

Mr. DiNicola,

Thank you for your reply, I have included in **red** the original message sent to you and in **purple** responses to your e-mail. Please respect the request of Local #392 that you **not attend** any functions **at Local #392** until your monetary dispute with SEIU is settled.

Mr. DiNicola, you have attempted to further your own agenda in your response and you have widened the audience to which the message was sent. While I respect your right to take these actions I want you to know that I personally believe you are being disingenuous in your response. That being said, it rather brings home the point that interactions with you until this monetary dispute is settled will be about you personal situation and not about SEIU business. Please **respect the request of the Executive Board of Local #392 and do not attend any Local #392 functions** until your monetary dispute is settled.

You and any recipient of this message are given permission to share this message with anyone you believe to be appropriate. However, if this message is shared please share the entire message.

Sincerely,

Daniel V. Smith

Executive Board Member Local #392

The original memo sent to Mr. DiNicola;

Dear Mr. DiNicola,

This message is being sent on behalf of the members of SEIU Local #392 by the Executive Board of the local. We are aware that you are engaged in a monetary dispute with SEIU #503 and that a resolution to that dispute has not been achieved.

Until such time as your dispute with SEIU 503 is resolved we do not want you to attend or attempt to participate in any of our local meetings. We believe that the situation caused by this dispute will be disruptive to the local and diminish our focus on bargaining. Your personal issues are not appropriate for discussion at our local membership meeting.

We encourage you to reconsider your position regarding your dispute with SEIU Local 503. If you continue to pursue your own agenda then we encourage you to resign from your leadership position.

Our president will call and confirm this message. We are firm in our resolve regarding this matter and will not change our position on this matter.

Sincerely,

SEIU Local 392

Executive Board

Mr. DiNicola's **response** and my **reply**;

Dan,

I read your recent email with serious concern. I do not have a monetary dispute with Local 503. I have a dispute with my employer, the Oregon Department of Revenue (State of Oregon) regarding my right to overtime compensation under the terms of the DAS / SEIU Local 503, OPEU contract.

As we both know Mr. DiNicola, SEIU is responsible for your salary and other compensation(s) while you serve as the President of SEIU. When you apply to the state agency for which you worked asking for overtime for a two year period (your first term

in office) those monies come from SEIU. Thus your monetary dispute, which I understand is for well over \$100,000 is with SEIU and not just with DAS. It seems inappropriate for you to suggest otherwise.

Under article 10 of the DAS contract and the agreement between SEIU and the Oregon Department of Revenue, I retain all rights, benefits and privileges of my DAS contract while serving as the elected President of SEIU Local 503, OPEU. I am not, and have never been, an SEIU staff member nor have I ever been a member of the PERU staff union.

There is no question your right to seek fair and just compensation. However, when an elected official of SEIU waits more than two years to address or remedy a problem it gives the appearance of impropriety. You have every right to seek compensation, however, no one can be required to agree with your methods, your approach or the facts as you present them. Your approach raises questions about your personal integrity and thus everything you have done as a member and as the President of SEIU must be considered in light of your current actions.

I believe every member has the absolute right to pursue their contract rights and benefits. Every member deserves their right to a fair and full hearing including their day in court when necessary. I sincerely hope that other represented members are never placed in my unprecedented circumstance -- where a grievance with an employer is decided against them by the SEIU Board of Directors -- before the employer has responded.

Everyone does deserves a fair hearing, however, when any member attempts to take advantage of their employer it looks bad. When considering the sacrifices that SEIU members make daily on behalf of the membership of this union as stewards, in leadership roles for their local, as statewide delegates and representatives and in attending and participating in a wide range of functions your attempt to reap a personal financial benefit from those workers dues payments is troubling at best. Sir, your effort to gain financially does not appear to be in the best interests of SEIU or its membership..

While I am pursuing my contract rights with my employer, I have no intention of allowing this matter to divert me in my duties as President of SEIU Local 503, OPEU. Further, I have not brought any "personal agendas" to members or to local meetings.

Mr. DiNicola your response to the memo indicates that you are somewhat preoccupied with your monetary dispute with SEIU and that you are not currently able to fully address issues brought to your attention without coloring your response with your current situation. It is well known that during at least one SEIU event you attended, while members were hearing from their local leaders, you circulated through the crowd seeking to present your side of your monetary dispute. Your actions disrupted the meeting and took away from the solidarity of the organization, diverting attention to yourself when the focus was on bargaining a new contract with the State. For that reason **the leadership of Local #392 does not want you to attend any SEIU function at the Oregon State Hospital** until after your monetary dispute is settled.

Of course, if any member has questions regarding my grievance or recent actions of the Board of Directors surrounding this matter, I'm always available to provide information. Feel free to call me if you or any member of Local 392 has any questions or concerns.

We encourage our membership to come to the SEIU Board of Directors meeting this Saturday, May 19th at the Salem union hall to discuss any questions or concerns and to voice their opinion(s) about your presidency and your monetary dispute. That meeting begins at 8:00 AM and is the appropriate place to discuss your situation. Our local meeting is for and about our local, we will be discussing bargaining at our next meeting not your personal dispute.

In Solidarity,

Joe

At no point in your reply have you responded to our request. To be clear, MR. DINICOLA, DO NOT ATTEND ANY FUNCTION AT LOCAL #392, OREGON STATE HOSPITAL until your monetary dispute has been resolved. Please do not create any more division within SEIU.

Sincerely,

Daniel V. Smith

Executive Board Member Local #392