

State Employees Association of NH, SEIU Local 1984
Board of Directors Monthly Meeting
Thursday, February 12, 2009
1:00pm
105 North State Street, Concord, NH
As Amended 3/12/09

ATTENDANCE: (P=Present, A= Absent, E=Excused, L=Late, D=Departed early)

| | |
|-------------------|-------------------------|
| Gary Smith . P | Chuck Koontz -P |
| Diana Lacey . P | Jim Nall - P |
| Ken Roos - P | Jess Paul - E |
| Ralph Tilton . P | Brian Pike . P/D |
| Tammy Clark . P | Diana Richard - P |
| Marc Bergeron . P | Paul Stokes - E |
| Bill Fillion - P | Betty Thomas . P |
| Tom Hardiman . E | Bruce Vanlandingham - E |
| Sheila Heath - E | Rodney Woodill - P |

Members present: Bill McCann, Steve Foster,
Randy Hunneyman

Staff present: KJ Desjardin

CALL TO ORDER: . Meeting called to order at 1:00PM

- a. Absences Bruce Vanlandingham, Paul Stokes, Tom Hardiman, Jessica Paul, Sheila Heath

MOTION . Motion to accept agenda moved by Rodney Woodill and duly seconded. Motion carried.

MOTION . Motion to accept minutes January 8, 2008 BOD minutes moved by Ralph Tilton and duly seconded. Discussion ensued; changes to the minutes are as follows: Brian Pike was added to the attendance list, Diana Richard added to absences as excused, grammatical changes were submitted on paper, by Diana Richard and Betty Thomas requested that last names of BOD members be identified in the minutes. Motion carried with amendments.

CORRESPONDENCE: . Circulated.

EMERGENCY BUSINESS: . none

President Smith requested to go out of order to address the Ad-Hoc LMRDA Committee and turned the chair over to First Vice President Dina Lacey.

The BOD was asked to review the report of the LMRDA Ad-Hoc Committee.

MOTION – To accept the report from the LMRDA Ad-Hoc Committee, made by Rodney Woodill and duly seconded. Discussion ensued. Each guest was afforded the opportunity to bring forth their comments and concerns regarding the ad-hoc committee's report.

Attorney Glenn Milner was present during the presentations and responded as requested to issues raised

Sheila Health requested that her e-mail be read into the record. These questions, the chair believes were directed at Attorney Milner:

1. The report does appears to be in conflict with what I was told by USDOL . The inspector was clear when he said that the date of the list doesn't matter the fact that the list was generated by the Local and was used by one candidate while denied to other candidates does matter. My reading of the elections pamphlet would seem to confirm what the inspector said to me. Therefore I would like to know exactly what regulations/ law Attorney Molan is basing his opinion when he contends that the possession of a list,

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generated by the Local, by a candidate prior to the policy exempts the Local from providing the list from the list to all candidates.

Attorney Milners response: Attorney Milner introduced himself and thanked the BOD for taking the issue out of order to accommodate his schedule. Attorney Milner explains how he advised the committee as needed and cited Federal Court Cases to support his answers. Attorney Milner also stated he felt it was difficult to answer questions regarding conversations that he and Attorney Molan were not privy to. Attorneys Milner and Molan stand behind the opinions they gave to the committee.

2. This report does not address the issue of the president determining if his opposition in the 2008 election were entitled to 2006 list which was generated by the Local. Since the president of this Local acts as the chief operation officer I would think that would be a significant point to address in this report . the 2 candidates were denied the list it was not by Gary Smith the candidate but by Gary Smith the president of Local 1984. Is this an issue which should be addressed in this report? Why ? Why not?

Attorney Milner's response: Attorney Milner did not feel as though this was not so much a legal question, but would give his opinion on behalf of the committee and refers the BOD to the recommendations of the committee in particular page 8, number 2. The decision that was made was in accordance with the existing constitution and other regulations.

