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LAW OFFICES OF KYRA A. SUBBOTIN
KYRA A. SUBBOTIN State Bar No. 104944
2625 Alcatraz Avenue, No. 152
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Attorney for Mindy Sturge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,	)	RG 18905355
)	
Plaintiff,)	
	)	PLAINTIFF'S EXHIBITS IN
vs.	)	OPPOSITION TO SEIU-UHW'S
	)	MOTION FOR SUMMARY
SEIU-UNITED HEALTHCARE	)	JUDGMENT/SUMMARY
WORKERS WEST, MARCUS	)	ADJUDICATION OF ISSUES
HATCHER, and DOES 1-10,)	
	)	Date: October 22, 2019
Defendants.	)	Time: 3 p.m.
	)	Dept. 18
	)	Trial Date: November 25, 2019

Plaintiff submits the attached additional evidence in opposition to defendant SEIU-UHW's motion for summary judgment/summary adjudication of issues:

- Tab 1: Declaration of Mindy Sturge;
- Tab 2: Declaration of Michelle Collins;
- Tab 3: Declaration of Laurie Fowler;
- Tab 4: Declaration of Carrie Grossman;
- Tab 5: Declaration of Veronica Lowery;

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Tab 6: Declaration of Greg Price;

Tab 7: Declaration of Starla Rollins

Tab 8: Declaration of Daria Alladio

DATED: October 2, 2019

LAW OFFICES OF KYRA A. SUBBOTIN

By:  _____

KYRA A. SUBBOTIN
Attorney for Plaintiff

TAB 1

1 LAW OFFICES OF KYRA A. SUBBOTIN
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7
8 Attorney for Mindy Sturge

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF ALAMEDA

11
12 MINDY STURGE,) RG 18905355
13 Plaintiff,)
14 vs.) Assigned for all purposes to
15 SEIU-UNITED HEALTHCARE) Judge Jo-Lynne Lee Dept. 18
16 WORKERS WEST, MARCUS)
17 HATCHER, and DOES 1-10,)
18 Defendants.) **DECLARATION OF MINDY STURGE
19 IN OPPOSITION TO SEIU-UHW'S
20 MOTION FOR SUMMARY
21 JUDGMENT/SUMMARY
22 ADJUDICATION OF ISSUES**

23 Date: October 22, 2019
24 Time: 3 p.m.
25 Dept. 18
26 Trial Date: November 25, 2019

27 I, Mindy Sturge, declare as follows:

- 28 1. I am the plaintiff in this matter, and I make this declaration upon
personal knowledge and if called upon to testify, I would testify as set forth herein.
2. I had my deposition taken in this matter for three days. This declaration
sets forth the facts I testified to on material issues raised by UHW's motion, along
with other facts about which I was not specifically asked.
3. At the outset of my employment, I worked for a manager named Michael

1 Krevosh. He would often call me late at night after I was in bed with my husband.
2 He sometimes sounded drunk and he would make comments about my looks and
3 how other staff would say I must have been hired for my looks. He would also talk
4 about his personal life. I put up with it because I was a relatively new employee and
5 the union was in a lot of turmoil. I feared for my job, which I loved. Eventually, I
6 turned off my cell phone at night, despite the fact that I'd been told I had to be
7 available by phone 24/7.

8 4. Mr. Hatcher was the Kaiser Division Director and an Eboard member
9 while I worked under him and up until the time he was fired in November 2017. I
10 did not have any social or personal relationship with Marcus Hatcher outside of
11 work. I first saw the photos of me kissing Mr. Hatcher during the investigation
12 after I was assaulted. It was very upsetting. As I told UHW's outside investigator
13 Amy Oppenheimer during the October 2017 investigation, I have no memory of
14 kissing Mr. Hatcher in Portland. I had never seen photographs of me kissing Mr.
15 Hatcher until Ms. Oppenheimer showed them to me during that investigation.
16 Because I have no memory of the photos, and because I have never in my life
17 blanked out from drinking, I believe that Mr. Hatcher put something in the drink
18 he brought to me and insisted I drink that night. I became violently sick shortly
19 after drinking it and had to leave the bar. I was still so sick the next morning that I
20 was still throwing up and couldn't participate in the union events scheduled for that
21 day. This has never happened to me before.

22 5. The nature of our work often required staff to meet and discuss work in
23 coffee shops, restaurants, bars or hotels. This was not at all uncommon, nor was it
24 uncommon for me to meet staff or members outside of the normal 9 a.m.-5 p.m. day
25 to discuss work-related matters. Many union events happen outside normal work
26 hours.

27 6. As a coordinator, I was required to attend quarterly Eboard meetings and
28 the Leadership Assembly. I also attended staff meetings, campaign meetings, and

1 strategy meetings for various activities that UHW was planning.

2 7. Prior to Pedro Malave being hired by UHW, UHW borrowed staff from
3 32BJ to work on our campaigns. At some point, I learned that UHW was thinking
4 of hiring Mr. Malave, who had worked at 32BJ, which is an SEIU affiliate back
5 east. I reached out to a guy from 32BJ who had come out to work with UHW and
6 learned that there had been some problems with Mr. Malave there, though I did not
7 get the details. I told then-Hospital Division Director, Myriam Escamilla that I had
8 heard Mr. Malave had problems there and she should check into him. I ended up
9 working directly with Mr. Malave, who made inappropriate comments to me and
10 grabbed my butt at a union event. I verbally reported the butt grab to
11 management, who were nearby when it happened. As far as I know, management
12 did nothing about that behavior, nor was I asked to participate in any investigation
13 of his behavior.

14 8. In spring 2017, at the Burbank airport when I was returning from a union
15 event, I spoke with UHW Chief of Staff Greg Pullman about Marcus Hatcher's
16 inappropriate behavior with women at the union event we had just attended. When
17 I talked to Mr. Pullman, I told him that if he didn't do something about it, Hatcher
18 would get the union into legal trouble. Mr. Pullman said, "I know, I know" and
19 basically shrugged it off. This occurred right after a union event at which Mr.
20 Hatcher had been engaging in inappropriate behavior (bothering women, acting
21 drunk) and I had told two UHW people (Ethics Liaison/Director Keisha Stewart and
22 Director Claudia Rodriguez) that someone needed to get Marcus away from the
23 women because his behavior was very inappropriate. They told me to go get Chokri
24 Bensaïd and I did. Chokri then escorted Marcus away.

25 9. Early on in my employment, I was told by my supervisor that instead of
26 complaining about workplace issues, I should "put my big girl panties on." I was
27 also told that if I wanted to get ahead at UHW, I should hang out and drink with
28 UHW President Dave Regan and the upper management around him.

1 10. Prior to assuming my current position, I worked with a UHW coordinator
2 named Chung Park, who made a number of inappropriate comments to me
3 (statements such as “whoever gets to have you is a lucky man”; “do you think people
4 only respect you because of the way you look or because you have a nice body”; talk
5 about the movie Fifty Shades of Gray and asking if I liked rough sex and bondage).
6 I told my supervisor at the time, Chokri Bensaid, about some of Mr. Park’s
7 behavior. I’ve since learned he was investigated for other inappropriate conduct he
8 engaged in with co-workers but that UHW concluded he did not violate the sexual
9 harassment policy. No one ever asked for my input during that investigation.

10 11. Until September 2017, I had considerable interaction with UHW
11 President and SEIU International Vice President Dave Regan, and for a time I had
12 an office in Oakland, where his office is. We had no personal relationship, only a
13 work relationship. I also went to numerous union meetings each year where he was
14 present, had strategy sessions with him, and would be invited to join him drinking
15 in his Oakland office and at restaurants nearby. I have often seen him staring at
16 women in meetings, and he will sometimes turn to watch women go by. I have
17 heard him make inappropriate comments about women’s bodies, too. Former UHW
18 Director Marcus Hatcher once told me that one of the things he liked about Mr.
19 Regan is that Mr. Regan “appreciates beautiful women.” At a multi-day union
20 event in Portland in August 2017, I was standing near Mr. Regan in a room where
21 women from other unions were dancing. He told me I should get out on the dance
22 floor because all the “fat ass” nurses were dancing. He also referred to them as “fat
23 bitches.” It was not the first time I had heard him use that term to refer to someone
24 – he used it once in his office (where other managers were present) to refer to the
25 wife of one of the employers with whom we deal. I remember some of the people
26 present laughing about his comment. He also made a comment to me, “Does the
27 carpet match the drapes”. I learned that it was a reference to the color of my pubic
28 hair, and it made me very uncomfortable. When Mr. Regan made the comment

1 “what would you do for some jewelry?”, we were in his office with others on staff. I
2 remember Chief of Staff Greg Pullman giving Mr. Regan a funny look. It was
3 evident at the time that Mr. Regan was drunk, and the comment was said in a
4 suggestive manner. It made me uncomfortable. I also recall Mr. Regan
5 discussing a co-worker, Angela Tamayo, with Chokri Bensaid, and they discussed
6 how “all you had to do was send her to a meeting and all the guys will go”, or words
7 to that effect.

