/he will be asked to choose the one she/he wants. In the absence of a response from the member the nomination for only the highest ranking position will stand.

Section 4. There shall be, following the General Membership Meeting and prior to the mailing of ballots, a three (3) week campaign period. All candidates for the same office shall be invited to attend any election forum held in any part of the Local. All candidates shall have the right to have printed in the Union newspaper, prior to the election, a statement of their campaign issues.

Section 5. Elections shall take place every third year. Newly-elected officers' terms shall begin at a meeting of the JEB to be held within two weeks of the ballots being counted. The term of office in this Local Union shall be three (3) years and officers elected and qualified shall hold office until their successors are duly elected and installed.

Section 6. In the event that no more than one nomination should be received for a particular office, the President of the Local shall declare that nominee elected.

Section 7. All members in continuous good standing for a minimum of six (6) months by the date of nominations shall be eligible to be nominated and elected to Local office. When workers at a newly organized agency become members, Local 509 shall seek a waiver from SEIU International for those who do not have six (6) months of continuous service in order to permit them to run to represent their fellow members. Higher Education members shall be considered in 'good standing' if they have taught at least one class in one semester during the 12 months preceding the nomination and have reasonable expectation that they will be teaching at least one class in one semester during the 12 months following the nomination.

Section 8. 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 this Local Union.

Section 9. 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 a non-member of the International Union.

Section 10. All nominations for officers of this Local Union shall be made in an open meeting and elections shall be by secret ballot when required by the provisions of applicable law. Write-in candidates and proxy voting shall not be permitted.

Section 11. The elections shall be decided for the candidate receiving the most votes.

Section 12. Before a vote in a general election is taken, it shall be the duty of the Joint Executive Board to appoint an independent authority to conduct the election and open and count the ballots in the presence of the members of the Local Union who wish to attend, and the President shall announce the results of the ballot.

Section 13. All the officers of the Local Union elected in conformity with applicable statutes shall by virtue of such election be considered to be eligible delegates and alternates to any International Convention, Intermediate Body or Conference Convention. If the total number of elected officers is greater than the number which the union is permitted to send to the Convention, then the officers shall attend as delegates and alternates in the order listed in Article V, Section 1. The Joint Executive Board shall determine the number of delegates and alternates which shall represent it at the Convention. If limits on the number of delegate and alternate positions available or funded split any category of officer, the officers in that category will be listed in descending order based on the number of votes each received in the last election.

Section 14. In between general elections when there is a vacancy in a Local or Chapter office, nominations to fill vacant positions shall be solicited in at least one of the following ways: 1. They shall be printed in the union newspaper. 2. They shall be posted on the SEIU Local 509 website and notices shall be sent by email or mail to all members eligible to run and vote for the vacant position. The notice shall include the title of the vacant office, its chapter and region (if applicable) and the closing date for nominations. Nominations shall be submitted electronically or in writing and shall state: the title of office, the name of the nominee and the name and signature of the nominator. Candidates for chapter office must be nominated by a member of that chapter. No second shall be required. If no more than one qualified member is nominated for a vacant office the President shall declare that nominee elected. If there is a contest for the vacant office a mail ballot shall be conducted as soon as possible. The Trustees shall supervise the election. They shall oversee the mailing of ballots and shall open and count the ballots and announce the results. Members shall be permitted to attend. Offices unfilled 75 days, or less, prior to the Annual Meeting shall be held for nomination and second at that meeting. The provisions of Sections 1, 2, 6, 7, 8, 9, 11 and 13 of this Article shall apply. In the event that the position of Sergeant-at-Arms becomes vacant in mid-term it shall be filled by vote of the Joint Executive Board from amongst its members.

Section 15. All officers and employees handling any monies of this Local Union shall be bonded in the amounts and in the form required by applicable statutes, the premiums to be paid by this Local Union. The International Secretary-Treasurer may direct the increase or decrease in the amount of bond which he/she deems is advisable.

ARTICLE VI CHAPTER EXECUTIVE BOARDS AND THEIR POWERS

Section 1. Each Chapter shall have a Chapter Executive Board whose members shall be the Local Vice President/Chapter President, the Chapter Secretary of Grievances, the Chapter Recording Secretary and the elected Chapter Executive Board Members as specified in Article IV.

Section 2. Each Chapter Executive Board shall meet at least ten (10) times each year at such time, place, and date it may decide, except when a Joint Executive Board meeting is to be held.

Section 3. The Chapter Executive Board shall be the governing body of the Chapter. It shall enforce the laws of the International Union, the bylaws and the instructions of the Local, and its own decisions. The Chapter Executive Board shall be empowered to appropriate funds to incur and defray necessary expenses from the chapter budget as set forth in Article VIII, Section 2. The Chapter Executive Board shall be empowered to appoint subcommittees from its Chapter membership, and shall set policy for the Chapter, not inconsistent with the Constitution and Bylaws of the Local. A majority of the elected members of the Chapter Executive Board, its associated Joint Executive Board officers, and Chapter President shall constitute a quorum. The decisions of the Chapter Executive Board shall be decided by a majority vote of those members present and voting. Whenever a majority of the Chapter Executive Board requests the Local Vice President/Chapter President to call a special meeting thereof, it shall be mandatory upon him/her to do so.

A. After three (3) consecutive absences without a valid explanation, a Chapter Executive Board Member shall be notified that his/her position is declared vacant. This declaration may be appealed to the Trial Board of the Joint Executive Board. If the declaration of vacancy is appealed, the Member shall continue to hold office until the Trial Board issues its decision.

B. It shall be the duty of the Chapter Executive Board to review and recommend to the Joint Executive Board the annual budget presented by the Treasurer as provided for in Article VIII.

ARTICLE VII
JOINT EXECUTIVE BOARD

Section 1. The Joint Executive Board shall consist of the President, Treasurer, Recording Secretary, Sergeant-at-Arms, three (3) Trustees, Local Vice Presidents/Chapter Presidents, and Joint Executive Board Members. The Sergeant-at-Arms and Trustees shall not have a vote at Joint Executive Board meetings. Joint Executive Board Members shall be appointed to each Chapter on the basis of one (1) Joint Executive Board member for each two hundred (200) members, or major portion thereof, with each Chapter having at least one (1) Joint Executive Board member. Decisions of the Joint Executive Board shall be decided by majority vote of those present and voting.

Election of Members of the Joint Executive Board shall be in accordance with the provisions of Article IV and as described in Appendix A. Except as provided in Appendix A, election of Joint Executive Board members shall be at-large.

Section 2. Members of the Joint Executive Board shall be voting ex-officio members of the appropriate Chapter Executive Board.