Chairwoman Lacey asks the members of the committee to speak on behalf of the report, Chairman Tilton explained how the committee arrived at their recommendations, explaining the Charge before the Committee ~~Did~~ the SEA, as an organization, violate the LMRDA?+

Discussion ensued. Attorney Milner was asked to clarify the fact that the LMRDA allows for any candidate running for office be afforded the same opportunity as other candidates to inspect the official list of eligible delegates within 30 days prior to the election. That is the minimal requirement. Attorney Milner further explained that the *Organization* would also have to treat campaign materials on an equal basis as requested by the candidates. It does not have a discovery requirement that every candidate would need to disclose what resources they have, to the other candidates. There is case law cited in the report.

Further discussion ensued regarding the recommendations of the LMRDA report. Mr. Hunneyman asked LMRDA Committee Chairperson Ralph Tilton if the origin of Mr. Smith's list was ever requested. Mr. Tilton's reply was no. Mr. Hunneyman requested this be placed in the record.

Chairperson Lacey prepares for the question.

Brian Pike requests a role call vote.

Chairperson Lacey refers to the motion on the table to accept the LMRDA Ad-Hoc Committee report moved by Rodney Woodill and duly seconded. Roll call ensued Chuck Koontz -yea, Jim Nall-yea, Betty Thompson-yes, Brian Pike -nay, Marc Bergeron-not present, Rodney Woodill-yea, Ken Roos-yea, Diana Richard abstained, Gary Smith abstained, Diana Lacey-yea, Bill Fillion-yea, Ralph Tilton-yea, Tammy Clark-yea. The motion passed and the report and recommendations have been accepted.

President Smith thanks the BOD and the Committee for all their work. President Smith asked if there was any emergency business at this time.

Chuck Koontz requested that the BOD review Randy Hunneyman memo of 2/5/09 regarding the 2008 elections.

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President Smith returns the Chair to First Vice President Lacey. Chairwomen Lacey directed the BOD to an election protest dated February 5, 2009 that was in the Board packets. Randy Hunneyman, Steve Foster and Bill McCann had left the BOD room and returned when invited to be present during the discussion of this memo.

On 2/5/09 Mr. Hunneyman wrote a memo addressed to the BOD requesting to see the Ad-Hoc Committees Report, that the discussion of the Ad-Hoc Committee's Report and subsequent rulings on this matter be clearly recorded in the minutes, and that a roll call vote be taken. Chairperson Lacey explained to the BOD that the report had not been released at the time of his request, however, his request for notification of when his complaint would be taken up by the Board, his request that any discussion on the As-Hoc Committee Report and subsequent rulings by the Board be clearly recorded in the minutes, and that any votes taken with regards to the committee's report or actions of the Board on the election complaint be done so using a roll call vote had been granted.

Discussion ensued regarding Mr. Hunneyman's remedy to overturn the 2008 convention presidential elections and the legal implications that could occur.

MOTION to deny the request of Mr. Hunneyman to overturn the 2008 Convention elections made by Tammy Clark and duly seconded. Discussion ensued. Motion passed. Brian Pike Nay, Gary Smith, Diana Richard, and Marc Bergeron abstained.

OLD BUSINESS:

MOTION to accept George Reardon's resignation with regret, moved by Brian Pike and duly seconded. Motion passed without discussion.

MOTION to accept the resignation from all committees, Pam and Gary Blake by Brian Pike and duly seconded. Motion passes without discussion

MOTION to place the name of Chuck Vanasdalan on the Infrastructure Committee moved by Ken Roos and duly seconded. Motion passed without discussion.

REPORTS:

MOTION to accept the reports of the BOD consent calendar moved by Rodney Woodill and duly seconded.

- Staff Activity
- Finance Committee Report
- Organizing Report
- Treasurers report

Break

Return from Break 2:13pm

MEMBER BENEFITS: . Betty Thomas

Presentation by Primerica

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MOTION . to accept Primerica as a member benefit made by Jim Nall and duly seconded. Discussion, none. Motion failed

PRESIDENTS REPORT – Gary Smith

Mr. Steve Butterfield from MSEA, SEIU Local 1989 made a presentation on a proposal to purchase new software for a database from UnionWare. The proposal would include SEA, SEIU Local 1984, MSEA, SEIU Local 1989 and SEIU Local 509. The pro's are that it would be less expensive for more locals to split the cost of designing and maintaining this software rather than each individual local purchasing their own software.