8 12. I personally observed Mr. Regan staring at former Political Director
9 Arianna Jimenez at union events. I have also seen him on the dance floor grinding
10 against women union members or staff in an inappropriate manner, and he has
11 done this with me, too. It was embarrassing.

12 13. I was present at a December 2017 meeting in Los Angeles when Mr.
13 Regan got up in front of the room to talk about sexual harassment and working on a
14 new code of conduct that UHW eventually adopted after I was assaulted. While I do
15 not remember verbatim what Mr. Regan said, the gist was that if someone made a
16 complaint against the union, they could expect to be investigated and they would
17 dig into your past, and I remember he said that the union had lots of money to do
18 that and UHW is a million dollar organization (or words to that effect). We were
19 told that complaints were to be reported to the same attorneys who are defending
20 this lawsuit, and these attorneys have acted as attorneys for UHW. It was
21 intimidating. It was also intimidating to learn that the union and Mr. Regan had
22 sued a union staff member (Njoki Woods) after firing her for talking to the press
23 about the inappropriate behavior she had observed in the workplace. I have heard
24 UHW staff members talking about the lawsuit, and it has been mentioned in online
25 blogs.

26 14. Over my years at UHW, I was subjected to inappropriate comments and
27 conduct by UHW Vice President and Executive Board Member Stan Lyles. I never
28 had any personal relationship with Mr. Lyles, only a work relationship. He would

1 make inappropriate and offensive comments about women co-workers (like
2 Assistant Director Kathryn Schneider). He talked about two UHW directors
3 (Hortencia Armendariz and Nathan Seltzer) who are married. He talked about that
4 woman's hair falling out, how "nasty" she is, and he said he couldn't imagine how
5 her husband slept with her. He made these types of comments on multiple
6 occasions and they made me uncomfortable. He also made comments directed at
7 me. First, he would remind me about how he signed the paychecks, how he's like to
8 create a position for me as his assistant, he said it would require me to travel with
9 him, and how "if he was 20 years younger...", implying he'd like to have a
10 relationship that was not business. Mr. Lyles would call and text me even when we
11 didn't have business to discuss, would try to set up dinners with me, and he would
12 ask me to drive him to member facilities when he was in northern California.
13 During one of these drives, he began complimenting my body and then grabbed my
14 upper thigh (while I was driving). After that incident, I came up with excuses to
15 not be available when he wanted me to take him somewhere. All of Mr. Lyles'
16 conduct made me feel uncomfortable.

17 15. I had a brief personal relationship with Hospital Division Director and
18 Executive Board Member Chokri Bensaid after I separated from my husband. I did
19 not discuss this relationship with anyone at UHW. At the time, I did not know that
20 he had previously been told not to have any personal relationship with a staff
21 member. Mr. Bensaid would often confide in me about Marcus Hatcher's
22 relationships with various members, and the two men would often make
23 inappropriate comments about women staff and members in front of me. It made
24 me very uncomfortable and I told them so. They would also share photos and texts
25 about women co-workers in my presence.

26 16. My brief personal relationship with Mr. Bensaid ended around the time I
27 was assaulted by Marcus Hatcher on September 28, 2017. After the assault, Mr.
28 Bensaid told me he had been instructed by UHW Chief of Staff Greg Pullman not to

1 talk with me and to “stay away” from me. Mr. Bensaid continued to speak to me
2 after the assault, saying he “told the truth” during the investigation and that he
3 was sorry about what happened to me. He continued to ask me to spend time with
4 him, despite the fact that I made it clear that I didn’t want to. At one union event
5 in Los Angeles in 2018, he repeatedly asked me to dinner and asked me to change
6 my flight home so I could spend time with him. When I told him I wouldn’t, he
7 looked annoyed. He asked me what I’d done after the previous day’s meeting, and
8 when I said I’d gone back to my hotel room, he called me “boring.” He also accosted
9 me at a union meeting, saying “I can’t stand it anymore. Mindy Fucking Sturge”
10 and he leaned over the table I was sitting at and kissed me. [He had never kissed
11 me at a union event before.] He also stared at me during union meetings and once
12 winked at me from across the room. At one meeting, he said, “you look so beautiful”
13 and “I really miss you. This is really hard for me.” At another event after the
14 assault, he came up to me and said, “Have you heard the latest? That you’re
15 fucking Dave Regan.” All of these interactions occurred during the months
16 immediately following the assault when I was trying hard to recover my mental
17 equilibrium.

18 17. Prior to the September 28, 2017 assault, Mr. Hatcher would make
19 comments about my body (you’ve got a great butt; I’m going to have to hold myself
20 back, etc). These occurred at various times in work-related settings, including once
21 when I had to pick Mr. Hatcher up at an airport for a union meeting. Mr. Hatcher
22 would sometimes refer to me as “young lady” or “baby”. These comments made me
23 very uncomfortable. I did not report the comments to anyone because Mr. Hatcher
24 was my Director, was very well-liked amongst staff and members, and he was very
25 close to Mr. Regan. I had seen him behave inappropriately in front of other
26 managers who did nothing about it.

27 18. Since Mr. Hatcher was fired, I have been subjected to shunning in the
28 workplace, nasty looks, and personally overheard a staff member refer to me as a

1 where. Mr. Regan screamed profanity at me in public for talking with him about
2 sexual harassment issues. This was overheard by some of my co-workers, one of
3 whom sent me an email afterward confirming what he had heard and how he had
4 perceived Mr. Regan's comments. Attached hereto and marked as exhibit A is a
5 true and correct copy of that March 5, 2018 email from Mike Chavez.

6 19. After Mr. Hatcher was fired, I have been the subject of anonymous
7 messages and a threatening phone call. The first message was sent on November
8 23, 2017 to my friend, James Carrion, who then showed it to me. This message was
9 sent via Facebook Messenger. The second message was sent on December 19, 2017
10 via Facebook Messenger to me. The third message was sent to Mr. Carrion on
11 January 25, 2018 and talked about the my morals, my body, and an alleged
12 relationship between me and Mr. Hatcher. Then someone sent texts to Mr.
13 Carrion's cell phone on September 25, 2018. Another text was sent the next day.
14 Finally, someone sent a screenshot of a portion of the confidential Oppenheimer
15 report to Mr. Carrion on December 7, 2018. I forwarded the messages to UHW
16 Chief of Staff Greg Pullman in the hope that he would investigate the matter.

17 20. On December 7, 2018, I received an anonymous phone call (with caller ID
18 blocked) on my cell. It was a male voice saying, "I'm going to get you bitch." I
19 received this call while I was attending a union event in San Jose. I made a police
20 report of the call and I reported it to Chief of Staff Greg Pullman. I have never
21 before received a threatening phone call like that.

22 21. At a union meeting in late 2017 or early 2018, Assistant Director Grisell
23 Rodriguez told me that Marcus Hatcher had done the same thing to her and she
24 told me that she thought he'd been fired because of what he did to her.

25 22. Prior to the September 2017 assault, Marcus Hatcher told me that
26 Deputy Chief of Staff Triana Silton had previously spoken to him about his
27 behavior at union meetings. I have also heard other staff members comment at
28 times that "someone needs to go get Marcus", when he was acting inappropriately

1 at board meetings or other union events.

2 23. After the September 2017 assault, anonymous messages were sent to my
3 friend, James Carrion. At first, I thought they might be sent by Marcus Hatcher or
4 someone at UHW with whom he was close. The messages were sent over a period of
5 a year. It became clear that the messages were from someone with inside
6 information about the union's business, including my employment status, my
7 alleged theft of union dues, and the Oppenheimer investigation. I felt I had to
8 forward the messages to Chief of Staff Greg Pullman because some of the messages
9 mentioned Mr. Bensaid, too, and I was hoping that the union would investigate.

10 24. Before and after the first Stern Burger blog post mentioned I was fired, I
11 got calls from UHW staff saying they'd heard I was fired.

