

State Employees Association of NH, SEIU Local 1984
Board of Directors Monthly Meeting
Thursday, June 11, 2009
1:00pm
207 North Main St, Concord, NH

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

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

Members present: Paul Cascio, Neil Smith,
John Morin, Mark Jordan and Justin Jardine

Staff present: KJ Desjardin, Jay Ward

CALL TO ORDER: Meeting called to order at 1:03PM by First Vice President Diana Lacey in place of President Smith who is attending the SEIU International Executive Board meeting in Washington, DC

- a. Absences Gary Smith and Paul Stokes

Motion to accept agenda made by Rodney Woodill and duly seconded. Discussion ensued about placing Finance Report before the 2:30 break in order to give an appropriate allotment of time for discussion. Brian Pike suggested that the Legal Activities Report as well as the Communications Activities Report be removed from the consent calendar in order to provide time to read the reports. 1st VP Lacey clarified that the reports do not require action; they are simply required to be submitted into the record as presented. Discussion ensued regarding the items on the consent calendar. Motion passed as amended with Diana Richard abstaining.

Motion to accept minutes from the May 14, 2009 BOD meeting made by Rodney Woodill and duly seconded. Discussion ensued, motion passed as amended.

CORRESPONDENCE: Circulated

EMERGENCY BUSINESS: None

Motion to limit debate to time allotted for agenda items and speaking twice on any agenda item made by Rodney Woodill and duly seconded, motion passed with Tom Hardiman, Brian Pike, Betty Thomas and Bruce Vanlandingham requesting to be recorded in opposition; Marc Bergeron abstained.

OLD BUSINESS:

Committee Assignments - **Motion** to add Diana Lacey to the Organization Committee made by Rodney and duly seconded. Discussion ensued, motion passed.

NH AFL-CIO escrowed funds – Ralph Tilton

The SEA has never received a bill from NH AFL-CIO. The funds previously escrowed were \$10,151.62, which the BOD decided to move into the Association's general fund at the April 12, 2007 meeting. Discussion ensued. Treasurer Tilton presented the BOD with dates of previous BOD meetings which document the reasons as to why the funds were escrowed and the subsequent dissolution of SEA's Solidarity Charter.

Motion made by Tom Hardiman and duly seconded to pay NH AFL-CIO the funds previously held in escrow. Roll Call vote requested: Voting Yea - Brian Pike, Tom Hardiman, Marc Bergeron, Sheila Heath, Betty Tomas, Bruce

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Vanlandingham, and Bill Fillion. Voting in opposition . Jess Paul, Jim Nall, Diana Richard, Ralph Tilton, Chuck Koontz, Rodney Woodhill, Tammy Clark and Diana Lacey; Ken Roos abstained. Motion fails.

Proposed Social Activities policy – Ralph Tilton

Motion to postpone the proposed Social Activities Policy until the next meeting of the BOD on July 9, 2009 made by Ralph and duly seconded. Discussion ensued, motion passed.

Motion to accept the consent calendar made by Rodney and duly seconded, discussion ensued.

Motion to postpone action on Consent Calendar until after the break in order to read the legal report, made by Ralph Tilton and duly seconded, motion passed.

President's Report – 1st Vice President Lacey

- DOC Welcomed Back: BOD gave a standing round of applause to those present from Corrections: Lt. Paul Cascio, Lt. Neil Smith, Lt. John Morin, Cpl Justin Jardine and CO Mark Jordan. Paul, Neil and John brought forth a request to form a chapter of Corrections Officers Supervisors. Corrections Officer Mark Jordan was present and requested that Board form a single chapter of all Corrections Officers including the supervisors. Each party stated their reasons for the formation and population of the chapter(s).
- PELRB decision that brought NHDOC Corrections Officers back to SEA was circulated. It is rumored that the NEPBA will be attempting to raid the COs again.
- Proposed bylaws from Chapter 255 (Supervisors) have been submitted to the Constitution & Bylaws committee for review.
- Layoff notices started at DOC today for COs.

Motion to accept the formation of the two separate corrections chapters (250 and 255) made by Tom Hardiman and duly seconded. Discussion ensued. Rodney Woodill called the question. Discussion ensued with remainder of speakers on the list; motion withdrawn. Decision to form chapters 250 and 255 postponed.

Motion to formally and gladly accept NHDOC COs back into SEA made by Bruce Vanlandingham and duly seconded. Ken Roos called the question. Motion passed. Tom Hardiman and Brian Pike abstained.

