

BYLAWS
Municipal Employees Federation,
a Chapter of Local 101,
of the American Federation of State, County, and Municipal Employees

PREAMBLE

The purposes of labor unions are rooted in the lives of the people, and are founded upon those democratic and fundamental freedoms, which responsible citizens proclaim and esteem in these United States. The interdependent areas of securing better wages and securing better working conditions fall within the framework of the democratic process and are conceived as making significant and unique contributions to the achievement of the purposes and goals of a labor union.

We, the members of the Municipal Employees Federation, a Chapter of Local 101, of the American Federation of State, County, and Municipal Employees, believe that a labor union must be a strong and flexible institution, balancing between serving the varying needs of its membership, while respecting the rights of other members. Additionally, labor unions should provide for unity of purpose, cooperative and concerted action, intelligent direction and control, and to make the greatest contribution to the goals of this organization.

Believing that all persons have a natural right to the full enjoyment of the wealth created by their labor, and believing that such cannot be fully realized except through the united, free and democratic organization of working men and women, we, the members of the Municipal Employees Federation, have joined, and do hereby unit ourselves and affiliate our Chapter with the American Federation of State, County, and Municipal Employees, Local 101. To this end, the Municipal Employees Federation adopts the following Bylaws:

ARTICLE I
NAME

Section 1. This organization shall be known as Municipal Employees Federation hereinafter referred to as MEF, of Local 101 of the American Federation of State, County, and Municipal Employees, hereinafter referred to as AFSCME.

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 public employees and other employees who are eligible for membership in accordance with the AFSCME International Constitution and the Local 101 Constitution.

Section 2. Any person employed in Units 5 or 7 of the City of San José, California, shall be eligible for membership in accordance with these Bylaws, the Local 101 Constitution, and the AFSCME 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, sexual orientation, age, religious belief, or political belief.

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 these Bylaws. 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.

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 execute 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 his or her employment with such employer, in such a 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 decertification of this organization as the collective bargaining agent for any employee.

ARTICLE V STRUCTURE

Section 1. The structure of this organization shall consist of the General Membership, Board of Directors, a Stewards' Council, and a Negotiations Team.

Section 2. The General Membership is the final authority of this organization and is authorized to take lawful action, consistent with these Bylaws, the Local 101 Constitution, and the International Constitution; and is authorized to act on behalf of the organization at a General Membership meeting.

Section 3a. The General Membership shall elect the following Executive Officers and Directors to represent them on the Board of Directors of this organization. Executive Officers shall be: a President, a Vice President, a Chief Steward, a Secretary, and a Treasurer; the remaining Board of Directors are defined in Section 3b of this Article.

Section 3b. In addition to the Executive Officers designated in Section 3a of this Article, the Board of Directors shall be composed of ten (10) Directors, allotted by City Department as follows: one (1) Director to represent members in the Airport Department, the General Services Department, and the Department of Transportation, collectively; one (1) Director to represent members in the Convention, Arts, and Entertainment Department, the Fire Department, and the Planning, Building, and Code Enforcement Department, collectively; one (1) Director to represent members in the Environmental Services Department and Public Works Department, collectively; two (2) Directors to represent members in the Parks, Recreation, and Neighborhood Services Department; two (2) Directors to represent members in the Police Department; two (2) Directors to represent members of the Library Department; and one (1) at-large Director, who shall not be employed by any of the Departments heretofore listed in this Section, to represent all other City Departments.

Directors elected from a specific Department, or collective Departments, shall be responsible for representing the interests of the membership from that Department, or those collective Departments as the case may be. The Director-at-large shall be responsible for representing the interests of the membership from all other City Departments, including, the Housing Department, the City Attorney's Office, the City Clerk's Office, the Finance Department, Human Resources Department, the Information Technology Department, the City Manager's Office, the Office of Economic Development, and the City Council Offices. Directors who transfer to a Department to which they were not elected to represent, shall vacate the position on the Board of Directors, which vacancy shall be filled as provided for elsewhere in these Bylaws.

