

**SEIU Local 526M**

**Michigan Corrections Organization**

# **CONSTITUTION AND BYLAWS**



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## **PREAMBLE**

As almost every improvement in the condition of working people has been accomplished by the efforts of Organized Labor and as the welfare of wage, salary and professional workers can best be protected and advanced by their united action as one Union, we have organized this Union primarily to secure better wages, working conditions and to participate in decisions which affect our working conditions and improve the performance, duties, responsibilities and quality of life.

## **INTRODUCTION**

This Union is proud of its democratic heritage. This Constitution and Bylaws is carefully designed to ensure each member his/her full benefit and right, both as an individual and through his/her elected representatives in all levels of decisions governing this Union. Moreover, this individual right as a member is protected against infringement and abuse, for each member may appeal matters concerning the administration of the processes provided by this Constitution and Bylaws.

The democratic principles that have always governed this Union and its Chapters are as follows:

1. As provided by this Constitution and Bylaws, each member shall be entitled to a full share in Union self-government, have freedom of speech and the right to participate in the democratic decisions of the Union and have the right to run for office, to nominate and to vote in free, fair and honest elections.

- (a) In a democratic Union as in a democratic society, every member has certain rights; but s/he also must accept certain corresponding obligations. Each member shall have the right freely to criticize the policies and personalities of Union officials; however, this does not include the right to undermine the Union as an institution; to vilify other members of the Union and its elected officials; to carry on activities with complete disregard of the rights of other members and the interests of the Union; to subvert the Union in collective bargaining, or to advocate or engage in dual unionism.

2. Membership meetings shall be held regularly with proper notice of time and place and shall be conducted in an atmosphere of fairness. Meetings shall be held so that each member may attend and voice opinions in Union affairs.

3. All Union rules and laws must be fairly and uniformly applied; and disciplinary procedures, including adequate notice, full rights of the accused and the right to appeal, shall be fair and afford full due process to each member.

4. Each Chapter shall maintain adequate safeguards so that all of its operations shall be conducted in a democratic and fair manner. No corruption, discrimination or anti-democratic procedure shall ever be permitted, under any circumstances. Each chapter shall protect its membership confidentiality of records.

5. Union funds are held in sacred trust for the benefit of the membership. The membership is entitled to assurance that Union funds are not dissipated and are spent for proper purposes. The membership is also entitled to be reasonably informed as to how Union funds are invested or used.

6. The Union and its Chapters shall conduct their proprietary functions, including all contracts for purchase or sale or for rendering housekeeping services in accordance with the practice of well-run institutions, including the securing of competitive bids for major contracts.

7. The Union and its Chapters shall not permit any of their funds to be invested in a manner that results in the personal profit or advantage of any officer or representative of the Union.

8. There shall be no contracts of purchase or sale or for rendering services that will result in the personal profit or advantage of any officer or representative of the Union. Nor shall any officer, representative or employee of the Union and its Chapters accept personal profit or special advantage from a business with which the Union bargains collectively.

9. Neither the Union nor any of its Chapters shall make loans to its officers, representatives, employees, members or members of their families for the purpose of financing the private business of such persons.

10. Any person who represents the Union and its members, whether elected or appointed, has a sacred trust to serve the best interests of the members and their families. Every officer and representative must avoid any outside transaction that even gives the appearance of a conflict of interest. The special fiduciary nature of Union office requires the highest loyalty to the duties of the office.

11. The mailing lists of the Union are valuable assets. In order to protect the interests of our entire membership, Union officers and representatives shall not, under any circumstances, turn over a Union mailing list to an outsider for use in the promotion or sale of any goods or services that benefit an individual or a private concern. Mailing lists are to be used only to promote the necessary legitimate functions of the Union and for no other purpose. It is improper for any official or representative of either the Union or its Chapters to permit the use of any mailing list by any third party to promote the sale of furniture, appliances, automobiles, insurance, eyeglasses or any other item, or to enable professionals to solicit the membership

12. No officer or representative shall have a personal financial interest which conflicts with the goals of the Union.

13. No officer or representative shall accept "kickbacks," under the table payments, valuable gifts, lavish entertainment or any personal payment of any kind, other than regular pay, benefits and expenses for work performed as an employee from an employer with which the Union bargains or from a business or professional enterprise with which the Union does business.

14. The principles of this code apply to investments and activities of third parties, where they amount to subterfuge to conceal the financial interests of such officials or representatives.

## **ARTICLE 1 NAME**

Section 1. This Union shall be known as SEIU Michigan Corrections Organization, Local 526M.

## **ARTICLE 2 OBJECTIVES**

Section 1. To improve working conditions, create a uniform system of shorter hours and higher wages, to maintain and protect the interests of workers under the jurisdiction of SEIU Local 526M.

Section 2. To unite in one Union, regardless of religion, race, creed, color, sex, sexual orientation, national origin, ancestry, age or disability, all employees under the jurisdiction of SEIU Local 526M.

Section 3. To develop a closer union and a more complete organization of all wage earners under this jurisdiction and to assist its members in obtaining adequate compensation for their labor and a general improvement in the conditions under which they work.

Section 4. To educate our membership in the history of the Labor Movement and to develop and maintain an intelligent and dignified membership; to vote and work for the election of candidates and the passage of improved legislation in the interest of all Labor. To enforce existing laws; to work for legislation on a national, state and local scale, having as its objective the establishment of real social reform.

Section 5. To engage in legislative, political, educational, civic, welfare and other activities which further, directly or indirectly, the joint interests of the membership of this Union in the improvement of general economic and social conditions in the United States of America, Canada and in general all nations of the world.

Section 6. To organize and nurture any activity or organization which would benefit our membership on a national level. To solicit employees of classifications and/or designations under civil service and state laws which dictate our existence. To work with organizations and coalitions to better advance the cause of special interest to our membership.

Section 7. To promote a better understanding of public workers and memberships with special interests under our jurisdiction to the general public. To promote their status and role in life and society.

Section 8. To provide the highest quality service and representation for members at the workplace, at the department, at civil service, and before committees,

commissions, hearing boards, courts and state legislative bodies. It shall be the basic premise of the Union that collective bargaining is the most desirable, democratic and effective method of achieving our goals.

Section 9. To improve our members' working conditions and to seek equitable compensation for the service and labor of our members.

Section 10. To foster and promote a better understanding and application of our members' profession by public officials and the general public.

Section 11. To organize all eligible employees into membership of this Union so they may contribute to and share in the benefits derived from the Union service and representation activities.

### **ARTICLE 3 CONSTITUTION AND BY-LAWS**

Section 1. This Constitution and Bylaws, as amended and as may hereafter be amended, shall be the supreme law of this Union.

Section 2. The interpretation of this Constitution and Bylaws rests with the Central Committee, subject to applicable laws, rules or regulations that govern our existence.

Section 3. Any amendment, revision, or elimination of this Constitution and Bylaws shall be by the following:

- (a) All amendments must be submitted in writing to the Resolutions and Bylaws Committee at least 30 calendar days prior to the Central Committee meeting at which they are to be considered. However, the Union Executive Board may submit an amendment at any time up to the point of distribution required in subsection (b) below.
- (b) The Resolution and Bylaws Committee will distribute such amendment to the Executive Council at least two weeks prior to the Central Committee meeting at which it is to be considered. A two-thirds (2/3's) majority vote of the Central Committee shall be necessary to adopt.
- (c) By a two-thirds vote, the Central Committee may vote to submit the question to a referendum vote of the membership.

Section 4. The Constitution and Bylaws of this Union shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended. If any conflict should arise between the Constitution and Bylaws of this Union, or any amendments thereto, the provisions of the International Constitution and Bylaws shall control.

#### **ARTICLE 4 UNION SEAL**

Section 1. This Union shall have an official seal with an appropriate device which will be impressed upon all official documents and papers used and issued by the Union. The seal shall be kept in the Union's Central office.

#### **ARTICLE 5 UNION CHARTER**

Section 1. This Union's charter issued by the Service Employees International Union, which dictates our existence and authority, shall remain in the Union's Central office.

#### **ARTICLE 6 JURISDICTION**

Section 1. This Union shall have such jurisdiction as granted and approved by the International Union in accordance with the International Constitution and the Constitution and Bylaws of this Union.