- There will likely be an emergency Board meeting next Thursday June 18, 2009 once chapter 255 returns with a completed petition.

Treasurer's Report – Ralph Tilton

Motion to hire a Field Representative on a temporary basis for 6 months, and authorize the expenditure of \$35,000.00 to help with organizing the NHDOC CO units, as well as newly formed Town of Meredith and Court Assistants units, made by Ralph and duly seconded. Discussion ensued regarding not filling Randy Choiniere's position right away. More experienced staff will be needed to work with DOC in order to assist with the transition. Discussion ensued, Rodney Woodill called the question, motion passed with Betty Thomas and Sheila Heath abstaining.

Break at 2:41PM, return from break at 3:00PM

President's report continued

Point of personal privilege made by Brian Pike: Brian states the reason why he votes against the *Motion to limit debate to time allotted for agenda items and speaking twice on any agenda item* is because it is his belief that the BOD is there to do the business of the union and stated: ~~making~~ taking time to do our due diligence and our fiduciary duties as a Board to take and listen to everyone's point of view and just have that debate and discussion. +

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- The **US Department of Labor** requested another extension through July 3rd to finish their investigation of the complaint. President Smith, on behalf of the Board, granted the extension in the interest of thoroughness and finalization of the investigation as per the **US Department of Labor** request. Extension of the July 3rd date was granted.

Question regarding USDOL Investigation:

The following questions are submitted as written by Sheila Heath and requested for submission to the record. Responses are in bold print in-between questions as responded to by Chairperson, 1st VP Lacey.

1. Has USDOL reached a conclusion or are they still investigating the election?
1st VP Lacey: They have not reached a conclusion as of yet. They are wrapping up their investigation and we expect a conclusion soon. If there is a question regarding the outcome of the investigation, it will be brought before the BOD and an Emergency Board Meeting will likely be called. There are time frames that have to be adhered to.
If they have reached a conclusion why hasn't the BOD been informed?
Question already answered in above statement
2. It is my understanding that in the event of a conclusion of a serious election violations the most significant penalty USDOL could enforce would be to have our local redo the election, but if the election violations are not serious we would just get instructions as to how to conduct our elections in better compliance with the law. Is my understanding correct?
1st VP Lacey: according to our attorneys, the USDOL cannot order last year's election to be redone. They would have to take the Association to court in order for that to happen.
3. Is there a possibility that we could go to court?
1st VP Lacey: There is a possibility if the USDOL said that they felt we violated any Federal laws regarding elections. If the USDOL initiates a court proceeding we will respond by going to court. If they have concerns but they are not enough that they want to take us to court they may ask us to consider some options, however that would come back to the BOD and we could discuss the Association's options for a "settlement." This could unfold in many different ways, but it will ultimately come back to the BOD for discussion and response to the USDOL's requests, if any.
4. What would be the purpose of a court hearing?
1st VP Lacey: The USDOL would have to present the Burden of Proof that the Federal Laws (LMRDA) were violated. It is very much like a court hearing and then an order could be rendered for another election. If it is something that appears to a criminal level then the USDOL would get the US Attorney General involved instead. The USDOL would not do the proceedings because it then becomes a criminal matter.
5. Specifically why has USDOL asked for 2 extensions?
1st VP Lacey: We have not been given any specifics on that issue. The USDOL initiated the request and it is a matter of opinion that we think they would like to get it right.
6. Will we receive the conclusions on June 22nd? When can the BOD expect to receive the USDOL conclusions?
1st VP Lacey: We are not going to receive the conclusions on June 22nd because they have asked for an extension until July 3rd; however that is only to the extension, so we do expect to hear back before July 3rd as it has to be resolved or they will be required to ask for another extension.
7. Why does the legal activity report indicate that M, M, &K are representing us in the matter?
I really don't understand how they could be representing us when the investigation is ongoing?
1st VP Lacey: Usually lawyers are involved in challenging finding? 1st VP Lacey: So exactly what is their role? 1st VP Lacey: Whenever there is an investigation or an audit in any type of business or corporation, it is very good business practice to have the organization's Attorney's monitor the process, arrange for all the file transfers and so they can observe the entire process. Therefore, if there are any legal

ramifications, the Attorney's have been involved in the process from the beginning and are better prepared for a case.

Tom Hardiman requested to be on the record to discuss the USDOL investigation and the outside legal team.

