

FPSU, SEIU Committee on the Future Meeting
Nov. 14 & Nov. 15, 2009
Teamster Hall - 126 N. Kirkman Road - Orlando FL 32811-1498
Draft Minutes

Attendance:

Committee Members: Angela Aikens, Andre Allen, Jerry Blout, Sherrie Colgain (11/15/09 only), Dennis Davis, Freda Exum, Lovie Fulse, John Henkle, Liza Jacobs, Robin Kirkpatrick, Richard MacDonald, John McGibbon, Martha Mateen, Gene Phillips, Raymond Rawls, Sonya Roundtree, Robin Turner, Theo Webster.

FPSU Member Observers:

Lynette Gibbs, Cheryl Lewis-Hamilton, Lee Davis, Claire McGibbon

FPSU Staff: Caitlin Fishman, Rick Smith, Van Church, Maria Perez, Nancy Orama, Angelina Whitbeck, Maribel Soto

Guests: Toni Lewis (SEIU International), Pattie Johnson (CoWINS)

Facilitators: Pat Thomas, Alphonso Mayfield

Note taker: Katie Roberson-Young

Goals:

- *To finalize standard language needed to complete our Constitution and Bylaws
- *To review our entire Constitution and Bylaws
- *To review our COF Pledge commitment
- *To train how to educate members about the C&B so we can achieve a "Yes" vote
- *To prepare for our role at the January Convention

Saturday, Nov. 14

- I. Introductory Discussion
 - a. Opening/Agenda/Quick Quiz
 - b. Review: Minutes (includes review of articles adopted: (Elections, Categories of Membership, Chapters)
 - i. Minutes adopted unanimously 11/14/09 with amendment to insert Appendix A
 - ii. P.6 under F Section amend draft: 504 refers to [list offenses] → cover later.
 - c. Legal Revenue Update – Alphonso
- II. Update on Legal Issues and added language in current draft:
 1. Nine month employee issue -- Members in Good Standing, p.3 (Section 5)
 - a. **Members who maintain a regular work schedule of less than twelve months per year are not required to pay dues during months in which they do not work.** Adopted unanimously 11/14/09.
 - b. Simplify election eligibility section (p. 14 Sec. 3)
 2. Retired members paying full dues and eligible to run for office
 - a. No language yet – but it would go in Regular Member category. If we don't change it, then retired members cannot run for office.

b. Motion to include retired members paying full dues to run for office. Yes: 8. No: 9.

i. Discussion:

3. E-board duties stipend for officers (p. 5, section 2(B))

a. **The Executive Board has the authority to include a stipend for elected officers in the annual budget.** Adopted (cutting section re fair share) unanimously 11/14/09

4. Officers (p. 7, Section 2(A))

a. Term of office

Each officer shall be a member of the Union's Executive Board and his/her term of office shall be three (3) years. No officer shall hold two offices simultaneously.

b. Salary **The President shall be the only officer who receives a salary from the Union.**

c. Reimbursement **The Executive Board may determine policies for reimbursing reasonable expenses incurred in the course of Union business by elected officers and Executive Board representatives.**

(and may include stipends for elected positions in the annual budget.)

d. **Suggested amendment: The E Board has the authority to make a stipend for elected officers in the annual budget.**

e. **Yes: 11; No: 5.**

f. **All three adopted unanimously 11/14/09.**

5. Int'l Convention Delegates (p. 17, Sec. 9)

a. Order for e-board members **(in order from the member representative who received the most number of votes to the member representative who received the least number of votes in the election in which the member representatives were elected).**

b. **Can we do it by lots? Tabled to find out options.**

c. **P. 16 add list of felonies to Section F**

III. What are we hearing from members?

a. Excitement for process and convention

b. Distrust and wanting assurance that this is member-driven.

IV. Standard Language (Small Groups review)

V. Reports: Explain the article/What would make it clearer?/Recommendation

a. Jurisdiction

i. Group recommends adoption as written.

FPSU shall have exclusive jurisdiction over state, county, municipal and other public employees in the State of Florida, including school and child care workers, and over school and child care workers employed by private sector employers in the State of Florida.

The jurisdiction of FPSU shall be defined by SEIU. Any change or expansion of that jurisdiction shall be approved by SEIU.

Adopted unanimously 11/14/09.

b. Affiliations

i. Group recommends getting a local number for FPSU and accepting article as written.