#### **ARTICLE 7 MEMBERSHIP**

Section 1. Any person employed or formerly employed who left on good standing in any employment over which this Union claims, or exercises jurisdiction shall be eligible for membership.

Section 2. Recognizing this Union is primarily within the civil service system, certain rules and regulations promulgated by state government applying to membership within a designated unit notwithstanding, any employee qualifying for membership under this Article may become a member of this Union and will be represented within the purview established.

Section 3. There shall be no discrimination against any member or any applicant for membership by reason of race, creed, color, religion, sex, sexual orientation, national origin, citizenship status, marital status, ancestry, handicap or age, subject to the exceptions contained in applicable law.

Section 4. Every member by virtue of his/her membership in this Union is obligated to adhere to and follow the terms of the International Union Constitution and Bylaws, the Constitution and Bylaws of this Union and the working rules promulgated in accordance with this Constitution and Bylaws with respect to his/her rights, duties, privileges and immunities conferred by them and by statute. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of fellow members.

- (a) Membership may be suspended or revoked as provided by this Constitution and Bylaws or by a member's own action to revoke his/her membership.

Section 5. Every member by virtue of his/her membership in this Union does authorize this Union to file his/her name on appropriate petitions for elections to determine exclusive representation, to act as his/her sole representative in any and all conferences, meetings, discussions, formal and informal hearings and/or contract negotiations with the employer or any designated person or party. Being so authorized, this Union shall have full and exclusive power to execute any agreements made with the employer that may govern or influence the wages, other employment benefits, working conditions and/or terms and conditions of employment of its members.

Section 6. Every member by virtue of his/her membership in this Union hereby authorizes this Union to act for him/her and have authority in preparing, processing and amending, presenting and adjusting grievances, difficulties, or disputes arising out of a relationship between him/her and the employer, including applicable rules, regulations, procedures, policies, agreements and contracts that may exist. Being so authorized, this Union, its officers, its business representatives and agents shall act in such a manner deemed to be in the best interest of this Union. This Union, its officers, business representatives and agents may decline to process any such grievance, difficulty or dispute if in their discretion and judgment such grievance, difficulty or dispute lacks merit or is inconsistent with the goals and negotiated agreements of this Union. An internal Union appeal from the Union's decision not to submit a member's grievance to arbitration must be taken, if at all, within twenty-one (21) days of the member being informed of such decision, or the decision shall be final.

Section 7. No member shall interfere with any officer, business representative or agent of this Union in the performance of their duties. Each member shall, when requested, render such assistance and support in the performance of such duties as may be required of him/her, provided this does not interfere with his/her individual rights as a member. Each member shall adhere to the terms and conditions of all pertinent agreements and/or contracts with the performance by this Union of its legal, moral and/or contractual obligations.

Section 8. No member shall engage in dual unionism or espouse dual unionism or disaffiliation, or slander or libel this union, its members or its officers and shall not be party to any activities to secure the disestablishment of this Union.

Section 9. No member shall be permitted to participate in any assembly or meeting of other members to engage in any of the conducts herein before described.

Section 10. Newly hired employees within the bargaining unit shall have 60 days to join the union and at that point will receive all voting rights afforded a member. Other bargaining unit employees who join or rejoin the union will have full voting rights when they have been a dues paying member for 180 days.

## **ARTICLE 8 DUES AND FINANCE**

Section 1. The revenues of this Union shall be derived from initiation fees, monthly dues, fines and assessments, agency shop fees and such other sources as may be approved by the Central Committee.



Section 2. The biweekly dues of this union shall be \$23.11 and shall be automatically increased at a rate equal to the percentage of any future wage increases. An increase above the automatic percentage may be approved by a two-thirds vote of central committee. In no case shall the dues be lower than the minimum established by the international union. Any retiree member shall pay dues of this union in the amount of \$60.00 annually or in the amount of \$5.00 per month and be subject to all other provisions of this article.

Section 3. Any member failing to remit any dues or assessments shall stand automatically suspended from membership in this Union and from all rights and privileges of such membership. Any suspended member may be re-admitted to membership after automatic suspension, but in no event shall such re-admission restore any privileges, death gratuities or other benefits. A suspended member who is re-admitted to membership shall be considered reinstated and in good standing from the date of re-admission. However, when a member is laid off from employment or is absent from work due to employer lockout or union-authorized strike for more than twenty days in any calendar month, such member will be credited for membership dues for the period of unemployment but not to exceed six months in any calendar year.

Section 4. All members of this Union are under a positive duty to see that their dues are paid. However, any member on an approved medical leave of absence or military leave of absence who are not in full pay status shall be exempt from paying dues. The failure of any officer, steward, or employee of this Union to notify or to attempt to collect such or the employer to deduct appropriate dues if the member is on payroll deduction shall not in any manner excuse a member from the obligations set forth in this Article.

Section 5. Any member remitting dues through payroll deduction, or any other means, who wishes to cancel such remittance of dues, has a positive duty to notify both this Union and the appropriate employer payroll department of such if necessary.

Section 6. Upon request, a member may be issued a withdrawal card provided all dues, assessments and fees have been paid up to the date of his/her application for such withdrawal card.

Section 7. A member taking out a withdrawal card from this Union shall be entitled to no benefits of any kind. A withdrawal card shall become null and void two (2) years after its issuance.

Section 8. This Union shall pay per capita tax to the International Union for any person from whom the Union receives required revenue, whether called dues or otherwise. This Union shall likewise pay any other obligations due to the International Union, and it shall have no right to pay any bills before it pays its full obligation to the International Union each month.

Section 9. All records of this Union pertaining to income, disbursements and financial transactions of any kind whatsoever must be kept for a period of at least six (6) years or longer if required by applicable law.

Section 10. Neither this Union nor any subdivision thereof, nor members or groups of members, including councils, conferences, leagues, clubs or any association composed of members of this Union, or subdivision thereof, shall in any manner, directly

or indirectly, use, exploit or trade upon the name of the International Union or of any Union or Joint Council, or any similar name or designation, nor levy or collect any taxes, dues or other moneys, nor conduct any dance or any other activity including programs or soliciting advertising in any publication, either directly or indirectly, without first obtaining written permission from the President of the International Union. All of the aforesaid matters covered by this section, including without limitation, funds, solicitations, gifts and donations, shall at all times be subject to audit by the International Union; and all books, records and documents pertaining to matters covered by this section shall be available for inspection, copying and audit by the International Union.

Section 11. The fiscal year of this Union shall be from January 1st through December 31st.

Section 12. It shall be the duty of the Secretary-Treasurer to audit or cause to be audited by a CPA the books and financial affairs of this Union at least once yearly. A report of such audit shall be made to the Central Committee for disposition.

## **ARTICLE 9 ORGANIZATION, STRUCTURE AND POWERS OF ADMINISTRATION**

Section 1. The structure of this Union shall be as follows: There shall be one Union to which all members shall belong and to which all members shall hold their principle loyalties. All authority and responsibility shall rest in the Union. The Union may by its Bylaws delegate certain responsibility and authority to its Chapters.

Section 2. The highest tribunal of this Union shall be the membership through the election of delegates to the Central Committee in accordance with Article 12.

Section 3. The Central Committee shall be the governing body of this Union. The Central Committee shall act at regular or special meetings called in accordance with this Constitution and Bylaws.

(a) The Chapter Presidents, Vice Presidents and elected delegates shall represent the membership at each Central Committee meeting.

Section 4. Between Central Committee meetings, the Union shall be governed by the State Executive Board.

Section 5. Chapters shall be governed by the general membership at regular and/or special Chapter meetings.

(a) Between such meetings, the Chapters shall be governed by the Chapter Executive Board.

Section 6. In the event of any dispute or disagreement between the Union and any of its Chapters, the officers of either may demand a joint meeting to provide for mutual discussion. In all cases, the decision of the Union shall control.

Section 7. Provisions of this Article are not intended to discourage putting a question to the membership for their vote on any matter deemed appropriate by the State Executive Board.

## **ARTICLE 10 STATE EXECUTIVE BOARD**

Section 1. The State Executive Board shall be composed of the President, Vice President, Secretary-Treasurer, Recording Secretary and one (1) Trustee for every 1,500 members rounded to the nearest wholly divisible number, but in any case shall have a minimum of five (5) trustees.