Section 3. The Joint Executive Board shall enforce the laws of the International Union, the Local laws, and the instructions of the Local Union, and its own decisions.

- A. The Joint Executive Board shall be the policy-making body of the Local Union. It shall be empowered to appropriate funds to incur and defray necessary expenses. It shall have the authority to appoint subcommittees from within the membership of the Local. It shall have the sole authority to negotiate and execute a collective bargaining agreement with the employees of the Local. This agreement shall include, but not be limited to, wages, fringe benefits, hours of employment, and working conditions. Approval of the Joint Executive Board shall be by a roll call vote. The Joint Executive Board shall have the power to pass upon and hear complaints filed against any member or members and act as a trial body, pursuant to procedures outlined in Article XII.
- B. The Joint Executive Board shall meet at least 10 times each year at a date and time approved by the Board. Emergency meetings of the Board may be called by the President or by a written petition signed by a majority of the Local Vice President/Chapter Presidents or Chapter Executive Boards, or by a majority vote of the Joint Executive Board.
- C. A quorum is present when there is at least one (1) member from each of the majority of the Chapter Executive Boards.
- D. After three (3) consecutive absences without a valid explanation, a Joint Executive Board Member shall be served with charges and offered a full and fair hearing in accordance with the procedures set forth in Article XII.
- E. The Board shall review proposals for new chapters and review changes in how officers of existing chapters are elected, and to approve or disapprove the proposals. The Board shall review bylaws for new committees and changes in bylaws for committees established by the JEB and committees specified under Article XVI of this Constitution and to approve or disapprove the proposals.

F. The Local 509 Joint Executive Board may establish standing committees. The names and responsibilities of the committees as well as rules for their governance, shall be described in Appendix E of this Constitution and may be adopted or amended by a two-thirds vote of the SEIU, Local 509 Joint Executive Board and, when necessary, the approval of the International Union. The Board shall review bylaws for new committees and changes in bylaws for committees established by the JEB, and to approve or disapprove the proposals by majority vote.

ARTICLE VIII
DUTIES OF OFFICERS

Section 1. It shall be the duty of the President to preside at the Annual Meeting and the Joint Executive Board meetings and conduct them in accordance with parliamentary rules and in conformity with the Constitution and Bylaws of the Local, to execute the laws and orders thereof, and to appoint a suitable chairperson in his/her absence. The President shall vote at the Joint Executive Board only in the event of a tie or when such vote will change the result. The President shall appoint all committees unless otherwise provided for, of which he/she shall be, ex-officio, a member. The President shall be a full-time Local employee and shall interview and hire all other employees subject to confirmation by the Joint Executive Board. No elected official or staff of SEIU, Local 509 shall receive a salary higher than that of the highest paid member of the bargaining unit of Local 509. Local employees hired specifically for a chapter shall be additionally confirmed by that Chapter's Executive Board. The Joint Executive Board shall establish the job descriptions for each staff position and the President shall be responsible for the supervision of employees hired for these positions. The President shall have the full power and authority to sign all contracts and agreements or any other documents for or in behalf of the Local Union, and shall be the chief negotiator for all collective bargaining agreements. The President shall be, ex-officio, a member of the Chapter Executive Boards. The President shall be empowered with the responsibility for the over-all operation of the Local. The President shall convene and conduct a Stewards Assembly as set forth in Article IX, Section 5. The President shall submit to each chapter's Secretary of Grievances a quarterly report of the status of all outstanding grievances for that chapter.

Section 2. In the event of a vacancy in the office of President by reason of resignation, death or otherwise, it shall be the duty of the Treasurer, in addition to his/her other duties, to assume the duties of the President until the vacancy can be filled as provided for in Article V, Section 14. The Treasurer shall be a full time Local employee at a rate of pay less than that of the President. The Treasurer shall be responsible for all financial records and transactions and their security. The Treasurer shall be, ex-officio, a member of all committees or boards that are relative to the spending and revenue of the Local. The Treasurer shall collect all dues and other revenues of this Local Union. All members who owe dues for two (2) months or more shall be suspended. The Treasurer shall submit a written statement of all receipts and disbursements at each Joint Executive Board meeting which shall be made available for each Chapter Executive Board meeting. The Treasurer shall deposit all monies in a bank recommended by the Trustees, keep correct records by Chapter of all dues payments and all other money received and expended, submit a financial statement annually at the membership meeting of the Local Union, pay all bills ordered by the Union when signed by the President. He/she shall submit the books and receipts to the Trustees for their audit and approval when called to do so. He/she shall turn over to his/her successor all monies and property of the Local Union that may be in his/her possession at the expiration of his/her official term of office. The Treasurer shall present annually a proposed detailed line item budget for the Local for the coming fiscal year. This shall include as line items the Chapters' Budgets consisting of a total of the funds allocated for all the chapters for their use in accordance with rules established by the Joint Executive Board. The Treasurer shall keep correct records of the Chapters' Budgets by Chapter and shall, when ordered by the Chapter Executive Board as set forth in Article VI, Section 3, pay all bills in accordance with the provisions of this section.

All funds shall be deposited in a bank in the name of the Local Union, subject to an order signed by the President and the Treasurer. The Treasurer shall keep all membership records and application cards, and a record of all members admitted, as well as suspended or expelled members. The Treasurer shall send to the International Union accurate records of all members of the Local Union and every month shall submit all changes of addresses, and the names and addresses, social security numbers, or social insurance numbers of all members initiated or readmitted, and of all other persons from whom revenue is derived. The proper zip code shall be included for each address.

The Treasurer shall forward to the International Secretary-Treasurer copies of the annual reports and copies of all financial reports setting forth a statement of assets and liabilities and a statement of receipts and disbursements which are required by law.

Section 3. It shall be the duty of the Recording Secretary to keep a correct impartial document of the proceedings of each general meeting of the Local Union and the Joint Executive Board meetings. The Recording Secretary shall furnish a copy of the minutes of the Joint Executive Board meeting to each member and to all stewards who request it as well as furnish the Chairperson of each committee a copy of such resolutions as may be adopted by the Joint Executive Board, applicable to its respective duties. The Recording Secretary or his/her designee shall notify the International Secretary-Treasurer of the International Union of the names and addresses with proper zip codes of all officers elected to office fifteen (15) days after the election. The Recording Secretary or his/her designee shall, on behalf of the Local Union, receive all official communications and correspondence except that addressed to the Treasurer.

Section 4. It shall be the duty of the Sergeant-at-Arms to keep order at any and all Local-wide meetings.

