

SEIU 521 and Reform: It's About Member Rights

We believe in strong, vibrant unions run by rank and file members, with all decisions made from the bottom up, in the rich, historical tradition of democratic American unions. For this reason, we demand that Andy Stern and his appointees stop manipulating our local and retaliating against our members.

Andy Stern's corporate unionization approach is not how we want our local or our union to operate. His collaboration with anti-union businesses and politicians is risking the future of the democratic labor movement and placing the future of our unions and our members in jeopardy.

For this reason reform activists at SEIU 521, a local with over 45,600 members in the North Central region of California, have committed to work for self-governance and democracy within our union, as entitled to union members by federal law in the Labor Management Reporting and Disclosure Act of 1959, as amended, which is also known as the Landrum-Griffin Act. The risks to the future of organized labor, to fair contracts, to worker safety, and to fair representation under the law, are far too important to be lost at the whim of SEIU Officials in Washington, D.C.

The Fight for a Democratic Union is About Grass Roots Leadership

The crisis in SEIU came about as our rank and file members realized that they needed to fight SEIU International and Andy Stern to preserve their legal right to self-governance and a voice in the operation and future of their union.

Stern's Merger of Legacy Locals - Who Really Benefits?

SEIU 521 member concerns have exponentially increased since Stern and the International forced mergers on our SEIU legacy locals, placing many of us in trusteeship for no reason other than to suppress the legal rights of our members and centralize control at the SEIU International level.

We have also experienced a reduction in active representation by SEIU in responding to our members, who are now suffering due to SEIU losing or ignoring member grievances, members lacking SEIU representation while in crisis, communicating with SEIU organizers and staff only through voicemail messages left at the locals, and a much greater lag time by SEIU in responding to our requests for action from union staff, with no response at all from SEIU in some cases.

Instead of focusing on the members, the International is spending its time and our dues money on manipulating our locals by rigging convention delegate elections, removing member leaders who are speaking out for reform and suppressing members' free speech rights by attempting to rewrite local bylaws which would remove rank and file leaders who question Stern, his appointees, or their actions.

The California State Budget Crisis - SEIU, Where's the Beef?

Despite Stern's pre-merger promise that we would be "stronger together," we have observed no effective or substantial proactive movement from SEIU International or Annelle Gajeda, the head of SEIU's California State Council,

to protect the jobs of members here in California, where SEIU workers are now facing a looming state budget crisis which is placing the jobs of many of our members at risk. At the very least, SEIU should be mounting a statewide, unified action to save dues payer's jobs.

Member Service Call Centers - Increasing Stern's Lobbying Power At the Cost of Member Privacy and Strike Funds

In 2007-2008 we saw SEIU International and Andy Stern implement new Member Service Call Centers (MSCC) at merged locals on the East Coast, moving to the western states and California in the latter stage of deployment.

The new MSCC for California is located in Pasadena and is staffed by a handful of SEIU employees who must interpret the multitude of SEIU California agency contracts for members as they call in with worksite questions. The MSCC, the International states, will free up organizers for other more important work. and "provide better service to members."

Since Stern's mergers resulted in a tangible and effective reduction of service to members, including legacy local's grievances being lost by SEIU 521 staff, members calling over a period of three months with no return calls from the local, organizers being fired or quitting out of frustration with an organization effectively no longer committed to member ethics or representation, and a turnover by union staff which gave worksite stewards no clue as to who their organizer was at SEIU 521, we can safely infer that member representation, was not the top priority for Stern under his new corporate agenda for SEIU, nor for the SEIU International Executive Board who approved the mergers.

The MSCC project has required that our 521 local upgrade all communication equipment at each merged local, costing thousands of our member's dues dollars. Currently SEIU 521 has \$1.2 million dollars budgeted for MSCC operation and staffing at a time when our local is \$2.7 million dollars in deficit for 2008. Equipment upgrades to support this project cost Local 521 members an estimated \$300,000 to \$800,000, not including salaries for new MSCC staff.

The Member Service Call Centers will be tracking and inputting data on SEIU members across the country. The information which will be stored about SEIU members and viewable to others on the Union Ware Web-based system, at SEIU International's discretion, include our social security numbers, home address and phone numbers, personal email accounts, personal actions submitted for grievances and disciplinary actions, our phone calls and email to union staff members, video clips and photos of us taken by SEIU staff, our personal political affiliations, our friendships within the union, and our outside affiliations, if they are deemed useful to SEIU's purposes.

Many members at SEIU 521 signed petitions in the last 6 months asking that their personal information not be input into this MSCC system or its Web database, since we believe our privacy is being violated by SEIU. Signed copies of our 521 member petitions were sent to Andy Stern and Kristy Sermersheim, demanding that signing members be allowed to .opt out. of the MSCC database to protect themselves from identity theft and the union's intrusion into their personal lives and privacy.

Rank and File Chiefs Locked Out and Disrespected at 521

There has been no response to our "opt out" petitions from SEIU or Andy Stern, other than to send SEIU 521 organizers and managers to regional member MSCC public meetings and (unannounced) to our steward council meetings, to try to force compliance and obtain a rubber stamp approval of this project on the part of resisting members. Some 521 stewards have worked against the wishes of the 521 members who elected them, by publicly advocating this project at the request of 521 management.