12 25. In 2018, I attended a staff meeting at which Dave Regan discussed
13 wanting to give money to UHW's Fairness Project. He received some pushback
14 from some of the people there, and he got angry and said that if anyone wanted to
15 debate or whine, they should go work for the Women's League of Voters. The room
16 went quiet and it was clear that some of the people there were offended by what he
17 had said, which I took to mean that women whine and complain.

18 26. After I reported the assault and Mr. Hatcher was fired, I began getting
19 shunned in the workplace. People with whom I previously had a cordial
20 relationship began avoiding me. At one meeting, I sat down at a table next to Mr.
21 Regan. He looked at me, got up, and left the table. I overheard co-workers call me
22 "nasty" and "whore".

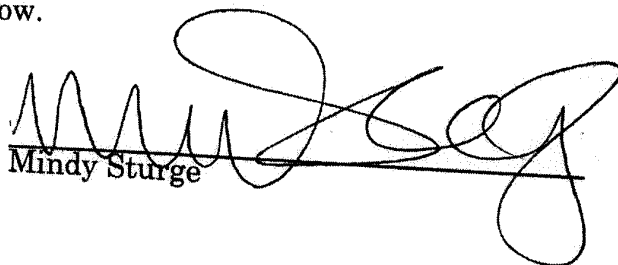
23 27. At various times during my employment, I learned of incidents involving
24 Mr. Regan where he was reported to have shoved or gotten into physical
25 altercations with people. One of these involved a process server (I was told Mr.
26 Regan broke the process server's arm) and one involved a California State
27 legislator. These incidents were sometimes discussed amongst staff at UHW and
28 they were reported in the press.

1 28. During discovery in this case, I received an email copy of the report that
2 Ms. Oppenheimer prepared for UHW. The email came to my personal email, and
3 after I read the report, I deleted the email and attachment. I have never had a hard
4 copy of the report in my possession, and no one else has access to my private email.
5 I have never discussed or shared the contents of the Oppenheimer report with
6 anyone other than my attorney.

7 29. After what happened to me in the workplace, I decided that the
8 International should know about what was going on at UHW. I wrote the
9 International twice in the hope that it would pay attention to the issues that are
10 being raised in my lawsuit and also provide information about a task force it
11 supposedly put together to study issues about sexual harassment at SEIU unions.
12 Attached hereto and marked collectively as exhibit B is a true and correct copy of
13 the letters I sent. The International never even answered my second letter asking
14 for the results of an external task force study that is said was undertaking a study
15 of SEIU workplace culture.

16 I declare under penalty of perjury under the laws of the state of California
17 that the foregoing is true and correct and that this declaration was signed in
18 Vacaville, CA on the date set forth below.

19
20 10/1/19
21 Date

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29 Mindy Sturge

From: Mike Chavez <mchavez@seiu-uhw.org>
Date: March 5, 2018 at 3:13:01 PM PST
To: Mindy Sturge <msturge@seiu-uhw.org>
Subject: just a note of support

Hey Mindy,

I wish I had talked to you about this at the e-board meeting, but I just wanted to let you know right after the discussion that Dave led about the code of conduct I was at the back of the room and caught the very tail end of an exchange between you and him. The only thing that I heard was him telling you "Don't fucking lecture me."

I just want to say that even though I didn't hear anything of what you had said to him, that was a totally inappropriate thing for him to say in response. And, after I thought about it more, I kept thinking that it was highly likely that you had said something about how he handled the discussion that had just happened in the room about the code of conduct. If that was the case then I'm even more mad about his response to you. I thought that he handled the discussion badly by once again let the conversation focus on the rights of people who are being accused instead of the rights (and injuries) of people who are the victims of harassment or assault.

Again, I'm wish I had said something to you personally at e-board, but I wanted to make sure I reached out and said something even if it's later.

Mike

Mike Chavez
SEIU-UHW Communications
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office: (323) 888-8346
cell: (562) 644-0798

mchavez@seiu-uhw.org
www.seiu-uhw.org

#HealthcareJustice

EXHIBIT A

Mindy Sturge
354 Timber Drive
Vacaville, CA 95688

November 2, 2018

BY CERTIFIED MAIL

Leslie Frane
Executive Vice President - SEIU
1800 Massachusetts Avenue NW
Washington DC 20036

Re: SEIU - UHW

Dear Ms. Frane:

I am writing to you as a long-term staff member at SEIU-UHW, which is based in Oakland, CA. I read that you were appointed last year to conduct an internal investigation of sexual misconduct among SEIU leadership, so I am writing to you with my story. Although some of these facts have been reported in the press, no one from the international union has contacted me despite its commitment to ensure a safe workplace for union staff and members.

In September 2017, I was sexually assaulted by an SEIU-UHW Division Director who was my supervisor. He had scheduled a night-time work-related meeting with me but showed up intoxicated. Because he was my boss, because I was the only co-worker present, and because I knew his conduct reflected badly on SEIU, I helped him back to his hotel room, where the assault occurred. Everyone knew this Division Director engaged in inappropriate conduct with women, but no one had taken steps that could have prevented my assault.

Although I was afraid for my job, I reported the assault. SEIU-UHW did an investigation and eventually fired him. But SEIU-UHW still has a serious problem, and I am still working in a hostile work environment, as are my co-workers.

EXHIBIT ^B
P-299

November 1, 2018

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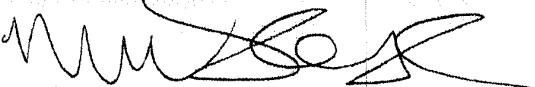
After being subjected to anonymous Facebook posts and after SEIU-UHW president (and SEIU International vice president) Dave Regan cursed me in public at a meeting in March, I decided I had to do something. I filed a lawsuit, and I am now trying to shed light on the behavior of some of the other men in power at SEIU-UHW. I understand that there is a staff grievance about some of this behavior, too.

I am writing because this lawsuit alone cannot change the work environment at SEIU-UHW. The union's mission is to provide a fair and dignified workplace for its members, a majority of whom are women. This should be the case for staff, too. But staff members are afraid to speak out, and prior complaints about some of the men who created this hostile environment have gone nowhere.

I invite you to come to California and investigate what is going on at this union. I will be providing sworn deposition testimony in early December as to my experiences during my 11 years with SEIU, and I'd like to invite you to attend and reach your own conclusion as to whether there are problems within our union.

I love this union and I want it to become a better workplace for everyone.

Very truly yours,



Mindy Sturge

cc: Mary Kay Henry



November 20, 2018

VIA FIRST-CLASS MAIL

Mindy Sturge
354 Timber Drive
Vacaville, CA 95688

Dear Ms. Sturge:

Executive Vice President Leslie Frane forwarded your November 2 letter to me and asked me to respond on behalf of the International Union.

First, I want to thank you for writing to share your concerns about your experience as a local union staff person. The issues you raise are important. SEIU is committed to ensuring that employees of our union at every level are treated with respect and that the environment for our staff is free from inappropriate or abusive supervisory conduct.

As you may know, the International Executive Board has been engaged in a process, led by a committee of local union leaders, of preparing recommendations to locals about how to improve their workplace culture to more closely align with our goals for an equitable and safe workplace for all employees. In addition, we have undertaken a process at the International level to review and revise policies and structures that govern the employment relationship between SEIU and International Union staff.

Because each local of SEIU employs its own staff and sets its own personnel policies and protocols, the International Union does not have a direct role in investigating allegations or concerns that may arise in local unions regarding personnel matters. Those matters are subject to the processes established by the locals themselves. It sounds, from your letter, that you are already utilizing the processes established by UHW, which we encourage you to continue doing. It also sounds, from your letter, as if the local staff union has been engaged in this issue.

Thank you again for bringing these issues to our attention.

Sincerely yours,

Nicole Berner
SEIU General Counsel

cc: Mary Kay Henry
Leslie Frane

MARY KAY HENRY
International President

GERRY HUDSON
International Secretary-Treasurer

NEAL BISNO
Executive Vice President

LUISA BLUE
Executive Vice President

HEATHER CONROY
Executive Vice President

LESLIE FRANE
Executive Vice President

VALARIE LONG
Executive Vice President

ROCIO SAENZ
Executive Vice President

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Washington, DC 20036

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Mindy Sturge
354 Timber Drive
Vacaville, CA 95688

March 19, 2019

BY CERTIFIED MAIL

Nicole Berner
General Counsel - SEIU
1800 Massachusetts Avenue NW
Washington DC 20036

Re: SEIU - UHW

Dear Ms. Berner:

You will recall that I wrote to Executive Vice President Leslie Frane, on November 2, 2018 to describe what has been going on at SEIU-UHW. To summarize, there is a hostile work environment that includes conduct and comments made by UHW's president, Dave Regan – a man who the International installed as trustee and who serves as an Executive Vice President of the International. In addition, I've learned that UHW hired men who had prior sexual harassment or assault claims against them while working at other SEIU locals.