Section 5. It shall be the duties of the Trustees to select an auditor and oversee a Certified Audit of the books of the Local Union and at least annually to take an inventory of and verify the securities, investments, bank accounts, and cash funds then on hand. This shall be reported to the Annual Meeting. They shall see that the funds of this Local Union are deposited in one or more reliable banks. It shall be their duty to recommend such measures as will simplify the duties of the Treasurer and safeguard the funds of this Local Union. They shall perform such other duties as may be assigned to them from time to time by the President. Where one of the Trustees is unable to act because of illness, absence, or otherwise, the remaining trustees may carry out the duties imposed by this Article. They shall periodically report to the Joint Executive Board.

Section 6. It shall be the duty of the Local Vice President/Chapter President to preside at all Chapter Executive Board meetings and conduct the same in accordance with parliamentary rules and in conformity with the Constitution and Bylaws, to execute the laws and orders thereof, and to appoint a suitable chairperson in his/her absence, and to be ex-officio, a member of all Chapter Executive Board committees, unless otherwise provided for. The Local Vice President/Chapter President shall be responsible for polling the members of the Chapter Executive Board and tallying the correct vote on any decisions.

Section 7. It shall be the duty of the Chapter Secretary of Grievances to process grievances, to educate the stewards and members in the use of the grievance procedure, and work jointly with the Chapter Recording Secretary in matters of communication.

Section 8. The Chapter Recording Secretary shall be responsible for developing and maintaining communications between the Joint Executive Board, the Chapter Executive Boards and the membership. The Chapter Recording Secretary shall keep a correct and

impartial account of the proceedings of each Chapter Executive Board meeting and furnish a copy to each member of the Chapter Executive Board as well as the President of the Local. The Chapter Recording Secretary shall furnish the chairperson of each committee a copy of such resolutions as may be adopted by the Chapter Executive Board, applicable to its respective duties.

ARTICLE IX STEWARDS

Section 1. Members in each work location may be represented by a minimum of one steward per work location. The steward(s) must be nominated, seconded, and elected by vote of the members within the work location. There should be a maximum of one steward for each ten (10) members within the work location. Stewards shall be elected annually; unexpired terms, should they occur, shall be filled by special election for the remainder of the term. Steward elections will be overseen by an Officer or Field Representative of the Local.

Section 2. Work locations represented by more than one steward may elect a chief steward or co-steward where desirable, who shall have overall responsibility for that office.

Section 3. The responsibilities and duties of stewards shall include but not be limited to; signing up and orienting new workers, the investigation and processing of grievances, organizing and unionizing office employees, conducting monthly building meetings at which time all members' viewpoints shall be considered and these opinions communicated to the particular Chapter Representatives, maintaining communication between the office members and Chapter Representatives, communicating changes of members names, addresses, phone numbers and email addresses to the union, and making recommendations for contract proposals to the negotiating team.

Section 4. Before stewards can begin processing grievances they will be required to complete steward training. Steward training will be provided regularly on a regional basis and special training sessions will be held at times and places convenient to newly elected stewards. Advanced steward training will also be offered in order to qualify stewards and officers. The Joint Executive Board shall adopt criteria that will be used by the President or her/his designees in the supervision of stewards. Stewards who do not meet the criteria may be limited to performing duties other than the processing of grievances.

Section 5. A Stewards Assembly shall be convened once a year or as required by the needs of the Local at such time and place as the President shall determine. The Stewards Assembly shall consist of all duly elected stewards in the Local meeting together as a body. It shall be empowered to review any and all policies of the Local or any Chapter and make recommendations it deems fit. It shall be the duty of the President of the Local to inform the Joint Executive Board and any Chapter Executive Board of the recommendations of the Stewards Assembly.

ARTICLE X CHANGES IN DUES RATES AND ASSESSMENT

Section 1. The revenue of this Local Union shall be derived from monthly dues, fines, assessments, fair share, or agency shop fees and such other sources as may be approved by the Joint Executive Board.

Section 2. Each member must pay the dues or assessments of this Local Union on or before the last day of the month in which the same are due and the Local Union must remit the members per capita tax to the International Union no later than the last day of the month following the payment by the member.

Section 3. Any member failing to pay dues and assessments of the Local Union on or before the last day of the month in which the same are due shall stand automatically suspended from membership in this Local Union and from all rights and privileges of such membership. Any suspended member may be readmitted to membership within thirty (30) days after automatic suspension upon payment of back and current dues, but in no event shall such readmission restore any privileges, death gratuities, or other benefits. Any member who has been in suspension for a period of greater than thirty (30) days can be readmitted upon the payment of a readmission fee of \$1.00, in addition to the amount of dues, fines, and assessments owed, but in no event shall such readmission restore any privileges, death gratuities, or other benefits.

Section 4. All members of the Local Union are under a positive duty to see that their dues are paid on or before the last day of the

month in which the same are due at the office of the Local Union.

Section 5. The failure of a steward or any officer of the Local Union to appear to collect the dues shall not in any manner excuse the member from his/her obligation to pay his/her dues on or before their due date at the office of the Local Union.

Section 6. A suspended member while in good health who pays up his/her back dues and assessments shall, from the date of such payment, be considered the same as a new member.

Section 7. Other than as mandated by an International Convention, any increase in the rate of dues or the levying of any general or special assessment shall be made only in accordance with the following procedure:

- A. Reasonable notice shall be given by the Treasurer to the membership at least fifteen (15) days prior to the meeting at which the membership will consider the question of whether or not such dues or reinstatement fees, general or special assessments, shall be changed or levied. The notice shall indicate that an increase or assessment is to be voted on. The meeting may be regular or special.
- B. At the regular or special meeting called as provided in this section, voting shall be by secret ballot of the members in good standing.
- C. A majority vote by secret ballot of the membership in good standing, present and voting at the meeting shall decide the issue.
- D. New categories of dues may be established by the Joint Executive Board under the following conditions:
 - 1. No proposed rate may exceed the current maximum rate.
 - 2. Reasonable notice shall be given by the Treasurer at least one month prior to their consideration by the Joint Executive Board. The notice shall include the proposed new categories and their rates, in written form.
 - 3. The Joint Executive Board may amend the proposal but amendments to the proposal cannot expand the proposed scope, nor can it increase the proposed rate charged for any category.
 - 4. The proposal must achieve a two-thirds vote of members in attendance at the meeting where it is debated.
 - 5. The new rates shall be announced in the SEIU, Local 509 News in its next issue.
- E. A complete, current list of all dues rates shall be maintained in Appendix C of this Constitution.

Section 8. This Local Union shall pay per capita tax to the International Union for any person from whom the Local Union receives revenue whether called dues or otherwise. This Local Union shall have no right to pay any bill before it pays its full obligation to the International Union each month.

Section 9. All records of this Local Union pertaining to income, disbursements and financial transactions of any kind whatever, must be kept for a period of at least six years or longer if required by applicable law.

