

CONSTITUTION
FOR
LOCAL 101, SAN JOSÉ, CALIFORNIA

ARTICLE I
NAME

Section 1. This organization shall be known as Local 101, San José, California of the American Federation of State, County and Municipal Employees.

Section 2. This organization's principal place of business shall be within the geographical boundaries of the City of San José, California.

ARTICLE II
OBJECTIVE

Section 1. The objective of this organization shall be to improve the wages, hours and working conditions of its members and to promote their intellectual, social and economic welfare and to represent its membership in all disputes between its members and their employers.

ARTICLE III
JURISDICTION

Section 1. The jurisdiction of this organization shall be all public employees and other employees who are eligible for membership in accordance with the AFSCME Constitution and who are employed in Santa Clara, Santa Cruz, Monterey, and San Benito counties, but excluding employees of the State of California and employees within the jurisdiction of AFSCME Locals 170 and 1587.

Section 2. Any person employed within the above described jurisdiction of this organization shall be eligible for membership in accordance with this Constitution and the International Constitution.

ARTICLE IV
MEMBERSHIP

Section 1. There shall be no discrimination against any member or applicant for membership for reason of race, color, sex, creed, national origin, or age.

Section 2. This organization shall be composed of regular and retired members. Regular members shall be those employees who shall have applied for membership and shall pay dues as prescribed by this Constitution. Only regular members who are within a unit of representation shall be eligible to vote on matters of contract ratification, strikes, the adoption of bargaining demands and matters which solely affect the bargaining unit in which the member is located. Retired membership in this organization shall be conferred upon all regular members who are retired. Such membership shall not entitle a retired member to hold office or vote on any matter; however, the privilege of advising, recommending, and taking part in any of the deliberations at any meeting shall be conferred. Regular members who wish to continue their membership as retired members must notify the principal place of business and fill out an application for retired membership status, and pay dues as prescribed by this Constitution and Bylaws.

Section 3. A member in good standing is any member who has paid his or her current dues obligation.

Section 4. Every regular member, by virtue of membership in this organization, authorizes this organization to act as the exclusive bargaining representative with full and exclusive power to executive [*sic*] agreements with the member's employer. Further, every regular member authorizes this organization to act for members and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of the member's employment with such employer, in such manner as this organization determines.

Section 5. Each member shall adhere to the terms and conditions of applicable collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this organization of its legal or contractual obligations.

Section 6. No member shall be a party to any activity to secure the disestablishment of this organization as the collective bargaining agent for any employee.

ARTICLE V STRUCTURE

Section 1. The structure of this organization shall consist of a general membership, an executive board, and the functioning chapters.

Section 2. The general membership is the final authority of this organization and is authorized to take lawful action, consistent with this Constitution, and to act in behalf of the organization.

Section 3. The general membership shall elect the following officers of this organization: president, vice-president, recording secretary, treasurer and three (3) trustees.

Section 4. The affairs of this organization shall be conducted through the authority vested in the executive board. The executive board shall ensure that the policies and directives of the general membership are being followed.

Section 5. The executive board shall report on all matters which, in its judgement [*sic*], require consideration by this organization or which have been committed to the board by the membership. In addition, the actions of the board shall be printed and distributed at the next general membership meeting. In the absence of a quorum at a regular membership meeting, the board shall be authorized to act in the name of this organization.

Section 6. Jurisdiction and composition of this organization shall be divided by chapters. Such chapters shall be determined by the executive board.

Section 7. Chapters shall have authority to ratify or reject their negotiated contracts or agreement, to strike, to elect chapter officers, all in accordance with the appropriate procedures set down in this Constitution.

ARTICLE VI EXECUTIVE BOARD

Section 1. The executive board shall consist of the president, vice-president, recording secretary and the chapter delegates. Each chapter shall be entitled to delegates on the basis of membership as follows: 150 members or fewer, one delegate; more than 150 but not exceeding 300 members, two delegates; more than 300 members, one additional delegate for every 150 members or portion thereof.

Section 2. The executive board shall meet at least once in each month at a regularly scheduled time and place known to the membership. Special meetings of the executive board may be called by the president, or upon written request of five (5) members of the executive board. Reasonable notice of all executive board meetings shall be given except in the case of emergency. Minutes of regular and special executive board meetings shall be kept.

