



500 Thomas L. Berkeley Way - Oakland, CA 94612 - Tel: 415-775-6800 - Fax: 415-775-6800  
 5400 Ferguson Drive - Los Angeles, CA 90022 - Tel: 213-734-8899 - Fax: 213-734-8898

March 7, 2008

Andrew L. Stern, International President  
 Service Employees International Union  
 1800 Massachusetts Ave, NW  
 Washington, DC 20036

Dear Brother Stern:

I write in response to your March 3<sup>rd</sup> letter accusing me of a "deliberate and irresponsible misinformation campaign . . . to subvert . . . the SEIU Constitution and the obligations of [my] oath of union office" while failing to offer any specifics in support of your charges. (A more detailed response, which is being sent to the UHW membership, is enclosed.)

Thus, while you accuse me of having "rejected [your] appointment of Larry Fox to help build a unified CHW contract campaign . . . in direct conflict with [my] . . . obligations under Article VIII, Section 1(f) of the SEIU Constitution," that provision confers upon you absolute power to make whatever appointments you please, regardless of my expression of displeasure over your having replaced the CHW Unity Council, arguably the most effective bargaining team in the International, with a personal appointee, and your having done so just as collective bargaining was getting underway, potentially undermining the process and the prospects of obtaining a successful outcome for the 100,000 UHW hospital and nursing home workers who we represent.

While you accuse me of "attempt[ing] to sabotage the union . . . by notifying members that their right to ratify their collective bargaining agreement is being taken away," that charge is palpably false, and I challenge you to point to anything I have ever said that supports your unsubstantiated allegation. Of course the SEIU Constitution's Member Bill of Rights guarantees the right to approve contracts. At the same time, it would be nice if the Constitution also guaranteed members the right to participate in a meaningful and democratic manner in the collective bargaining process that will so fundamentally affect their economic welfare in the years ahead.

As for your clarification that the UHW "bargaining committee [is now] to remain in place" going into the CHW contract negotiations, while we are not certain exactly what this will mean as the collective bargaining process gets underway, our fingers are crossed, and we will certainly make this fact known to our members who are legitimately concerned that the SEIU still may attempt to compromise or eventually displace UHW's role as their collective bargaining agent. For more than a decade, they have sacrificed short term gains in order to achieve long term objectives and maximum bargaining power within California's healthcare industry, a position of strength our members are understandably reluctant to see compromised.

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Sal Rosselli, *President*

Isaac Rodriguez, *Executive Vice President*

Joan Emslie, *Secretary-Treasurer*

The fact that our Local leadership has chosen to position ourselves so that we are able to exercise our statutory freedom of expression to criticize what we consider to be undemocratic developments in SEIU is not, as you allege, a campaign of "misinformation" intended to "sabotage" the Union in violation of our Oath of Office. To the contrary, when we were elected and took that Oath, we agreed "to defend the principles of trade unionism; to work to improve the lives of working-people;" and we pledged that we would "not knowingly wrong a member or see a member wronged if it is in [our] power to prevent it." Further, we subscribe to the SEIU Mission Statement that includes among other goals that "workers have a meaningful voice in decisions that affect them," that "the[ir] collective voice and power [be] realized in democratic and progressive unions," and that they have a "responsibility to offer constructive criticism of the union." Our recent criticisms are wholly consistent with the Oath of Office, as well as the Union's Mission Statement and the members' Bill of Rights.

In our view, a democratic and progressive union is one that is "of, by, and for the workers," who must be involved in decision-making that affects their economic welfare. Workers must remain free to criticize incursions upon their right to meaningfully participate in the internal affairs of their union and in the collective bargaining process.

While you may chose to label such criticism "sabotage," it is our hope that you will refrain from such incendiary accusations in the future and will instead work constructively with our leadership to address and accommodate our legitimate concerns. We look forward to the day when we can work together to build a strong, progressive, democratic and growing union.

In Unity,



Sal Rosselli  
President

cc: Kirk Adams  
International Executive Board  
SEIU UHW Executive Board  
SEIU Healthcare Council of Presidents  
CHW UHW Bargaining Team  
CHW 121RN Bargaining Team  
CHW Nevada 1107 Bargaining Team  
Mary Kay Henry, International Executive Vice President  
Sue Weinstein, Executive Director, SEIU Local 121RN  
Jane McAlevey, Executive Director, SEIU Local 1107

Encl.



