

## **Service Employees International Union, Virginia 512**

### **Constitution and Bylaws**

#### **Preamble**

**In the belief that in unity there is strength, this Union was formed. We are dedicated to providing quality service to our members and quality services to the people of Virginia; and we are united, educated and empowered to achieve equality and a real voice for working families.**

#### **EEO Policy Statement**

The Service Employees International Union, Virginia 512 stands unequivocally opposed to discrimination. This includes harassment because of race, creed, color, gender, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age, ethnic background, religious beliefs, or disability.

#### **Article 1**

##### **Name**

**Section 1** The name of this organization shall be Service Employees International Union, Virginia 512, hereinafter referred to as Virginia 512.

**Section 2** The members of this association, officials and representatives, shall recognize, observe and be bound by the provisions of the Constitution and Bylaws of the Service Employees International Union (hereinafter "the International" or "International Union") and the Constitution and Bylaws of Virginia 512.

#### **Article 2**

##### **Jurisdiction**

**Section 1** Virginia 512 shall have such jurisdiction as granted and approved by the International Union, in accordance with the International Union Constitution and Bylaws.

**Section 2** Any Public Employee or Long Term Care Provider, employed or retired, in the Commonwealth of Virginia shall be eligible for active membership in Virginia 512. Any paid official or agent of Virginia

512, the International or affiliate bodies shall also be eligible for active membership.

**Section 3** Virginia 512 shall be divided into Chapters by employer. New Chapters may be formed after a review and vote of the Executive Board. After approving a new Chapter, the head of the new chapter, elected by the membership of the new chapter, shall be added to the Virginia 512 Executive Board.

### **Article 3**

#### **Membership**

**Section 1** Active: Any person of good moral character, who at the time of application is engaged in, or retired from, service within the jurisdiction of Virginia 512, as given in Article 2, will be eligible for active Virginia 512 membership. Such persons who pay the prescribed regular dues shall be considered active members, and may vote, hold office, and be entitled to all other rights and privileges of Virginia 512 membership.

**Section 2** Associate: Persons not employed or retired from service within Virginia 512's jurisdiction may be eligible to become associate members. Such membership may be revoked for cause. Such associate members will not be eligible to hold office or vote in Virginia 512 affairs or elections. Associate members shall be entitled to all other rights and privileges as active members.

**Section 3** Honorary: For meritorious service to Virginia 512 or for distinguished public service, persons may be elected honorary members by majority vote of the membership or by resolution of the Executive Board. Such membership may be revoked for cause. Such honorary members will not be eligible to hold office or vote in Virginia 512 affairs or elections. Honorary members shall be entitled to all other rights and privileges as active members.

**Section 4** Maintenance of Good Standing: A member shall be considered in good standing if he/she has fulfilled the requirements for membership and has not voluntarily withdrawn, become ineligible for continued membership or been suspended or expelled from membership in Virginia 512.

**Section 5** Delinquent Members: Members who fail to pay their monthly dues or assessments after being provided 90 (ninety) days notice shall be notified by the Secretary/Treasurer that they are delinquent and will be automatically suspended and lose their good standing if

payment is not made within 15 (fifteen) days following such notification. Delinquent members are not entitled to voice or vote in Virginia 512.

**Section 6** Retired Members: Retired members pay dues on a monthly basis and shall have equal voice and vote. Retired members who pay the same dues as working active members are eligible to hold office.

**Section 7** (a) A member in good standing may be expelled only after written charges of “conduct prejudicial to the good of Virginia 512” have been investigated by a special committee appointed by the President in accordance with the procedures outlined in Article XVII of the International Constitution. This committee will consist of three members in good standing who are not members of the Executive Board. The member charged shall have a full opportunity for defense and is entitled to due process in presenting his/her case to the special committee. The special committee shall report its findings and recommendations to the membership, and any punishment enacted, not to exceed expulsion, will be imposed by a two-thirds vote at a regular meeting.

(b) The Executive Board shall have jurisdiction to hear complaints, by individual members regarding alleged violations of members’ rights or this Constitution and Bylaws, including Chapter election protests.

In the event that the individual members are not satisfied with the ruling of the Executive Board, they may appeal within fifteen (15) days of the decision by either petitioning the International President, pursuant to the International Constitution, or by petitioning Virginia 512’s membership, to be considered at the next regular meeting.