Section 2. The State Executive Board shall be responsible for making recommendations in regard to work of the Union, for coordinating the work of the standing committees, for the expenditure of necessary moneys, for seeing that the decisions of the Central Committee are carried out and, between Central Committee meetings, for making decisions in regard to matters not in conflict with this Constitution and Bylaws.

Section 3. The State Executive Board shall:

- (a) Meet at least four (4) times in person and at least six (6) times through teleconferencing or other means per year at the call of the President or his/her agent and be responsible for the development of the next Central Committee meeting agenda.
  - (1) The State President or designated administrative officer may poll the members of the State Executive Board and the opinion of the majority of the Board shall have the force and effect of decision reached in a Board meeting. Written results of the poll shall be entered in the minutes of the next State Executive Board meeting.
- (b) Report all decisions and actions taken at Executive Board meetings to the next Central Committee meeting.
- (c) Assist the Chapters and the committees of the Union as needed.
- (d) Fill by appointment any vacancies in Union office not filled by succession.
- (e) Delegate administrative powers to the Executive Director.
- (f) Have the power to make rules to govern matters consistent with this Constitution and Bylaws.
- (g) Be authorized to reimburse members' necessary expenses in performing their duties for the Union.
- (h) Be authorized to attend any meeting of this Union or its Chapters to carry out the goals incorporated within this Constitution and Bylaws.
- (i) Be authorized to represent the Union at all conventions and conferences of the Service Employees International Union and affiliate organizations.

(j) Determine appointment and compensation of employees.

Section 4. Until such time as it is feasible to form a new Chapter and establish elected officers for that Chapter, the State Executive Board may group such members in a particular craft, region or area into unofficial Chapters that shall be under the direct supervision and control of the State Executive Board.

## **ARTICLE 11 EXECUTIVE COUNCIL**

Section 1. The Executive Council shall consist of all the members of the State Executive Board and the President of each Chapter.

Section 2. The Executive Council shall meet at the call of the President or his/her agent. A majority of its members shall constitute a quorum for the Executive Council.

Section 3. The Executive Council shall advise on all policy matters referred to it by the State Executive Board or its officers.

Section 4. A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Council.

Section 5. Questions coming before the Executive Council shall be decided by majority vote of those present.

## **ARTICLE 12 CENTRAL COMMITTEE**

Section 1. The Central Committee shall be composed of delegates democratically elected by the membership from each Chapter of this Union. The President and Vice President of each Chapter shall be delegates to the Central Committee by virtue of their office. Each designated Chapter shall also be allowed delegates in addition to the President and Vice President. The number of delegates per chapter is determined by the following plan:

(a) Two (2) delegates for the first one hundred (100) members or less, which will be the Chapter President and Vice President.

(b) One additional delegate for each additional two hundred (200) members or fraction thereof.

100 members or less	2 delegates
101 to 300 members	3 delegates
301 to 500 members	4 delegates
501 to 700 members	5 delegates
701 to 900 members	6 delegates
and one (1) additional delegate for each additional two hundred (200) members or any fraction thereof.	

Section 2. The number of members in each Chapter shall be determined according to the state dues check-off computer printout issued prior to the call to each Central Committee meeting.

Section 3. Delegates to the Central Committee shall be certified in writing by the President and Secretary/Treasurer of each Chapter to the Recording Secretary or President of the Union and mailed to the Union's Central office.

Section 4. No person shall be eligible to serve as a delegate unless s/he is a member of the Union in good standing for at least two (2) years immediately preceding his/her election, with the exception of newly established Chapters in which case delegates must have been members the entire period of time the Chapter has existed.

Section 5. If any delegate misses two (2) consecutive meetings of the Central Committee and has not been represented by an alternate or has not been excused in a manner acceptable to the members of the Central Committee, in the second instance of his/her absence the Recording Secretary or President of the Union shall notify the delegate and his/her Chapter President in writing of such absence and recommend penalty.

Section 6. Each delegate shall have one (1) vote except on roll call votes. Roll call votes must be taken on all issues when two-thirds (2/3's) of the assembled delegates demand it.

- (a) In the event of a roll call vote, the delegates of each Chapter shall be entitled to cast as many votes as there are members of such Chapter. Votes of a Chapter shall be divided among the delegates from that Chapter in such a manner to equally apportion as many votes of the Chapter as possible, without fractional votes.
- (b) To facilitate the calling of the roll, one (1) delegate may be designated to cast all the votes of the delegates representing his/her Chapter, provided that if any delegate shall challenge the correctness of the votes cast, the individual delegates of the Chapter shall be polled.
- (c) The membership of each Chapter shall be determined according to the state dues check-off computer printout issued prior to each Central Committee meeting.

Section 7. All State Executive Board members, by virtue of their office, shall be members of the Central Committee and entitled to all rights and privileges provided herein.

**ARTICLE 13**  
**STATE OFFICERS, DUTIES AND OBLIGATIONS**

Section 1. The state officers of this Union shall be the President, Vice President, Secretary-Treasurer, Recording Secretary and Trustees.

Section 2. Duties of the President. It shall be the duty of the President to preside at all meetings of this Union and its Executive Board and conduct same in accordance with the Manual of Common Procedure and in conformity with this Constitution and Bylaws and the International Constitution and Bylaws and to execute the laws and order thereof. The President shall establish those committees called for by this Constitution and Bylaws and any other committee s/he deems necessary to conduct the business of this Union and shall appoint members to each committee. S/he shall fill all interim vacancies on the State Executive Board by appointment and said appointment shall be ratified by a majority vote of the remaining members of the Executive Board. The President shall perform whatever additional duties that may be assigned by the Union or required by the policies and Constitution and Bylaws of the Union.

Section 3. Duties of the Vice President. The Vice President shall perform the duties of the President in the absence of that officer. In the event of the resignation or vacancy in office of the President, the Vice President shall assume that office and fill any resulting vacancies according to the Constitution and Bylaws of this Union. S/he shall preside at meetings when called upon to do so by the President, and shall assist the President in the discharge of his/her duties.

Section 4. Duties of the Secretary-Treasurer. The Secretary-Treasurer shall receive and receipt all moneys of the Union. S/he shall deposit all moneys so received in the name of the Union in a bank or banks selected by the Central Committee, and money so deposited shall be withdrawn by check. S/he shall prepare and sign checks, which shall be countersigned by the President or the Vice President for such purposes as required by these Bylaws or authorized by the Central Committee. S/he shall prepare and submit a monthly membership report to the International Union and see that a check is drawn in payment of the Union per capita tax. S/he will forward to the Secretary-Treasurer of the International Union and to any state council with which this local is affiliated the correct names and addresses and Social Security numbers (including e-mail address and phone number, if available) of all members initiated or readmitted, and of all other persons from whom revenue is derived, as well as those suspended for non-payment of dues or for any other cause; also a correct list of those who take transfer or withdrawal cards and other membership information as specified by the International Executive Board. The proper zip code shall be included for each address. S/he shall keep an accurate record of receipts and disbursements and shall submit to the Central Committee an operating statement of financial transactions of this Union for the previous quarter. S/he shall act as custodian of all properties of this Union. S/he shall see that any financial reports required by the International Constitution and Bylaws are submitted to the International Union in accordance with the International Constitution and Bylaws, promptly forward to the International Treasurer copies of all annual audit reports and copies of all financial reports setting forth a statement of liabilities and a statement of receipts and disbursements which are required by law.

Section 5. Duties of the Recording Secretary. It shall be the duty of the Recording Secretary to keep a correct record of the proceedings of the Union, read all documents

and conduct all correspondence of the Union that does not directly pertain to the duties of the other officers of the Union, and keep same on file in the Central office for future reference. S/he shall bring to the attention of the membership any correspondence on which the membership must act. The Recording Secretary shall furnish the chairperson of each committee a copy of such resolutions as may be adopted by the Local Union, applicable to its respective duties. The names and addresses (with zip code) of all officers elected to office shall be provided to the International Union by the Recording Secretary within fifteen (15) days after the election. The Recording Secretary shall, on behalf of the Union, receive all official communications and correspondence except that addressed to the Financial Secretary Treasurer.