540 Thomas L. Berkley Way • Oakland, CA 94612 • 510-751-1150 • Fax 510-764-7600  
5450 Ferguson Drive • Los Angeles, CA 90012 • 213-734-8390 • Fax 213-734-3549

March 7, 2008

Andrew L. Stern, President  
Service Employees International Union  
1800 Massachusetts Ave, NW  
Washington, D.C. 20036

Dear Brother Stern:

On February 28, 2008, with the beginning of negotiations at Catholic Healthcare West, approximately 100,000 UHW hospital and nursing home workers launched the largest coordinated bargaining campaign in American healthcare history. This campaign is the result of more than a decade of preparations and short-term sacrifices by members in order to achieve longer term objectives, and to achieve maximum bargaining power with California's healthcare industry.

Your actions of recent weeks, including the suspension of the CHW Unity Council, your collaboration with nursing home employers, and your attacks on UHW's leadership and membership are undermining our bargaining clout on behalf of these 100,000 healthcare workers – SEIU members – just when International Union unity and support is most critical.

We submit that your latest political decree, dated March 3, 2008, is utterly inconsistent with your responsibility as International President. After all, Article XVI of our Constitution mandates that “No member of this International Union shall injure the interests of another member by undermining such member in connection with wages or financial status or by any other act, direct or indirect, which would wrongfully jeopardize a member's office or standing.”

More particularly, for the reasons summarized in the accompanying letter rebutting your unsubstantiated charges, neither Sal Rosselli nor any other UHW official has violated the Oath of Office or engaged in a campaign of “misinformation” that attempts “to sabotage” any union programs. To the contrary, we believe it is you who has gotten out of step with SEIU's Mission and Purposes, and that you are undermining the welfare of our current membership, allegedly in order to attract new members. But organizing new members depends almost entirely on our success in representing our existing members, which you are endangering. Let us focus on three specifics.

1. **UHW believes that you acted unwisely, as well as unconstitutionally, when you suspended the CHW Unity Council:** You assert that “the same constitutional provision that was used to establish the CHW unity council was used to suspend it” pending the evaluation of the National Employer Relations Subcommittee. This claim is patently false. Article VIII, Section 1(f) gives you

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the authority to require coordinated bargaining “*in consultation with the Local Unions involved.*” This section also requires an industry division, in this case health systems, to “develop a . . . proposed structure for carrying out the decision-making (including membership authorization for strike action and membership voting on contract ratification), and the financing of the bargaining process itself.” The Division developed such a structure—the Unity Council.

In the fall of 2004, the Health Systems Division recommended that you establish the CHW Unity Council, which you did. The establishment of the CHW Unity Council was then submitted for approval by the International Executive Board. After its establishment was approved, bylaws were adopted by the Health Systems Division and by the local unions representing CHW workers, which make up the Unity Council’s Policy Committee, and the Council was born.

Your suspension of the CHW Unity Council was not approved by the IEB, by the Health Systems Division, by the Council’s Policy Committee, or by the rank-and-file representatives from each of the CHW hospitals. Moreover, you did not consult with our local union regarding its suspension as required by the SEIU Constitution. We only learned of its suspension after you issued your unilateral edict.

To suggest that the CHW Unity Council’s suspension was justified in light of an ongoing study by an IEB Subcommittee on National Bargaining/Employer Relations makes no more sense than a claim by the White House that an Executive Department may be abolished by a stroke of the presidential pen, despite its enactment into law, because of an ongoing study to overhaul the Department. By logic, and by law, the existing Department would remain until replaced. So should it be with our Union.

Quite apart from the adverse impact that suspension of the CHW Unity Council will have on the welfare of our membership, we submit that you did not have the authority to suspend it unilaterally.

2. **UHW has never “rejected” your appointee.** In your March 3<sup>rd</sup> letter, you assert that we “chose to reject [your] appointment of Larry Fox” in “direct conflict with your leadership obligations under Article VIII, Section 1(f) of the SEIU Constitution.” This claim is ludicrous.

