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Constitution

for

East Bay Municipal Utility District Clerical, Professional

and Technical Employees — MEA

Local 2019

Article I Name

Section 1. The name of this organization shall be East Bay Municipal Utility District Clerical, Professional and Technical Employees – MEA Local 2019 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Section 2. The principal office for the transaction of the business of the organization is as may be fixed and located by the executive board, in the county of Alameda, state of California. The executive board may at any time change the location of the principal office from one location to another in Alameda County or Contra Costa County.

Article II Affiliations

Section 1. This local union shall be affiliated with California District Council 57, the Alameda Labor Council, [the San Joaquin/Calaveras County Central Labor Council](#), the Central Labor Council of Contra Costa County, AFL-CIO, and the California Labor Federation, AFL-CIO. In addition, this local may affiliate with any organization whose objects and memberships are in harmony with or beneficial to the membership of this local. Such affiliation may be made only upon the affirmative vote of at least two-thirds of the ballots cast by members in good standing.

Article III Objectives

Section 1. To promote the welfare of the membership and to provide a voice in the determination of the terms and conditions of employment. We are committed to the process of collective bargaining as the most desirable, democratic, and effective method to achieve this. Both as union members and as citizens, we shall employ available legislative and political action.

Section 2. To unite the clerical, inspection, professional, service and technical employees of EBMUD into a single cohesive labor union.

Section 3. To promote career service, job growth and development of the membership during their employment at EBMUD.

Article IV Jurisdiction

Section 1. The jurisdiction of this organization shall be all clerical, inspection, professional, service and technical employees of the East Bay Municipal Utility District in Alameda, Calaveras, Contra Costa and San Joaquin counties, California. Any person employed within the above-described jurisdiction of this organization shall be eligible for membership in accordance with this constitution and the AFSCME International Constitution.

Article V Membership

Section 1. There shall be no discrimination against any member or applicant for membership because of race, religious creed, color, age, marital status, national origin, ancestry, sex, sexual orientation, gender identity, political affiliation, physical or mental disability (including HIV and AIDS), or medical condition (cancer or genetic characteristic).

Section 2. This organization shall be composed of regular members. Regular members shall be those employed who shall have applied for membership and shall pay dues as prescribed by this constitution. Only regular members in good standing shall be eligible to vote on matters of contract negotiations, strikes and adoption of bargaining demands.

Section 3. Application for membership shall be made on a standard application form and shall include a valid authorization for payroll deduction of dues.

Section 4. Any member may file charges against another member, including its officers. The basis for filing charges shall be in accordance with Article X, Section 2, of the AFSCME International Constitution. Charges against a member must be presented in writing to the executive board. The executive board shall act as the trial body, and shall follow the procedure in Article X of the AFSCME International Constitution to arrive at a decision.

Article VI Dues

Section 1. The monthly membership dues of the local shall be the per capita dues required by the International and Council 57 plus 0.275% of a member's per salary schedule, exclusive of career service pay. To the extent possible, membership dues shall be payable through payroll deduction. Dues that are not paid through payroll deduction shall be payable to the local treasurer. In lieu of raising the dues of the members, the executive board may absorb increases in per capita dues by using funds from the fixed percentage component of member dues. This decision is subject to a simple majority vote of the executive board at a regularly scheduled board meeting.

Section 2. Members who fail to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two consecutive months shall lose their good standing status and stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction, bank draft, or similar system, shall be considered in good standing for so long as such person continues to pay through that method.

Section 3. Any member suspended under Article VI, Section 2, shall be reinstated upon receipt of all back and current dues.

Section 4. This local union shall pay per capita tax to Council 57 and the International Union in accordance with the AFSCME International Constitution.

Article VII Meetings

Section 1. Regular meetings of this local shall be held once each month, at a time and place to be specified by the membership or the executive board.

Section 2. Special meetings may be called by the local president, a majority of the executive board, or by petition filed with the president, and signed by 10% of the members. Special meetings may also be called by the International President or his/her authorized representatives. Such a special meeting is subject to provisions outlined in this article and Article XIV, Matters of Major Importance.

Section 3. Notices of regular and special membership meetings shall precede the meeting at least five days and may be sent via mail, the organization's newsletter, posting on the districts' bulletin boards or electronic means. Notices of nomination and election meetings must be mailed-sent to each member at least fifteen (15) days prior to the nomination and election meeting.

Section 4. Motions shall be approved by majority vote of the members present, except as otherwise provided by this constitution. Matters of importance shall be voted on in accordance with the procedures in Article XIV, Matters of Major Importance, of this local constitution.