Section 6. Duties of the Trustees. It shall be the duty of the Trustees to act as trustees, to examine the monetary policy of the Union and assist the Secretary- Treasurer with the Union's inventory, and verify the securities, investments, bank accounts and cash funds then on hand. Trustees shall perform whatever additional duties that may be assigned by the Union.

Section 7. All officers and employees handling any moneys of this Union shall be bonded in the amounts and the form required by applicable statutes, said bond or bonds to be procured immediately upon assuming office or employment, the premiums to be paid for by this Union. The International Secretary-Treasurer of the International Union may direct the increase or decrease in the amount of the bond when he or she deems it advisable and may direct bonding of any Local Union not required by statute to obtain a bond.

#### **ARTICLE 14 EXPENSES AND REIMBURSEMENT**

Section 1. Authorized members and officers may be paid or reimbursed expenses incurred while performing Union business. Such payment or reimbursement will be determined by the State Executive Board and submitted to the Central Committee. The procedure outlining reimbursable expenses will be reviewed and/or adjusted periodically by the State Executive Board and contained in minutes pertaining to that body in accordance with these Bylaws.

#### **ARTICLE 15 EXECUTIVE DIRECTOR AND STAFF APPOINTMENTS**

Section 1. The Executive Director shall function under the direction of the Central Committee and the Executive Board. S/he shall exercise supervision of the daily affairs of the Union.

Section 2. The Executive Director and/or his/her designated representative shall have the right to attend and participate in any regular or special meeting of this Union or its Chapters.

Section 3. The Executive Director shall make a written report of the administration of his/her office and of the affairs of the Union to the membership through reports to the Central Committee, which shall be forwarded to the membership.

Section 4. The direction, discipline, suspension and removal of employees of this Union shall be by action of the Executive Director as authorized by the State Executive Board.

Section 5. The discipline, suspension and removal of the Executive Director shall be carried out by the MCO President as authorized by the State Executive Board.

Section 6. The Executive Director shall be, or become, a dues paying member of this Union. He/she, however, is prohibited from holding Union office at either the chapter or state level of the Michigan Corrections Organization.

## **ARTICLE 16 ELECTION OF STATE EXECUTIVE BOARD MEMBERS**

Section 1. The regular elective officers of the State Executive Board of this Union shall consist of the President, Vice President, Secretary-Treasurer, Recording Secretary and one (1) Trustee for every 1,500 members rounded to the nearest wholly divisible number, but in any case shall have a minimum of five (5) trustees.

Section 2. Election of officers shall be held during the Spring Central Committee meeting of each even year. Those wishing to run for a particular office must submit a written notice to an election committee, which will cause their name to be placed on the election ballot. The State Executive Board shall appoint an election committee. Notice to run for office must be received by the election committee, or its agent, at least twenty (20) but not more than sixty (60) days prior to the Central Committee meeting.

- (a) No person shall be eligible to hold office on the MCO State Executive Board unless s/he has been a member and in continuous good standing for at least 2 years immediately preceding his/her election.
- (b) Each executive officer shall at the time of his/her initial election be a delegate to the Central Committee.
- (c) Any delegate holding office on the MCO State Executive Board who fails to obtain delegate status in subsequent chapter elections will be allowed the option to be nominated and elected to succeeding terms of office on the State Executive Board, provided all other qualifications are met.

Section 3. No more than two (2) delegates from the same Chapter shall be eligible to hold executive office at the same time.

- (a) In the event an election results in a violation of this section, the persons involved who are elected to the offices with the highest rank shall be declared elected, and another election shall be held for the other offices affected. For purposes of this subsection, the rank of office shall be determined by the order named in Section 1 of this Article.

Section 4. Election of the President, Vice President, Secretary-Treasurer and Recording Secretary shall be by secret ballot vote and it shall require a majority of the



votes cast to elect each officer. If no candidate receives a majority, all except the two highest nominees shall be eliminated and a second vote taken for that office.

Section 5. Candidates for Trustee who receive a majority of the votes shall be elected with the candidates receiving the most votes filling the open seats.

- (a) If all open at large seats are not filled in the initial vote, then a runoff will occur. All except the two highest nominees for each open seat shall be eliminated and a second vote taken for the office with a formula of two candidates for each open seat. For example, if one open seat remains, the two candidates receiving the highest number of votes in the initial election will compete for the seat; if two open seats remain, the top four nominees will compete.

## **ARTICLE 17 CHAPTERS**

Section 1. Members of this Union shall be grouped into Chapters created by action of the Central Committee based on their geographical or institutional location.

Section 2. The affairs of each Chapter shall be governed by its respective membership in accordance with these Bylaws, the rules of the Union and the Constitution and policies of the International Union in the following manner:

- (a) Through action taken in Chapter membership meetings.
- (b) By actions and decisions of the Chapter officers at Board meetings held between membership meetings.
- (c) By the actions and decisions of the Chapter President between membership meetings or Board Meetings.
- (d) The actions and decisions of the Chapter President, to the extent they are inconsistent with this Constitution and Bylaws, may be overruled by the membership at a membership meeting.

Section 3. The Chapter President shall work under the direction of the Union's Central Office and perform whatever duties may be assigned by the Union's Central Office and the State Executive Board; be his/her Chapter's representative on the Executive Council; be responsible for each occupational group within the Chapter; call and preside over Chapter membership meetings and, at his/her discretion, call meetings of any occupational group within the Chapter and participate in such meetings directly or through his/her delegated representative; carry out programs regarding grievance procedure, organization, education, political action and recreation as directed by the State Executive Board; keep a current copy of the SEIU Constitution and Bylaws and the Union's Constitution and Bylaws; be responsible for the formation of all Chapter committees and the appointment of members thereto; be an ex-officio member of all Chapter committees; and have such other powers and duties as are provided for in this Constitution and Bylaws.

Section 4. The Chapter Vice President shall assist and act under the Chapter President's direction; exercise the duties of the Chapter President in his/her absence; succeed to the office of Chapter President in the event the office becomes vacant and thereupon assume the duties and authority of the Chapter President for the unexpired term; keep a current copy of the SEIU Constitution and Bylaws and the Union's Constitution and Bylaws; be an ex-officio member of all Chapter committees; and have such other duties as are provided for in this Constitution and Bylaws.

Section 5. The Chapter Chief Steward shall assist and act under the direction of the Chapter Executive Board; keep an accurate record of all pending grievances of the Chapter and be responsible for notifying the Union's Central Office of the status of each grievance while the grievance is in the Chapter's jurisdiction. The Chief Steward shall oversee and coordinate the activities of the Shift Stewards within their jurisdiction.

Section 6. The Chapter Recording Secretary shall be responsible for the Chapter bulletin boards; notify the Union's Central Office of all Chapter appointments and elected officers as soon as they are completed. The list shall include the chapter name, office title, name, address, and telephone number of each person elected or appointed. The Chapter Recording Secretary shall keep an accurate record of all pending chapter grievances as submitted by the Chief Steward; keep the minutes of all meetings and proceedings of the Chapter, and send out all meeting notices.

Section 7. The Chapter Stewards and/or Shift Representatives shall assist and act under the direction of the Chapter Chief Steward and the Chapter Executive Board; be assigned to represent a specific group of members; initiate grievances for the members for whom they are responsible; call meetings of the membership they represent when necessary; and strive generally to advance the welfare and solidarity of the group for whom they are responsible.

Section 8. The Chapter Executive Board shall consist of the Chapter President, Vice President, Chief Steward and Recording Secretary and shall meet at the call of the President.

Section 9. Each Chapter may at the discretion of the membership write subsequent policies regulating the structure of the Chapter. However, in no case shall such policies conflict with this Constitution and Bylaws.

Section 10. Members undergoing training at, or temporarily assigned to, a work location represented by a chapter other than their own will be afforded representation by the chapter of jurisdiction. Such members will be afforded their right of franchise except in matters deemed solely jurisdictional.

Section 11. A chapter shall cease to exist upon closure of its facility or represented jurisdiction.

Section 12. Upon merger or consolidation of two or more facilities, current chapters will be considered as no longer existing and the merged/consolidated facilities shall be deemed a new chapter though still required to be formally created by the central committee.

**ARTICLE 18  
CHAPTER FINANCES**

Section 1. Chapter expenditures must be for bonafide Chapter purposes and authorized by the Chapter Executive Board. Moneys will be disbursed by the Union's Financial Secretary-Treasurer only upon valid voucher and/or expense receipts. Any unusual or special expenditure must be approved by the State Executive Board prior to disbursement of any moneys from the Central treasury.