Tom Hardiman: %When the USDOL requests extensions, do they request them in writing? **1st VP Lacey: Yes they are being circulated in the correspondence file. The organization also has to respond to their request in writing which is also included in the correspondence file.**

Tom Hardiman: %In the report we got from the legal department last month, it said we are in negotiations with the DOL. What are they negotiating if there is no decision?+**1st VP Lacey: I believe they are negotiating the extensions and what files the organization provided and what files the organization is not required to provide. There are other questions that come up as well such as "Does the Association give them access to our data base or not?"**

Tom Hardiman: %In this month in the legal report, I read that they are working with the DOL and they are working with the SEIU regarding a response are they doing a two prong response in case it goes one way or the other? **1st VP Lacey No I think we alerted SEIU about this right from the beginning, they are the parent organization at this point, the legal team responds to every inquiry that they ask if they ask for more data they work with KJ .**

KJ stated she thought the SEIU may have been a step in their process but thought it was determined not to be the case. **1st VP Lacey: Andy Stern is copied on all the correspondence from the DOL.**

Tom Hardiman: %Want to explain why I raised the question after the last legal report and after the last one today. My concern goes back to the January Board meeting where our President is a party to this grievance and our President at the January Board meeting stated he controls our legal department. Inside and outside council, I have a real concern with him meeting with our Attorneys over something that so directly involves him and I don't see that equating to us as the Board and not to the president who is a party to this whole challenge. **1st VP Lacey: I will tell you that the USDOL does not indicate to us that there is any type of inappropriate relationship at this point because Molan, Milner and Krupski are defending the Association; they are not representing the individual Gary Smith. That's what our conversation was at the Board retreat when you brought this up. The USDOL didn't do anything or say anything about this.** KJ stated %Molan, Milner and Krupski were hired to represent the Association, not a candidate and that has been their role from the beginning.

Tom Hardiman: %But they are controlled by the candidate+**1st VP Lacey: the President's role is to clear the types of cases that go to them in terms of when we expend legal resources and when we don't. This is a part of the President's role. This issue is an Association matter and clearly we want the legal counsel on it."**

Discussion ensued

Moving Report – Kathy Desjardin

- The move was a success!
- The parking lot will be closed for sealing and striping over the weekend. KJ was recognized as well as a lot of the staff who helped Thursday evening, Friday evening and Saturday.
- Staff Injury . Beth Aborn is out on a worker compensation related incident. She is not happy to not be out of work but has not been given a return to work date as of this time. We will make every accommodation for her possible when she returns to work.

Motion to accept the Consent Calendar made by Rodney and duly seconded, motion passed

Motion to go out of order and address the Constitution and Bylaws Committee report next made by Chuck Koontz and duly seconded, motion passed.

Constitution and Bylaws Committee: Chuck Koontz

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- How to Write Resolutions+workshop is scheduled for the next Council Meeting June 18, 2009
- Working draft deadline for Constitutional Amendments (and Resolutions) is 6/27/09. If anyone has any constitutional amendments and would like the committee to help them work on it, please submit them by June 27th, otherwise amendments and resolutions need to be in by the August 25th deadline.

Personnel Matter: Step III Grievance

Motion to go into executive session moved by Tammy and duly seconded. Discussion ensued as to whether or not executive session is in order at this time or if the grievant has the option to hold the session as an open session,+motion passed.

Jeff states he would like the grievance heard in an open session.+

- Randy presents the Board with handouts. Discussion ensued regarding the grievance of Jeff Brown for insubordination.
- Jeff Brown was afforded the opportunity to speak on his behalf regarding the grievance. Jeff states that when he returned from his sick leave, he was given clearance to work without restrictions. He states he was allowed to walk, to drive and do everything that he would enable him to keep his units. There were no work restrictions.

1st VP Lacey states that as “Acting President” while President Smith is out of town, she will respond to direct questions and relinquishes the chair to Ken Roos, 2nd Vice President for the remainder of this portion of the meeting.

- Dennis Kinnan was given the opportunity to speak on the behalf of the employer. Discussion ensued.
- Diana Lacey presented on behalf of the President. Discussion ensued; Tom Hardiman states that he takes issue with Diana responding on behalf of President Smith. This was discussed with Mr. Brown prior to the meeting. Mr. Smith, the President of the Association, whom she is standing in for at this time, reviewed the material prior to issuing a decision and put it forward based on what is stated in a written response which will be read into the record; *President Smith thanked Jeff for the meeting that they had and he reviewed what was said at the meeting as well as all the documentation submitted in this grievance and find that he failed to obey Dennis’ clear instruction with respect to obtaining prior approval when working from home, therefore he denies the grievance and upholds the corrective action.*

Discussion ensued regarding the reasons given for the grievance not to be heard at the last Board Meeting. There is no provision in the CUE contract which discusses the issue when the grievance is heard at a BOD meeting.