After I sent my November 2 letter, I was subjected to more anonymous, derogatory texts and an anonymous threatening phone call, the latter of which was received while I was attending a union event.

Your November 20 response to my letter acknowledged the importance of the issues I was raising, but as far as I know, no one from the International has taken the time to find out more about the workplace culture at UHW. Your letter assured me that the International Executive Board was involved in "a process" involving "local union leaders" and was preparing recommendations and revising various policies because you shared the goal of creating an "equitable and safe workplace for all employees." I also heard that an external

March 19, 2019
Page 2

task force was being appointed to ensure that SEIU workplace culture was fair and equitable.

I would like to know what has come out of this "process", what recommendations and revised policies are being implemented, and what steps SEIU International will take to ensure that its affiliates provide a workplace free of harassment and retaliation. Policies alone are not enough.

While I agree that SEIU does not directly investigate complaints in its local unions unless there is an ethical issue involved, it is important to remember that UHW and the other locals rely on the International for leadership and that UHW and the other locals provide funding for the work of the International. And I believe that using member dues to defend the inappropriate conduct of management is a violation of everything the union stands for.

In the current #metoo climate, it is important that the labor movement examine its own practices and set an example for all employers. With that in mind, I look forward to hearing what has been accomplished in the past four months since I last wrote.

Very truly yours,



Mindy Sturge

cc: Mary Kay Henry

TAB 2

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LAW OFFICES OF KYRA A. SUBBOTIN
KYRA A. SUBBOTIN State Bar No. 104944
2625 Alcatraz Avenue, No. 152
Berkeley, CA 94705
Telephone: (510) 923-0451
Facsimile: (510) 923-0565

Attorney for Mindy Sturge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,

 Plaintiff,

 vs.

SEIU UNITED HEALTHCARE
WORKERS WEST, MARCUS
HATCHER, and DOES 1-10,

 Defendants.

I, Michelle Collins, declare as follows:

1. I make this declaration upon personal knowledge and if called upon to testify, I would testify as set forth herein.
2. I was employed by Good Samaritan Hospital for about 20 years as a unit secretary/Deputy Assistant, and during that time, I was a member of UHW (and its predecessor union). I was eventually recruited to join the UHW staff and became a union rep.
3. When I first came on board as staff, I was at a meeting in Hollywood and Greg Pullman asked me to walk a woman member to her room. The woman was

1 drunk and upset and kept saying "Chokri slept with me and now he's ignoring me"
2 (or words to that effect). She was also crying. Chokri Bensaid told another staff
3 member (Adon) to go with me to make sure the woman got back to her hotel room,
4 and Adon accompanied me while I took the woman back to her room.

5 4. Until I went on medical leave, I was considered a "golden girl" -- Chief of
6 Staff Greg Pullman liked and depended on me to do things like take the woman
7 member to her room.

8 5. Once Chokri Bensaid came to UHW, he moved quickly up the ladder. He
9 and another staff member, Eric Kizziee were close and I would overhear them
10 talking about women and whether they'd go after them. Eventually Chokri Bensaid
11 started having a relationship with Faith Santilla.

12 6. After Eric Kizziee was fired from UHW, Chokri became close with Marcus
13 Hatcher. I would often see them together.

14 7. I regularly saw Marcus Hatcher and Dave Regan drinking and dancing
15 wildly and inappropriately at union events. Dave was always the last to leave the
16 bar. I also saw his eyes follow attractive women as they went by.

17 8. While I was on the UHW Executive Board with Stan Lyles, I became
18 friendly with him. I invited him to go to an AFRAM (an African American caucus
19 within SEIU) event and shortly thereafter, in the elevator in UHW's Commerce
20 office, he stuck his hand under my shirt and groped my breast. I hit him and
21 thereafter refused to have anything to do with him or support him for election to
22 Vice President. I never told anyone about the incident because I was afraid to rock
23 the boat. Stan never apologized for his action, and he was elected vice president
24 after the incident.

25 9. While I was on medical leave, Chief of Staff Greg Pullman called me at
26 home and asked me to work on calling members at Cedars Sinai because the
27 members were threatening to pull out of the union. I agreed to do this work, even
28 though Grisell Rodriguez had earlier threatened to write me up for supposedly communicating

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with members while on leave (actually, the members has contacted me, not the other way around).

10. Shortly after returning from medical leave, I was terminated. Afterward, I grieved my termination and the union tried to settle with me, but I rejected the monetary settlement offer because I believed they were wrong and the offer required me to never disclose what had happened to me.

11. The staff collective bargaining agreement provides for a one year medical leave for staff members.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was signed in Los Angeles, California.

5/10/19

Date

Michelle Collins

Michelle Collins

TAB 3

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Attorney for Mindy Sturge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,
Plaintiff,

vs.

SEIU UNITED HEALTHCARE
WORKERS WEST, MARCUS
HATCHER, and DOES 1-10,
Defendants.

I, Laurie Fowler, declare as follows:

1. I make this declaration upon personal knowledge and if called upon to testify, I would testify as set forth herein.
2. I was involved with SEIU-UHW from approximately 2009-2014, first as a member while I worked at Kaiser as a pediatrics nurse, and then later when I moved to Dignity. I was a Union Partnership Representative (UPR) and involved during the 2009 trusteeship (when Dave Regan was installed by SEIU International as a trustee for UHW), helping to come up with new by-laws for UHW.

1 3. In my capacity as a UPR, I attended a lot of meetings at which I was able
2 to observe Dave Regan. He was often intoxicated and inappropriate with board
3 members. I sometimes saw him when his walk was affected by his drinking. I also
4 saw him turn and stare at attractive women as they went by. I saw him grinding
5 on the dance floor at these meetings.

6 4. I was conservative, did not drink, and was Republican. Mr. Regan
7 referred to me as "church lady."

8 5. I wrote an email to SEIU President Mary Kay Henry, telling her that Mr.
9 Regan acted inappropriately. I sent the email via my SEIU-UHW email account.

10 6. I had many interactions with Marcus Hatcher after he was hired by SEIU-
11 UHW. He was hired to handle grievances for members. Part of his job was to teach
12 others how to use a "tracker" to help with the grievance process, but he didn't really
13 know how to do it.

14 7. Once, when Mr. Hatcher was in the UHW Sacramento office, he cornered
15 me, putting his hand on a door and tried to stop me from leaving. He told me, "You
16 are going out to dinner with me." He repeatedly asked me out, even though I told
17 him no. When I kept telling him no, he said, "You'll pay for this."

18 8. Shortly after he said I would pay for not going out with him, he pulled me
19 out of my UPR position. And shortly after that, I was fired from my Kaiser job for
20 reasons that made no sense to me. During my grievance of the termination, Mr.
21 Hatcher told me, "You are paying for turning me down."

22 9. I eventually got a job with Dignity and tried to lie low and not be noticed
23 by anyone at UHW. Eventually, though, I ran into Mr. Hatcher and another UHW
24 staffer, Mark Hall, while on the job. The very next day, I was told I was being
25 investigated. Mr. Hatcher told me, "It's following you."

26 10. I wrote up a document about these events and gave it to Greg Maron, the
27 UHW chief of staff. He never got back to me.

28 11. I had previously expressed concern to Greg Pullman about the grievance

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tracker not being used properly, which was a problem for UHW members. Mr. Pullman told me that the union wasn't going to go up against the employer, and he told me to keep my mouth shut (or words to that effect). He also told me that I should be careful and watch my back, which I took to be a threat if I challenged the way the union was handling grievances.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was signed on the date and in the city set forth below.

4/16/19 Oakland, CA

Laurie Fowler

Date/Place Signed

Laurie Fowler

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Attorney for Mindy Sturge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
)
 Plaintiff,)
)
 vs.)
)
 SEIU-UNITED HEALTHCARE)
 WORKERS WEST, MARCUS)
 HATCHER, and DOES 1-10,)
) RG 18905355
 Defendants.)