Section 2. Any moneys raised by the Chapters, other than dues, may be kept in a Chapter treasury and are subject only to accounting purposes under applicable law.

Section 3. Upon a majority vote of the Central Committee, the State Executive Board may recall Chapter funds for emergency purposes.

**ARTICLE 19  
ELECTION OF CHAPTER OFFICERS**

Section 1. The regular elective officers of each Chapter shall consist of the President, Vice President, Recording Secretary and Chief Steward.

- (a) At the option of each Chapter, the office of Second Vice President may be added to the Chapter Executive Board. The Second Vice President shall perform duties as assigned by the Chapter President without benefit of succession.

Section 2. Candidates for office must be a member and have been in continuous good standing for at least two (2) years immediately preceding the election.

- (a) In the case of a newly established Chapter, eligibility for office will be based on continuous good standing membership for the entire period of time the new Chapter has existed.
- (b) No person who has been convicted of a felony as defined in Section 504 of the Landrum-Griffin Act (or an indictable offense in Canada) shall in accordance with the provisions of applicable law be eligible to hold office in this Local Union.
- (c) No candidate (including a prospective candidate) for any office in this Local Union or affiliated body or supporter of a candidate may solicit or accept financial support of any kind from any non-member of the International Union.
- (d) The two year membership requirement and the payment of dues shall be waived for those who are on approved medical leave of absence or military leave of absence and are not in full pay status. The application of this subsection does not make the member eligible to run for or hold office on the State Executive Board.

Section 3. The Chapter Executive Board may appoint or each Chapter may elect an election committee of at least three (3) members in good standing to conduct the election of officers at a meeting held prior to the September election of officers.

Section 4. All members in good standing subject to the requirements of this Constitution and Bylaws are automatically nominated for any office. Those wishing to run for office must submit their acceptance of nomination for that particular office in writing to the election committee for verification of membership and placement on the ballot. Nominations will be open August 1st and close August 31st of each odd year. Notice of nominations shall be posted on all Chapter bulletin boards.

Section 5. Election of Chapter officers shall be held during the month of September of each odd year. Notice of election shall be posted on the Chapter bulletin boards at least fifteen (15) days prior to the Election Day and shall contain the election date, location and time period the polls will be open. Those elected shall immediately take and hold office for a term of twenty-four (24) months, unless removed for cause or until their successors have been elected and installed in office.

- (a) At the option of the State Executive Board, election of officers may be held by mail ballot. A mail ballot will be conducted by the Chapter election committee or MCO Central Office in compliance with the provisions of this Article. Ballots will be mailed to the last known address on the membership roster. In the case of a mail ballot, it is the responsibility of each member to ensure the election committee or MCO Central Office has his/her proper address.

Section 6. The election committee is charged with the duty of conducting the regular election of officers of the Chapter. It shall make such regulations as shall assure the members of a fair and honest election. No person whose name will appear on the ballot shall be eligible to serve on the election committee, with the exception that if a sufficient number of members do not agree to serve on the election committee a candidate for office may serve on that committee.

Section 7. The election committee shall have the duty of enforcing the right to vote of the members and shall see that such right of franchise is not interfered with or hindered by anyone. Each member wishing to cast a ballot may do so at the prescribed time and place by showing their current membership card or other verification of membership, which must be marked or punched by the election committee.

Section 8. The election shall be conducted at an established polling place held open at least twelve (12) hours to enable all members the opportunity to vote.

- (a) The election committee shall examine the membership status of all members before permitting them to vote, and shall compare the said status with lists to be supplied to the election committee by the MCO Central Office. The election committee shall rule on the validity of any challenged ballot, subject to appeal to the membership.
- (b) Each candidate shall have the right to provide one (1) observer at the polls. All candidates desiring an observer must submit the name of said observer at least twenty-four (24) hours prior to the start of the election. It shall not be the duty of the Union to provide necessary time off from work for observers.

- (c) No one other than the election committee and authorized observers shall be allowed within the polling place except for the purpose of voting.
- (d) All ballots, used and unused, and all election records must be accounted for, forwarded to the MCO Central Office and preserved for two (2) years after the election. The election committee must certify the exact number of ballots prepared and the exact number of ballots cast.
- (e) There shall be no electioneering, soliciting or handing out of handbills, buttons, stickers, etc. on the property used as a polling place.
- (f) The election committee shall tally the ballots by reading the voter's choice for each office, entering the results on the tally sheets, rechecking the totals and certifying their accuracy by signing the tally sheets.

Section 9. Use of union facilities (excluding bulletin boards) or materials for the purpose of campaigning is strictly prohibited. Each candidate shall be allowed one (1) sign no larger than 5x7 inches on each Union bulletin board.

Section 10. Members who will be absent on election day because of illness, vacation, leave of absence or other valid reasons have the right to vote by requesting a ballot from the election committee. The validity of the absence shall be ruled on by the election committee, subject to the right of appeal to the membership. Such ballots must reach the election committee no later than midnight of the day preceding the election day.

Section 11. No member shall be eligible to run for more than one (1) executive office. However, executive officers may also hold the position of steward or shift representative.

Section 12. Stewards and shift representatives shall be appointed by the Chapter Executive Board at meetings of the specific group to be represented held following the completion of Chapter elections. They shall be assigned to a specific shift, craft, group, institution or complex. Each Chapter will determine appointment procedures. Candidates for the office of steward or shift representative must fulfill the membership requirements outlined in Section 2 of this Article.

Section 13. The Chapter President and Vice President are authorized as first and second delegates, respectively, to the Central Committee. The President shall serve as Chairperson of the Chapter's delegation. The Chief Steward is authorized as the third delegate and the Recording Secretary is authorized as the fourth delegate if the chapter is entitled to more than two (2) delegates per Article 12. The nomination and casting of a vote for any person for the office of President, Vice President, Chief Steward, or Recording Secretary, if entitled, shall also constitute a nomination and casting of a vote for the same person for the position of delegate to all Central Committee meetings held during his/her term of office.

Section 14. When additional delegate positions are authorized in accordance with Article 12, the chapter membership shall elect the additional delegates as authorized by this Constitution and Bylaws. Members voting for additional delegates to the Central

Committee shall be allowed to vote for a number of nominees equal to the number of additional delegate positions authorized by this Constitution and Bylaws.

- (a) Additional delegates shall be elected by plurality vote and the candidates receiving the highest number of votes shall be declared elected to office.
- (b) When all authorized delegate positions have been filled, the above method of selection shall continue for alternate positions until the number of alternate positions equal to the number of delegate positions has been filled. Alternate delegates shall attend Central Committee meetings at the request of the Chapter President in the event an elected delegate is unable to attend.

Section 15. After an election has been held and the report of the Election Committee has been rendered, all election records and ballots shall be turned over to the Union's Secretary-Treasurer for safekeeping. Records will be kept for not less than two (2) years. The election records cannot be opened unless authorized by the Union.

Section 16. A recount may be ordered upon presentation to the Election Committee of a petition signed by a majority of the members of the Chapter in good standing. The petition must be presented to the Election Committee within fourteen (14) days after the election, and this petition shall enumerate the reasons why such members believe a recount should be held. The Election Committee shall immediately recount the vote and forward all records to the MCO Central Office.

- (a) The installation of all newly elected officers shall not be held until a final disposition has been made on the petition for a recount and/or an actual recount has been made.
- (b) Any member shall be permitted to attend all meetings of the Election Committee as an observer. If a recount determines that a defeated candidate has actually been the recipient of the greatest number of votes cast for that office, and if the committee's report is accepted by a plurality of the committee members present at the meeting, the candidate actually receiving the greatest number of votes shall be declared elected.
- (c) In the event there is a tie vote for any elected office, the Election Committee shall immediately conduct a recount of the ballots and send the results to the MCO Central Office. If the results of the election are confirmed by the recount, the State Executive Board shall order and set the procedure for an election of the candidates with the highest tied votes.

Section 17. Any alleged violations of election rules and/or procedure may be appealed to the State Executive Board. Such appeal must be in writing and submitted not later than fifteen (15) days following the election in question.

Section 18. The Chapter Executive Board shall determine the method of filling vacancies in unexpired terms of office.