**Section 8** Active membership is open to Union Staff. Staff who are active union members have the right to:

- (a) Submit resolutions to the Executive Board, vote on dues increases and other union governance issues, including economic and social policy positions and any other issues that affect their work or standing.
- (b) Serve as a representative, with full voting rights on all issues, to any labor board, conference, convention, or other function, if elected by the membership or designated to do so by the Board, in accordance with applicable law.

(c) Nominate, run for, vote and serve as Officers in statewide Virginia 512 elections.

**Section 9** Virginia 512 shall not dissolve, disband, disaffiliate or secede while there are seven (7) or more dissenting members desiring to continue its existence. In the event Virginia 512 dissolves, disbands, disaffiliates or secedes, the funds, assets, properties (both real and personal), books and records of Virginia 512 shall become the property of the International Union. No net earnings will inure to the benefit of any individual member.

## **Article 4**

### **Meetings**

**Section 1** Regular meetings of the membership of Virginia 512 shall be held annually.

**Section 2** Special meetings may be called by a vote of a majority of the Executive Board. Notification of special meetings shall be sent out to the membership electronically at least seven (7) days in advance. The notice shall state the business to be considered at such meeting and no other business other than that stated shall be conducted.

**Section 3** Quorum: The quorum for any meeting of Virginia 512's membership, either regular or special, shall be at least ten percent (10%) of the total voting members or twenty-five (25) members, whichever is less.

**Section 4** Right of Members: Every member in good standing shall have the right to attend any meeting and to participate in such meeting in accordance with the recognized rules set forth in the manual known as Robert's Rules of Order or as otherwise determined by the Executive Board.

## **Article 5**

### **Elections**

**Section 1** The Officers of Virginia 512 shall consist of a President and Secretary/Treasurer, who shall hold office for three (3) years and until the election and installation of their successors takes place. In

addition, each Chapter shall elect one (1) head of the Chapter to hold office as an Executive Board Member for a term of three (3) years.

**Section 2** Eligibility: Any member in continuous good standing for at least one (1) year immediately preceding nominations shall be eligible to be a candidate for office in Virginia 512. Every candidate shall have the right to request distribution of campaign literature, by mail or otherwise, to all members in good standing, at the candidate's own expense. "A candidate for office" includes any candidate for membership in the Executive Board. There shall be no discrimination in favor or against any candidate with regard to the use of membership lists.

**Section 3** Method of Nomination and Election: Elections for Virginia 512's Executive Board shall be conducted by a secret ballot vote of the membership.

Elections of Officers shall be by mail ballot, and shall be overseen by the Election Committee, appointed by the President and subject to approval by the Executive Board. All active members shall be mailed a notice of elections and nomination form to his/her last known address. The Election Committee shall determine the deadline for receiving nomination forms, which shall be at least twenty (20) days and no more than thirty (30) days after nomination forms are mailed.

All duly nominated candidates shall be invited to submit campaign statements, including a personal photograph, not to exceed 400 words in length, for a Voter's Guide, which shall be published by Virginia 512 and approved by the Election Committee. Additional copies shall also be made available for distribution to the membership at no charge.

All active members in good standing shall be mailed a secret ballot to his/her last known address. The Election Committee shall determine the deadline for receiving ballots, which shall be at least twenty (20) days and no more than thirty (30) days after ballots are mailed. The ballot shall include the date(s), time(s), and location of the counting of the ballots.

The Election Committee will oversee certifying all voter-returned ballots, tabulating the votes, reporting the results to the President, and delivering all returned ballots to the Secretary/Treasurer. The Election Committee will tabulate the ballots within one (1) day after the deadline to receive ballots. Each candidate and one (1)

representative will be allowed to monitor the tabulation of the ballots, and the Secretary/Treasurer shall be required to be present. The candidate receiving the majority of the ballots cast shall be declared elected. If no candidate receives a majority of the ballots cast, there shall be a run-off between the two candidates who received the most votes. Ties shall be resolved by seniority within the SEIU.

**Section 4** Election Committee: In the event that a poll of the membership is to be taken, the President shall appoint an Election Committee, which shall be responsible for the distributing and tabulating of such poll.

**Section 5** The ballots for each election shall be preserved by the Secretary/Treasurer for one (1) year.

**Section 6** Installation and Term of Office: The elected Virginia 512 Officers shall be installed on the Friday immediately following the tabulation of the ballots. When an Office becomes vacant, the President shall appoint a qualified member within thirty (30) days of the vacancy, to serve out the remainder of the term of office. Vacancy is defined by reason of death, resignation or removal of the incumbent.