Section 3. The executive board shall have all the authority granted to it by this Constitution including, but not limited to, the following:

- a) Responsible for the handling of all funds.
- b) Authorization of annual audits; responsibility for the preparation of a budget.
- c) Determining when a group of members is considered a functioning chapter for the purpose of representation on the executive board.
- d) The initiation of policy subject to review of the membership at membership meetings.
- e) The executive board shall make decisions concerning the affairs of this organization and shall be directed by the membership who shall direct by way of approved motions at membership meetings.

Section 4. A majority of the positions filled on the executive board shall comprise a quorum. The president shall cause an agenda to be prepared for each meeting of the executive board prior to that meeting.

Section 5. All elected officers and delegates shall make every effort to attend all executive board meetings. Any member of the executive board who cannot appear at a meeting, shall notify the president or the executive secretary that they will be absent and state a bona fide

reason for such absence. The president may excuse the member subject to the approval of the executive board. In the event any member of the executive board fails to attend three (3) consecutive executive board meetings, without excuse, the president may declare the member's seat vacant subject to the approval of the executive board.

Section 6. All members shall have the right to attend all executive board meetings without voice or vote, however, the executive board shall allow any member to speak at an appropriate time.

Section 7. The executive board may authorize additional clerical and professional staff positions subject to budget limitations.

ARTICLE VII OFFICERS

Section 1. Duties of the president: The president shall be the presiding officer of this organization and shall preside over all executive board meetings and all general membership meetings. S/he shall have general supervision of the affairs of this organization in accordance with this Constitution; s/he shall have authority to act in all matters not otherwise expressly delegated. The president shall be one of the persons authorized to sign all checks and countersign all orders on funds, contracts, and agreements. S/he shall appoint chairs and co-chairs for all standing committees and may appoint the members of such committees after consultation with the chair or co-chair. S/he may create or disband special committees, define their task, and appoint members in the same fashion as for standing committees. S/he shall give a full report of his/her activities at each regular executive board and general membership meeting.

Section 2. Duties of the vice-president: The vice-president shall temporarily assume the duties of the president when the president is unable, for any reason, to perform his/her duties. S/he shall assist the president in the operation of all the affairs of this organization. S/he shall succeed the president, until an election can be held, if the president is unable to complete his/her term of office. S/he shall be responsible for the shop stewards and their training. S/he may countersign checks.

Section 3. Duties of the treasurer: The treasurer shall be responsible for all financial affairs of this organization. S/he shall countersign all checks whenever possible. S/he shall submit at least quarterly appropriate financial statements of expenditures and income to the executive board and general membership. His/her reports shall be subject to verification by the trustees of this organization and supportive data must be supplied if requested.

Section 4. Duties of the recording secretary: The recording secretary shall keep a correct and accurate record of the proceedings of all executive board and general membership meetings of this organization.

Section 5. duties of trustees: There shall be three (3) trustees whose primary function is to act as guardians of the welfare of this organization. The trustees shall, at their discretion, engage the services of a certified public accountant. They shall see that the officer [*sic*] fulfill their duties and obligations, that this Constitution is followed and that parliamentary procedure is

adhered to. They shall attend executive board meetings and shall have voice but shall not have vote [*sic*]. They shall make periodic reports to the membership. They shall hold no other elective office and shall have no committee work.

ARTICLE VIII CHAPTERS

Section 1. Chapters shall generally be composed of members who are employed by the same employer except that the executive board may form a chapter composed of members who are employed by more than one employer. To be a functioning unit, a chapter must elect officers, including a recording secretary, and must hold regular membership meetings in accordance with this Constitution.

Section 2. Each recording secretary shall keep a record of the transactions of the chapter and shall send to the office of copy of the minutes of the chapter meeting. Records of the chapter must be open to the executive board.

Section 3. No chapter or bargaining unit herein shall call a strike without a majority vote by a secret ballot of the membership of that chapter or bargaining unit. In addition to the aforementioned, each chapter acquiring a positive strike vote must notify the president, of this local, of such affirmative vote in order to allow the staff ample opportunity to satisfactorily resolve the issues. If no acceptable resolution to the chapter or bargaining unit membership is at hand, the chapter or bargaining unit may then strike.