Section 5. The quorum for general membership meetings shall be two percent of the membership in good standing, with a minimum of one greater than ~~twice~~ the number of executive board positions.

Section 6. An executive board meeting shall be held at least once a month at a regularly scheduled time and place specified by the executive board.

Section 7. Special meetings of the executive board may be called by the president, or upon written request of four members of the board.

Section 8. A majority of the members of the executive board shall constitute a quorum to transact business of the board.

Section 9. Executive board meetings are open to all members, ~~however, they~~

shall have ~~no~~ voice, ~~unless permitted by the president but no vote~~. If a member wishes to present a matter before the executive board, a request shall be made in writing to the president to be placed on the agenda at least one (1) day before the board meeting.

Article VIII Officers

Section 1. The officers of this local shall be a president, a 1st vice-president, a 2nd vice-president, a recording secretary, a treasurer, a membership secretary and a chief steward. The term of all officers in this local shall be two years. The ~~officers president, 2nd vice-president, and recording secretary~~ shall be elected in the odd-numbered years. ~~Beginning in 2020, the 1st vice-president, treasurer, membership secretary and chief steward shall be elected in even-numbered years.~~

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Section 2. The executive board shall consist of the seven (7) officers of the local and nine at-large board members. The terms of the members of the executive board shall be two years. ~~Seven-Five (57)~~ of the at-large members shall be elected in the ~~evenodd~~-numbered years; and ~~two-four (4)~~ shall be elected in the ~~oddeven~~-numbered years. ~~In 2020, elections will be held for an additional three (3) executive board members with one (1) year terms ending in 2021.~~

Section 3. ~~One-Three~~ members of the local shall be elected to serve as trustee. The trustees shall be elected for three-year terms ~~beginning in 1989~~ such that one trustee position is up for election each year. ~~In 2020, two (2) trustees will be elected, one (1) for a three-year term (ending in 2023) and one (1) for a one-year term (ending in 2021).~~

Section 4. One steward shall be elected by the membership for each thirty-five (35) filled positions or major fraction thereof for those classifications represented by the local in accordance with the contract between East Bay Municipal Utility District and AFSCME Local 2019. Alternate stewards may be appointed by the chief steward. Stewards shall be nominated and elected as nearly as possible so as to represent membership from geographical locations. Half of the stewards shall be elected in the odd-numbered years and the other half shall be elected in the even-numbered years for a two-year term. The chief steward shall determine the jurisdiction of stewards.

Section 5. Vacancies in office shall be filled for the remainder of the unexpired term by a vote of the executive board.

Article IX Duties

Section 1. The president shall preside at all meetings of the local union and of the executive board; appoint all standing committees and all special committees of the local subject to the approval of the executive board; ~~be a member of all committees, except election committees~~; report periodically to the membership regarding the progress and standing of the local, regarding official acts of the office. The president shall be one of the persons authorized to countersign checks drawn on the local funds in place of either the 1st vice-president or treasurer.

Section 2. The 1st vice-president shall assist the president in the performance of all duties and act for him or her in his or her absence. The 1st vice-president may countersign checks drawn on local funds in place of either the president or the treasurer.

Section 3. The 2nd vice-president shall assist the president and the 1st vice-president in the performance of all their duties and act for them in their absence. The 2nd vice-president ~~shall may countersign checks only drawn on local funds in place of the treasurer, president or 1st vice-president when formally acting as president or 1st vice-president~~ two of those officers are not available for signature.

Section 4. The recording secretary shall keep a record of all membership meetings and all executive board meetings, and shall carry on the official correspondence of the local.

Section 5. The membership secretary shall maintain the official membership list of the local and prepare and submit the monthly membership report to the International Union. In the event the recording secretary is unable to perform the duties of his/her office, the membership secretary shall perform such duties until the duties are resumed by the recording secretary.