Section 4. The affairs of this organization shall be conducted through the authority vested in the Board of Directors. The Board of Directors shall ensure that the policies and directives of the General Membership are being followed. Between meetings of the General Membership, the business of this organization shall be carried on in accordance with the International Constitution, Local 101 Constitution, and these Bylaws and MEF policies, or, when it has not fixed a policy, by the Board of Directors, which shall have the authority and duty usually exercised by a Board of Directors.

Section 5. The Board of Directors shall report on all matters which, in its judgment, require consideration by this organization or which may have been committed to the Board by the Membership.

Section 6. The General Membership shall have the authority to ratify its negotiated contract or agreement, to strike, and to elect its officers, all in accordance with the appropriate procedures set forth in these Bylaws, the Local 101 Constitution, the AFSCME Local Union Election Manual, and the International Constitution.

ARTICLE VI BOARD OF DIRECTORS

Section 1. The Board of Directors (or “Board”) shall consist of the President, Vice-President, Secretary, Treasurer, Chief Steward, and ten Directors, to be elected as provided elsewhere in these Bylaws.

Section 2. The Board of Directors shall meet at least once in each month at a regularly scheduled time and place known to the membership. Special meetings of the Board may be called by the President, or upon written request of three members of the Board. The purpose of a special meeting shall be stated in the call, which shall be sent to all Board members at least three days before the meeting. Reasonable notice of all Board meetings shall be given except in the case of emergency; the website of this organization may be used for this purpose. Minutes of regular and special Board meetings shall be kept by the Secretary.

Section 3: A majority of the positions filled on the Board of Directors shall comprise a quorum. In the absence of a quorum, those Board members who are personally present at the meeting may, by two-thirds vote concurring, authorize absent Board members to participate in the meeting by means of telephonic conference or similar communications for purposes of establishing a quorum, as long as all individuals participating in the meeting can simultaneously hear each other.

Participation in a meeting through use of telephonic conference or similar communications constitutes presence in person at the meeting. Board members participating by telephonic conference or similar communications shall be recorded as such in the Minutes of the meeting.

Section 4. The Board of Directors shall have all the authority granted to it by these Bylaws, the Local 101 Constitution, and the International Constitution, including, but not limited to, the following:

- a) the Board of Directors shall be responsible for preparing the chapter budget and authorizing expenditures of chapter funds; Board members are hereby authorized to receive stipends for expenses associated with their official duties, only if specifically approved in the annual Chapter budget;
- b) the Board of Directors shall be responsible for the initiation of policy subject to review by the membership at membership meetings;

- c) the Board of Directors shall make decisions concerning the affairs of this organization, and shall be directed by the membership by way of approved motions at membership meetings;
- d) the Board of Directors shall establish and disband any standing or ad hoc committees not inconsistent with these Bylaws;
- e) the Board of Directors shall establish a Negotiations Committee, which may include, but is not limited to, all the members of the Board of Directors; and is responsible for the establishment of a Negotiations Team consistent with these Bylaws.

Section 5. The President shall cause an agenda to be prepared for each meeting of the Board of Directors and General Membership. Members of the Board who have items for the Agenda shall notify the President, or the President’s designee, at least three days prior to the meeting for which the item is to appear.

Section 6. All elected or appointed officers and Directors of the Board shall make every effort to attend all Board meetings and all General Membership meetings. Any member of the Board who cannot appear at a meeting, shall notify the President, or the President’s designee, or another officer, that they will be absent, stating a bona fide reason for such absence. The President, or Board, may excuse the member subject to the approval of the Board of Directors, by recorded vote, a majority of the Board concurring. In the event any member of the Board fails to attend three consecutive Board meetings or fails to attend two consecutive General Membership meetings, without being excused by the President or Board, the Board of Directors may, by recorded vote, a majority of the Board concurring, declare the member’s seat vacant.¹

Section 7. The Board of Directors shall have the authority to make recommendations, to the Local 101 Board, regarding selection, employing, evaluating, or terminating the Business Agent assigned to MEF.

Section 8. The Executive Officers shall consist of the President, Vice-President, Secretary, Treasurer, and Chief Steward. They shall be responsible for conducting strategic planning for the organization.

Section 9. All members shall have the right to attend all meetings of the Board of Directors without voice or vote, provided, however, members shall have the right of voice as it relates to the nominations of officers; and provided further, the Board may allow any member to speak at an appropriate time, upon majority vote of the Board.