Discussion ensued regarding the difference between the issues of Reasonable Accommodation vs. insubordination regarding following a directive given by Dennis Kinnan.

Randy and Jeff thank the board for their consideration.

Dennis had no closing statement

2nd Vice President Roos thanked the staff for addressing the BOD with their concerns.

Motion to go into executive session moved by Brian Pike and duly seconded. Motion passed. Diana Lacey abstained and left executive session.

Executive session begins at 4:56PM and ends at 5:30PM

Break at 5:30PM, return from break at 5:35PM

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Motion to remove the letter of reprimand from Jeff Brown's personnel file and to reinstate the three or four sick days, whichever Jeff can substantiate made by Tom Hardiman and duly seconded. Discussion ensued.

Motion to amend the previous motion and grant the remedy requested by the grievant made by Bruce Vanlandingham. Tom Hardiman agrees to the amendment. Roll call vote: Voting Nay - Rodney Woodill, Jess Paul, Diana Richard, Jim Nall, Tammy Clark, Chuck Koontz, Ken Roos; Voting Yea - Tom Hardiman, Brian Pike, Bruce Vanlandingham, Sheila Heath, Betty Thomas, Marc Bergeron; Abstaining - Bill Fillion. Motion Fails

2nd Vice President Ken Roos relinquishes the chair back to 1st VP Lacey to continue the meeting.

Motion to go out of order and hear the Political Education Report next made by Ken and duly seconded, motion passed without discussion.

Political Education – Ken Roos

Ken passed out the SEAPAC report and presented a summary of major bills before the Legislature articulating the difference between the House and the Senate versions.

Legislative Update – Jay Ward

- Less than a week away from the budget finalization.
- Revenue issues still exist. There is an in-fighting between the House and the Senate. The Senate is looking for expanded gaming and the House is not and they are sticking with the gas tax. The Governor has stated publicly that he will veto the budget if it contains a gas tax. These are extraordinary times and we are hopeful that they will come up with a budget by Wednesday. Either way, if they don't come out with a budget, the State Employees and the protection of Quality Public Services are hurt. The state will basically shut down, except for essential services. If they don't get the gas or the gaming tax, there is another 50 . 100 million dollar hole. This will increase the likelihood of layoffs.
- Layoffs are contained to LRF (Lakes Region Facility) inmates have been moved. Staff are already getting layoff notices.
- Tobey School is in jeopardy of closing which includes 54 people. The house is supporting the SEA's position to keep it open; the Senate has recommended closing it.
- Agriculture - create 4 new positions in Weights and Measures.
- Labor . adding 3 new Labor Inspector positions
- Retirement . HB2 will be heard next Monday afternoon. The house accepted the senate version of \$65.00 and \$130 for spouse for retirees under 65. There is still opportunity to kill it but now they are at least solid with the House and the Senate. The House originally offered an 11% tax on retirees' pensions.
- NHH . Pharmacist positions. There are 8 positions that are classified; they will be made unclassified because they are having a difficult time with retention in that department.
- The Democratic Convention . some of the members stood with their backs to the Governor and held %Walk a Day in My Shoes+posters. Rich Sigel, the Governor's Chief of Staff was unhappy about the show of disrespect to the Governor. Ken explained that this was in reaction to the disrespect the Governor has shown state employees at the bargaining table.

Political Education update – Ken Roos

- Email Blast . click through on the Committee of Conference for a letter to go through to them.
- Meeting with Senate Leaders - President Smith, 1st VP Lacey and Jay Ward had a meeting with Senate President Sylvia Larsen and Senate Majority Leader Maggie Hassen this past Tuesday. They discussed the issues with bargaining and the high points of the press conference. They emphasized that the SEA has always wanted to work cooperatively with the State. We do not know why the Governor is not sharing this information with them; however it was clear that SEA members are disappointed with them about how they are voting on certain issues. The political endorsement process was clearly explained and information was provided regarding an accountability campaign. It was made abundantly clear that we don't need to go down this path. SEA's state unit bargaining team has presented the State's bargaining team with options that would help the budget deficit situation.