Section 6. The treasurer shall be responsible for all financial affairs of this local; shall receive and receipt for all monies, and deposit all monies so received in the name of the local in a bank or banks or credit union(s) approved by the executive board. Money so deposited shall be withdrawn only by check(s) signed by two of the following officers of the local: treasurer, president, ~~or~~ 1st vice-president, or 2nd vice-president. Checks made out to any of those officers shall not be signed by that officer. Checks shall be prepared for such purposes as required by the constitution or authorized by the executive board. The treasurer shall receive and review the monthly Council 57 Dues Trust Activity report that shows: receipts from all members ~~and fee payers~~ collected by the district and sent to Council 57; all per capita disbursements, including to Council 57 and to the International Union; the local's share (total receipts minus total disbursements); and verify that a deposit was made for the local's share to the local's operating account. The treasurer shall, once each month, submit to the executive board and the membership a monthly operating statement of the financial transactions and account balances of the local for the previous month. The treasurer shall act as custodian of all properties of the local, and shall, at the expense of the local and through the International, give a surety bond for an amount fixed by the International Union and approved by the executive board. This officer shall see that any financial reports required by the AFSCME International Constitution are submitted in accordance with the AFSCME International Constitution. All reports shall be subject to verification by the trustee and supportive data must be supplied if requested. The treasurer shall oversee the development of the annual budget for submission to and for approval of the local's executive board. Each year, the treasurer shall coordinate with the other officers and the trustees to provide the certified public accountant with all requested records for the annual audit with copies of all such documents provided to the trustees. The treasurer shall also oversee the preparation of the annual tax filing by a certified public accountant.

Section 7. The trustees shall make or cause to be made an annual audit of the local's finances by a certified public accountant and shall report to the membership the

results of the audit. The trustees shall review any other financial reports, actions or administrative tasks performed by the officers of the local, and shall report to the membership any observations or suggestions.

Section 8. The executive board shall be the governing body of the local union except when the membership meetings are in session; and shall act as the trial body of the local. All matters affecting the policies, aims and means of accomplishing the purposes of the local, not specifically provided for in this constitution or by action of the membership, shall be decided by the executive board. The executive board shall have the authority to enter into purchase agreements or contracts provided that no debt be incurred which would impair the operations and solvency of the local. A report on all actions taken by the executive board shall be made to the membership at the next following general membership meeting. Members of the executive board shall be assigned to standing committees.

Section 9. Stewards shall assist employees and act as representatives of said employees during the grievance process, investigate health and safety issues, and communicate union information to employees and employee thinking to the leadership. Stewards shall be responsible for updating union bulletin boards in their work area.

Section 10. The chief steward shall chair the grievance committee and be responsible for the vigorous prosecution of all grievances. The chief steward shall appoint stewards to fill any vacancies caused by resignation or other reasons.

Section 11. Any member of the executive board shall be deemed to have vacated their office if they miss three chronologically consecutive regularly scheduled meetings (general membership meetings and executive board meetings), or four total regularly scheduled meetings in a three-month period, without providing a valid excuse.

Article X Elections

Section 1. Any regular member in good standing for six months immediately preceding the election shall be eligible to hold any office in this local.

Section 2. The election process for officers, executive board members, stewards, and trustee shall begin in April. Not less than fifteen (15) days prior to the April general membership meeting, a notice of the nominations and elections shall be mailed to each member at the member's last known address. Nominations for this election shall be made and closed at the regular membership meeting in April. A nominating committee may be appointed or elected to make nominations, but whether or not such nominating committee is used, nominations shall be permitted from the floor at the nomination meeting. Those nominated shall be given an opportunity to decline. In any case where there is only one nominee for office, such nominee shall be declared elected.

Section 3. An election committee shall be established and shall have general responsibility for the conduct of the election in accordance with this constitution and the AFSCME International Constitution, Appendix D, entitled Elections Code. Any challenge concerning the eligibility of any nominee shall be referred to the election committee for decision and the decision shall be reported to the membership prior to the distribution of

ballots. No member of the election committee may be a candidate for office.

Section 4. Candidates shall have seven (7) calendar days after the nomination meeting to provide a candidate statement (maximum of 100 words) to the election committee. The statements will be posted without charge on the Local's web site. In addition, a candidate may choose that the statement be mailed ~~for one mailing~~ to all members prior to the election through the union office at the candidates' expense.

Section 5a. Elections shall be by secret mailed ballot vote, and the balloting shall be so conducted as to afford to all members a reasonable opportunity to vote.

Section 5b. Two envelopes, one plain and one addressed and stamped, plus ballots, shall be sent to all regular members within fourteen (14) days of the April nomination meeting. Those ballots mailed in to the post office box and in the possession of the election committee within thirty (30) days after the mailing shall be considered valid; all other ballots shall be invalid.

Section 5c. Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of the candidate's own choosing, who must be a member in good standing of this local, in all places where ballots bearing the candidate's name are to be counted.

Section 5d. All matters concerning nominations and elections in this local union shall be subject to the provisions of Appendix D, of the AFSCME International Constitution, entitled Elections Code.