- (a) A candidate selected to fill a vacancy on the Chapter Executive Board must be a member and meet the requirements of Section 2 of this Article.

Section 19. No member, once elected or appointed to a Union office, shall work out of class in a temporary appointment or receive a permanent appointment to a class outside the bargaining unit and continue to hold office.

## **ARTICLE 20 MEETINGS**

Section 1. Central Committee meetings shall be held at least once in person yearly unless otherwise designated by this body. The State Executive Board may also call, cancel or postpone a Central Committee meeting for just and sufficient cause.

Section 2. It shall require at least fifty percent (50%) of the delegates to the Central Committee to carry on the legal transaction of business. Chapters must be given thirty (30) days notice in writing of all meetings of this body.

Section 3. Special meetings may be called upon notice by the President or his/her agent when so instructed by a majority of the State Executive Board.

Section 4. The President shall call the meeting to order at the hour specified in the meeting notice, and in his absence, the Vice President shall act for him/her no more than fifteen (15) minutes later. In case the President and Vice President are absent, the Recording Secretary shall perform that duty and a President Pro Tem shall be elected who shall conduct the meeting until the proper officer arrives.

Section 5. The State Executive Board shall meet at least four (4) times in person and at least six (6) times through teleconferencing or other means per year at the call of the President or his/her agent. A majority of its members shall constitute a quorum for the Executive Board.

Section 6. The Executive Council shall meet at the call of the President or his/her agent. A majority of its members shall constitute a quorum for the Executive Council.

Section 7. The Chapters shall hold regular general membership meetings in a manner to be determined by the Chapter Executive Board. Notice of Chapter meetings shall be given to the members at least ten (10) days in advance by posting such notice on all Chapter bulletin boards.

Section 8. Special meetings of the Chapters may be called by a majority of its Executive Board or by a petition signed by fifty (50) members or a majority of the Chapter, whichever is less. The Chapter Executive Board shall establish and call such meetings for all the Chapter membership within fifteen (15) days after receiving a proper petition. No other business except for that which the meeting was called shall be transacted at such special meetings.

Section 9. No action of the membership shall be deemed valid or binding unless such action is taken by the Chapter membership at regular or special meetings held pursuant to the provisions of this Constitution and Bylaws.

Section 10. Only members in good standing and fulfilling the requirements of this Constitution and Bylaws shall be eligible to attend meetings of this Union and to participate to the extent set forth in these Articles; except that invited guests of the

Executive Board or of this Union may attend and participate to the extent of the purpose for which they are invited, but shall not vote.

Section 11. Chapter meetings shall be established so that all shifts may participate.

Section 12. The members of the Executive Council shall be eligible to attend any and all meetings of any Chapters.

Section 13. Individual members of this Union may attend meetings of the Executive Council, Executive Board and Central Committee upon written application submitted to the Union's Central Office with the approval of the State President or State Executive Board. Such application shall include the purpose for attendance. If approved, such members may participate to the extent for which they are allowed to attend and/or deemed appropriate by such body, but shall not vote.

Section 14. The following order of business shall be used at all meetings of this Union, if applicable:

1. Roll Call
2. Reading of the Minutes of the Previous Meeting
3. Reading of the Minutes of the Executive Board
4. Financial Report
5. Officer Reports
6. Chapter, Committee or Delegate Reports
7. Communications
8. Good and Welfare
9. Unfinished Business
10. New Business
11. Announcements
12. Adjournment

## **ARTICLE 21 ATTENDANCE AT MEETINGS**

Section 1. All elected Union officers, representatives and standing committee members shall be required to attend at least two-thirds of all meetings applicable to their position.

Section 2. Failure to comply with the above section by anyone holding applicable positions shall cause the person to be guilty of non-attendance.

Section 3. Failure of any individuals noted in Section 1 of this Article to comply with the aforementioned attendance rules without an excuse acceptable to the members present will require the Recording Secretary to report the matter to the President and/or Chapter President who in turn will put the matter before the proper body for action.



## **ARTICLE 22 COMMITTEES**

Section 1. The President shall appoint the members of all committees. The standing committees shall consist of: Resolutions and Bylaws Committee, Committee on Political Education, Civil and Human Rights Committee, Senior Members Committee, Education Committee, Entertainment Committee, Organizing Committee, Finance Committee, Union Label Committee and others that may be considered as essential by the Union.

Section 2. Special Committees may be appointed or elected as needed and shall report to the next meeting of the Central Committee unless otherwise ordered.

Section 3. A majority of each committee shall constitute a quorum for the transaction of its business, and all decisions of the committee shall be by majority vote of those present at the quorum. The Chairperson of all committees shall be appointed by the State President.

Section 4. Committees holding moneys belonging to the Union shall immediately deliver it into the hands of the Treasurer together with all vouchers and accounts and take receipts thereof.

Section 5. The Chairperson of each committee shall notify the members of the time and place of committee meetings. If any delegate appointed to a committee fails to attend three consecutive meetings of the committee, the Chairperson of it shall report his/her absence to the President who shall declare the place vacant and appoint another member to fill his/her place unless the absent one presents sufficient cause to justify such absence.

Section 6. Reports of committees shall be in writing and presented to the Recording Secretary in order that a record may be kept.

Section 7. Neither this Local Union nor its Chapters shall establish their own registered federal political action committee or any political candidates fund for contributions in connection with federal elections; provided, however, that the International President may in his/her discretion waive this provision or establish such conditions as the International President may deem necessary.

Section 8. The duties of the standing committees shall be as follows:

Civil and Human Rights Committee. It shall be the duty of the Civil and Human Rights Committee to assist the Union in carrying out the civil and human rights programs and policies of the International Union.

Committee on Political Education. It shall be the duty of the Committee on Political Education to assist the Union in carrying out a program for sound political education and political action and encouraging its members and their families to register to vote.

Education Committee. It shall be the duty of the Education Committee to assist in developing the Union's educational programs to include, but not be limited to, steward

training and new member orientation programs, and with the Union officers be responsible for effectuating the Union's educational programs.

Entertainment Committee. This committee shall have charge of all entertainment, picnics or celebrations unless otherwise directed by the Union.

Finance Committee. This committee shall consist of the State Executive Board members and shall evaluate and make recommendations on proposals of expenditures of Union money or properties of a nature beyond that of ordinary Union activity and business. Their evaluations and/or recommendations shall be reported to the next Central Committee meeting, regular or special. No expenditures of an unusual nature shall be made without complying with the above procedure.

Organizing Committee. The Organizing Committee shall assist the Union, its officers and members in organizing all non-union employees within the Union's jurisdiction.

Resolutions and Bylaws Committee. It shall be the duty of the Resolutions and Bylaws Committee to prepare all resolutions referred to them. They shall prepare any and all amendments or revisions of these Bylaws upon order of the Central Committee.

Senior Members Committee. It shall be the duty of the Senior Members Committee to assist in developing a program for senior members and retired members.

Union Label Committee. This committee shall be responsible for seeing that all articles, materials and other matters used by this Union carry a bonafide union label wherever possible. Further, it is the duty of this committee to inform members of consumer products and services which carry or do not carry a union label.

Section 9. In addition to the committees and boards established by this Constitution and Bylaws, this Union shall provide for such other standing committees and, from time to time, such special committees as may be proper and necessary to conduct the business of this Union.

Section 10. In establishing such other committees, the duties of the committee, the extent of its authority and the permissible amount of expenditure that may be made by the committee must be made a part of the minutes. In any event, such committees shall not be permitted to exercise functions belonging to other committees or boards and shall not exceed the authority given them by the membership. The members of the State Executive Board shall be ex-officio members of all committees.

Section 11. The International Secretary-Treasurer shall be notified promptly of the composition of the Civil and Human Rights Committee, the Committee on Political Education, the Organizing Committee and the Senior Members Committee.

Section 12. Committee reports shall be submitted to the Central Committee and the Recording Secretary.

## **ARTICLE 23 OFFENSES AND PENALTIES**

In order to ensure members' protection from the filing of frivolous charges, the following procedures shall apply:

Section 1. In any case involving disciplinary action, there shall be no resort to a court of law until such relief within the Union under its Constitution and Bylaws and within the International Union under its Constitution and Bylaws has been exhausted.