Section 10. Neither this Local Union nor any subdivision thereof, nor members or groups of members, including councils, conferences, leagues, clubs or any association composed of members of this Local Union, or subdivision thereof, shall in any manner, directly or indirectly use, exploit or trade upon the name of the International Union, or affiliated body, or this Local Union, or any similar name or designation, nor in the name of the International Union, or affiliated body, nor in the name of this Local Union, or affiliated body, nor in the name of the Local Union, conduct any affair or any other activity, for the purpose of raising funds, including programs or soliciting advertising in any publication, either directly or indirectly, without first obtaining written permission from the International President of the International Union.

All of the aforesaid matters covered by this section, including without limitation, funds solicitations, gifts, and donations, collected in the name of the International Union, shall at all times be subject to audit by the International Union, and all books, records, and documents pertaining to matters covered by this section shall be available for inspection, copying, and audit by the International Union.

ARTICLE XI COLLECTIVE BARGAINING

Section 1. A. The authority to bargain collectively for the Public Sector bargaining units represented by this Local Union shall be invested in the negotiating committee which shall be appointed by the President and consist of at least one (1) Chapter Officer for each Chapter for which the negotiating team is being selected.

B. The authority to bargain collectively for the Private Sector bargaining units represented by this Local Union shall be invested in the negotiating committee which shall be appointed by the President and, where possible, shall consist of at least one (1) Chapter officer or other elected officer for the bargaining unit for which the negotiating team is being selected.

Section 2. The results of any collective bargaining negotiations shall be submitted for ratification to the affected membership subject to the provisions of any applicable law.

Section 3. A true copy of all collective bargaining agreements and contracts entered into by the Local Union shall, immediately upon execution, be filed with the International Department of Research.

Section 4. The International Union shall be notified in writing when any collective bargaining negotiations or memorandums of understanding have been concluded and be advised of the number of employees covered.

ARTICLE XII CHARGES AND APPEALS

Section 1. Whenever charges are preferred against any member or officer in this Local Union, the charges shall be filed in duplicate with the Recording Secretary. All charges shall be in writing and shall set forth the specific facts which are the basis of the complaint, including the nature, date and place of the offense. The charge shall also identify the provisions of the International and/or Local Constitution and By-laws which have been violated. No charges may be filed more than six months after the charging party learned or could have reasonably learned of the act or acts which are the basis for the charges. Upon receipt of the charges, the Recording Secretary shall send copies to the Chairperson of the Trial Board and the person(s) accused in the charge. If the charges are not specific, the Trial Board may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section.

Section 2. The Joint Executive Board shall appoint a fifteen member Trial Board at its third meeting. No one shall be appointed to the Trial Board who is also a member of the Joint Executive Board. The Joint Executive Board may replace members of the Trial Board, provided that no such replacement shall affect the course of a trial which has already commenced. The Joint Executive Board may appoint additional members of the Trial Board to serve on an ad hoc basis if at any time there are not an adequate number of Trial Board members available to hear charges in accordance with the provisions of this article.

Section 3. The Trial Board shall elect a Chairperson. The Chairperson shall serve as the presiding officer at all hearings before the Trial Board and shall have the authority to issue rulings and decisions concerning the conduct of such hearings. The Trial Board shall have the authority to promulgate rules of procedure, subject to approval by the Joint Executive Board, which shall govern the conduct of hearings.

Section 4. The Chairperson shall appoint five members of the Trial Board to serve as a Trial Panel and two to serve as panel alternates. The Trial Panel shall hear and decide charges. All charges shall be decided by a majority vote. No Trial Board member who has heard and decided charges shall be appointed to serve on the Trial Panel which may rehear the same case. In the event that any member of the Trial Board is disqualified during a trial, the Chairperson shall appoint from among the panel alternates to replace the disqualified member.

Section 5. The Trial Panel shall initially review the charges to determine whether to conduct further proceedings. Charges shall be dismissed if they do not comply with the requirements of Section 1 of this article. Charges shall also be dismissed if there is no reason to believe that a violation of the Constitution and By-laws of the International or the Local has occurred based upon the facts alleged in the charge.

Section 6. If the Trial Panel finds reason to believe that a violation of the Constitution and By-laws of the International or of the Local has occurred, it shall conduct a hearing on the charges. The Recording Secretary shall provide the accused with a copy of the charges, Trial Board procedures and written notice of the time and place of hearing at least 10 days prior to the holding of such hearing. The decision of the trial panel shall be in writing.

Section 7. A. The Trial Panel shall have access to all witnesses and materials pertinent to the charges under consideration.
B. The Trial Panel shall base its decision solely upon the evidence presented during the hearing.
C. No evidence shall be accepted after the close of the hearing.

Section 8. Any party in interest aggrieved by a decision of the Trial Panel may appeal an adverse decision to the Joint Executive Board. The appeal must be in writing, filed in duplicate with the Recording Secretary within thirty days of receipt of the decision. While an appeal is pending, the decision appealed shall remain in effect.

Section 9. The Recording Secretary or his/her designee shall notify the parties in interest, Local President, the Joint Executive Board, and Trial Board. The appeal must be specific as to the: 1.) decision or portion of decision being appealed, 2.) the charges which gave rise to the appealed decisions(s), and 3.) the grounds for appeal. The grounds for appeal shall be: a) procedural error which substantially affected the outcome of the decision, b) the discovery of significant new evidence which was not available at the time of trial, or c) that the decision was procured by fraud or other undue means.

Section 10. The appeal shall be decided by a Committee of three members of the Joint Executive Board who shall be elected by the full Joint Executive Board at its first meeting. The members of this committee shall come from different chapters. The Chairperson of the Trial Board or his/her designee shall represent the Trial Board during the appeal. The Appeal Committee may decide the appeal based upon the record made by the Trial Board or may in its sole discretion, upon written notice of 10 days, hear arguments of the parties to the appeal. However, any such hearing shall not be in the nature of a de novo review.

Section 11. The Appeal Committee may uphold, modify, or reverse the decision of the Trial Panel, or may return it to the Trial Board due to procedural error or the presentation of significant new evidence.

Section 12. Any member under charges may have another member of this Local as counsel, to represent him/her in the presentation of his/her defense.

Section 13. Charges and the basis for charges shall be governed by the provisions of the Constitution and Bylaws of the International Union.

Section 14. In the event disciplinary actions are taken against the accused, appeals may be taken in accordance with the Constitution and Bylaws of the International Union.

