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January 26, 2009

Andy Stern, President  
Service Employees International Union  
1800 Massachusetts Ave, N.W.  
Washington, D.C.

***Re: Response to the IEB's Resolution of January 22, 2009 and the Report of Hearing Officer Ray Marshall***

Dear Andy Stern:

With the election of Barack Obama as the 44<sup>th</sup> president of the United States, our union – the Service Employees International Union – stands at an extraordinary moment to unite workers in a democratic and progressive labor movement.

The exciting movement-building dimension of President Obama's election campaign underscored the importance of building a social movement from the bottom up, rather than the top down. It taught us that the most effective organizations are those in which leaders at the grassroots are empowered to make decisions in a way that balances the need to coordinate efforts at a national level.

We agree with Secretary Marshall that it is important for SEIU and UHW to “undertake discussions on how they can work together to continue to build a strong union, to organize the unorganized, and to accomplish other shared goals” and that it is important for us to unite “at a critical time in the development of the labor movement and progressive policies in the country.” We also believe that the tenor and structure of those discussions must be democratic and protect the right of those who disagree with SEIU's top leadership to voice their disagreement in a manner free from recriminations and retaliation.

Not surprisingly, we have a different view than the International Union of Secretary Marshall's findings and recommendations, whose adoption by the International Executive Board was described by an SEIU spokesperson in the Los Angeles Times as a show of “mercy” towards UHW. Secretary Marshall is very explicit in stating that he does “not recommend a trusteeship on these grounds at this time because these actions were merely symptoms of the basic underlying cause of the conflict between UHW and the International Union.” Furthermore, he notes that “there are important policy differences” between UHW and SEIU. He later emphasizes these points more strongly: “the underlying issue in this case is not one of the charges in the Amended Notice, which were really symptoms of the fundamental relationship between the international union and the UHW.” We do not believe these findings and recommendations rightfully can be characterized as a show of “mercy.”

[www.seiu-uhw.org](http://www.seiu-uhw.org)

Sal Rosselli, *President*

Jorge Rodriguez, *Executive Vice President*

Joan Emslie, *Secretary-Treasurer*



While we disagree with a number of Marshall's conclusions regarding the purpose of the United Healthcare Workers and Patients Education Fund, as well as to other allegations set forth in the Amended Notice, we take strongest exception with two of the recommendations set forth by Marshall. These conclusions, we believe, are prejudiced by his belief and his characterization that the policy differences between SEIU and UHW can be reduced as simply as he does to a "jurisdictional conflict over long-term care workers." A review of our affirmative defense demonstrates that our differences with your leadership are much more extensive than a "jurisdictional conflict over long-term care workers." In fact, the way Marshall characterizes our differences on long-term care issues indicates a lack of understanding of our deeper and larger philosophical differences. Perhaps this is understandable since long-term care jurisdiction was not an issue before Marshall. Commensurate with this, we believe Marshall exceeded his authority in making a recommendation that incorporates topics that are beyond his purview and addresses events that occurred after the trusteeship hearing had already concluded.

For the past several years, UHW has been raising its very serious concerns about numerous matters, including: the corruption among some of your appointed leaders; the secret backroom deals, SEIU, under your direction, has cut with employers, governors and others; and the lack of democracy within SEIU.

With respect to long-term care workers in California, our concern is not just that the International Union has pushed through a jurisdictional reorganization that is inconsistent with SEIU's jurisdictional arrangements in almost every other state in the nation, but more importantly we are profoundly opposed to the manner in which the decision was made. You no doubt agree that it is a monumental decision to transfer 65,000 members from UHW – which has a proven track record of negotiating the highest wages and benefits in the country, is the fastest growing local union in SEIU, and has a proven reputation of democratic accountability and rank-and-file participation – to a local led by those with a history of negotiating substandard contracts, little organizing success and without the right to democratically choose their leaders. Given the enormity of this decision and its vast implications for UHW members, such a decision should be enacted by a fair membership vote on a local-by-local basis, not by executive fiat.

Were this issue before Marshall, we believe he may have reached a different outcome. But it wasn't. And rather than dwell on that, we hope to use his decision as a jumping-off point in hopes of reconciling our differences for the greater good of the labor movement and our shared goal of building a more progressive, democratic America.

With regard to the specific recommendations put forward by Marshall, we offer the following response:

1. **UHW Notice to Members of Marshall's Decision:** UHW would agree to mail to all of our members, post on our website and bulletin boards a copy of Marshall's report and the decision of the Executive Board.
2. **UHW Purging of Data Base:** To the extent possible, UHW would purge from its database, to the satisfaction of the International President, all of the names that allegedly came from the International Union's Convention database.