I, Veronica Lowery, declare as follows:
1. I make this declaration upon personal knowledge and if called upon to testify, I would testify as set forth herein.
2. I am a member of SEIU-UHW, and I work as a dialysis tech at Lucile

1 Packard Hospital in Palo Alto. I have worked at the hospital unit since 2008.

2 3. I have been an Executive Board member of SEIU-UHW for approximately
3 two years, and I have attended Eboard meetings during that time. At those
4 meetings, I have had an opportunity to personally observe the actions of UHW
5 managers and staff, who also attend Eboard meetings.

6 4. I am shocked by the behavior I have seen UHW managers engage in at
7 union events. I have seen a lot of drinking – UHW president Dave Regan is often at
8 the bar at these events, and I have often seen him with a glass in his hand and
9 slurring his words. I have also seen him at a union event where he picked up a bar
10 tab for many people who were there drinking with him. My understanding is that
11 member dues are not supposed to be used for alcohol.

12 5. At one Eboard event, I saw Dave Regan standing with Division Director
13 Chokri Bensaid. A woman member from Kaiser passed by (her name is Angela),
14 and Dave Regan said, “The only way she is getting a job [with UHW] is if she sucks
15 my dick.” Later, I learned that the woman was given a staff job with UHW. I found
16 Mr. Regan’s behavior to be very inappropriate. This happened within the past year
17 or so.

18 6. I also saw Dave Regan’s young daughters at a union-sponsored drag
19 performance, which I thought was inappropriate for kids of their age. I have seen
20 them come to multi-day union events and I know they are provided with a hotel
21 room.

22 7. I was sent to Arizona for about two weeks in March of this year to help
23 UHW try to organize Dignity Hospitals in Arizona. While there, I was asked to
24 drive Dave Regan and UHW Vice President Stan Lyles to “the nearest watering
25 hole” (bar). While the three of us were in the car together, Dave Regan said,
26 “hopefully I can pick up some ‘ho’s because all the ‘ho’s in the [Arizona] office are
27 ugly.” I said, “that’s the most bizarre thing I’ve ever heard”, and Mr. Regan said,
28 “I’m sorry if I offended you” and then laughed. He did not appear sorry at all, and

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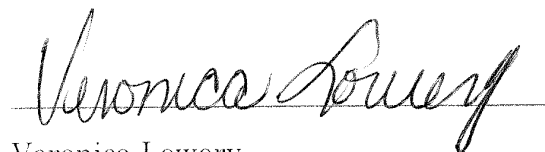
Mr. Lyles did not say or do anything to discourage the behavior. In fact, he laughed at Mr. Regan's comment about "ho's".

8. It is my experience from being on Eboard that if you do not agree with everything Dave Regan wants to do, you will be shunned or the union will try to find a way to retaliate against you. I have personally seen this happen to people on Eboard.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was signed in Union City, California.

6-27-19

Date



Veronica Lowery

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Attorney for Mindy Sturge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,
Plaintiff,

vs.

SEIU UNITED HEALTHCARE
WORKERS WEST, MARCUS
HATCHER, and DOES 1-10,
Defendants.

I, Greg Price, declare as follows:

1. I make this declaration upon personal knowledge and if called upon to testify, I would testify as set forth herein.
2. I worked with SEIU for over 10 years and was working there before the trusteeship of UHW that began in 2009. I was originally part of the home care division.
3. I held a number of positions with the union, including lead organizer and coordinator, and I worked for a time in the Kaiser Division of UHW. I worked directly with Chokri Bensaid and with Marcus Hatcher at different points in my

1 career with UHW.

2 4. I was involved in a a workplace grievance against UHW management.
3 That grievance involved allegations of racism and a hostile work environment,
4 which included management bullying.

5 5. Based on my observations and experience, I felt that the union was
6 generally dismissive of its women staff.

7 6. One of the very first times I met Dave Regan (during the trusteeship,
8 before he became union president), he was drunk. It was at Asilomar (in Pacific
9 Grove, CA) during a celebration of the trusteeship of UHW. He was "three sheets to
10 the wind". At some point, security came and some of the managers (including him)
11 jumped from a balcony to get away from security. I believe that Greg Pullman and
12 Chokri Bensaid were also present.

13 7. I have seen Dave Regan drunk in meetings, including brainstorming
14 meetings relating to the Get Healthy California Campaign that UHW was involved
15 in. I saw Mr. Regan reach under or into his desk for a liquor bottle. He used to
16 keep a liquor bottle in his desk. A staff member also told me that he was drunk at
17 the Kaiser bargaining (the second round, which was 4-5 years ago).

18 8. Mr. Regan is a notorious "boob gazer", meaning he would stare at women's
19 breasts. One member, Dora Alvarez, told me that she had to tell Mr. Regan, "Dave,
20 my eyes are up here" when he would be staring at her breasts.

21 9. After the last plenary, when he was off duty and drinking, he would make
22 comments as he passed attractive women, "you're lucky I'm a married man". He
23 would also flirt with members and he and Chokri Bensaid and Marcus Hatcher
24 would sit together at meetings. It was clear from watching them that they were
25 making comments about the young women who would go by. At least twice over the
26 years, I saw him coming out of hotel rooms when it obviously wasn't his room, and
27 there were rumors that he was "messaging around."

28 10. I was present when Chokri Bensaid propositioned an organizer. It was

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at a meeting and it was about 2 a.m. He said to her, "what are you doing up this late if you aren't in my room". She turned him down. He then called her a bitch and told her to fuck off. She complained (verbally) to Greg Pullman. She was later terminated.

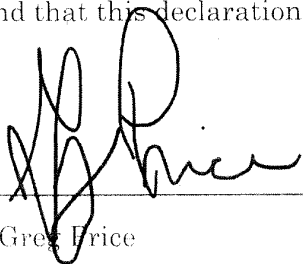
11. I saw a UHW staff member, Adon Cabral, stalking Andrea Hodges, another staff member, and she complained to me about it. She also complained about Chokri Bensaid, saying he wouldn't leave her alone. She told me that Chokri even called her once when he was in the car with his kids, and she said it creeped her out. I did not make a formal report of these complaints.

12. I was at the E Board meeting when UHW's new Code of Conduct was discussed. Njoki Woods broke down in tears at that meeting. At that meeting, management made it clear that if someone on staff made a complaint, the complaining party would be investigated by the union. It felt very threatening toward the staff.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was signed on the date and in the city set forth below.

5/1/19

Date/Place Signed



Greg Price

TAB 7

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8 Attorney for Mindy Sturge

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF ALAMEDA

11
12 MINDY STURGE,) RG 18905355
13 Plaintiff,)
14 vs.)
15 SEIU-UNITED HEALTHCARE) DECLARATION OF STARLA
16 WORKERS WEST, MARCUS) ROLLINS IN OPPOSITION TO SEIU-
17 HATCHER, and DOES 1-10,) UHW'S MOTION FOR SUMMARY
18) JUDGMENT/SUMMARY
19) ADJUDICATION OF ISSUES
20)
21) Date: October 22, 2019
22) Time: 3 p.m.
23) Dept. 18
24) Trial Date: November 25, 2019
25)
26)
27)
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21 I, Starla Rollins, declare as follows:
22 1. I am employed at Kaiser in southern California as an LVN. I make this
23 declaration upon personal knowledge and if called upon to testify, I would testify as
24 set forth herein.
25 2. I had been a long-time member of SEIU-UHW prior to being laid off from
26 my job of 27 years in late 2012. At that time, I worked as a unit secretary at
27 Community Hospital of San Bernardino.
28 3. I participated in bargaining for UHW in 2008-09. I met another UHW

1 member, Stan Lyles about that time. He was also participating in bargaining. We
2 were in Oakland, and he asked me to come up to his room and see the proposals
3 being put forward in bargaining. When I was in his room, he said, "I like big asses",
4 and told me (suggestively) to "come here – I want to show you something". I tried to
5 laugh it off, and I reminded him that his roommate was there. Stan said his
6 roommate was asleep. I didn't report the incident.

7 4. After the incident during bargaining, Stan would text me and he said he
8 was coming to our hospital. He said he "had something for that big ass", and then
9 he texted me two photos of his penis. This was sometime in 2009-2010. After I got
10 the photos, I showed them to a friend (Regina Johnson), and told her I couldn't
11 believe it, and that the guy was running for office in the union.

12 5. Later, when Stan showed up at the hospital, I pointed him out to Regina
13 and said, that's the guy who sent the photos.

