

Dear Board Members:

My thoughts turn to the agonizing March, 2007 Executive Session of the Board in which the President gave the Board one hell of a presentation in which he appeared to completely believe, together with several Board members, that he was "doing the right thing." I was puzzled and could not for the life of me understand how several Board members seem to know the nature of the President's presentation in advance?" This mystery was later solved at the May 12, 2007 Board meeting when several Board members in opposition to the President's claims against the Local 503 disclosed home visits, telephone calls and emails from the President who lobbied for their support of his claims.

The minutes and transcript from the March, 2007 Executive Session reveal that the majority of Board Members were uncomfortable with the claim of the President regarding his request for approval of time sheets more than two and a half years old. The Board decided the matter required greater scrutiny and to proceed by first securing a legal determination with respect to the President's request for approval of time sheets more than two and a half years old. The theme of the beginning, middle and conclusion of March's Board meeting was to refer the matter to a neutral outside legal counsel in an expedited manner and for our President to withhold his submission of his time sheets covering two and a half years to the Department of Revenue. The Board later learned that the President actually submitted his two and a half year old time sheets to the Department of Revenue for payment with the understanding and expectation that the Department of Revenue would then submit the bill to our Union for reimbursement.

A transcript of the March, 2007 Board meeting repeatedly captured the President's efforts to obfuscate, evade, befuddle and cloud the relevant issues. A prime example is found on Page 191, Line 8 Joe: "It's been suggested that there might be a lawsuit against SEIU. I am not bringing a lawsuit against SEIU. I have no intention to sue this union. I'm barred from suing this union, as President and I don't intend to step down to file a lawsuit against this union. It's not my intention and never was my intention."

The President fully understands and is completely knowledgeable of the fact that the same agreement between Local 503 and Department of Revenue which he insists, entitles him to over time pay also contains elements which "holds the Department of Revenue harmless" such that any disagreement, including financial, must be the responsibility of either Local 503 or the President; not the Department of Revenue. In this particular instance it is Local 503 who is at risk of financial losses as a result of the President's actions not the Department of Revenue.

At April, 2007 Board meeting the President, once again, gave one hell of a presentation. The President's assertions "It nothing personal but just business" with respect to the submission of more than two and a half years of over time to the Department of Revenue (which could potential create more than a \$179,000 liability for Local 503) and that the President did so in direct opposition to the intent of the Board of Directors of Local 503 as expressed by the Board in its March, 2007 meeting. The President took this action with the full knowledge the Board was seeking legal advice regarding this matter. The President's actions sent shock waves of disbelief through the Board. The President's actions, apparently within days of the March, 2007 Board meeting forced me to confront the President at the April, 2007 Board meeting. The President's apparent lack of respect for the decisions of the Board with respect to this matter, the President's obvious level of hostility toward selected members of the Board as well as the decisions of the Board demanded I confront the President.

Given the fact that the President took such action while knowing the Board was in the process of gathering the facts of this matter, which included neutral expert legal advice, leaves me puzzled regarding the position and advocacy of the President's supporters on the Board for more time to gather the facts.

The April 9, 2007 legal opinion by the Washington D.C. law firm of **Berdhoff and Kaiser** is through, comprehensive, and conclusive. Under Federal Law and our Union's Constitution and By-Laws the Board has no authority to grant the President's request for more than two and a half years of what the President decided in February, 2007 was overtime for which he wants to be paid.

According to the legal opinion, if the Board elected to disregard this legal opinion and granted the President's request the Board would place the Union at risk of not only further financial liability which could result from Federal sanctions but would also put the ability of the Union to govern its self without direct federal oversight and supervision. Granting the President's request would also place each current Board member at personal financial liability for such a decision. The facts in the **Berdhoff and Kaiser** legal opinion speak directly to the heart of the matter.