The SEIU Constitution gives you unbridled authority to make such an appointment; conversely, it does not give a local union the authority to reject such an appointment. In fact, in your February 11<sup>th</sup> memorandum on this issue, you stated: “While local unions do not have the option under the SEIU Constitution on whether or not to abide by the requirement to conduct coordinated bargaining under our SEIU constitution or to honor appointments made under that constitutional authority, I have decided to **respect Brother Fox’s wishes to decline the assignment at UHW/CHW negotiations.**” Emphasis added.

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As you well know, the suspension of the CHW Unity Council and the appointment of "a presidential representative to manage our collective bargaining relationship" with CHW was a significant factor behind my resignation from your Executive Committee. We did not object to Larry Fox's appointment, per se, but rather to the Unity Council's suspension and your interference with one of the best collective bargaining relationships we have with any employer in California, within days of the commencement of bargaining. In fact, we have tremendous respect for Larry and recognize his valuable contributions toward the development of our relationship with CHW.

To suggest, as you do, that our "actions undermine CHW workers' interests at this critical time" is to turn the facts on their head. Would you really have us believe that SEIU officials in other parts of the country are more concerned about the welfare of CHW workers than the local union that represents them? Such claims are divisive and undermine the unity that CHW workers have spent nearly a decade building.

- 3. UHW's objective is to enhance bargaining clout for CHW workers and member democracy in SEIU.** Your assertion that UHW's efforts to educate and build power for CHW workers amounts to a campaign to subvert, or "sabotage" their "right to approve contracts" is also ludicrous. However, we do welcome your about-face contradiction of your earlier memo, announcing that that "each local's bargaining committee [is] to remain in place," whatever that will prove to mean in practical terms. By copy of this letter to our CHW members, we do reassure them that their right to ratify their collective bargaining agreements, set forth in the SEIU Constitution's Member Bill of Rights, is inviolate and cannot lawfully be infringed, not by you or any other SEIU official. At the same time, we believe that our members should enjoy additional rights to participate in the collective bargaining process, e.g., to approve bargaining proposals and to elect their bargaining team.

Quite frankly, your February 5<sup>th</sup> memorandum was ambiguous regarding how the Local Union bargaining teams will "operate" given your direction that your "representative," appointed without consultation with locals, will coordinate decision-making. We do appreciate that you now acknowledge that UHW and 121 elected bargaining teams will continue to operate as elected and make their own decisions regarding the negotiation of their contract, and by this letter we so inform our members.

Like you, when we were elected to office, we pledged an oath to "work to the best of my ability to provide effective and responsible leadership and representation to the members, including organizing the unorganized within my jurisdiction." We agreed "to defend the principles of trade unionism; to work to improve the lives of working people." And we further agreed that we would "not knowingly wrong a member or see a member wronged if it is in my power to prevent it." The concerns we have expressed are in furtherance of

these solemn commitments, as well as to SEIU's Mission Statement, not in derogation of them, as you suggest. We seek to assure that our members will "have a meaningful voice in decisions that affect them," "the opportunity to develop their talents and skills," and a "democratic and progressive union." We believe that "a democratic and progressive union" is a union "of, by, and for" its members.

As we have made clear, particularly over the last several months, we believe that the constitution of SEIU vests too much power in the office of the president. As the adage goes, "power corrupts, absolute power corrupts absolutely." Just as "checks and balances" are built into the U.S. Constitution, so also should they be built into SEIU's Constitution. We look forward to the upcoming Convention where we intend to live up to our constitutional "responsibility to offer constructive criticism of the union" and to propose amendments to make the office of the President more accountable to the members of our great union.

UHW's officers and executive board members submit that we not only have a right, but also a responsibility, to dissent when we believe that our International Union is on the wrong track. We believe that your suspension of the CHW Unity Council, and interference in the collective bargaining process, was palpably wrong. Rather than attacking us for raising these issues and accusing us of "sabotage," we, the Executive Board of UHW, look forward to the day when we can work together to build a strong, progressive, democratic and growing union.

In Unity,



Sal Rosselli  
President

cc: Kirk Adams  
International Executive Board  
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