**Section 7** If the slate of candidates nominated for any Board election is unopposed, then the nominated candidates will be declared winners by acclamation. No write-in candidates shall be allowed in the balloting.

**Section 8** The following safeguards apply to all Virginia 512 elections:

- (1) Virginia 512 shall not discriminate in favor of or against any candidate.
- (2) No funds of Virginia 512, or any other local or international union, or any employer may be used to support the candidacy of any member for union elective office.
- (3) No candidate may solicit or accept financial support, or any other direct or indirect support, from any non-member of the International Union.
- (4) The Election Committee shall designate further rules or guidelines as it sees fit to ensure a free and fair election.

**Section 9** Challenges and objections to union-wide elections must be submitted in writing to the Election Committee within seven (7) days of the tabulation of election results, with a statement of supporting reasons that includes specific facts and any documentation. The

Election Committee shall have the authority to request and hear evidence at its discretion and to render a decision regarding the objections. The Election Committee's decision may be appealed to the International President, pursuant to the International's Constitution and Bylaws.

**Section 10** The officials of Virginia 512 elected in conformity with these bylaws and applicable statutes shall be considered eligible delegates to the quadrennial International Convention. The President shall serve as head delegate or designate another qualified delegate to act in that capacity. Eligible Executive Board Members shall serve as delegates in the following order: President; Secretary/Treasurer; Board Members who represent Chapters, in order of seniority within the SEIU. The Executive Board shall budget to send at least one member from each Chapter to the International Convention.

## **Article 6**

### **Duties of Officers and Executive Board**

**Section 1** It shall be the duty of the President to preside at all meetings of Virginia 512 and at meetings of the Executive Board. The President shall be the executive head of Virginia 512. The President shall appoint members to committees and have general supervision of the Executive Board, chairs of committees, and union staff. The President shall have the final authority to decide questions of parliamentary rules and to interpret the Constitution and Bylaws for Virginia 512.

**Section 2** The Secretary/Treasurer shall have custody of all documents, records, books and papers belonging to Virginia 512, except as may be otherwise provided by this Constitution and Bylaws. The Secretary/Treasurer shall maintain the official list of members in good standing, which shall be kept accurately and updated on a regular basis. The Secretary/Treasurer shall maintain records and discharge other duties on behalf of Virginia 512 as required by applicable law. In the President's absence, including in the case of vacancy, the Secretary/Treasurer shall carry out the President's duties.

**Section 3** The Executive Board shall consist of the President, the Secretary/Treasurer and Board Members. It shall be the duty of the Executive Board to exercise general supervision and control of the

invested funds and property of Virginia 512. It shall have the authority to act in the name of Virginia 512 during intervals between meetings, in furtherance of Virginia 512's purpose and subject to direction by the membership at regular meetings. It shall provide for an annual audit of the Secretary/Treasurer's books. It shall meet at the call of the President at least three times per year, or at the call of a majority of its members. A majority shall constitute a quorum. In the event that a Chapter's elected Board Member is unable to attend a meeting, the Board Member may designate another Chapter member to attend the meeting and to participate and vote by proxy.

## **ARTICLE 7**

### **Chapters**

- Section 1** Chapters are the primary focus of activity, representation and action in Virginia 512. The jurisdiction, compositions and authority of Chapters are defined in Articles 2 and 3 of this Constitution and Bylaws.
- Section 2** The President may appoint or supervise the election of a temporary steering committee to act on behalf of any group of members who are organizing and seek to become a permanent chapter of Virginia 512.
- Section 3** New Chapters shall be formed and given titles by the Executive Board, upon recommendation by the President. Their Bylaws must be approved by the President, and must be consistent with the Constitutions and Bylaws of both Virginia 512 and the International Union.
- Section 4** Each Chapter shall keep a copy of the minutes of each Chapter meeting. Minutes must be available upon request of the Executive Board or the membership.

## **ARTICLE 8**

### **Amendments**

- Section 1** This Constitution and Bylaws may be amended by a two-thirds vote at a meeting of the membership, provided that each member in good standing is sent a notice of the proposed amendment at least fifteen (15) days in advance of the meeting at which the vote will be



taken. No amendment to this Constitution and Bylaws should be in effect until it has been approved by the International Union. This Constitution and Bylaws shall at all times be subordinate to the Constitution and Bylaws of the International Union as it may be amended from time to time.

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.