¹ At the December 8, 2016 MEF Executive Board Meeting, the Board voted unanimously to adopt the following interpretation of Art. VI §6: Any “request from a Board member for an excused absence be considered a bona fide excuse and that no vote be needed to approve it; provided further, that if a member of the Board believes the excuse being offered is done so dishonestly, fraudulently, or with deceitful intentions, such belief shall be reported at the Board meeting and the Board shall vote whether or not to excuse the member.”

ARTICLE VII DUTIES OF THE EXECUTIVE OFFICERS

Section 1. Duties of the President include, but are not limited to the following: (a) the President shall be the presiding officer of this organization and shall preside over all Board meetings and all General Membership meetings; (b) shall have general supervision of the affairs of MEF in accordance with these Bylaws and the Local 101 Constitution; (c) shall have authority to act on all matters not otherwise expressly delegated; (d) shall make appointments to all standing and ad hoc committees, subject to the approval of the Board, and define the tasks of such committees; (e) shall represent this organization before all boards, committees, departments, and other such official bodies as may be designated by the Board; and, (f) shall give a full report of activities at each regular Board and General Membership meeting, to include, but not be limited to, the progress and standing of MEF and regarding the president's official acts.

Section 2. Duties of the Vice-President include, but are not limited to the following: (a) the Vice-President shall assist the President in the performance of official duties; (b) in the absence of the President, or when the President is unable, for any reason, to perform required duties, the Vice-President shall temporarily assume the duties of the President; and, (c) shall succeed the President, until an election can be held, if the President is unable to complete the term of office to which elected.

Section 3. Duties of the Secretary include, but are not limited to the following: the Secretary shall keep a correct and accurate record of the proceedings of all Board and General Membership meetings, providing a copy of such Minutes to the Local 101 office.

Section 4. Duties of the Treasurer include, but are not limited to the following: the Treasurer shall be responsible for the financial affairs of this organization, reporting on the finances of the Chapter at each regular Board and General Membership meeting.

Section 5. Duties of the Chief Steward include, but are not limited to the following: (a) the Chief Steward shall be responsible for receiving all complaints and grievances, and seeking appropriate resolution; (b) shall preside over the Stewards' Council meeting and over the selection process for departmental stewards and any assistant chief steward(s); and (c) shall give a full report of activities at each regular Board and General Membership meeting.

Section 6. Duties Prohibited: Except to the extent specified in these Bylaws, no Executive Officer or Director of this Chapter shall have the power to act as agent for or otherwise bind the Chapter in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind this Chapter except to the extent specifically authorized in writing by the president of this Chapter, or by the Board of Directors of this Chapter.

ARTICLE VIII STEWARDS AND MEMBER ACTION TEAMS

Section 1. Stewards shall be appointed, by majority vote of the Board, upon recommendation of the Chief Steward or upon the motion of any Board Member, consistent with any applicable contract(s), agreement(s), and steward application policies. The primary responsibility of Stewards shall be to communicate with members regarding Union activities and processes, encourage members to participate in solving problems, and advise members of rights and obligations. They shall investigate and process grievances, represent members during any disciplinary procedures, and exchange information on grievances and potential problems at their work sites, and inform union leadership of changing needs. Additionally, they shall promote the understanding of any contracts or agreements, work rules, policies, procedures, and regulations.

Section 2. The Stewards' Council shall consist of all stewards, chaired by the Chief Steward, and shall meet as needed. The Council shall serve as an ongoing supportive training body and in the handling of grievances. It shall also serve as an information channel between the membership and the Board of Directors.

Section 3. Member Action Team (MAT) shall also be used to enhance communications between the workforce and the Board of Directors, and to facilitate the mobilization of employees into action around issues they are concerned about on the job site. The MAT shall consist of a MAT Captain, appointed by the President, subject to approval by the Board. The MAT Captain is responsible for coordinating the activities of MAT Leaders; each MAT Leader shall be responsible for communicating and working with co-workers on their job site/shift on a regular basis. The MAT Captain shall report to the Board of Directors as needed. Stewards, shall also serve as MAT Leaders.