Section 15. Subject to the provisions of applicable statutes, every member or officer of this Local Union against whom charges have been preferred and disciplinary action taken as a result thereof, or who claims to be aggrieved as a result of adverse rulings or decisions rendered against him/her, agrees, as a condition of membership and continuing in membership, that he/she will exhaust all remedies provided for in this Constitution and Bylaws and in the International Constitution, and further agrees that he/she will not, until these remedies are exhausted, file, or prosecute any action in any court, tribunal, or other agency.

ARTICLE XIII STRIKES AND LOCKOUTS

Section 1. In case of a dispute between a Chapter of this Local Union and an employer or employers, the Chapter shall notify the Joint Executive Board which shall notify the International President of the International Union immediately. A chapter of this Local Union 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 Union fails to give such notice, the International President may withhold sanction of the strike called by the Local Union or its chapters. The International President shall have the right to veto any strike to be called by a Chapter of this Local Union. If the International President has vetoed any such strike, a Chapter of this Local Union may not call the strike thus vetoed.

Section 2.

A. Strike Votes Involving a Single Bargaining Unit: Members of a single Private Sector bargaining unit may strike if a majority of the members casting ballots vote to support such action. The strike vote must be called for by a majority vote of the negotiating committee. The strike vote may be taken by mail. If the vote is taken at a meeting or meetings, the members eligible to vote must be notified in advance by mail. The quorum shall be 30% of the affected members.

B. Strike Votes Involving Multiple Bargaining Units: A strike vote affecting multiple bargaining units must be called for by a majority vote of the Private Sector Chapter Executive Board. Subsequently, each bargaining unit to be included must authorize a strike by a majority vote of the members casting ballots and each bargaining unit's quorum shall be 30% of the affected members. The strike vote may be taken by mail. If the vote is taken at a meeting or meetings, the members eligible to vote must be notified in advance by mail.

ARTICLE XIV MEETINGS

Section 1. This Union shall hold a General Membership Meeting once a year. This meeting shall be held in the month of October.

Each Chapter of the Local Union shall hold a General Membership Meeting once a year at such a time and place determined by the Chapter. This meeting may be on the same day as the General Membership Meeting of the Local.

Section 2. Special meetings of both the Chapters and the Local may be called by the President or by a majority vote of the Joint Executive Board upon reasonable notice to the membership, which notice shall specify the business to be brought before such meeting, and only the business so specified shall be considered at the meeting.

Section 3. All meetings of SEIU Local 509 and its subordinate bodies shall be held in facilities that are accessible to members with disabilities. When requested with sufficient advanced notice SEIU Local 509 shall provide for these meetings:

- A. Sign language interpreters for members who are hard of hearing,
- B. Interpreters for members who are hard of hearing and visually impaired,
- C. Transportation from home or work to the meeting and return for members, who, because of their disability, would be unable to attend and require special accommodation.
- D. Interpretation and translation for members whose first language is not English.

The only meetings that do not need to comply with this section are those where none of the members or officers eligible to participate are disabled and require special accommodation.

Section 4. Electronic Participation in Meetings:

- A. Participation in meetings of SEIU Local 509, its Joint Executive Board, its chapters and committees may be by telephone conference, video conference, or other electronic means provided all attending members can hear and speak to each other.
- B. Procedural rules for electronic meeting participation shall be described in "Appendix D" of the "Constitution and Bylaws". "Appendix D, Procedures for Participating in Meetings by Electronic Means" shall be adopted or can be amended a by three-fifths (3/5) vote of the Joint Executive Board. "Appendix D" shall include provisions that will:
 - 1. Verify that all participants are authorized as members of the body, or that they are invited guests.
 - 2. Assure that participants are able to seek and obtain recognition to debate and make motions.
 - 3. Protect the integrity of the vote, and, if allowed, for the secret ballot process.
 - 4. Give each body the right, with proper notice, to vote to allow, or to not allow electronic meeting participation.
 - 5. Provide that members who wish to participate from remote locations will be supplied with written materials that the chair expects will be handed out at the meeting as long as sufficient notice is given to the chair.

ARTICLE XV AFFILIATIONS

This Local Union shall affiliate with the Central Labor Body and the State Federation of Labor, where these exist and with the appropriate Service Employees Joint Council, Conference, Division or Service Council, as determined by the International Union.

ARTICLE XVI QUORUM

A quorum for a general membership of the Local shall be one hundred (100) members in good standing assembled at a regular or special meeting, called in accordance with the Constitution, and they shall be qualified to transact any business as may properly be considered at such a meeting, except when such a meeting is called to vote on a work action, in which instance the quorum shall be five (5) percent of the membership in good standing assembled at a regular or special meeting.

A quorum for a membership meeting for any chapter of this Local shall be five (5) percent of the membership in good standing of the chapter assembled at a regular or special meeting, called in accordance with the Constitution, and they shall be qualified to transact any business as may properly be considered at such a meeting.

This Local Union cannot dissolve, secede, or disaffiliate while there are seven (7) dissenting members. The International Union shall be notified by registered or certified mail of any meeting scheduled by this Local Union for the purpose of taking a vote on disaffiliating from the International Union at least fifteen (15) days prior to the date of the scheduled meeting and a representative of the International Union shall be afforded an opportunity to speak at that meeting. In the event of secession, dissolution, or disaffiliation, all properties, funds, and assets both real and personal, of this Local Union shall become the property of the International Union. Under no circumstances shall this Local Union distribute its funds, assets, or properties individually among its membership.

ARTICLE XVII PROPERTY RIGHTS

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

Membership in this organization shall not vest any member with any right, title, or interest to the property of this Local Union, including the funds of this Local Union.

ARTICLE XVIII AMENDMENTS

Section 1. An amendment to this Constitution shall be submitted to the membership meeting in any one of the following ways:

- A. By petition, signed by fifty (50) members in good standing of SEIU Local 509.
- B. By two-thirds (2/3) vote of the Joint Executive Board.
- C. By two-thirds (2/3) vote of a Chapter Executive Board.

Section 2. Any amendment submitted under the provisions of Sect. 1, 50 days or more before a membership meeting shall be printed and mailed or electronically mailed per the policy adopted by the JEB, to every member at least 30 days before the regular or special meeting at which action shall be taken.

Section 3. At the regular or special meeting of membership, the members shall be empowered to perfect the amendment by majority vote. The membership at this meeting shall, by majority vote, decide if this amendment shall be submitted to membership of the Local for adoption.

Section 4. Amendments to this Constitution and Bylaws shall be adopted in the following manner, after the provisions of Sections 1, 2, and 3 have been met:

- A. A secret ballot shall be mailed to all Local members in good standing at their last known address.
- B. The amendment shall be approved if two-thirds (2/3) of the members voting vote in favor.
- C. No amendment shall be valid or become effective until it is approved by the International Union.