SEIU 521 Executive Board members who voted to approve this project were appointed by Andy Stern and Kristy Sermersheim, not directly elected by SEIU 521 rank and file members. These appointed members were required to sign an SEIU 521 Commitment and Pledge document in order to serve on these committees, which eliminated their ability to question, debate, or discuss these decisions with other 521 members or go public with decisions made by the International.

When over thirty 521 rank and file-elected chiefs and assistant chiefs attempted to schedule a fall 2007 meeting at our Zanker Road union hall in San Jose to discuss the MSCC, rampant spending, and being blocked from obtaining union financial and meeting documents, Sermersheim's staff told us that our meeting "was not union approved," "the union hall would be locked," and "no union staff members would be available to attend the meeting as required by insurance." The union repeatedly sent email messages to chiefs and assistant chiefs stating "all union meetings are cancelled," to try and prevent this meeting between concerned members of our 521 chapter council.

When members threatened to call the San Jose Mercury News (nearby) to see if we could borrow one of the meeting rooms at the newspaper's office, Sermersheim finally allowed us access to our own union hall, where a debate on the ethical operations of our union took place between SEIU 521 chiefs and assistant chiefs, stewards, 521 manager Carrie Cianchetti, and other union staff. There was no movement by Sermersheim's to accept the concerns of members on the MSCC implementation, just a concession that more communication was needed from Sermersheim's staff.

A later MSCC meeting took place between Semersheim, her staff, and Valley Medical Center workers, who are the largest 521 worker block in the Santa Clara County Chapter with approximately 4,000 members. A janitor who was cleaning up after this large VMC member meeting overheard Sermersheim tell 521 staff in her entourage as they were leaving, "what a bunch of whiners and complainers," referring to Valley Medical Center employees who attended. VMC, although the largest 521 Santa Clara County agency, has had no representative serving on the 521 Executive Board since the merger, as none was appointed by Sermersheim or Stern.

Under Sermersheim and Brian O'Neill legacy 715 Chapter Council and General Membership meetings had been held very infrequently, not as mandated by legacy bylaws, so members had no avenue to question Sermesheim, her staff, or their actions. In addition, when meetings are held, only a few key members or groups are notified via postcards or 521 email messages. Frequently 521 members state that they never were informed about key meetings which where supposed to include all regional 521 members. Sometimes entire agencies are not notified about union meetings with information affecting their membership.

Under the merged 521 O'Neill was "appointed" by Sermersheim to continue his Chapter Chair leadership role and decisions continued to be made by Sermersheim and her inner circle, including O'Neill and others, in Sermersheim's trademark style--behind closed doors, in small groups, with Sermersheim and other key players. 521 rank and file are excluded from providing input or participating in the governance of their union unless they were willing to meet with Sermersheim privately with a few other managers and a few key players.

During 521 meetings Sermersheim has balked at providing factual information, giving rank and file members a multiple choice array of answers to choose from to avoid the appearance of intentionally misinforming members.

This was illustrated when she was asked about the possibility that member strike funds were being used for the MSCC project during small meetings held around Santa Clara County, after the member-driven petition drive to protect our privacy. In true Sermersheim "try and guess the truth" style, she stated, "the strike funds will be used, but they may not be used, but I'm not sure if they are being used," leaving listeners a confusing mélange of conflicting answers to choose from, counting on the fact that most 521 members would not take the time to ask questions or research our E-Board meeting minutes, which clearly show that strike funds were earmarked for the MSCC as early as July of 2007, when equipment "upgrade" costs for the "infrastructure California Membership System and Service Information Center project" (MSCC) were implemented.

If Sermersheim did attend larger member meetings at the union hall and conflict or criticism of her methods were voiced by members, Sermersheim repeatedly devised personal reasons to leave meetings early, before all member questions were answered, to avoid confrontations requiring explanations for her actions. During one 6 p.m. 521 general membership meeting she left after one hour when questions became intense, supposedly to attend a family "emergency" in San Jose. Early the following morning Sermersheim was several hours away from San Jose in the Bakersfield office, doing 521 business as usual.

It is widely known that Sermersheim wines and dines loyalists by providing perks and overlooking extraordinary personal failings.

It was reported that one Sermersheim loyalist was allowed to remain on 521 committees after allegedly threatening other 521 workers on the job and as a result, was suspended from Santa Clara County employment. Later, the same worker supposedly received a termination notice when these alleged behaviors continued. The suspended member was overheard stating that they believed they were untouchable due to their alliance with Sermersheim and her inner circle. Coincidentally, this same member was one of Sermersheim's main proponents of the MSCC, interrupting, using foul language, and belittling other rank and file members during 521 meetings.

The MSCC and SEIU International - It's Not About Member Service

There is a good reason why the Member Service Center Call Centers are so important to SEIU and to Andy Stern.