MAT Leaders shall be responsible for, among other things: a) working together with the Board of Directors and MAT Captains on tasks that help build a stronger union; b) involving members in union activities, especially at their immediate worksite; c) have regular one-on-one conversations with co-workers and listen to their concerns and issues; d) explain to co-workers why the Union needs everyone involved and working together to solve problems; e) help mobilize members when action is needed on an issue or workplace problem; f) distribute Union newsletters, flyers, surveys, and other information; and, g) support Union goals, values and principles.

ARTICLE IX CANDIDACY AND ELECTIONS

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

Section 2. The President, Vice-President, Secretary, Treasurer, and Chief Steward shall be elected, from the general membership at-large, to serve two year terms beginning in odd numbered years. The ten (10) Board of Directors shall be elected to serve two-year terms beginning in even numbered years. Each Director representing a Department or collective

Departments shall be elected exclusively by the membership in the respective Department or collective Departments he/she would represent.

Section 3. It shall be the responsibility of MEF to hold its elections and to notify Local 101 of the results.

Section 4. No member shall simultaneously hold or be nominated for more than one of the following offices: President, Vice-President, Secretary, Treasurer, Chief Steward, or Director. It is permissible that Chapter and Local officers hold offices at higher and lower levels of authority.

Section 5. Any elected or appointed member of the Board of Directors may be removed from office in accordance with the Constitution of the American Federation of State, County and Municipal Employees.

Section 6. At the August General Membership meeting an Election Committee of three members shall be elected by the membership. Such committee shall rule on the qualifications of nominees, shall conduct 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 AFSCME International Constitution, the AFSCME Local Union Election Manual, the Local 101 Constitution, and these Bylaws. Not less than fifteen days prior to the holding of nominations for chapter officers or delegates-at-large, a notice of the nominations and elections shall be mailed to each member at the member's last known address.

Section 7. Nominations for all offices shall be made at the October Board meeting, or by petition signed by at least five members in good standing. Nominations submitted by petition shall be received at the Local 101 office no later than seven days before the October Board of Directors meeting. The election of all offices shall be held in November. The balloting shall be by secret and ballots shall be prepared by the Election Committee. If more than the number of candidates to be elected to an office received the largest and an equal number of votes, such tie shall be resolved by lot by the chair of the Election Committee in the presence of a majority of the Board of Directors. All 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 Board Members shall assume office upon final tabulation the of ballots cast.

Section 8. Adequate safeguards to ensure a fair election shall be provided including the right of any candidate to have an observer at the counting of ballots.

Section 9. 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 any issue of the newsletter for the purpose of campaign statements, provided however, uniform and reasonable standards as adopted by the Executive board are applied to all candidates.

Section 10. (a) Vacancies in office, other than President, shall be filled for the remainder of the unexpired term by a majority vote of the Board of Directors. If a vacancy occurs in the office of President the Vice President shall assume the duties and responsibilities of President

until such time that a special election can be called as provided for in the AFSCME Election Manual. Vacancies in the positions of Vice President, Chief Steward, Treasurer, and Secretary shall be filled by the Board of Directors.

(b) Vacancies in Director positions shall be filled with a representative from the corresponding Department or collective Departments, as appropriate, as provided for herein. If after thirty (30) days of a Director position being vacant, no member(s) employed by the specific Department (or collective Departments) where the vacancy exists, have submitted their name to the Board to fill the vacancy, the Board may appoint a member to fill the vacant Director position, notwithstanding the member's department of employment.

ARTICLE X MEETINGS

Section 1. The General Membership shall regularly meet during the months of February, May, August, and November, unless a special meeting is imperative or an emergency exists. The quorum for the General Membership meeting shall be those members present at the meeting.

Section 2. Regular meetings of the General Membership shall be made known to all members prior to such meetings. Reasonable notice of General Membership meetings shall be given; the website of this organization may be used for this purpose.

Section 3. Special General Membership meetings may be called by the President or upon written request of three members of the Board. The purpose of a special meeting shall be stated in the call, which shall be made known to all members prior to such meeting. Reasonable notice of all Special General Membership meetings shall be given except in the case of emergency; the website of this organization may be used for this purpose.