14 6. On another occasion, Stan was coming to our area and I told him he could
15 stay at the Hampton Inn. When he arrived, he asked me to help him up to his room
16 with his bags. I helped carry his bags to his room and then, when we got there, he
17 cornered me in the room. He closed the hotel room door and stood in front of it and
18 started taking off his belt. He said something like, "I know you want it". I was so
19 scared – I thought I wouldn't get out alive. I said if he let me go I swore I would
20 come back. So he finally did, and I never came back and I never again spoke with
21 him.


22 7. After I was laid off from my job of 27 years, I sued my employer and SEIU-
23 UHW for failing to adequately represent me in the layoff (I had a written
24 agreement that if there was a layoff, I could go back to a prior job I'd held at the
25 hospital.) My case eventually resolved, but during the litigation, the incident with
26 the penis photos came out in Stan's deposition, which took place on March 18, 2014.
27 He denied sending the photos, and my lawyer marked as an exhibit and presented
28 him with a copy of Regina Johnson's declaration where she confirmed that she'd

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seen them. Stan was represented at his deposition by UHW's attorney, Bruce Harland.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was signed at the place and time set forth below.

10/2/19
Date/Place signed


Starla Rollins

Tab 8

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Attorney for Mindy Sturge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,

 Plaintiff,

 vs.

SEIU-UNITED HEALTHCARE
WORKERS WEST, MARCUS
HATCHER, and DOES 1-10,

 Defendants.

Case No. RG 18905355

DECLARATION OF DARIA ALLADIO
IN OPPOSITION TO SEIU-UHW'S
MOTION FOR SUMMARY
JUDGEMENT/SUMMARY
ADJUDICATION

Date: October 22, 2019
Time: 3 P.M.
Dept. 18
The Hon. Jo-Lynne Lee

I, Daria Alladio, declare as follows:



1 1. I was employed as an administrative coordinator for SEIU 32 BJ, New
2 England District 615 in Boston. In 2014, I was sexually assaulted by an Assistant
3 Director there, Pedro Malave. It was not the first time he had engaged in sexually
4 inappropriate conduct with me. The events made me afraid and physically sick. Mr.
5 Malave admitted to the conduct in an email to me.

6 2. After this happened, I decided to leave my SEIU job because I did not feel
7 safe or comfortable working in the same building as Mr. Malave. On my last day of
8 work, I reported Mr. Malave's conduct. SEIU investigated the incident and told me
9 that they had determined that what I stated was accurate. Mr. Malave eventually
10 left the union. I asked about whether he had been fired, and 32BJ management
11 refused to confirm that he was fired. [This was the subject of emails back and forth
12 between me and representatives of SEIU 32BJ.] I was told by 32BJ Chief of Staff
13 Laura Caruso that I should not to discuss the matter further with anyone. What I do
14 know is that Mr. Malave was allowed to work for a period of time after the
15 investigation was concluded and no statement was ever issued to staff or members
16 as to whether he had violated any rules or done anything inappropriate.

17 3. I continued my attempts to obtain information about what action SEIU had
18 taken against Mr. Malave, and attempted to get SEIU to take action to ensure that
19 Mr. Malave had something permanent in his personnel file so that he would not be
20 able to harass and/or assault anyone else. I was never told this happened. I learned
21 that Mr. Malave had been re-hired by two California locals, one of which was SEIU-
22 UHW. This was extremely upsetting and disappointing, particularly since I had
23 tried hard to ensure that Mr. Malave's record would follow him within SEIU.

24 4. I sent an email to SEIU International's ethics email address asking for an
25 explanation as to why Mr. Malave was still being hired by various SEIU
26 affiliates. No one from SEIU International ever responded to that email. One of my
27
28

1 former coworkers also sent an email to SEIU International about this and no one
2 ever responded to her either.

3 5. I shared various emails and my story with a reporter, Mike Elk, of PayDay
4 Reports, an online news outlet. Attached hereto is a copy of his November 16, 2017
5 article, which accurately quotes me and accurately describes those facts of which I
6 have personal knowledge.

7
8 6. Also attached is a copy of a November 17, 2017 article by Mr. Elk, which
9 accurately quotes me and describes my reaction when I learned that Mr. Malave had
10 been fired by SEIU-USWW.

11 I declare under penalty of perjury under the laws of the state of California
12 that the foregoing is true and correct and that this declaration was signed at on the
13 date noted below.

14 I declare under penalty of perjury under the laws of the state of California that the
15 foregoing is true and correct and that this declaration was signed at CAMBRIDGE, MA, on the
16 date noted below. City/State

17
18 9/23/19
19 Date

Mic Alladio
Daria Alladio

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PAYDAY REPORT

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SEIU Fires Staffer Who Sexually Assaulted Another Staffer Following Payday Investigation

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32BJ SEIU President Hector Figueroa has faced criticism for his handling of the dismissal of an SEIU staffer that was found to have assaulted another SEIU staffer.

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LISTS

Email Address *

First Name

Last Name

BY: MIKE ELK NOVEMBER 17, 2017

Following an investigation by Payday Report, SEIU has fired one of their staffers over the assault of another staff member within their organization.



Payday Report had obtained documents that show how, in the summer of 2014, 32BJ SEIU Local 615, based in New England, investigated then-Assistant Director Pedro Malave for a sexual assault against administrative coordinator Daria Alladio. In July 2014, following an internal SEIU investigation, Malave was allowed to leave the local.

Interests

- Announcements
- Articles
- Payday Lunch Pail
- Folk Labor Desk



Later, Malave was allowed to work with an SEIU-backed organization, Community Labor United in Boston. He also obtained management positions at two California locals: SEIU United Healthcare Workers West (SEIU-UHW) and with SEIU United Service Workers West (SEIU-USWW)

He achieved this despite the efforts of Alladio, who advocated to have a permanent record placed in his file.

Now, upon learning of Malave's sexual assault history, SEIU-USWW has fired Malave.

"We want to thank Ms. Alladio for her strength and courage coming forward," SEIU-USWW wrote in an email to Payday Report.

"SEIU USWW has zero tolerance for sexual harassment or sexual violence, and had we had prior knowledge of any misconduct or harassment allegations against Mr. Malave, we would never have hired him," the union declared in a statement. "SEIU USWW was not aware of the allegations against Pedro Malave until we received your email yesterday. Pedro's employment with USWW has been terminated."

Reached late Thursday night, Alladio applauded the decision of the union to fire Malave, but said that she still had deeper questions about why SEIU allowed

him to be rehired after an internal investigation had concluded that he had sexually assaulted her. Furthermore, she criticized statements made by 32BJ SEIU President Hector Figueroa that wrongdoers, even those who sexually harassed, deserved second chances.

"I commend SEIU USWW for their stance on sexual violence and for the swift and decisive action taken in this situation," Alladio wrote in an email to Payday Report. "By terminating Mr. Malave's employment, USWW's actions demonstrate that they are willing to prioritize the well-being of women staffers and members, who otherwise may have been left vulnerable to sexual harassment or assault."

"I now look to SEIU 32BJ to see if they will do the same for current or future victims," said Alladio.

Alladio told Payday that she was concerned by statements made by 32BJ SEIU President Hector Figueroa earlier in the day to Payday.

In response to the revelations, Figueroa said in an interview with Payday on Thursday that the rehiring of Malave at another SEIU local was not a problem "so much of communication."

"The locals and international are different employers," he said. "The locals hire without having to vet it through the international."

On the basis of labor rights, Figueroa defended the hiring of workers who have committed egregious past behaviors, including sexual harassment.

"We are not going for a policy that anybody who does wrongdoing should never have a job," he said. "That's not the philosophy of the labor movement or the union."

In an email to Payday, Alladio criticized the

statements.

"I was shocked and disheartened after hearing Hector Figueroa's statement today," Alladio wrote. "Certainly wrongdoing exists on a spectrum, but we are not talking about a manager who stole a stick of bubblegum when he was 17. We are talking about a manager who repeatedly sexually assaulted me. We are talking about a man who continued to be hired into management positions — positions of power — at social justice institutions, after committing sexual assault."

Later after facing criticism for his statements on Twitter, Figueroa backtracked on his previous remarks to Payday regarding whether people who have committed sexual harassment deserve to be hired elsewhere.

"As I have said and we have demonstrated we have zero tolerance for sexual harassment/predators in our union".

Discussing changes for the future, Figueroa acknowledged earlier in the day that SEIU 32BJ "is going to be much more clear with our sister locals and the international when circumstances like this happen."