FPSU shall be affiliated as Local _____ of the Service Employees International Union (SEIU), the proper central labor bodies, and any affiliations required by the Change to Win (CTW).

The Executive Board may affiliate with other organizations deemed beneficial to the missions and goals of FPSU.

Committee unanimously adopted article as written with a number to be filled in later.

Ideas for numbers: 17, 2009

c. Property Rights

i. Group recommended adoption as written.

All officers shall deliver to their respective successors at the conclusion of their term of office, all property in their possession belonging to FPSU. All the funds and property of FPSU shall be deemed held in trust for the benefit of the members, to be used in accordance with the direction of the Executive Board or the membership and subject to the International Constitution of SEIU.

The title of all property, funds and other assets of this Union shall at all times be vested in this Union for the joint use of the general membership of this Union, but membership in this organization shall not vest any member with any severable proprietary right, title or interest in or to the funds, property or other assets of this Union, now owned or possessed or that may hereafter be acquired and each member hereby expressly waives any right, title or interest in or to the property of this Union, including the funds of this Union.

The funds or property of this Union shall not be divided among the members but shall remain intact for the use of this Union for its legal and legitimate purposes while this Union exists.

Link to website somewhere – in appendix?

Committee unanimously adopted 11/14/09.

(Lunch – Finance Committee meets)

Interviews Filmed

d. Charges, Trials, Appeals (Internal Discipline)

i. Group recommends that the proper officer should be the Vice President of Operations, and that “Executive Board” should be specified as Local or International.

Section 1. Discipline

A. Members and elected officials of FPSU may be charged with any of the offenses set forth in the SEIU Constitution and Bylaws or violations of the FPSU Constitution. Charges must be specific and in writing.

Section 2. Procedures

A. Charges against any member or elected official of FPSU shall be filed in duplicate with the Vice President for Operations. The Vice President for Operations, or his/her designee, shall serve a copy

thereof on the accused personally, unless the accused waives personal service, and by registered or certified mail, directed to the last known address of the accused, at least fifteen (15) days before the hearing upon the charges, along with a copy of this provision. The charges must specify the events or acts which the charging party believes constitute a basis for charges and must state which offence(s) set forth in the SEIU Constitution and Bylaws that the charging party believes has/have been committed. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file within ninety (90) calendar days more detailed charges which comply with this Section. No charges may be filed more than six (6) months after the charging party learned or could have reasonably learned, of the act or acts which are the bases of the charges

Section 3. Trial Body

- A. **The Executive Board of FPSU shall appoint a Disciplinary Committee, consisting of three (3) regular members to act as the trial body and to conduct hearings. If the member filing charges or the accused is a member of the trial body he or she shall be ineligible to participate in the consideration of or the decision on such charges. The accused has the right to appear in person and with witnesses and answer the charges against him or her, to face his or her accuser and shall be afforded due process and a full and fair hearing. The accused may select a regular member of FPSU to represent him or her in the presentation of a defense. If the accused is unable to or unwilling to be present at the hearing, a defense may be presented in writing. In default of appearance or defense, the trial body shall proceed with the hearing regardless of the absence of the accused.**

- B. **If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose such penalty as it deems appropriate and as the case requires, including but not limited to fines, suspension, expulsion, and the removal from office. If the charges are not sustained, the same shall be dismissed and the accused shall have full rights of membership in FPSU. In all matters, the charging party shall have the burden of proof.**

Section 4. Appeals

- A. **An appeal to the International Executive Board may be brought by either the accused or the member filing the charges from any final decision of FPSU with respect to such charges. Any such appeal shall be filed in writing with the International President of SEIU within fifteen (15) days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision appealed shall remain in full force unless stayed by approval of the International**

President. The International Executive Board may decide the appeal on the record made by the trial body or may in its discretion, upon at least 10 days notice, hear arguments or hold a rehearing either itself or before a hearing officer or officers designated by it. The International Executive Board may affirm, reverse or modify the decision that is the subject of the appeal and its decision shall be final and not subject to further appeal.

Motion to amend to require personal service VOTE: YES: 9 NO: 8.

Friendly amendment to add “unless the accused waives service in person”

Friendly amendment to add “calendar” to days in each instance throughout document.

Friendly amendment motion to add time limit for refiling “ninety calendar days”

Motion to amend to allow accused to be absent and have another member represent him. If unable to appear defense may be presented in writing “and/or by the accused’s selected representative.” VOTE: YES: 6 NO: 11
→ motion fails

VP for Operations can have delegate serve a designee.