Section 2. Any member may be penalized for committing any one or more of the following offenses:

- (a) Any offenses cited in the Introduction of this Constitution and Bylaws.
- (b) Publicizing or giving information about Union affairs to persons not entitled to such information.
- (c) Failure to appear before the Executive Board or the Trial Board when ordered to do so.
- (d) Obtaining membership through fraudulent means or by misrepresentation.
- (e) Violation of the oath of office.
- (f) Being present at or entering a meeting of the membership while intoxicated, or disturbing the peace of any such meeting by creating or participating in disturbances, or of similar conduct in and about the headquarters of the Union.
- (g) Causing or participating in a stoppage of work because of any alleged grievance or dispute without the authorization of the Union or its proper officers.
- (h) Any act of misconduct that is detrimental to the best interests of the Union or activities inconsistent with the goals of the Union.
- (i) Any violation of fiduciary responsibilities.

Section 3. Any officer, delegate, steward, shift representative or member who has been found guilty of any of the following offenses shall be removed from office and may be expelled from membership or be forever barred from holding any office in the Union:

- (a) Dishonesty in the conduct of his/her office, fraud, corruption or accepting any bribes.
- (b) Gross negligence in the conduct of his/her office.
- (c) Holding membership or working in the interests of any organization engaged in subversive activity detrimental to the best interests of this Union.

Section 4. Anyone found guilty of any of the offenses listed in this Article or for violation of the International Union Constitution and Bylaws or this Union's Constitution and Bylaws may be removed from office, expelled, suspended and/or fined by action of the Trial Board.

## **ARTICLE 24 CHARGES AND TRIALS**

In order to ensure members' protection from the filing of frivolous charges, the following procedures shall apply:

Section 1. Charges and the basis for charges shall be governed by the provisions of this Constitution and Bylaws and by the International Union Constitution and Bylaws.

Section 2. Whenever charges are made against any member or officer of this Union, the charges shall be filed in writing, stating that formal charges are being made, and submitted in duplicate to the State Recording Secretary.

- (a) A written copy of such charges specifying the nature of the offense of which s/he is accused shall be served on the accused by the Recording Secretary either personally or by registered or certified mail directed to the last known address of the accused at least fifteen (15) days before the hearing of the charges. Such copy shall also include notification of the time, date and place of trial or hearing upon such charges.
- (b) The charges must specify the events or acts that the charging party believes constitute a basis for charges and must state which subsection(s) of Section 2 of Article 23 or Section 1 of Article XVII of the International Constitution the charging party believes has been violated. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with the Section. No charges may be filed more than six months after the charging party learned, or could have reasonably learned, of the act or acts which are the bases of the charges.
- (c) Upon receipt of formal charges against any official, the State Executive Board may determine if circumstances require the temporary removal of the charged official until such time the matter is resolved.

Section 3. Upon receipt of charges, the State Executive Board shall review and may refer the matter to a trial board for a hearing, or may determine to dismiss the charges without the need for a hearing to be conducted. In the event a hearing is to be held, such hearing shall be held within forty-five (45) days from the initial receipt of such charges by the Recording Secretary.

- (a) If the charges are not referred to trial, the charging party may appeal the Executive Board's decision to the next scheduled Central Committee. The appeal must be submitted in writing to the Recording Secretary within 15 days of receiving notice of the decision.

Section 4. A Trial Board, chaired by the State President or his/her designee, will consist of at least six (6) Executive Council members drawn by lot. Where the member charged or the member preferring such charge is a member of the Executive Council, the member shall not be eligible to sit on the Trial Board.

Section 5. The charging party or his representative shall first present evidence of the charged violation and upon completion of such evidence, the accused shall have an opportunity to fully present such evidence as s/he may have in his/her behalf including witnesses, documents, statements or defenses. Any accused member shall have the right to be represented by any other member of this Union and shall have the further right of advice and consultation of legal counsel, if desired, but no attorney at law shall be entitled to be present in any such proceeding. The cost of such counsel shall not be borne by the Union.

Section 6. At the close of evidence, the Trial Board shall decide by majority vote whether or not a violation has been found and shall affix such penalties as the Trial Board deems reasonable and proper. The decision of the Trial Board shall be given in writing, either personally or by registered or certified mail, to both the charged and charging parties and shall be reported to the next meeting of the Central Committee. Such decision may be appealed to the Central Committee by filing a leave to appeal in writing with the Recording Secretary within fifteen (15) days of receipt of the Trial Board's written decision. Failure to take any appeal within fifteen (15) days of receipt of the Trial Board's written decision shall cause the matter to stand as decided, and no further appeals may be taken thereafter.

Section 7. A leave to appeal from the decision of the Trial Board may be reversed, sustained or modified by the Central Committee without hearing or remanded back to the Trial Board for a review of fact. In the event a hearing is held, the appeal shall be heard expeditiously at a regular meeting of the Central Committee at which time the charging party, the defendant and the Trial Board, through its spokesman, in that order, shall be allowed twenty (20) minutes each to present statements of the case, following which the delegates to the Central Committee shall vote on the question of sustaining, reversing or modifying the decision of the Trial Board. It shall require a majority vote to sustain, reverse or modify the decision.

Section 8. The decision of the Central Committee may be appealed as provided in the Constitution and Bylaws of the International Union. Failure to take any appeal within fifteen (15) days after the written decision of the Central Committee has been rendered shall cause the matter to stand as decided, and no further appeals may be taken thereafter.

Section 9. In the event a defendant or charging party does not appear for trial or hearing, the trial or hearing shall proceed upon proof that sufficient notice of the time, date and place was given to the party involved.

Section 10. Subject to the provisions of applicable statutes, any member against whom charges have been preferred and disciplinary action has been taken shall exhaust all remedies provided for in the Constitution and Bylaws of the International Union and of this Union and shall not file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

Section 11. If the Trial Board and the Central Committee finds the accused obviously innocent, the Central Committee may determine the honest or malicious intent of the accuser. Should the Central Committee tentatively conclude that the accuser was guilty of obvious malice, it shall notify the accuser in writing and afford him/her an opportunity for a hearing in accordance with this Article. If, as a result of such hearing, the accuser is found guilty of obvious malice in filing the charges, s/he shall be assessed a penalty deemed appropriate as the case requires by the trial body.

Section 12. This Article is not intended to restrict any Chapter, the State Executive Board or the Central Committee from calling or conducting an informal hearing to determine fact.

## **ARTICLE 25 ELECTION OFFENSES**

Section 1. Any member found guilty by the Trial Board of tampering with ballots, illegal voting, committing fraud, violence, coercion or other conduct not included in the foregoing which in any manner interferes with a member's right of franchise shall be subject to expulsion, suspension or fine by the Trial Board.

## **ARTICLE 26 COLLECTIVE BARGAINING**

Section 1. The authority to bargain collectively on behalf of the membership of this Union shall be vested in a negotiating committee, the members of which shall be determined by the Executive Council, subject to the mandate of the Central Committee or the State Executive Board.

Section 2. The results of any collective bargaining negotiations shall be subject to ratification by the members affected. The Union may, however, amend or revise the Agreement while in the process of its administration provided said amendment or revision is for the benefit of the membership.

Section 3. The International Union shall be notified in writing when any collective bargaining negotiations or memorandums of understanding have been concluded and of the number of employees covered and the expiration date of the contract. Beginning in 2006, this local shall forward to the International Secretary-Treasurer, by April 1 of each year, information and supporting documentation showing the average gross wage rate of its membership for the previous calendar year.

Section 4. A true copy of all collective bargaining agreements and contracts entered into by this Union shall immediately upon execution be filed with the Research Department of the International Union and appropriate affiliates.

## **ARTICLE 27 STRIKES**

Section 1. This Local Union shall not strike without previous notification to the International President, or, where prior notice is not practicable, without notification as soon as possible after commencement of the strike, in which notice this Local Union has stated that it has complied with all applicable notice requirements. If this Local Union fails to give such notice, the International President may withhold sanction for the strike called by this Local Union.

Section 2. There shall be no strike without previous notification to the International President in which it has been stated that this Local Union has complied with all applicable notice requirements and has exhausted all possible means of achieving a negotiated settlement. If this provision has not been complied with, the International President can veto the strike called. If the International President has vetoed such strike, this Local Union may not call the strike thus vetoed.