"What we want to reiterate to our staff and to the public is we have a very strict policy about how people need to behave on the job," Figueroa told Payday reporter Max Zahn.

However, questions linger about 32BJ SEIU's action in the handling of Alladio's case and whether or not Malave was fired or allowed to leave the union voluntarily without any permanent record that could prevent him from getting jobs at other SEIU locals.

Documents obtained by Payday showed that for more than a year following the investigation, Alladio

attempted to get answers from 32BJ SEIU Chief of Staff Laura Caruso about whether Malave had been fired or allowed to resign temporarily from the union. (To see these documents, check out our full investigation [here](#).)

"I don't understand how this slipped through the cracks when Pedro was hired at SEIU UHW," Alladio told Payday. "It is also baffling to me that when I informed management that he had been rehired at another SEIU local, they said nothing could be done because it was technically a different employer."

"I also hope that the International will take the necessary steps to create a mechanism to ensure that there is more transparency and communication between Locals with regards to crucial information being shared," she continued.

On Wednesday, SEIU international spokesperson Sahar Wali told Payday that Malave's rehiring by a local affiliate of their union was not their responsibility. "The [International Union] doesn't hire staff for local unions."

However, Alladio raised questioned about Wali's statement that SEIU does not have control over the hiring of locals. According to SEIU's Code of Ethics: "No person shall serve as an officer or managerial employee of SEIU or any Affiliate who has been convicted of any felony involving the infliction of grievous bodily injury, or the abuse or misuse of such person's position or employment in a labor organization to seek or obtain illegal gain at the expense of the members, except for the limited exceptions set forth in applicable federal law."

According to SEIU's own guidelines, the international has the power to prohibit hiring of certain individuals over certain offenses, but sexual harassment or abuse is not included in those situations. This would require

a change to the Code of Ethics, a change that many women within the union would like to see.

“One concrete step in the right direction would be for the International to amend the Code of Ethics to expand the section concerning Disqualification from service to SEIU or Affiliates to include managers separated or terminated for sexual harassment,” says Alladio.

SEIU has appointed a task force consisting of Cecilia Muñoz, former White House Domestic Policy Council director; Fatima Goss Graves, president and CEO of the National Women’s Law Center; and employment attorney Debra Katz, founding partner of law firm Katz Marshall & Banks. The task force will determine what practices SEIU can enact that will stop sexual abuse within its union.

A group of SEIU staffers have set up an internal watchdog group to encourage others to come forward to report abuse in the union. Those who would like to be involved may contact them at metooseiu@gmail.com as well as twitter account [@metooseiu](https://twitter.com/metooseiu)

Alladio says that she hopes that her experience in coming forward to hold Malave accountable for his repeated sexual assault will encourage other women to take similar steps.

“My hope is that my story will encourage other women to come forward and speak out publicly about sexual misconduct — I do not believe that this is an isolated incident within the labor movement,” Alladio writes. “I believe that the culture needs to change; women speaking out will help to force that.”

With interview support from Max Zahn, contributor from New York City

Payday Report will continue to investigate sexual assault

and misconduct within the labor movement. Anyone who wishes to speak out, either on-the-record or confidentially, may contact us at melk@paydayreport.com or (412) 613-8423.

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SEIU Manager Sexually Assaulted Staffer Then Was Rehired At Another SEIU Local



SEIU 32Bj found following an investigation that Pedro Malave (pictured here) sexually assaulted an SEIU staffer in Boston. Then, Malave was rehired at two other SEIU locals in California.

BY: MIKE ELK NOVEMBER 16, 2017

Payday Report has learned that SEIU allowed a staffer

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who had been forced to leave one Boston-area SEIU local following an internal investigation to then be rehired at two other SEIU locals in California.

The new revelations come as four top staffers at SEIU, including SEIU Fight for \$15 Director Scott Courtney, were either fired or forced to resign from the union following allegations of sexual harassment and misconduct. This most recent revelation also reveals loopholes in how international unions monitor the hiring practices of their local unions.

Payday Report has obtained documents that show in the summer of 2014 that 32BJ SEIU Local 615 investigated then-Assistant Director Pedro Malave for a sexual assault against administrative coordinator Daria Alladio. In July 2014, Malave was then allowed to leave the local.

Later, Malave was allowed to work with an SEIU-backed organization, Community Labor United in Boston and obtained management positions at two California locals: SEIU United Healthcare Workers West and with SEIU United Service Workers United.

Malave was able to obtain this work despite repeated efforts by Alladio and others in her Boston local to ensure that Malave would have a permanent record placed in his file so that he could never work again for SEIU.

"More than being upset about what happened with Pedro, I was really frustrated with how SEIU handled the situation," says Alladio.

Alladio says that the first sexual assault by Malave occurred in approximately 2008 before she was employed at the local.

At the time, she was working in Florida and visiting friends in her native Massachusetts. After a night of drinking, she attempted to help Malave and another

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staffer get safely home. She was helping the staffer up a flight of stairs when, according to Alladio, Malave stuck his hand up her skirt and put his hand in-between her butt cheeks. She immediately recoiled.

Later, she fled into the Boston Commons and sat there calling friends looking for a place to stay, she says.

"I felt terrified that he was going to have some sort of sexual interaction with me, whether it was going to be raping me or whatever," says Alladio. "I remember being scared that night and going into Boston Common, which obviously wasn't a safe situation either, but safer than me staying in the apartment with him."

Five years later, in February 2013, Alladio moved back to Massachusetts and took a job working as an administrative coordinator at SEIU Local 615 in 2013. She very much enjoyed the work and liked being involved in a social justice organization. While she still felt uncomfortable being around Malave after the 2008 incident, she attempted to steer clear of him and had no incidents.

Then on April 26, 2014, she allowed Malave and another staffer, who were too drunk to drive home, to sleep at her apartment.

In the middle of the night, Alladio says that she was awoken by a feeling of something rubbing against her face. She says she awoke to discover Malave rubbing his penis against her cheek.

"It's not just like he touched his penis to my cheek. He was full on a masturbating against my cheek," says Alladio.

Alladio yelled at Pedro to get away and fell back asleep. Later in the night, she says she was awakened again by Malave masturbating against her cheek. She

screamed for him to get away as she went into a panic and found herself on guard for the rest of the night.

Afterwards, Alladio returned to work , but found the work environment of being around Pedro on a daily basis overwhelming.

"I felt anxious and nauseous most of the time," says Alladio. "I didn't want to be there."

"I didn't want to see him face-to-face," says Alladio. "I didn't want to have him look at me. I just felt disgusted by the situation and the anxiety grew around the fact that it was likely going to happen on a daily basis, considering my job role at the union."

To deal with the anxiety, Alladio used up her remaining sick days to stay away from work. In May, she put in her two weeks' notice to quit the job and decided to take a summer job waitressing and bartending on Martha's Vineyard.

"At that point, I felt like I knew him pretty well and based on his behavior, things that he said, things that he had told me he had done, I just didn't trust him," says Alladio.

"I was afraid that he was going to go to my apartment and hurt my dog, to the point that I didn't want to be in that apartment anymore," says Alladio. "I left for three months."

In emails from Malave to Alladio obtained by Payday, Malave appears to apologize for his actions.

"I am not expecting any kind of forgiveness and I know I don't deserve it," wrote Malave in an email to Alladio on May 22, 2014.

He then attempted to encourage Alladio to stay at the local and promised to change his behavior and to quit drinking.

"Please reconsider staying at the local," wrote Malave in the same email. "So many people at the local love you and love the work you do. The potential you have to be a star in this local in this organization is endless."

At first, Alladio had no plans to report the incident. However, after she spoke to several friends, they encouraged her to go to a local rape crisis center.

"I spoke to several of my friends who said that I couldn't just let this go when he needed to be held accountable," said Alladio. "I spoke with an attorney at the local rape crisis center and it seemed like pursuing it criminally was going to be very time-consuming, very emotionally and financially draining, and I just didn't feel prepared to go that route."

However, she says that the encouragement of her friends and female co-workers prompted her to speak up.

In late May 2014, Alladio was called in for her exit interview with the staff director of the local. The local's staff director asked her why she was leaving and she related the incident to the local's director.

The local's staff director then decided, rather than allowing Alladio to quit, he would put her on paid administrative leave until an investigation was complete. Malave was allowed to continue to work at the local while the investigation was ongoing.