Section 5. Amendments not acted on before the conclusion of the second Annual Membership Meeting after submission shall be considered dead. The same amendment may be resubmitted in accordance with the provisions of Section 1.

Section 6. The Constitution and Bylaws of this Local Union shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended. If any conflict should arise between the Constitution and Bylaws of this Local Union, or any amendment thereto, and the International Constitution and Bylaws, or any amendment thereto, the provisions of the International Constitution and Bylaws shall control.

Section 7. When any amendment is submitted to the SEIU Local 509 membership for adoption, members will have the opportunity to present arguments in favor and in opposition to the measure. The Joint Executive Board shall establish reasonable limits and procedures and determine fair ways of determining which arguments will be printed if a dispute arises. The arguments shall be mailed with the ballots.

ARTICLE XIX PROCEDURE AND DEBATE

The meetings of this Local Union shall be governed by the manual of common procedure, rules of debate, and order of business set forth in the Constitution and Bylaws of the International Union or by the current edition of Roberts Rules of Order. Every member shall follow and be subject to such rules governing debate at all meetings of this Local Union.

APPENDIX A CHAPTERS AND CHAPTER OFFICERS AND HOW THEY ARE ELECTED

This Union consists of the following Chapters:

- Massachusetts Social Workers Chapter/Department of Transitional Assistance
- Massachusetts Social Workers Chapter/Department of Children and Families
- Massachusetts Rehabilitation Professional Chapter Chapter of Public Safety
- Mental Health Chapter Department of Disability Services Chapter

Professional Education and Librarians Chapter
Institutional School Teachers Chapter
Massachusetts Department of Public Health Chapter
Massachusetts Commission for the Blind Chapter
Family Child Care Chapter

Department of Revenue/Child Support Enforcement Chapter
MassHealth / EHS Chapter
Private Sector Human Services Chapter
Early Education and Care/RMP Chapter
Higher Education Chapter

Chapter Boards may be changed and new Chapters shall be added in accordance with Article IV.

The members of each Chapter shall elect a Chapter Executive Board. This will include:

- A Local Vice President/Chapter President who shall be elected at-large;
- Chapter Recording Secretary and Secretary of Grievances who shall be elected at-large unless otherwise specified below;
- Member(s) of the Joint Executive Board representing the Chapter who shall be elected at-large unless otherwise specified below;
- Other Chapter Board members so that the total number of Chapter Executive Board positions shall not be less than seven (7). These shall be elected at-large unless otherwise specified below.

1. The Mass Social Workers Chapter/ Department of Transitional Assistance shall consist of the following regions: Region 1, Region 2, Region 3, Region 4, Region 5 and Region 6. Each Region shall elect a Regional Vice President who shall preside at region meetings and who shall represent the region on the Chapter Executive Board. The regional V.P. may convene and conduct stewards' meetings as needed or when petitioned by five or more stewards. Each region shall elect to the Chapter Executive Board one (1) member plus one (1) for each one hundred (100) members or major portion thereof above the first one hundred (100) members. The Regional Vice Presidents shall be Joint Executive Board members. In the event that the Chapter is entitled to fewer than six (6) JEB seats, there shall be a run-off election, with all Chapter members eligible to vote, to determine which of the six (6) Regional V.P.'s shall fill the available JEB seats. In the event that the Chapter is entitled to more than six (6) JEB seats that seat shall be elected at-large. When the office of Regional Vice Presidents, Joint Executive Board or Chapter Executive Board is elected from a particular region, candidates nominated must be employed in the region designated for that office. The office will be declared vacant when the elected officer is, by her/his voluntary act, no longer employed in that region.

2. The Massachusetts Social Workers Chapter/Department of Children and Families shall consist of the following regions: Greater Boston, Metro Boston, Northeast, Southeast, Central and Western. Each region shall elect a Regional Vice President who shall preside at region meetings and who shall represent the region on the Chapter Executive Board. The regional V.P. may convene and conduct stewards' meetings as needed or when petitioned by five or more stewards. Each region shall elect to the Chapter Executive Board one (1) member plus one (1) for each one hundred (100) members or major portion thereof above the first one hundred (100) members. The Regional Vice Presidents and Recording Secretary shall be Joint Executive Board members. In the event that the Chapter is entitled to additional or fewer seats, the Chapter Executive Board shall determine which region shall be allocated the seats.

3. The Mental Health Chapter shall elect one (1) board seat from each area, four (4) board seats at-large and two (2) board seats at-large by members employed at DMH inpatient facilities. In order to be nominated one must be employed in the area, facility or location to be represented. There will not be a position of Secretary of Grievances.

4. The Department of Developmental Services Chapter shall elect one (1) board seat from each Region-- two (2) from The Central West Region, two (2) at-large developmental centers, and five (5) board seats at-large by members employed at community locations. In order to be nominated one must be employed in the Region, facility or location to be represented. There will not be a position of Secretary of Grievances.

5. The Massachusetts Rehabilitation Professional Chapter shall elect to the Chapter Executive Board two (2) members in each of the three regions in the Division of Vocational Rehabilitation. It shall elect four (4) members from the Division of Disability Determination including at least one from the Worcester office and at least one from the Boston office. It shall elect four Chapter Executive Board members--at-large including one from the Administrative Office. The Massachusetts Rehabilitation Professional Chapter shall elect as Joint Executive Board members one (1) person from the Division of Disability Determination and one (1) person from the Division of Vocational Rehabilitation or Community Services Division. In the event that the Chapter is entitled to additional seats, the position(s) shall be elected at-large.

6. The Professional Education and Librarians Chapter members work at the Department of Education (DOE), the Board of Library Commissioners (BLC) and the State Library (SL). They shall elect eight (8) members at-large from the DOE and one (1) each from the BLC and SL to the Chapter Executive Board. The Chapter shall conduct at least nine (9) meetings annually.

7. The Institutional School Teachers Chapter shall elect five (5) Chapter Executive Board members by the members who are

Institution School Teachers and Institution School Principals, within the Department of Correction the Librarians shall elect one (1) member and the Education Specialists shall elect one (1) member.