ARTICLE IX MEETINGS

Section 1. Chapters shall hold monthly membership meetings except during the month of January when the local general membership meeting shall be held. Chapter membership meetings may not be held in January unless an emergency exists. A special local membership meeting may be called by the executive board or by petition of ten (10) percent of the regular members in good standing. The quorum for the general membership meeting shall be five (5) percent of the regular members in good standing.

Section 2. Regular meetings of the executive board and the general membership meetings shall be made known to all members prior to such meetings. The newsletter of this organization may be used for this purpose provided, however, all such notices are sent to the member's last known mailing address via U.S. Mail. Notices shall be mailed no later than ten (10) calendar days prior to the meeting date. if the newsletter publishes the meeting day, time and place in the month prior to said meeting, this shall serve as notice for the following month's meeting.

ARTICLE X CANDIDACY AND ELECTIONS

Section 1. Any regular member in good standing for a period of not less than six (6) months shall be eligible to hold any office in this organization.

Section 2. The term for president, vice-president, recording secretary, treasurer and trustee shall be for two (2) years. The president, vice-president, recording secretary and treasurer shall be elected to a term of office beginning in the odd-numbered years. The trustees shall be elected to three-year terms of office, except that in the 1988 election, one shall be elected for a one-year term, one for a two-year term, and one for a three-year term. Section 7 of this Article will apply, each year, to those offices affected.

Section 3. It shall be the responsibility of the chapters to hold chapter elections and to notify the office of the results.

Section 4. No person shall simultaneously hold or be nominated for more than one of the following offices:

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| a. | President | d. | Recording Secretary |
| b. | Vice-President | e. | Trustee |
| c. | Treasurer | f. | Delegate to the Board |

It is permissible that chapter and local officers hold offices at higher or lower levels of authority.

Section 5. Any officer can be removed from office in accordance with the Constitution of the American Federation of State, County and Municipal Employees.

Section 6. Nominations for all chapter offices shall be made at the regular chapter meetings in October and November. The election of chapter officers shall be held at the November chapter meeting and the balloting shall be by secret ballot. The officers shall take office immediately. Prior to the election of chapter officers, an election committee of at least three (3) members shall be chosen by the chapter membership. Such committee shall rule on the qualifications of nominees and shall conduct the election and certify the election results.

Section 7. Nominations for president, vice-president, recording secretary, treasurer and trustees shall be taken at all chapter meetings in the month of November, or by petition signed by at least (5) members in good standing (see Section 2 of this Article). All nominations, whether by petition or from the floor of the November chapter meeting, shall be received at the local office no later than November 30. The election of the president, vice-president, recording secretary, treasurer and trustees shall be held at the general membership meeting in January (see Section 2 of this Article) in accordance with the standards set forth by Appendix D of the International Union Constitution and the AFSCME Local Union Election Manual. The balloting shall be secret and ballots shall be retained in a safe place for one year. The candidate receiving a majority of the votes cast for that office shall be declared elected. All elected officers shall take office immediately.

Section 8. An election committee of three (3) members, appointed by the executive board, shall be responsible for the tabulation of the results of the election, act as initial judge in all matters arising from the election procedures and certify the results of the election in

accordance with the standards set forth by the Appendix D of the International Union Constitution and the AFSCME Local Union Election Manual.

Section 9. Adequate safeguards to insure a fair election shall be provided including the right of any candidate to have an observer at the counting of ballots.

Section 10. This organization shall refrain from discrimination in favor of or against any candidate. No union funds, resources or mailing lists will be used to assist any member's candidacy. However, all candidates shall be allowed access to an issue of the newsletter for the purposes of campaign statements, provided, however, uniform and reasonable standards as adopted by the executive board are applied to all candidates.

Section 11. Vacancies in office, other than the office of chapter delegate to the executive board, shall be filled for the remainder of the unexpired term by a majority vote of the executive board.

Section 12. A delegate to the executive board may send an alternate to the executive board meeting. Any such delegate must be designated in writing by the delegate and must indicated in writing the meeting date to which the alternate is to function in his/her stead. Any such alternate delegate shall have all the rights and privileges the regular delegate would have and shall not be bound by any instructions or limitations imposed by the regular delegate.

