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Attorneys for International President Andrew L. Stern

In Re Hearing on Whether a Trustee Should)	International Union President
Appointed at SEIU United Healthcare)	UHW-W's Proffer Of Facts and
Under Article VIII, Section 7 of the SEIU)	To Affirmative Defenses
Constitution)	
)	Hearing Officer: Ray Marshall
)	

DECLARATION OF MARY KAY HENRY

Mary Kay Henry states under penalty of perjury that the following is true and correct:

1. I am an International Executive Vice President of the Service Employees International Union ("SEIU"), and I have served in this position since 2004 when I was elected by the delegates at the SEIU convention. I was reelected at the most recent SEIU convention in May of 2008.

2. I have been involved in the labor movement since 1980. I have dedicated my career to organizing health care workers and training member organizers. I have served in a number of positions, both in the International Union office of SEIU and in a number of SEIU local unions in California. A significant portion of my career has been focused on organizing health care workers in California.

3. I currently serve as the chairperson of the SEIU Healthcare Division Leadership Board. SEIU Healthcare unites more than one million healthcare workers, including registered nurses, technicians, doctors, nursing home workers, home care providers, and hospital and clinic workers.

4. Prior to assuming my current position, between 2004-2008, I led SEIU's Health Systems Division, which represents health systems workers in the United States Canada and Puerto Rico. In this capacity, I also participated as a member in the Healthcare Division Steering Committee.

5. Before I was elected as International Executive Vice President, I led SEIU's campaign to organize health systems in Southern California. I worked full time on this campaign from 2000 to 2004. Between 1998-2000, I worked in full time in California on SEIU's campaign to organize the workers of Catholic Healthcare West, a large Catholic Hospital chain.

6. Between 1992-1996, I served as Division Director for healthcare for the International Union. From 1996-1998, I was the assistant to the President for Industry Organizing. During early 1980's, I worked for a number of SEIU local unions and the international union in California and – for three years – in the Minnesota. For a number of years, I served as the Director of Organizing at SEIU Local 250, one of the predecessor Locals to Local UHW-W. In that capacity, I focused on organizing healthcare workers in California.

7. In my capacity as a member of the Healthcare Division Steering Committee, I attended the facilitated discussions that took place on April 22-23, 2008 between representatives of the locals and leadership comprising the Healthcare Division Steering Committee and representatives of UHW-W. (The meeting between the SEIU's healthcare local leadership and International Officers who make up the Healthcare Division Steering Committee and the five

representatives of UHW-W was not technically mediation but was what we all agreed was a “facilitated discussion.”)

8. I have reviewed Thomas DeBruin’s testimony of November 15, 2008. I participated in both days of these meetings and can testify that DeBruin’s description of the facilitated discussions is completely accurate.

9. Mr. Borsos’s Sur-Rebuttal Declaration of November 21, 2008 at ¶¶ 6-7 is not accurate. (“Borsos 11/21/08 Declaration”) Mr. Borsos did not attend the facilitated discussion on April 22-23, 2008, although he claims to have been in the UHW-W caucuses. Borsos claims that UHW-W was prepared to accept the facilitator’s proposed resolution of the disputes between us, but the proposed resolution was rejected by the other SEIU participants. That is not accurate.

10. The Health Division leadership had specifically told the UHW-W representatives that we had no authority to negotiate over jurisdictional decisions made by the SEIU convention and other representative bodies within the SEIU. In UHW-W Exhibit 156 cited by Mr. Borsos, UHW-W President Sal Rosselli reiterates the message we received during the facilitated discussion: If UHW-W does not get its way on the jurisdictional issue, it will not back down in its all out war against the International.

11. UHW-W made clear during the facilitated discussion that it would not accept a jurisdictional change by SEIU, even if it took place properly under the SEIU Constitution. Sal Rosselli made this exact same threat on the floor of the June convention: if his local’s members did not have veto power over a change in jurisdiction, he and the other officers of the UHW-W executive board would not honor it. SEIU Exhibit 109.

12. At the facilitated discussion, UHW-W President Sal Rosselli also requested that UHW-W be permitted to fundamentally reorder its legal relationship with SEIU by entering into

an affiliation agreement. We told him, repeatedly, that Healthcare Division Steering Committee had no authority to even contemplate such a change.

13. A minority of SEIU affiliates have affiliation agreements. Article XI, Section 6 K. of the SEIU Constitution permits the International Union to enter into affiliation agreements under certain limited conditions “for such periods of time as shall be set forth in the agreement.” For example, in the one current affiliation agreement that UHW-W submitted, UHW-W Exhibit 235 (Affiliation Agreement of District 1199 N.E.), the prohibition against trusteeships contained in Article 6 expired on December 31, 1996.

14. I have read the Sur-Rebuttal Declaration of Thomas Dewar submitted on November 20, 2008. (“Dewar 11/20/08 Declaration”). I have no idea who Thomas Dewar is except that he is listed as press representative of the California Nurses Association (“CNA”), IP Exhibit 131, which has been fighting with SEIU in a number of states. Mr. Dewar repeatedly refers to a “skunk team” that is supposedly doing negative research on Sal Rosselli and he refers to “emails showing other abuses by staff at SEIU International.” Dewar 11/20/08 Declaration at ¶ 16. He provides no examples of these e-mails.

15. I can affirmatively state, on behalf of the senior officers of SEIU that we first heard the term “skunk team” in a news story that Mr. Dewar admits planting in the San Francisco Bay Guardian on April 9, 2008. UHW-W Exhibit 78; Dewar 11/20/08 Declaration at ¶ 16. A day after the article appeared, the UHW-W executive board immediately sent SEIU a letter demanding information about the existence and funding of the skunk team, UHW-W Exhibit 81, and two days later SEIU Secretary Treasurer Anna Burger sent a letter stating that the premise of the article – that SEIU was organizing or funding opposition research about Sal Rosselli – was false. UHW-W Exhibit 90. The allegation is false. While we did authorize and conduct a

vigorous campaign to support our "Justice for All" platform and to oppose the UHW-W program known as the "Platform for Change" prior to and at the June convention, we did not directly or indirectly organize or support a negative or "opposition" research project aimed at Sal Rosselli or at any other officer of UHW-W. That allegation is false.

DECLARATION PURSUANT TO 28 U.S.C. § 1746

I hereby declare under penalty of perjury that the foregoing is true and correct.

Date: 11-28-08


Mary Kay Henry