3. **Continued UHW Cooperation with Monitor:** UHW would continue to cooperate fully with the monitor appointed by the International President to review the expenditures of UHW, provided that the International Union reimburses UHW approximately \$353,857 owed to UHW based on our transfer of excess COPE contributions for 2008. In addition, UHW should have access to the SEIU strike fund on equal footing with other SEIU local unions.
4. **Continued UHW Abiding with SEIU Constitution:** UHW would continue to abide by the International Constitution and By-laws and all legal orders of the International President and the International Executive Board rendered pursuant to the Constitution and By-laws.
5. **Right of UHW Long-Term Care Members to Determine Their Own Future:** UHW would support the transfer of its long-term care members into a new long-term care union provided that a majority of those UHW long-term care members voting in a secret-ballot election administered by a neutral third party chosen by UHW and the SEIU approve such a transfer, and that such a union has a democratic leadership structure, a real vision for winning higher standards for workers and a principled strategy for growth that enables caregivers to provide higher quality of care for their residents and consumers, and the appropriate staff and resources to carry out such a program. There would be no restrictions on campaigning by members, officers, staff, or a local union. Such a voting process is consistent with the SEIU Constitution and follows the model of the merger between Local 250 and Local 399 that led to the creation of UHW in 2005, and the various mergers, including most recently of 1199NJ, and other local unions into 1199UHE.
6. **Right of UHW Hospital and Kaiser Members to Determine Their Own Future:** SEIU recognizes the right of UHW members to elect their own bargaining team representatives, develop their own contract proposals and control the collective bargaining relationship with their employer, including but not limited to Catholic Healthcare West, Daughters of Charity, HCA, Kaiser Permanente and Tenet Healthcare.
7. **Right of Unorganized Healthcare Workers to Join UHW:** SEIU agrees that UHW's success in organizing and representing California's hospitals and clinics will be respected by SEIU's ceasing any and all further efforts to undermine UHW's jurisdiction – whether by geography, by job classification or by facility type – and by permitting unorganized workers involved in active UHW organizing campaigns, like those at St. Joseph Health System and Community Medical Centers, as well as others in future organizing campaigns, to continue to organize into UHW.
8. **Mediation Process to Re-integrate UHW into SEIU:** SEIU agrees to initiate a mediation/integration process, with Larry Fox or other agreed upon third party as the mediator, with the goal of re-integrating UHW into SEIU.
9. **Creation of a Statewide Healthcare Workers' Union:** After the conclusion of the mediation/integration process led by Larry Fox or other agreed upon third party, SEIU, UHW and the long-term care union in California may establish a specific timeline and series of benchmarks that would lead to the creation of a statewide healthcare workers' union in California, subject to a fair, democratic vote on a local-by-local basis, consistent with the SEIU Constitution.

While we recognize that considerable work would be necessary to rebuild the trust between UHW and your leadership, we are confident your acceptance of our response would reverse the path we are currently on and take a significant step toward restoring unity in SEIU and the rest of the labor movement.

We look forward to your response.

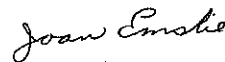
In Unity,



Sal Rosselli, President  
United Healthcare Workers - West



Jorge Rodriguez, Executive Vice President  
United Healthcare Workers - West



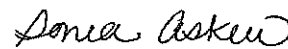
Joan Emslie, Secretary-Treasurer  
United Healthcare Workers - West



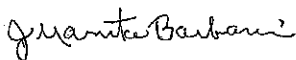
Tony Aidukas, UHW Vice President  
Desert Regional Medical Center



Roberto A. Alvarez, UHW Vice President  
Kaiser Permanente - Bellflower



Sonia Askew, UHW Vice President  
Kaiser Permanente - Oakland



Juanita Barbarin, UHW Vice President  
Retirees



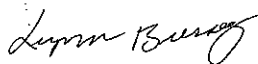
John Borsos, UHW Vice President  
United Healthcare Workers - West



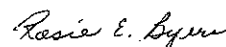
Will Brennan, UHW Vice President  
Olympia Medical Center



Mildred Brown, UHW Vice President  
In-Home Supportive Services, Contra Costa



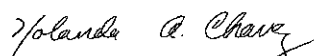
Lynn Bussey, UHW Vice President  
Cedars-Sinai Medical Center



Rosie Byers, UHW Vice President  
In-Home Supportive Services, San Francisco



Roy Chaffee, UHW Vice President  
Kaiser Permanente - Vallejo



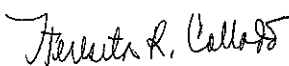
Yolanda A. Chavez, UHW Vice President  
Kaiser Permanente - Oakland



Feng Mei Chen, UHW Vice President  
In-Home Supportive Services, San Francisco



Leon Chow, UHW Vice President  
United Healthcare Workers - West



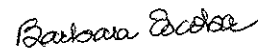
Teresita Collado, UHW Vice President  
Kaiser Permanente - Los Angeles



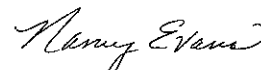
Ralph R. Comejo, UHW Vice President  
United Healthcare Workers - West