SEIU is currently using the MSCC system to send focused political messages

to our members based on information stored about us in the system. These messages asking our endorsement of various political efforts are designed to further Stern's lobbying efforts on behalf of unorganized businesses who would allow him to organize their workers in return for increased federal money for their operations. Once organized, these workers receive watered down template agreements, not full contracts. The template agreements include rules which prevent employees from "embarrassing" their employers by complaining about poor practices towards the new SEIU members or the public whom they (and these Stern-cultivated businesses) serve.

In other words, the new Member Service Call Centers don't exist to better serve members, as Stern claims. The MSCC's were deployed to actualize Andy Stern's desire to create a massive lobbying organization out of SEIU, to increase SEIU membership dollars by growing the union into previously antiunion health care businesses, and to remove our organizers from traditional worksite roles, to act instead as lobbyists for the interests of unorganized businesses being cultivated by Stern and the International, at the expense of adequate representation levels and high contract standards that do not give up traditional collective bargaining rights for new and existing SEIU workers.

Where did the Money for the Member Service Call Centers Come From?

At an SEIU 521 Executive Board meeting held in Bakersfield in fall of 2007, Kristy Sermesheim told attendees that SEIU would no longer have the financial ability to hold major strikes, that any future strike would be limited to "one day only, with coffee and donuts, but that's about it."

The financial documents and minutes from this Local 521 E-Board meeting show that money once earmarked for the SEIU 521 member Strike Funds were now being diverted to funding the Member Service Call Center staffing and operations, as directed by Andy Stern and SEIU International.

This major move occurred without informing SEIU 521 rank and file leaders Or members, without a general, democratic membership vote on 1) the extraordinary expenses involved, on 2) the loss of our strike funds, or on 3) on the major change to member service delivery methods by SEIU, who were using our dues money without our knowledge or permission.

SEIU Should Reflect the Values of Members

SEIU 521 reformists believe that our union has lost track of what is really Important, the well-being of the rank and file member. We want to get our union back on track by focusing SEIU International on the rights and needs of our members, by demanding ethical union representation, and by requiring financial, legal, and ethical accountability from SEIU, as defined in the LMRDA and the democratic unionization principles supported by the Association for Union Democracy.

Because we believe in strong, democratic unions with empowered, informed members holding all elected leadership positions throughout, we ask that our 521 Executive Board and Advisory Committee members collectively support and endorse the democratic principles outlined in the S.M.A.R.T. Platform for Change, a document which we feel places the best interests of our rank and file members first. We also ask them to endorse term limits for all SEIU elected

officers and staff, plus open election and governance practices which involve and empower all rank and file members in the operation of their union.

Likewise, we ask our SEIU 521 Convention Delegates to support the S.M.A.R.T. Platform for Change at the 2008 SEIU International Convention in Puerto Rico, an event which is being entirely funded by our rank and file dollars, yet is being closely orchestrated and controlled by Andy Stern and his appointees to suppress those union members working for democratic reforms at our locals.

We believe Mr. Stern is pushing his corporate agenda and the cost of its implementation on our rank and file members without their democratic consensus or approval. We believe he is also disregarding the best interests of our rank and file members in order to grow the union through backroom deals with our employers and other non-union business owners.

Stern and Sermersheim Have Forgotten Seven Key Principles

1. We, the SEIU rank and file members, are the union.
2. SEIU Members employ Mr. Stern, his appointees, and all paid SEIU staff members. We expect SEIU employees to advance the interests and issues which are important to rank and file members, at the direction and discretion of members. We are never to be coerced, manipulated, or undermined by SEIU staff.
3. SEIU Members own all union resources, including our union halls and locals, and have a right to a direct vote on their use and structure at the local and national level, without imposition or interference by the International.
4. All union elections, locally and nationally, should be organized through direct, democratic, per capita by-mail ballots.
5. Likewise, all union elections must be run by impartial election organizations who are not in any way affiliated with SEIU, an SEIU staff member, SEIU officer, or any of SEIU's union partners.
6. A union where members are afraid to speak out for ethical union practices, in fear of retaliation by paid union staff, both at their local or at the international, is not a union which is working on behalf of members.
7. Without the consensus and dues of members, SEIU has no power in the workplace, in the region, or in Washington D.C. What members confer, members can also retract, if SEIU representation and paid leadership continues to put members at risk on both the local and national levels.

Our Vision for Change - A Return to Core Labor Values

While we agree that unions need to expand and embrace those who are struggling on the job without representation, we feel strongly that new SEIU members deserve more than a watered-down contract and a collection of reduced rights, under the guise of union expansion.

Stern's corporate unionizing schemes are jeopardizing our jobs, our contracts, our rights under federal law, as well as the working future of our

children, who will suffer from Stern's weakening of the democratic labor movement in the United States.

It's time for Mr. Stern and his appointees to respect the principles found in the S.M.A.R.T. Platform for Change, term limits, fair elections open to all rank and file members, and the democratic labor movement, as interpreted by The Association for Union Democracy (AUD) and the LMRDA.

Fairly elected rank and file leaders will transform our union into an organization which encourages and promotes open debate, which operates democratically, and which informs and empowers SEIU members individually, on the job, and with our elected representatives.

This is how we in SEIU want to grow our union and attract new members.