The President, through his decision to pursue more than two and one half years what he believes is overtime can cause harm to our Local 503, probably will cause harm to Local 503, has caused harm to Local 503, and will likely continue to cause harm to Local 503. The **Berdhoff and Kaiser** legal opinion also informs me that I better damn well uphold my oath of office as a current member of the Board of Directors of Local 503. I am personally frightened enough to write this letter. I am frightened enough to read, re-read, and re-read again the **Berdhoff and Kaiser** legal opinion to fully understand the facts, the reasoning applied to those facts, to be persuaded by the conclusions derived by and based

upon the facts and conclusions, legal and otherwise in the **Berdhoff and Kaiser** legal opinion. The fact that the President actively participated in drafting the list of legal questions for **Berdhoff and Kaiser** to answer and was interviewed by the law firm with his attorney provided additional creditability to not just the facts and conclusions of the **Berdhoff and Kaiser** legal opinion but the process by which that legal conclusion was reached and the effort by the Board of Directors of Local 503 to be scrupulous in the discharge of its duty with respect to this matter and fair to the President.

The President by his actions prior to the March, 2007 Board meeting, during the March, 2007 Board meeting, immediately following the March, 2007 Board meeting and continuing since the March, 2007 Board meeting has created and continues to generate a personal and professional acrimonious working relationship between himself and the majority members of the Board. It is readily apparent from the April, 2007 Board meeting that this acrimony is now present and growing among members of the Board. The May 12, 2007 Board meeting, which was attended by dozens of members, many of them Union leaders, gave evidence that such acrimony is also present and growing among the members. It is only a matter of time before such acrimony becomes an issue between the Board and significant members and leaders of our Union and among the membership.

Notwithstanding the minority of Board members who advocate for the President to be afforded "due process" with respect to the grievance he has filed against the Department of Revenue (which is essentially against our Union since his dispute is not with the Department of Revenue but rather with our Union) which serves only as a conduit for the President's union wages and by agreement is to be "held harmless" with respect to any dispute between the President and Local 503. Since the President submitted his request for more than two and a half years of overtime to the Department of Revenue he has, in fact, been in an adversarial relationship with Local 503.

The President expanded and exacerbated this adversarial relationship when he filed a grievance against the Department of Revenue (which is essential against Local 503 since if the President prevails the more than \$179,000 would not be paid by the Department of Revenue but by Local 503 (as well as the legal expenses of the Department of Revenue). The President has also filed a lawsuit and it would not be unreasonable to conclude that the President would also seek to have Local 503 responsible for court costs and the President's attorney fees should the President prevail in this separate effort if the President is unsuccessful in his initial efforts via a grievance. Local 503, in addition to having already incurred the expense of the legal opinion of **Bredhoff and Kaiser** would be liable for additional legal expenses should this matter proceed to court.

The President continues to foster and provoke a less than collegial relationship with significant members of the Board and membership through his current

attitude and actions. For example, when the Board voted May 12, 2007 to exercise its legal and fiduciary responsibilities to limit the President's work week to 40 hours the President after his interpretation of his seven and ½ hours, immediately stood up and announced he was now at the 40 hour a week limit and left the Board meeting over which he is responsible to preside. The President's action was not only a breach of Local 503's Constitution and By-laws but an insult to the Board of Directors, the guests present, and the membership who elected the president. The President's actions stand in stark contrast to nearly everyone at the Board meeting who devoted their volunteer time to attend the meeting and numerous other volunteer hours to Local 503 as District Directors, Stewards, Committee Members, and activist in addition to working a 40 hour plus work week. The President had the option other than immediately leaving the meeting, such as flexing his time or volunteering his time in a similar manner as everyone else present in the meeting.

The President's provocative action by prematurely leaving the May 12, 2007 Board meeting brought into clearer focus the President's December 25, 2004 behavior. The President submitted a time sheet for December 25, 2004, which included a request for over time on December 25, 2004, Christmas Day. On that day, our fellow brothers and sisters at the Perry Center were on strike. On that day, I VOLUNTEERED to walk the picket line not just with our fellow brothers and sisters from Parry Center but also with other fellow brothers and sister of Local 503 and from other locals. Our executive Director was there, our organizers were there, our Perry Center workers were there, community supporters were there. And the President was there. However, only the President attempted to BILL for the time on the picket line. Such action I now realize was a harbinger of the President's true nature, beliefs, and loyalty. This is just one blaring example of many hours of overtime for which the President now seeks payment.

Thousands of past and current members have devoted tens of thousands of volunteer hours to support Local 503. Including paid staff members. Members volunteer for a wide range of reasons too numerous to list or even know. But the purpose is the same, to promote the mission, goals, and purpose of Local 503. It is inconceivable any of these volunteers would consider billing Local 503 for their sacrifices. How does anyone submit a bill for an exercise in humanity in the face of adversity? The President believes he has found a way.