Mary Corson, UHW Vice President  
Kaiser Permanente - Panorama City



Barbara Escobar, UHW Vice President  
Kaiser - Woodland Hills



Nancy Evans, UHW Vice President  
Willow Pass

Michael Fenison, UHW Vice President  
Centinela Hospital

**Martha Figueroa/mr**

Martha Figueroa, UHW Vice President  
United Healthcare Workers - West

Marilyn Freeman, UHW Vice President  
Watts Healthcare Foundation

Florine Furlow, UHW Vice President  
In-Home Supportive Services, Fresno

Tracey Garces, UHW Vice President  
O'Connor Hospital

Mary Ellen Garcia, UHW Vice President  
Kaiser - Hayward

Angela P. Glasper, UHW Vice President  
Kaiser Permanente - Antioch/Martinez

Glenn Goldstein, UHW Vice President  
United Healthcare Workers - West

Al Green, UHW Vice President  
Doctor's Medical Center, Modesto

Robert Hardebeck, UHW Vice President  
Garden Grove Hospital

Robert Hernandez, UHW Vice President  
Kaiser Permanente - Baldwin Park

Miguel Holguin, UHW Vice President  
St. Bernardine Medical Center

Robyne L. Horn, UHW Vice President  
Kaiser Permanente - Santa Clara

Donald Hoskins, UHW Vice President  
St. Mary's Medical Center - Long Beach

Ju'anna Isaiah, UHW Vice President  
Kaiser - Los Angeles

Gary Jackson, UHW Vice President  
Dominican Hospital

Derrell Joseph, UHW Vice President  
Kaiser Permanente - South Bay

Lover T. Joyce, UHW Vice President  
Kaiser Permanente - Walnut Creek

Deborah Kirtman, UHW Vice President  
Alta Bates Summit Medical Center

Paul Kumar, UHW Vice President  
United Healthcare Workers - West

Laura Kurre, UHW Vice President  
United Healthcare Workers - West

Stan Lacey, UHW Vice President  
Piedmont Gardens

Xiao Jiang Lai, UHW Vice President  
In-Home Supportive Services, San Francisco

Barbara Lewis, UHW Vice President  
United Healthcare Workers - West

Stanley Lyles, UHW Vice President  
Northridge Hospital Medical Center

Glenda Manning, UHW Vice President  
Kaiser - West Los Angeles

Don Mariacher, UHW Vice President  
Kaiser Permanente - Redwood City

Dan Martin, UHW Vice President  
United Healthcare Workers - West

Pamela Martinez, UHW Vice President  
United Healthcare Workers - West

Sharon Martinez, UHW Vice President  
Mercy General Hospital

Molly Miller, UHW Vice President  
Kaiser Permanente - Fontana

Shirley Nelson, UHW Vice President  
Kaiser Permanente - Redwood City

Bebs Nonato, UHW Vice President  
Kaiser Permanente - Los Angeles

Debrah Ortega, UHW Vice President  
Kaiser Permanente - Orchard

Li Bao Pan, UHW Vice President  
In-Home Supportive Services, San Francisco

Raisa Polonskaya, UHW Vice President  
In-Home Supportive Services, San Francisco

Ella Raiford, UHW Vice President  
In-Home Supportive Services, San Francisco

Eloise Reese-Burns, UHW Vice President  
Cottonwood Health Care Center

Anne Stepp Regacho, UHW Vice President  
Kaiser Permanente - Stockton

Michael Rivera, UHW Vice President  
Encino-Tarzana Regional Medical Center

Tena Robinson, UHW Vice President  
In-Home Supportive Services, Sacramento

Rachel Rodriguez, UHW Vice President  
United Healthcare Workers - West

Daniel Romo, UHW Vice President  
Kaiser Permanente - Woodland Hills

Maria Samuel, UHW Vice President  
Golden Gate Health Care Center

Fred Seavey, UHW Vice President  
United Healthcare Workers - West

Margaret Segura, UHW Vice President  
United Healthcare Workers - West

David Shapiro, UHW Vice President  
Kaiser Permanente - Sacramento

Lynn St. Clair, UHW Vice President  
Kaiser Permanente - Santa Rosa

Wanda H. Talton, UHW Vice President  
Pacifica Hospital of the Valley

Robert Thyfault, UHW Vice President  
In-Home Supportive Services, Sacramento

Michael Torres, UHW Vice President  
USC University Hospital

Jay Valencia, UHW Vice President  
United Healthcare Workers - West

Martha V. Vazquez, UHW Vice President  
St. Joseph's Medical Center

Brenda Washington, UHW Vice President  
Grove Street Care Center

Marie White, UHW Vice President  
In-Home Supportive Services, Sonoma

Anita Wiltz, UHW Vice President  
Golden Cross Health Care

George Wong Jr., UHW Vice President  
Kaiser Permanente - San Francisco

Rebecca L. Worcester, UHW Vice President  
Kaiser Permanente - Sacramento

Mickiela Yagen, UHW Vice President  
In-Home Supportive Services, Yolo

Helen York-Jones, UHW Vice President  
California Pacific Medical Center