After Alladio left on administrative leave, a co-worker who was upset by Malave's actions wrote him an email asking him to resign from the local.

"An admission and apology are worth absolutely nothing without taking full responsibility for your predatory conduct," wrote a co-worker in a June 4, 2014, email to Malave. Men who harass and assault women deserve to be held accountable for their bad behavior."

"Accountability means that, if you make the appalling decision to sexually terrorize your coworker in the middle of the night, you accept that—through your actions alone—you have subsequently created a work environment where your coworker will feel threatened by your presence," wrote the co-worker.

"Accountability means that, as the perpetrator, you should have been the one to leave the Local, not Daria.

In July 2014, the investigation concluded and Malave was allowed to leave the local on terms that remain unclear.

On July 15th, Alladio was informed that she would be rehired at the local and allowed to return to her staff position as an administrative coordinator. However, not until July 25 did Malave leave the local.

The ten-day period between the conclusion of the investigation and Malave leaving the local raised questions in Alladio's mind about whether or not Malave was fired or allowed to voluntarily leave. Immediately afterward, Alladio attempted to follow up to make sure that a permanent record was placed in Malave's HR file so that Malave could not be hired at another SEIU local again.

Under SEIU's internal policies, she felt that she had the right to know whether or not Malave would be allowed to be rehired at SEIU.

According to 32BJ Anti-Discrimination and Anti-Harassment Policy and Procedure states under Complaint and Investigation, Procedure, 8:

"If the investigation establishes that discrimination or harassment has occurred, the Local will take prompt and appropriate action. This may include corrective action designed to end and to remedy the discrimination or harassment and to prevent it from recurring. ... **The Local will inform both the**

complainant and the accused of the measures taken to correct the discrimination or harassment.”

However, Alladio says she was never informed what actions were taken by the local on whether or not Malave was fired or terminated and how this was reflected on his permanent record within SEIU.

Worse, in a phone call shortly following the decision of 32BJ SEIU to rehire Alladio, 32BJ SEIU Chief of Staff Laura Caruso instructed Alladio not to speak to her fellow coworkers about the investigation.

In an email to Caruso on July 18, 2014, Alladio pressed the local to find out if Malave would be fired from the local or voluntarily separated.

“I feel that as a social justice institution, SEIU is responsible for fighting against all types of discrimination, harassment, and abuse—not just exploitation of low-wage workers and institutionalized racism,” wrote Alladio in the email. “I cannot in good faith work for an organization that is aware of a sexual assault occurring between two employees and chooses to look the other way. I feel that I need to know what measures were taken by SEIU in this case.”

On July 23rd, Caruso wrote back to Alladio and stated that “Following the investigation, Mr. Malave’s employment has ended at 32BJ and he will not be returning in the future. Far from looking the other way, we have taken decisive and complete corrective action.”

Not satisfied with Caruso’s answer, Alladio wrote back to Caruso later on July 23rd: “I am clear on the fact that Pedro’s employment has ended and that he will not be returning in the future. However, as I stated before, I am unclear if this departure was on his own accord. I would like to know what measures SEIU took in my case. I translated the 32BJ Anti-Discrimination

and Anti-Harassment Policy and Procedure as stating that I would be informed of this.”

Caruso responded on July 26th that Malave would not be employed by the union again, writing that, “Following her investigation, we concluded that what you had described about the incident was accurate and that Pedro Malave could no longer be an employee of the union. We advised Pedro of that determination and he accepted the union’s decision. The termination of his employment and the decision that he is not to be rehired is the corrective action taken here, coupled with our communication to you that you should consider returning to your job at 32BJ.”

Alladio decided to return to work, but on July 28th wrote that she was still not satisfied with the union’s remarks, writing in an email, “Based on your language, I want to be honest and state that I am still unclear as to whether Pedro was fired or resigned. It does not appear that I will be informed of this.”

However, with Malave being removed from the local, she said that she felt comfortable returning to work.

In September 2014, Alladio returned to work and immediately discovered that the atmosphere in the local on her return was tense. At the time she got her job back, there was talk around the local about the potential for layoffs.

“I felt alone and when I went back to work, I was still really frustrated at how HR had been responding or not responding to my questions,” says Alladio. “I kinda didn’t feel like I was part of the team at work. I didn’t feel like I was like getting the answers that I deserved from HR.”

She continued to raise questions about whether or not Pedro was fired or resigned and what type of letter had been placed in his permanent file.

"I felt like they weren't honest," says Alladio. "I felt like in this situation that the least I deserved to know the truth."

Worse, she found herself frustrated as a sexual harassment training that the local had promised would be performed in September for the entire staff was canceled and delayed until early in the winter of 2015. Alladio felt that if the training had been done when she was hired that she would have felt more comfortable about coming forward to report Malave's sexual assault.

Then, in November 2014, Malave appeared at a rally organized by 32BJ SEIU New England Division 615. Malave was not only at the rally but insisted on leading chants.

After the rally, Alladio discovered that Malave was working as an organizer for Community Labor United, an SEIU-financed, Boston-based non-profit aimed at organizing community workers.

Throughout the fall and winter of 2014, Alladio attempted to press the local on what happened but never received any concrete answer. Alladio eventually left the union for various reasons and took a job at another employer.

SEIU 32BJ Chief of Staff Caruso did not respond to a request for comment about what actions were taken to ensure that Malave would not be employed by the union again.

Later in 2015, Alladio would discover that Malave would go on to get a job with SEIU again as an organizer with SEIU United Healthcare Workers West (SEIU-UHW) in California. Since then, Malave has moved on to work as a regional field coordinator for a separate SEIU local, SEIU United Service Workers West (SEIU-USWW).

In Malave's current role, he is employed as an organizer working with primarily undocumented, largely female janitorial workers, a position that Alladio does not believe Malave should have.

"My fear is that he has continued his predator behavior," says Alladio. "It doesn't seem like he is going to stop, so my fear is that he is working with undocumented women, women who cannot speak English, women who are not going to come forward out of fear, and they are basically his ideal prey."

Neither SEIU-USWW or SEIU-UHW returned Payday's requests for comment.

When asked what steps the international union was taking to make sure that organizers accused of sexual assault in one local were not employed by another local, SEIU spokesperson Sahar Wali said that the international union does not control what staff the local union hires.

"You need to contact the local unions you reference in your email," wrote Wali. "The [International Union] doesn't hire staff for local unions."

However, the statement by Wali that SEIU does not have control over the hiring of locals has raised questions. According to SEIU's Code of Ethics, "No person shall serve as an officer or managerial employee of SEIU or any Affiliate who has been convicted of any felony involving the infliction of grievous bodily injury, or the abuse or misuse of such person's position or employment in a labor organization to seek or obtain illegal gain at the expense of the members, except for the limited exceptions set forth in applicable federal law."

According to SEIU's own guidelines, the international has the power to prohibit the hiring of certain individuals for certain offenses, but sexual harassment or abuse is not included in those situations. This

would require a change to the Code of Ethics that women within the union would like to see.

The rehiring of Malave by the two locals raises questions about what steps SEIU must take to ensure that those who commit sexual assault are not rehired again. SEIU has appointed a task force consisting of Cecilia Muñoz, former White House domestic policy council director; Fatima Goss Graves, president and CEO of the National Women's Law Center; and employment attorney Debra Katz, founding partner of law firm Katz Marshall & Banks, to look into what practices SEIU can enact to stop sexual abuse within its union.

Alladio says that she would like to see changes made at SEIU so that abusers, who get into trouble in one local, are not rehired in another local.

"I think what is most important is for them to create some way for the locals to communicate with each other so that there is some accountability for when these types of situations arise and when something happens at one local and a person tries to get a job another. They may not be the same organization, but they are under the same umbrella that this information is shared."

Alladio is part of an effort of past and present organizers at SEIU who are launching a campaign to pressure SEIU to take more concrete steps to prevent sexual harassment and assault. The organizers have launched an email address metooseiu@gmail.com and encourage women to contact them confidentially to share their stories and organize against sexual harassment and assault.

Ultimately, Alladio says that she wanted to come forward and tell her story so that other women abused within SEIU would feel comfortable coming forward to tell their stories.

"Women have to be comfortable sharing their stories with others so more women do, so we can bring it to HR and management's attention, so they can put an end to it" says Alladio.

If you were sexually assaulted in a union and would like to tell your story, please contact us confidentially at melk@paydayreport.com or call (412) 613-8423. There is no place in the labor movement for sexual assault or harassment.

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