VOTE on article: YES: 15 NO: 0

Charges and Appeal article adopted 11/14/09.

- e. Amendments
 - i. Group recommended adoption as written.

Amendments to the Constitution and Bylaws may be proposed by a two thirds (2/3) vote of the Executive Board. After an amendment has been properly proposed, the Executive Board shall call a special general membership meeting of the Local Union within ninety (90) days. The call for this general membership meeting shall include the text of the amendment and a clear exposition of the issues involved. A vote by secret ballot on the amendment shall take place at this meeting. The amendment must be approved by two-thirds (2/3) of the Regular Members voting at this meeting. No amendment shall be valid or become effective until approved by the International Union.

**Vote for amendment to add mail ballot option: yes: 7 no: 11. Motion failed.
Vote for adoption as written: yes: 14 no: 3**

- VI. Legal Revenue Update – Finance Committee
 - a. Adjustment for Palm Beach – freeze status quo for one year, then start on cap increases year after because members are already paying higher than cap.
 - b. Minimum dues
 - i. 1500 members in school board unit
 - 1. 50% currently pay minimum dues \$30, proposal is to stay at \$30
 - 2. 27% between \$11 – 14/hour, currently unclear what rate is but its around \$34/month; proposal is to have a dues decrease on a graduated scale \$31-33.
 - 3. top 23% pays at cap, with slight increase (100 people get \$0.50)

- ii. Substantially lowering dues in first year will result in union losing \$40,000 in revenue (from West Palm Beach). If we narrow the decrease in dues (esp for those currently paying \$34/month; proposal is to have a minimum of \$30, so \$4 decrease) we won't have as great a loss.
- iii. Discussion
 - 1. as a business, losing \$40,000 is a big loss.
 - 2. how can we be fiscally responsible and fair at the same time?
 - a. We can't have a minimum dues requirement in West Palm and no where else.
- iv. Reality:
 - 1. highest paid workers don't pay 1.56% because of caps – not necessarily fair, but its' a reality. Members won't vote for a drastic increase.
 - 2. lowest paid workers are paying more than 1.56%. they are already willing to pay \$34 for union membership, and they will get a decrease no matter what. The question is how big of a decrease and how quickly it is implemented. If decrease for WPB is gradual (mirroring gradual yearly increase in caps), the union can maintain its level of resources the first year. (Overall goal is to eventually increase resources to strengthen union.)
- v. Under this proposal, 50% of members will get a cut, including everyone at West Palm.
- vi. Discussion about options:
 - 1. Dues should never exceed 1.56%, we should not have any minimum – are there other options for making up lost revenue? Raising percentage from 1.56% to higher? Speeding up cap increases so members earning the most pay more?
 - 2. We should raise cap to \$45/month to make up lost revenue from lowest earners.
 - 3. We should stick with proposed Dues Chart from 11/7/09 – it's unfair to go back and change the proposal. We should have no minimums for either part-time or full-time workers
 - 4. We need to make hard decisions. Some people are paying less than 1.56% (those who make enough so that 1.56% of income is above monthly cap). We can't lose money – we need to come up with some sort of equitable solution.
 - 5. What is the definition of full time?

Motion to reduce the minimum dues for part time employees to \$12/month. (Not seconded)

Motion to keep Palm Beach dues at 1.56% with no minimum dues. (Not seconded)

Motion to amend article to keep part-time members at 1.56% with no minimum dues and cap of \$40.

VOTE: YES: 15 NO: 1

Motion to freeze West Palm dues rate for one year and set \$30 minimum dues per month for all full time FPSU members (who work at least 40 hours per week), and request waiver from International. VOTE: YES: 14 NO: 0.

Motion to amend minimum dues: minimum dues rate does not apply to any unit that does not have a cap. Adopted unanimously.

ADJOURN for the day

Nov. 15

- VII. Quick Quiz by John M., Jerry, Martha, Robin, and Gene
- VIII. Finalize Revenue Language

- a. Amendments to proposed language based on Committee's decisions yesterday:
 - i. Add explicit language to reiterate in paragraph D that part time workers and full time workers in units without dues caps do NOT pay minimum dues.
 - ii. Add additional year to Appendix A for Palm Beach. Add year 2013 with 1.56% with cap of \$40
 - iii. Add Orange County libraries into Appendix A
 - iv. Language of Article X with amendments: bolded language is new.