MOTION . to enter into an agreement with MSEA, SEIU Local 1989 and SEIU Local 509 to contract with UnionWare to provide the three locals with the necessary software and custom databases as presented and send the funding to the Finance Committee for recommendation moved by Ralph Tilton and duly seconded. Discussion ensued. Motion passed with one abstention.

Break 3:25PM

Call to order 3:35PM

CHANGE THAT WORKS

Urgency of Change Presented by Jay Ward

The State is in an Economic Crisis, expenditures are up and revenue is down. According to Governor Lynch, the state has a \$250 million deficit and his plan is to balance the budget on the backs of the workers. Lynch's proposal includes closing both the Tobey School and Lakes Region Correctional Facility, eliminating the catastrophic illness program and closing the highway rest areas. The governor also wants to charge state retirees under the age of 65 \$100 per month for their health care premium and increase prescription co-pays for all retirees.

The state is in a revenue crisis more than an expenditure crisis and we must become more active to push the policy makers to develop real long-term solutions to raising sufficient revenue that grows with the state. We need to help elect state legislators that understand and respect public services. And more importantly, we need to bring accountability and transparency to every part of state government. We will discuss options with the council on Thursday March 19, 2009 at NHTI.

MOTION . to formally adopt the retreat outcomes regarding the Change That Works Campaign moved by Diana Lacey and duly seconded. Discussion none. Motion passed. One abstention.

MOTION . to go into executive session moved by Tammy Clark and duly seconded.

MOTION . to grant Kathy Desjardin a step increment from Step 4 to Step 5 made by Ralph Tilton and duly seconded. Discussion ensued regarding KJ's hard work and dedication to this Organization. Motion passed.

MOTION . to accept the names of Jim McDonough, Gregory Ives and Patricia Dempsey as Charge and Trial Board Reservists moved by Rodney Woodill and duly seconded. Motion passed.

Review of legal activity packets being passed out and are to be returned to KJ after review. A copy of the legal activity report will remain on file for review as requested.

Gary discussed the Officers meetings that are held bi-weekly as a way to ensure integrity within Organization and to put checks and balances as well as accountability and added transparency.

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Board Chapter assignments will be discussed at next BOD meeting.

MOTION . to accept the BOD Policy Recommendation on the Service Fee Schedule, and Grievance Policy moved by Rodney Woodill and duly seconded. Motion passed.

The Board of Directors was presented with a Layoff Packet.

MOTION . Motion to bring the discussion of the cost of a 3rd party ratification contractor for the State Contract and bring back to the Council made by Jim Nall and duly seconded. Motion passed.

CONSTITUTION AND BYLAWS COMMITTEE – Chuck Koontz

MOTION . to accept the bylaw changes for Chapters 15 and 47 moved by Chuck Koontz and duly seconded. Motion passed. Chuck Koontz reported that letters and sample bylaws went to Chapters 3, 12, and 40 because last year a majority of members voted to have two year elections. Letters and sample bylaws also went to chapters 67, 68 and 79 because we have no bylaws on file.

MOTION . to accept the dues assistance committee's recommendations for 3 months of dues assistance for five (5) members. Discussion ensued. Motion passed.

MOTION . to name Jim Nall and Diana Richard as Co-Chairs of the Dues Assistance Committee moved by Chuck Koontz and duly seconded. Motion passed.

MOTION TO ACCEPT: Motion to accept all reports as presented by Rodney Woodill and duly seconded. Motion passed.

NEW/GENERAL BUSINESS: .

ADJOURN . 5:44PM

Meeting adjourned at

Respectfully submitted,

Tammy Clark, SEA Secretary