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CBAC – 1st VP Lacey

- Great difficulty with the State's team. They seem disinterested in negotiations.
- The bargaining team has been meeting and they discussed setting up dates through July. The team told the State that if there is no deal by June 30th, the omnibus package that was laid out to them will be off the table.
- Tom Hardiman submitted a question regarding the legal resources and what kind of support the team is getting since Diana returned from her medical leave. Dick Molan is not at the table on a regular basis, but he and Glenn Milner continue to be available to the team for legal research and support.
- The outstanding State bargaining issues are huge. The big omnibus package has many things in it such as a one year wage freeze and a 20 year salary matrix, bumping rights are in there to make them part of the contract. The layoff rules that part timers have to go first, civil leave issues. Additional union leave for members. Sub-Units, unsure if there are any that are settled. The bottom line is that the Governor's team has not been willing to meet. Tom then asked if there were any tentative agreements, 1st VP, Lacey responded by stating that there are some small items, but they are part of the bigger package. If there is no agreement, then none of it goes.
- The State continues to press that they want us to accept their health care proposals.

Member Benefits – Betty Thomas

Bikram Yoga in Manchester, 25% off the new student introductory rate and SEA members will receive 15% off all packages offered by the business.

Motion to accept Bikram Yoga as a new member benefit made by Rodney Woodill and duly seconded, motion passed.

Organization Committee – Tammy Clark

- Chapter 22 - requested an extension to 6/22/09 for chapter elections.
- Chapter 28 - Community Technical College, Laconia has not acted on their elections.
- Chapter 56 - Belknap County has not acted on their elections.

Discussion ensued regarding outstanding Chapter elections. KJ reports that the field staff are working with them to get them moving on elections. Discussion ensued regarding the Organization Report and the chapter numbers related to Corrections Officers.

Private Sector Bargaining – Dennis Kinnan

- Franklin and Salem have agreements that are close to being finalized.
- Hampton is having major issues. The town has a major problem with the sick leave bank, where they have given out more sick leave than they have in the bank. The town is pressuring all of its bargaining units to cave on the issue.
- Coos County is due this year.
- Belknap County Sheriff's office is due.
- North Conway is due.
- Littleton Police Department is ready to enter in negotiations. The town has hired an Attorney to represent them in negotiations.
- Meredith is also going to be working on their first contract.

Strafford County Update – Rodney Woodill

- Strafford County goes into mediation for the third time. They now want them to pay 50% for their Health Insurance. Discussion ensued regarding County and Municipal negotiations

Motion to accept all reports into the record made by Rodney Woodill and duly seconded, motion passed.

**NEW/GENERAL BUSINESS:
Dues Assistance – Jim Nall**

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Motion to amend the agenda to add Dues Assistance under New Business made by Tammy and duly seconded. Motion passed without discussion.

Motion to accept the committee's recommendation to approve three months of dues assistance made by Tammy and duly seconded. Discussion ensued, motion passed.

Motion to amend the agenda to add Marc Bergeron under New Business made by Rodney and duly seconded, motion passed.

Motion that the SEA purchase an AED Automatic Defibrillator machine for the new SEA office and that we start the process of training employees on how to use it made by Marc Bergeron and duly seconded, motion passed

Motion to amend the previous motion to also include the purchase of a first-aid kit made by Marc Bergeron and duly seconded. Discussion ensued, motion passed.

Marc Bergeron and Brian Pike will work with KJ in making arrangements to begin the process regarding the previous motions.

- Martin Luther King Coalition; Michelle McCord volunteered to be the staff person and a member at the Community College in Nashua, Shirley Silva-Paige who is interested. She is reviewing the material at this time.

Motion to table the Martin Luther King Coalition member recommendation moved by Brian and duly seconded, motion passed.

New Office Recognition - 1st VP Lacey

Discussion ensued regarding BOD members joining with CUE members to contribute funding for a staff recognition gift. All money should be given to Jess Paul by the end of June.

Motion that the Board Policy Committee craft a policy that limits adding new agenda items to 5 days prior to the BOD meeting made by Rodney Woodill and duly seconded. Discussion ensued, motion passed.

Motion to have the BOD purchase a gift for the lobby made by Tammy and duly seconded. Discussion ensued. 1st VP Lacey recommended that the staff and the officers make a recommendation to bring forward at the July BOD meeting.

Motion to adjourn made by Jim Nall and duly seconded, motion passed without discussion.

Adjourn: 7:02PM

Respectfully submitted,

Tammy J. Clark, SEA Secretary