Dues rates, caps, and minimums shall be set as indicated in Appendix A. Unless specified otherwise in Appendix A, members shall pay dues in the amount of 1.56% of base salary, unless that rate exceeds existing dues caps in place in January of 2010, in which case members will pay dues at the level of the existing dues cap for their unit, as indicated in Appendix A. All existing dues caps in bargaining units throughout the Union will be adjusted yearly as shown in Appendix A. All units with dues caps will achieve the same standard dues cap of forty dollars (\$40) per month by 2013, **which will be indexed for inflation thereafter based on the United States Department of Labor's Consumer Price Index. As reflected in Appendix A, all Palm Beach members will remain at current dues rate for 2010 and will be paying at 1.56% of base salary by the end of 2013 with a cap of \$40 per month.**

- v. **Unless specified otherwise in Appendix A, all bargaining units which have dues caps shall have a minimum dues requirement of thirty dollars (\$30) per month for full-time regular members who work at least forty (40) hours per week and at least 2080 hours per year.**

There is no minimum dues requirement for part-time employees (who work less than forty (40) hours per week) or for full-time employees in bargaining units that do not have dues caps. Such employees' dues shall not exceed 1.56% of base salary.

Appendix A amendments adopted: additional year in chart for Palm Beach; add chart for Orange County libraries.

Dues language and appendix A proposal adopted unanimously by committee on 11/14/09.

- IX. Small group review of entire draft
 - a. Membership categories—people will need to refer to Elections Article X to see that staff cannot run for office except for president (but they can vote). (Language is consistent with Elections article, but does not list out all requirements and limitations under Membership Categories section.)
 - b. Typos and spelling will be fixed by Maida Mechanic
 - c. Legal Review by SEIU International will ensure we comply with all laws and the International Constitution. We will request waivers on dues decisions that do not comply with the International Constitution.
- X. Call with Pattie Johnson, CoWins
 - a. CoWins background and answers to questions from FPSU COF:
 - i. CoWins does not have an average wage
 - ii. CoWins members decided on no dues caps – because they feel people can afford dues in proportion to salary. No minimum dues either.
 - iii. 3000 members out of 30,000 workers. They've grown by 300 members since convention – having a structure and plan for future has helped in organizing efforts.
 - iv. CoWins can legally have requirement that union membership sign-up is for one year, with initial 30 day window period to change mind; can only leave during window period

around anniversary. (Not an option right now for FPSU – Florida has more stringent Right to Work laws than Colorado).

- v. Part time employees pay smaller dues (based on percentage of earnings – same percentage as full time members)
- vi. Lower dues rate for Retiree Dues – set at \$55 per year.
- b. Most difficult aspect of passing C&B was the dues proposal. They had across-the-board dues increases in percentage, with additional increases through 2011.
- c. Importance of Convention preparation
 - i. Discussions with members before hand about vision and what it takes to get there
 - ii. One-on-one conversations with members at the bar on the night before convention
 - iii. Majority passed C&B at convention
- XI. What are we most proud of from this process?
 - a. Coming together as one from different units and different former locals throughout the state
 - b. We are all brothers and sisters, and were able to agree, disagree, and ultimately create the entire document
 - c. Proud of the committee for respecting each other – we can now see the light at the end of the tunnel.
 - d. What we've developed will enable us to go forward and help members throughout the state
- XII. What will be most difficult part?
 - a. Changes in status quo
 - b. Revenue and dues structure
 - c. Make sure members understand this – its up to the committee to be ambassadors to the general membership and explain everything
- XIII. What will be the highlights for the members?
 - a. That their peers wrote the C&B – members are the Union.
 - b. That members will be leading the union, making decisions for the future.
 - c. The C&B is fair and equitable
 - d. That part time employees will have fair dues, and this will help us to build membership
 - e. C&B protects members' rights to hold leaders of the union accountable
 - f. That procedures are transparent
 - g. That C&B provides structure and stability
- XIV. Motion & commitment to support
 - a. **Motion to adopt entire C&B as drafted – committee adopted unanimously! 11/15/09**
- XV. Member Speak Out
- XVI. Evaluation

Sub-committee on Dues Education meets: Dennis, Theo, Robin K, Rawls, Mac, John M, Liza

- 10:15 Training: How do we get to a "YES" vote
- Noon: Lunch & filming interviews
- 1:00 PM Training continues
- 2:30 Summary/Next Steps/Final Evaluation & commitment
- 3:00 Adjourn