Section 5e. Elected candidates shall be installed immediately upon acceptance of the election committee's report at the regular June general membership meeting. Together with the ballot results, the election committee shall report any recommendations regarding any protests, which have been lodged regarding the conduct of the election.

Section 6. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the AFSCME International Constitution.

Section 7. Removal from office shall be in accordance with Article X of the AFSCME International Constitution.

Section 8. All election records, including ballots, shall be retained by the union for at least one year after the election.

Article XI Committee s

Section 1. The standing committees of this local shall consist of not less than three (3) members each appointed by the president, with the approval of the executive board. Standing committees may include (but are not limited to) the following:

- a) Wages, Benefits and Retirement: studies and makes recommendations on salaries and possible benefits affecting economic conditions of employment.

- b) Personnel: studies and makes recommendations on civil service, human rights, job classifications and other matters affecting conditions of employment. The 2nd vice-president shall be the chair of this committee.
- c) Grievance: shall consist of stewards and be chaired by the chief steward. Represents members in their grievances with management.
- d) Political Action: shall study and recommend a program of political education and action; and encourage members to register and vote.
- e) Law and Legislative: defines, investigates and recommends on legislation that is of interest and benefit to the members.

f) Website: maintain the Local 2019 web site.

g) Newsletter: write, collect and publish information and news of interest to the members.

h) Constitution: shall review the local constitution and bylaws of this local and draw up proposed amendments thereto; shall review the dues structure and recommend any changes.

i) Election: this committee shall have general responsibilities for the conduct of elections, validity of nominations, and to resolve election problems in accordance with Appendix D, of the AFSCME International Constitution.

j) Good and Welfare: shall be responsible for providing refreshments at pre-designated union functions, noting important events in members' lives (i.e., births, deaths, promotions, retirements), sending information to members about the benefits of belonging to the union.

k) Budget: develop annual budget (January through December) and present to executive board in November. The treasurer shall be the chair.

l) Liaison: establish and continue good relations and joint cooperation with AFSCME Local 444 and other sister local unions.

m) Contracting out: monitors all contracting-out issues.

n) Health and Safety: review and investigate all environmental, health and safety issues.

o) Women's: studies and makes recommendations on the advancement of women in the workplace.

Section 2. The president shall appoint the members of such other committees as the executive board may authorize and approve for special purposes not within the function of a standing committee.

Section 3. The chairperson of standing committees may appoint such subcommittees as necessary to accomplish the goals of the committee.

Section 4. No committee may act on its own accord or commit the local to a course

of action without the approval of the executive board or the membership at a general meeting.

Section 5. There shall be at least one executive board member on each standing committee. Unless otherwise specified, an executive board member shall be the chairperson.

Article XII Property and Liabilities

Section 1. The title of all property, funds, and other assets shall be vested in the executive board for joint use of the membership of this local. Membership in this local shall not vest any member with any right, title or interest in or to the funds, property or other assets of this local, now owned, or hereafter acquired; and each member hereby waives any right, title, or interest in or to the property, including the funds of this local.

Section 2. No member of this local shall be personally liable to its creditors, or for any indebtedness or liability. Any and all creditors shall look only to the assets of the local for payment.

Article XIII Bill of Rights

Section 1. The rights guaranteed to members by the Preamble and Bill of Rights of the AFSCME International Constitution shall extend to all matters involving this local union.

Section 2. The membership shall ratify all matters affecting terms of employment prior to their adoption by this local's executive board. Written documents or changes to written documents requiring ratification shall be made available to the membership for review prior to voting.

Section 3. The membership may, by majority vote, adopt resolutions establishing policies not in conflict with the provisions of this constitution. Policies so established shall be changed only by subsequent membership action.

Article XIV Matters of Major Importance

Section 1. Matters of major importance shall be (1) Contract Ratification, (2) Strike Sanction, (3) Strike Vote, (4) Affiliation to organizations other than those mentioned in Article II, Affiliations of this constitution, (5) Dues Increase, (6) or such other matters as determined by a majority vote of members in attendance at a general membership meeting.

Section 2. Such matters shall be decided by majority vote of members in good standing present at a general membership meeting. Proper notice must be given to all

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members fifteen (15) days prior to the meeting. The proposal shall be presented in writing, with the notice, and read prior to the vote. The vote may be conducted from the

floor or by secret ballot, as decided by the presiding officer, with the approval of the membership. In the absence of a quorum at the general membership meeting, such matters may be decided by ballot distributed to all members, subject to the requirement that the number of votes cast must meet the requirement for a quorum in Section 5 of Article VII/Meetings; except that any strike sanction or strike vote shall be voted on at a meeting; and changes in dues must be read at a regular or special meeting of the local, and read and voted upon at a subsequent meeting of the local. Any proposed dues adjustment approved by the membership must be submitted for the written approval of the International President. Contract ratification and strike votes shall always be by secret ballot. If in the event time is a critical factor, such as for contract ratification, prior notification requirements are superseded, and members shall be notified immediately.