It is uncontested that the current President has, in the past, devoted volunteer hours in the service of Local 503. However, once voluntarily seeking and successfully obtaining the office of President of Local 503 that person has a higher obligation and moral responsibility to lead by example. This includes continuing to volunteer hours in support of the mission, goals, and purpose of Local 503. The members of Local 503 all work a minimum 40 hour work week with a significant number regularly exceeding a 40 hour work week and still manage to regularly devote significant volunteer hours in support of the mission,

goal, and purpose of Local 503. Can the President march to a lesser and more distant drum? I believe the President cannot and continue as an effective leader or representative of Local 503.

As I stated at the May 12, 2007 Board Meeting, “.....the tool of thought, and shaping what he wills, brings forth a thousand joys, a thousand ills. He thinks in secret and it comes to past, environment is but his looking glass”. This is a quote from the poem “As A Man Thinketh”. I have formulated my thoughts and position with respect to the matter which forms the basis of this letter from the facts as presented in the **Berdhoff and Kaiser** legal opinion, Local 503 Constitution and By-Laws, Roberts Rules of Order, and discussions with a wide range of Local 503 membership. The President and I do share one belief. Like the President, my conclusion and position is nothing personal. Just business as a member of the Board of Local 503.

As our sister Deborah Lowe pointed out, in a “Sad Story” the adversarial nature between the current president of Local 503 and the majority of the members of the Board resulted from the President's filings of a grievance and tort claim (against Local 503 despite the President's claim his grievance is against the Department of Revenue as any monetary award would be paid by Local 503 and not by the Department of Revenue) by the President's less than straight forward disclosures in his communications with the Board, and the President's unyielding position with respect to this entire matter.

During the May 12, 2007 Board meeting I listened to a minority of member/guests argue that the President deserved to have a grievance process just like any other member. However, the President is not like any other member and the grievance is not against another employer but against the Local 503 despite the President having taken an oath to lead, honor, and protect. Local 503.

When the opportunity arrived for each Board Member to make a statement I was equally eager to listen. It was readily apparent that not only had the President networked with his supporters based upon their reports of personal house calls, phone calls, and emails; but that some portion of the President's supporters had not actually read the legal brief commissioned by the Board. I believe, however, that the majority of the President's supporters determined that they were doing “the right thing”.

The President, as advocated by a small minority of Local 503 Board members and members, may be entitled to "due process" with respect to his grievance and legal claim. The President cannot, however, continue in what appears to be an increasingly adversarial relationship with the majority of Local 503 Board members, significant number of union leaders, and union members and at the same time represent and lead Local 503. The President has already caused significant financial burden to this union with the potential for this financial burden

to exponentially increase. The President has lost the confidence of the Local 503 staff as expressed by the "No Confidence" vote of the union which represents the staff. The President has become a divisive figure among all levels of the leadership and membership of Local 503 to such a degree and in such a manner as renders his leadership null and void. In effect, the President appears to have placed his personal potential financial gain over and above his oath of office as president of Local 503. The President may have a right to due process but in so exercising that right and in the manner in which the President has chosen to exercise such rights violates his oath of office as president and effectively renders the current presidency ineffective and perhaps invalid.

In conclusion, there is absolutely NO DOUBT in my mind based on three Board Meetings, the **Bredhoff and Kaiser** legal opinion, Local 503 Board Executive minutes from March, 2007 which have been released; the President is in an adversarial position with the majority of OPEU-SEIU Local 503 Board members, leaders, and perhaps members. This is a direct violation of our Constitution and By-Laws.

Loyalty is an admired attribute. However, I am not on the Board of Directors because I am loyal to the President. If by writing this letter some react with anger, so be it. The President must be held accountable. The President has violated his oath of office and the Constitution and Bylaws of Local 503.

Undoubtedly, my position and actions in support of my position will result in unwelcome strained relationship between myself and some Board members and perhaps even the loss of some friendships. I will surely lose the unity and solitary I felt with my fellow Board members. BUT, I will go forth with integrity. I will go forth in calmness. I will go forth with respect. I will go forth, knowing I did "the right thing".

Gina M Santacroce
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