8. The Department of Public Health Chapter shall elect the following officers (there will be no Secretary of Grievances):
 1. From DPH: three (3) Chapter Executive Board members, one (1) at-large, and one (1) each from the Central Office payroll and the Hospitals.
 2. From DOC Chaplains: one (1) Chapter Executive Board member.
 3. From Chelsea and Holyoke Soldier's Homes: one (1) Chapter Executive Board member.
 4. From DYS: one (1) Chapter Executive Board member.
 5. From the Chapter at-large two (2) Chapter Executive Board members.
9. The Massachusetts Commission For The Blind Chapter shall elect a Chapter Executive Board. It shall consist of one (1) Chapter Vice-President each from Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), the Department of Industrial Accidents (DIA), and seven (7) Chapter Board Members from Massachusetts Commission for the Blind (MCB) elected at-large.
10. The Early Education and Care/RMP Chapter shall elect four (4) Chapter Executive Board members at-large.
11. Department of Revenue/Child Support Enforcement Chapter shall elect a Grievance Vice-President (in place of a Secretary of Grievances) and six (6) Chapter Executive Board Members, all at-large.
12. The MassHealth / EHS Chapter – Shall consist of the following offices: Charlestown/CPU, Quincy, Chelsea, Springfield, Taunton and Tewksbury. The Southeast region shall consist of Charlestown, Quincy, Chelsea and Taunton. The Northwest region shall consist of Springfield and Tewksbury. Each region shall elect a Regional Vice President. Each office shall elect to the Chapter Executive Board one (1) member. The Chapter shall elect two (2) Chapter Executive Board Members-At-Large. The Regional Vice Presidents shall be Joint Executive Board Members. In the event that the Chapter is entitled to one Joint Executive Board seat, there shall be a runoff between the two Regional Vice Presidents. In the event of more than two, the additional seats shall be elected and serve at-large. The function of Secretary of Grievances shall be shared by the Regional Vice Presidents.
13. The Private Sector Human Service Chapter shall consist of all members employed at publicly funded, privately operated human service agencies. The Chapter Executive Board shall consist of: a Chapter President, one (1) Chapter Vice President elected at large, who shall record the minutes of the Chapter Executive Board meetings; fourteen (14) chapter board seats elected at large and one (1) seat for each bargaining unit at a publicly funded, privately operated human service agency. Joint Executive Board seats shall be allotted as follows: one (1) seat for the Chapter Vice President; one (1) seat for a member employed at any Senior Home Care/Elder Services Agency; one seat for any agency with two hundred (200) or more members; a maximum of two designated seats for any agency with four hundred (400) or more members. If an agency that is entitled to one or two seats does not fill the seat or seats for three consecutive months, those seats shall be designated as at large seats until the next election cycle. Any remaining JEB seats shall be elected at large by the whole chapter.
14. The Chapter of Public Safety shall consist of members working in the following job titles: Correction Program Officer, Transitional Parole Officer and Youth Service Program Officer. They shall elect at-large the Chapter President, the Joint Executive Board Member(s), the Chapter Recording Secretary and Secretary of Grievances. In addition, Correction Program Officers shall elect from each of the following regions: North (Gardner, Shirley, Concord): three (3) Executive Board Members; Central (Framingham, Milford, Boston): two (2) Executive Board Members and South (Bridgewater, Norfolk, Walpole, Plymouth): four (4) Executive Board Members. Transitional Parole and DYS Program Officers shall elect one (1) Chapter Board Member each.
15. The Family Child Care Chapter shall consist of Joint Executive Board, Chapter President, Chapter Vice President, two (2) Regional Representatives for Each Region (6 Regions in the State).

The FCC membership of the Joint Executive Board is made up of the 6 regions that EEC represents. (Currently Sectors get 1 seat per 200 members on the JEB) All Regional Representatives will sit on the Joint Executive Board and will serve a role similar to a Steward however there are no worksites in the child care chapter. Child Care Members work in their individual homes.

In the regions where there is a significant amount of FCC members who speak a specific language (i.e. Spanish) one of the seats must be filled by a member who speaks that specific language or is bilingual or multi lingual; and one of the languages they are fluent in is the language that significantly spoken by members in that region.

Chapter Executive Board (CEB) Structure: Chapter President – Same person that sits on JEB, Vice President – Same person that sits on JEB, two (2) Regional Representatives for Each Region (6 Regions in the State).

The Chapter Board will be representative of the 6 regions that EEC represents. 2 regional representatives per region will be elected. In the regions where there is a significant amount of FCC members who speak a specific language (i.e. Spanish) one of the seats must be filled by a member who speaks that specific language or is bilingual or multi lingual; and one of the languages they are fluent in is the language that significantly spoken by members in that region.

16. The Higher Education Chapter shall consist of all members employed at postsecondary educational institutions in Massachusetts.

- A. Higher Education Chapter Executive Board (CEB) Members shall include:
 - 1. one (1) Chapter President,
 - 2. one (1) Recording Secretary,
 - 3. one (1) CEB member for each bargaining unit, and
 - 4. one (1) additional CEB member for each bargaining unit per two hundred (200) members with minimum of one (1) additional CEB member.
- B. Each Joint Executive Board (JEB) seat shall be filled by a member from a different institution. If there are more JEB seats than there are institutions in the Chapter, each additional JEB seat shall be an at-large seat.
- C. The Chapter President and Recording Secretary shall be elected at-large. CEB members for each bargaining unit shall be elected by members of that bargaining unit. JEB members shall be elected by the membership from the relevant institution.
- D. A vacant CEB seat reserved for a specific bargaining unit or a vacant JEB seat that remains vacant for at least three (3) consecutive months shall become an at-large seat until the next election cycle.
- E. The President shall vote on CEB issues only in the event of a tie. All other JEB and CEB members shall have a vote. If the office of Recording Secretary is temporarily filled by another CEB member, that member shall have only one (1) vote as usual.

APPENDIX B ASSOCIATE MEMBERSHIP

There shall be a category of Associate Membership, open on a voluntary basis, that shall include current and former employees of SEIU Local 509 who do not yet have a collective bargaining agreement. They shall not be entitled to run for SEIU Local 509 office or vote in Local 509 elections. These Associate Members shall pay the following rate of tiered union dues

- \$22.00 per month- Income of \$65,000 or more
- \$19.00 per month- Income of \$55,000 to \$65,000
- \$15.00 per month- Income of \$45,000 to \$55,000
- \$11.00 per month- Income of \$35,000 to \$45,000
- \$8.00 per month- Income of \$25,000 to \$35,000
- \$5.00 per month- Income of \$25,000 or less

APPENDIX C DUES RATES

The dues for this Local shall be:

A. Effective with the first pay period of January 2015 the dues for this Local shall be 1.5% of gross income for all members with a maximum of \$24.20 per week for each week worked, exclusive of overtime. Based on 22 pay periods/year, the dues assessed will be 1.5% of pay with a maximum of \$21.33 for each week worked.

For private sector members the rate shall apply to the first 40 hours of work each week. The maximum dues shall increase by \$1.00 for the first pay period that ends after January 1 of each year until January 2013 when the maximum will increase by \$2 per week until 2018 when the maximum will be eliminated.