Article XV Contract Negotiation Team

Section 1. The contract negotiation team shall consist of five full-voting members with one non-voting alternate. At the same meeting at which the President's nominations are voted upon (Section 2 b), the Executive Board may vote by a simple majority to increase the number of full voting members of the team to six (6). In the event any of the full-voting members are not present, the alternate shall be able to vote. At least four ~~of the six~~ members must be present for the Local 2019 contract negotiation team to meet with the district's contract negotiation team. If Local 2019 engages in coalition bargaining with other EBMUD locals, the alternate may be a full voting member at the coalition table if necessary to balance the number of voting members from each local.

Section 2. The contract negotiation team shall be chosen in the following manner starting at least 6 months before the expiration date of the current MOU but not greater than 12 months before the expiration date of the current MOU:

- a) The Local 2019 President at the time the team selection process begins automatically shall be one of the five full-voting members of the team. Said president shall remain on the team as a full-voting member, even if she/he is subsequently no longer the president.
- b) The Local 2019 President shall then nominate two full-voting members of the team, with each nominee subject to a separate confirmation vote of a majority of executive board members present, provided the necessary executive board meeting quorum is met. A majority vote is required for confirmation of each nominee. The names of the confirmed members shall be posted/e-mailed to the general membership within 3 days of being approved by the executive board.
- c) At the next general membership meeting following the executive board meeting when the two negotiating team nominees appointed by the president were confirmed, nominations shall be taken for the remaining ~~two~~ full-voting member positions (either 2 or 3 depending on the decision of the Executive Board). If more ~~than two~~ members accept their nominations for these than the

number of remaining ~~two~~ full-voting positions, a ballot by mail or electronic means to the entire membership shall be conducted. If a ballot is conducted, the nominee receiving the ~~third~~next-most votes after the full-voting positions are filled shall automatically be designated as the alternate member of the contract negotiation team. In the event of a two-way tie ballot, the president shall cast the deciding vote. In the event of a three-way tie ballot, the executive board members present at the general membership meeting, providing the necessary executive board quorum is present, shall cast the deciding votes among the top ~~three~~ nominees.

- d) If there are insufficient candidates to require an ballot ~~is-be~~ conducted, then the ~~alternate-remaining~~ contract negotiation team member (s) shall be chosen as follows: The Local 2019 President shall nominate ~~an alternate~~alternate candidate or candidates, subject to majority confirmation, at an executive board meeting with the proper quorum present.

Section 3. A member of the negotiating team can be removed by a vote of 75% or more of the size of the executive board when all seats are filled. That numeric requirement shall hold regardless of the number of vacant seats at the time the vote is held. If applicable, the alternate shall move up to become a full-voting member of the team and the executive board as a whole shall nominate and select a new alternate through a confirmation vote requiring approval of a majority of the executive board present at that specific meeting.

Article XVI Amendment s

Section 1. This constitution may be amended, revised or otherwise changed by a two-thirds vote of the membership voting on such proposed change and such change shall take effect only upon written approval of the AFSCME International President. Proposed amendments to this constitution must be made at a regular or special meeting of the local union and read at least twenty-eight (28) calendar days prior to the ratification vote. The ratification vote shall be taken at the general membership meeting subsequent to the reading of the amendment. In the absence of a quorum at the general membership meeting – except for any proposed amendments that would change the dues rate – a ratification vote by ballot distributed to all members may be held, subject to the requirement that the number of votes cast must meet the requirement for a quorum in Section 5 of Article VII/Meetings.

Section 2. If any article or any part of this constitution and bylaws is judged null and void by act of law, conflicts with the AFSCME International Constitution, or for any other reason, then all remaining parts will continue to be valid and in effect.

Article XVII Miscellaneous

Section 1. This local union shall at all times be subject to the provisions of the Constitution of the American Federation of State, County and Municipal Employees.

Section 2. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this local union in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees.

Section 3. Except to the extent specified in this constitution, no officer of the local union shall have the power to act as agent for or otherwise bind the local union 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 the local union except to the extent specifically authorized in writing by the president of the local union or by the executive board of the local union.

Section 4. Adoption of this constitution shall supersede any and all previous constitutions.