ARTICLE XI COMMITTEES

Section 1. The President may establish committees as needed and may include, but not be limited to, the following:

- a) Organizing Committee: Shall formulate and actively support programs to recruit members to the union; draw up, assemble, and distribute organizing materials.
- b) Budget and Finance Committee: Shall assist the Treasurer in developing a budget for the chapter and fulfilling the ongoing financial affairs of the organization.
- c) Negotiations Research Committee: Shall survey the membership for priorities, and research economic and personnel issues pertaining to the meet and confer process.
- d) Bylaws Committee: Shall review the Bylaws of this organization and shall draw up and report proposed amendments thereto, for membership approval; shall interpret these Bylaws, the Local 101 Constitution, and International Constitution, as it applies to this Chapter, when disputes arise.
- e) Local 101 Delegation: Shall participate on the Local 101 Executive Board representing the MEF Chapter.

- f) Legal Trust Fund Delegation: Shall participate on the MEF-CEO Legal Trust Fund Board representing the MEF Chapter.
- g) Departmental Labor/Management Committees: Labor representatives on designated departmental committees shall represent the interests of union members within the particular department and those of this organization.

ARTICLE XII NEGOTIATIONS

Section 1. The Negotiations Team shall negotiate tentative collective bargaining agreements and shall vote to either recommend or not recommend such agreements, which are subject to ratification by the membership. The Negotiations Team shall report to the Contract Action Team concerning details of negotiations.

Section 2. The Contract Action Team shall draft, review, and select proposals; shall meet with the membership concerning proposals; and shall periodically inform the membership about the progress of negotiations.

Section 3. The President shall be a member of, and chair, the Negotiations Team and shall also chair the Contract Action Team. The President shall appoint the other members of the Negotiations Team, subject to the approval of the Board of Directors. The President shall also appoint the members of the Contract Action Team, subject to approval of the Board. Members of the Negotiations Team shall serve ex officio on the Contract Action Team.

ARTICLE XIII REVENUES AND PROPERTIES

Section 1. Membership dues shall be prescribed by the Local 101 Constitution.

Section 2. Retired members shall pay dues prescribed by the Local 101 Constitution.

Section 3. All officers shall deliver to their respective successors, at the conclusion of their term of office, all property in their possession belonging to MEF. All the funds and property of MEF shall be deemed held in trust for the benefit of the members to be used in accordance with these Bylaws, the Local 101 Constitution and the International Constitution subject to the supervision, and in accordance with the direction of the membership and the Executive Board.

Section 4. The title of all property, funds, and other assets of MEF shall at all times be vested in the Board for joint use with the General Membership but no member shall have any severable proprietary right, title or interest therein. 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 MEF, not owned or possessed of, that may hereinafter be acquired, and each member hereby expressly waives any right, title or interest in or to the property of MEF.

ARTICLE XIV AMENDMENTS AND SEVERABILITY

Section 1. The Bylaws of this organization may be amended at any regular or special meeting of the General Membership by a two thirds (2/3) vote of those members present and voting; provided, however, that the proposed amendment(s) are read at a regular membership meeting, and in no case less than sixty (60) days prior to the meeting at which action is to be taken.

Section 2. The website of this organization may be used for purposes of publishing proposed amendments, however, shall not abrogate the requirement that proposals be read as required by Section 1 of this Article.

Section 3. In the event that any Article (or provisions thereof) in these Bylaws shall be found or held as invalid by any act of law, by any court of competent jurisdiction, by a conflict in the Local 101 Constitution, the International Constitution, or for any other reason, such invalidity shall not affect the remaining provisions of these Bylaws, and to this end the provisions of these Bylaws are severable, all other provisions remaining in full force and effect.

ARTICLE XV RULES OF ORDER

Section 1. Robert's Rules of Order, Newly Revised, shall govern in all cases to which they are applicable and in which they are not inconsistent with these Bylaws or with any legally adopted special rules of MEF, the AFSCME Local Union Election Manual, the Local 101 Constitution, or the AFSCME International Constitution.

Section 2. The officers shall keep in their possession Robert's Rules of Order, Newly Revised, for their use as parliamentarians.

RATIFIED by the Municipal Employees Federation, Local 101, AFSCME, this 13th day of April, 2000, as amended through 13 December 2012.