- B. \$1.25 per week for retired members.
- C. \$5.00 per week for associate members.
- D. \$5 per week for employees of the Commonwealth of Mass Units 8 and 10 who are collecting worker's compensation or are on unpaid medical leave.
- E. The full rate agency fee shall be 1.5% for workers who elect to pay an agency fee as a non-member.
- F. The objector agency fee rate shall be determined annually by the Local's audit. The current rate is 1.25% gross wage.
- G. No full rate agency fee payer or objector rate agency fee payer shall pay more than the maximum dues then "A" above.
- G. *Minimum dues rates shall be established under the provisions of Article X, Section 7D.*

APPENDIX D PROCEDURES FOR PARTICIPATING IN MEETINGS BY ELECTRONIC MEANS

This appendix is governed by Article XIV, Section 4. The following are rules that can be amended a by three-fifths (3/5) vote of the Joint Executive Board.

1. Electronic meeting participation shall be permitted in regular and special meetings of the SEIU Local 509 Joint Executive Board, the Chapter Boards, standing committees, and special committees.
2. Videoconference and teleconference shall be the only forms of electronic meeting participation that shall be allowed.
3. Elected officers, regular members, ex-officio members, and invited guests may participate electronically in the meetings provided they have complied with previous notice requirements for electronic participation.
4. Members planning to participate electronically shall notify the chair by mailed or emailed notice for receipt no later than 72 hours prior to the meeting.
5. Members participating electronically shall be asked to identify themselves by name immediately after the meeting is called to order, and, providing the membership of the member can be confirmed by voice or image, the member shall be counted toward the quorum.
6. When a member participating electronically wishes to be recognized in order to speak, the member will, at the first moment possible without interrupting another member, say: “_____ (insert member’s name) wishes to speak.” The chair shall respond: “_____ (insert member’s name) is now placed on the speaker’s list.” The member will be called on in that order to debate or make a motion.
7. To the extent it is possible to mail materials to members participating electronically, every effort shall be made to do so. In the event materials are not received prior to the meeting, the member shall waive the advantage of having full meeting materials for the privilege of participating electronically. In some cases members may participate electronically from an office with a fax and or computers. In that case materials may be sent to the satellite location electronically.
8. Voting:
 - a. When voting is by voice or show of hands, special provisions for voting by members participating electronically shall be made when the result is clearly close and the member gains recognition on a Point of Personal Privilege and asks that their “yes” or “no” vote be included in the count. If three or more members are participating at a remote location the chair may designate one to act as teller.
 - b. When votes are taken by roll call, the member participating electronically will be called on by the chair for a voice vote in the regular order of taking votes.
 - c. When votes are taken by teller count, the member participating electronically will be called on by the chair for a voice vote at the conclusion of the teller’s counting process, and prior to announcing the results of the teller count. The chair shall then tally the teller count with the electronic votes before announcing the result of the combined vote.
 - d. When a vote is to be taken by secret ballot, the member participating electronically may waive the right to vote, or may gain recognition on a Point of Personal Privilege and report that they are waiving the right to vote secretly and ask that their “yes” or “no” vote be included in the voting results.
9. In the event two-thirds of the membership believes certain issues or meetings are too important for electronic participation, a signed petition must be submitted to the President no later than seventy-two (72) hours prior to the commencement of the meeting.
10. In order to implement these provisions the elected officers and/or members eligible to vote in each body must vote their approval by a 2/3rds vote. In order to withdraw approval notice shall be given to those eligible to vote at least 28 days prior to the vote. The provisions may be approved in one of the following ways:
 - A. Without conditions.
 - B. With a time limit i.e.: Approval is granted only for the next 6 months.
 - C. With limits on frequency i.e.: Approval is granted for meetings held on odd numbered months.
11. This will not apply to the SEIU Local 509 Annual Meeting or Chapter Meetings held at the site of the Annual Meeting.

APPENDIX E COMMITTEES

This appendix is governed by Article VII, Section 3F which reads: The Local 509 Joint Executive Board may establish standing committees. The names and responsibilities of the committees as well as rules for their governance, shall be described in Appendix E of this Constitution and may be adopted or amended by a two-thirds vote of the SEIU Local 509 Joint Executive Board and, when necessary, the approval of the International Union. The Board shall review bylaws for new committees and changes in bylaws for committees established by the JEB, and to approve or disapprove the proposals by majority vote.

Section 1. The Joint Executive Board of this Local Union shall appoint a Civil and Human Rights Committee to assist it in carrying out the Civil Rights and Human Rights program and policies of the International Union.

Section 2. The Joint Executive Board of this Local Union shall appoint a Committee on Political Education to assist it in carrying out a program for sound political education and political action and encouraging its members and their families to register and vote. The Committee shall meet at least once every two months at a time and place designated in the newspaper. No Local Union shall establish

its own registered federal political committee or any political candidates fund for contributions in connection with federal elections, provided, however, that the International President in his/her discretion waives this provision or establishes such conditions as the International President may deem necessary. The Committee on Political Education shall be the body of the Local to make political endorsements, subject to the affirmation of the Joint Executive Board.

Section 3. The Joint Executive Board of this Local Union shall appoint a Women's Committee to assist it in bringing women into full participation in the activities of the Local and to eradicate discriminatory practices against women by the employer.

Section 4. The Joint Executive Board of this Local Union shall appoint a Senior and Retired Members Committee to assist it in developing a program for senior and retired members.

Section 5. The Executive Board of the Local Union shall appoint an Organizing Committee to assist it in developing organizing programs for this Local.

Section 6. The International Secretary-Treasurer shall be notified promptly by each Local Union of the composition of the Civil and Human Rights Committee, the Committee on Political Education, the Senior and Retired Members Committee and the Organizing Committee.

Section 7. The Joint Executive Board of this Local Union shall appoint a Chapter Review Committee, to work collaboratively with the respective chapter leaders, to ensure their chapter's success in governance and/or provide remedial chapter structure strategies.

Section 8. In order for standing committees to access money budgeted by the Local 509 Joint Executive Board (committee budget, travel and meal expenses) they must meet the following requirements:

- A. Hold annual elections for the position of chair and any other positions specified in their bylaws. Nominations will be held with notice to committee members and to the Local 509 president. If contested, elections will take place at the following meeting.
- B. Record and present to SEIU Local 509 minutes of the actions taken at each meeting. Minutes shall include a list of members and guests attending the meetings.
- C. Approve a schedule for meetings for the coming year including times and locations, so they can be posted on the Local 509 website. Meetings will be held at Local 509 offices or designated sites where people can attend by phone and members will be allowed to attend remotely as described in "Appendix D".
- D. A quorum of not less than five (5) Local 509 members in good standing for COPE or four (4) for other committees will be required to approve the expenditure of money or to elect officers.

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.