Section 13. The president and the treasurer of the local shall have the option to attend the AFSCME International Convention held every two years, subject to the executive board's approval. Each officer shall make a determination as to whether he/she will attend the convention prior to the opening of the regular nomination period for the election of the convention delegates.

ARTICLE XI COMMITTEES

Section 1. The standing committees of this organization shall include, but not be limited to, the following:

- a. Budget and Finance Committee: Studies revenues and expenditures, drawn up a preliminary budget and recommends on the financial condition of this organization.
- b. Local Constitution Committee: Shall review the local constitution of this organization and shall draw up and report proposed amendments thereto.
- c. Central Labor Council Committee: Shall be comprised of the delegates and alternate delegates from this union to the Central Labor Council.
- d. Human Rights Committee: Shall assist the executive board in carrying out the Human Rights programs and policies of the International Union.
- f. [*sic*] Legislative Committee: Defines, investigates and recommends on legislation that is of interest to the members.
- g. [*sic*] Organizing Committee: Formulates and actively supports programs to recruit members to this union; draws up and assembles organizing materials.

- h. [*sic*] Political Activities Committees: Shall assist the executive board in carrying out a sound program of political education and action and encourages members to register and vote.
- i. [*sic*] Stewards' Council(s): Shall, by motion, make recommendations to the executive board and general membership meetings. May review grievances, recommend changes in grievance procedures. Comprised of stewards and alternate stewards. Stewards' Council(s) should function at chapter levels, and may function at the local level.

ARTICLE XII REVENUES AND PROPERTIES

Section 1. Membership dues shall be \$23.00 per month for all regular members. Dues for part-time employee members shall be \$17.00 per month for members who work 20 to 39 hours per week, \$11.00 per month for members who work 16 to 20 hours per week, and \$7.50 for members who work less than 16 hours per week.

Section 2. Membership dues are payable through payroll deduction, or may be paid in cash on a quarterly basis. Cash dues shall be payable on the first day of the upcoming quarter.

Section 3. Members failing to pay quarterly cash dues within sixty (60) days of their due date shall be considered delinquent, and shall be suspended, thereby forfeiting all rights and privileges as of that date.

Section 4. Any member having been suspended shall be readmitted upon receipt of all back and current dues, and a \$10.00 reinstatement fee.

Section 5. Retired members shall pay dues of \$2.00 per month. Such members shall receive a "Retired Member's Card."

Section 6. Any regular member who is unemployed for more than twenty (20) days in any calendar month and does not receive unemployment compensation or sick leave pay or other remuneration [*sic*], shall be entitled to credit for his/her dues for the period of unemployment but not to exceed six (6) months in any calendar year.

Section 7. The executive board may modify the requirements of Section 1 of this Article for any new chapter for a period of up to one year, thereafter such chapter's dues must comply with Section 1 of this Article.

Section 8. Dues may only be changed by a majority vote by secret ballot at any regular or special general membership meeting provided adequate notice of such meeting has been given. Adequate notice is deemed ten (10) calendar days from mailing of such notices.

Section 9. The local union shall pay per capita tax to the International Union. This local's full obligation to the International Union shall be paid in accordance with the International Union's Constitution.

Section 10. All records of financial transactions shall be kept for no less than six (6) years.

Section 11. All officers shall deliver to their respective successors, at the conclusion of their term of office, all property in their possession belonging to the local. All funds and property of the local shall be deemed held in trust for the benefit of the members to be used in accordance with this constitution subject to the supervision, and in accordance with the direction of the membership and the executive board.

Section 12. The title of all property, funds and other assets of this organization shall at all times be vested in the executive board for joint use of the membership of the local union but no member shall have any severable proprietary right, title or interest therein; except that all affiliating chapters shall retain all properties, real or otherwise, as provided for in their affiliation agreements. Membership in this organization shall not vest any member with any right, title or interest in or to the funds, property or other assets of this local union, not owned or possessed of that may hereafter be acquired, and each member thereby expressly waives any right, title or interest in or to be the property of this local union, including the funds of this local union.

Section 13. All officers and employees handling any monies of this local union shall be bonded through the International Union for such amount as the executive board may deem sufficient to fully protect the local union in accordance with the requirements of applicable statutes. The cost of the bond is to be paid by the local union.