## **ARTICLE 28 AFFILIATIONS**

Section 1. This Union shall be affiliated with central labor organizations, councils, departments or federations chartered by or affiliated with the American Federation of Labor and Congress of Industrial Organizations, the Canadian Labour Congress and/or the Service Employees International Union.

Section 2. Delegates to labor organizations, councils, departments or federations shall be selected by the State Executive Board. Delegates to the International Convention of the Service Employees International Union shall be elected in accordance with all applicable statutes and the provisions of the Constitution and Bylaws of the International Union.

Section 3. Delegates shall attend the meetings or sessions of the body or assembly to which they have been delegated, faithfully represent this Union and protect its interest, and properly present and support its declared policies and instructions. They shall report to this Union the proceedings of the organization to which they were delegates and perform such other duties as pertain to their office.

## **ARTICLE 29 TRUSTEESHIP**

Section 1. The State Executive Board may appoint a trustee to take charge and control of the affairs of a Chapter in accordance with applicable statutes, for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining or negotiations or other duties necessary to restore democratic procedures, or otherwise carrying out the legitimate objects of this Union, whenever the State Executive Board has reason to believe that such action is required.

Section 2. The trustee shall be authorized and empowered to take full charge of the affairs of a Chapter, to remove or appoint officers or representatives, take

possession of all funds, books, papers and other property, and to take such other action as deemed necessary for the preservation of the Chapter and its interests.

Section 3. The trustee shall be bonded for the faithful discharge of his/her duties relating to the handling of funds or other property of the Union.

Section 4. Any Chapter put in trusteeship may appeal to the Central Committee within fifteen (15) days of receipt of notice of trusteeship. A hearing will be held at a scheduled meeting of the Central Committee and it shall require a majority vote to sustain the decision of the Executive Board.

### **ARTICLE 30 GENERAL**

Section 1. The Constitution and Bylaws of this Local Union shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended. If any conflict should arise between the Constitution and Bylaws of this Local Union, or any amendments thereto, the provisions of the International Constitution and Bylaws shall control.

Section 2. The title to all properties, funds and other assets of this Union shall at all times be vested in the Union for the joint use of the membership of this Union, and no member shall have any severability, proprietary rights, title or interest therein. Membership shall not vest any member with any right, title or interest in or to the property of this Union, including the funds of this Union.

Section 3. Only Executive Council members, administrative officers and/or Chapter Executive Board members shall issue statements to the press or media on behalf of this Union.

Section 4. These Bylaws are intended as a guideline to regulate the activities of the members, officers and employees in their pursuit of the goals herein described. The interpretation of these Bylaws rests with the Central Committee.

Section 5. The meetings of this Union shall be governed by the Manual of Common Procedure, Rules of Debate, and Order of Business set forth in this Constitution and Bylaws and the Constitution and Bylaws of the International Union. Every member shall follow and be subject to such rules governing debate at all meetings of this Union.

Section 6. Any member who feels aggrieved by decisions or policies of this Union may appeal in writing to the State Executive Board. If the member is not satisfied with the Executive Board's determination, the member may appeal in writing to the Central Committee for final disposition.



## **MANUAL OF COMMON PROCEDURE**

### **OATH OF OFFICE**

"I, ... accept my responsibility as an elected officer of this Union and the Service Employees International Union.

I pledge upon my honor that I will faithfully observe the Union's Constitution and Bylaws and that of the Service Employees International Union.

I pledge to do everything in my power to properly represent the members, including organizing the unorganized workers within my jurisdiction.

I agree to defend to the best of my ability the principles of trade unionism; to work to improve the lives of working people in my community; and to assist in electing to government office officials who will serve the interests of the membership and the community.

I will not knowingly wrong a member or see a member wronged if it is in my power to prevent it.

I, also, pledge that I will work to the best of my ability to provide effective and responsible leadership to the members I am privileged to represent.

I will deliver to my successor all books, papers and other property that may be in my possession at the close of my official term."

### **MEMBERSHIP OBLIGATION**

"I, ... pledge upon my honor that I will faithfully observe the Constitution and Bylaws of this Union and of the Service Employees International Union.

I agree to educate myself and other members in the history of the labor movement and to defend to the best of my ability the principles of trade unionism.

I will not knowingly wrong a member or see a member wronged if it is in my power to prevent it."

## **RULES OF DEBATE**

Rule 1. The regular order of business may be suspended by a vote of the meeting at any time to dispose of urgent business.

Rule 2. All motions (if required by the chair) or resignations must be submitted in writing.

Rule 3. Any conversation, by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or hinder the transaction of business shall be deemed a violation of order.

Rule 4. Sectarian discussion shall not be permitted in the meetings.

Rule 5. A motion to be entertained by the presiding officer must be seconded, and the mover as well as seconder, must rise and be recognized by the chair.

Rule 6. Any member having made a motion can withdraw it with consent of the seconder, but a motion once debated cannot be withdrawn except by a majority vote.

Rule 7. A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

Rule 8. A motion shall not be subject to debate until the chair has stated it.

Rule 9. A member wishing to speak shall rise and respectfully address the chair, and if recognized by the chair, he or she shall be entitled to proceed.

Rule 10. If two or more members rise to speak, the chair shall decide which is entitled to the floor.

Rule 11. Any member speaking shall be confined to the question under debate and avoid all personal, indecorous or sarcastic language.

Rule 12. Attending meetings under the influence of liquor or any controlled substance not lawfully prescribed is basis for removal.

Rule 13. No member shall interrupt another while speaking, except to a point of order, and the member shall definitely state the point, and the chair shall decide the same without debate.

Rule 14. Any member who is called to order while speaking shall be seated until the point of order is decided, after which, if decided in order, such member may proceed.

Rule 15. Any member who feels personally aggrieved by a decision of the chair may appeal such decision to the body.

Rule 16. When an appeal is made from the decision of the chair, the Vice resident shall act as chairperson, the appeal shall be stated by the chair to the meeting in these words: "Shall the decision of the chair be sustained as the decision of this Union?" The

member will then have the right to state the grounds of appeal and the chair will give reasons for its decision, thereupon the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the chair.

Rule 17. No member shall speak more than once on the same subject until all who wish to speak have spoken, nor more than twice without unanimous consent, nor more than five minutes at any one time without consent of a two-thirds vote of all members present.

Rule 18. The presiding officer shall not speak on any subject unless such officer retires from the chair, except on a point of order or to make an official report or give such advice and counsel as the interests of the organization warrant. In case of a tie, the presiding officer shall have the deciding vote.

Rule 19. When a question is before the meeting, no motion shall be in order, except:

1. To adjourn;
2. To lay the question on the table;
3. For the previous question;
4. To postpone to a given time;
5. To refer or commit;
6. To amend.

These motions shall have precedence in the above order. The first three of these motions are not debatable.

Rule 20. If a question has been amended, the question on the amendment shall be put first; if more than one amendment has been offered the question shall be put as follows:

1. Amendment to the amendment.
2. Amendment.
3. Original proposition.

Rule 21. When a question is postponed indefinitely, it shall not come up again except to a two-thirds vote.

Rule 22. A motion to adjourn shall always be in order, except:

1. When a member has the floor;
2. When members are voting.

Rule 23. Before putting a question to vote, the presiding officer shall ask, "Are you ready for the question?" Then it shall be open for debate. If no member rises to speak or the debate is concluded, the presiding officer shall then put the question in this form: "All in favor of this motion say 'aye';" and after the affirmative vote is expressed, "Those of the contrary opinion say 'no'." After the vote is taken the presiding officer shall announce the result in this manner: "It is carried (or lost) and so ordered."

Rule 24. Before the presiding officer declares the vote on a question, any member may ask for a division of the house. The chair is required to comply with this request. A standing vote shall thereupon be taken.

Rule 25. When a question has been decided, it can be reconsidered only by a two-thirds vote of those present.

Rule 26. A motion to reconsider must be made and seconded by two members who voted with the majority.

Rule 27. A member ordered to be seated three times by the chair without complying shall be debarred from participating in any further business at that session.

Rule 28. All questions, unless otherwise provided, shall be decided by a majority vote.

Rule 29. The presiding officer of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation of these rules.

### **ETHICS AND CONFLICT OF INTEREST**

Please see SEIU 2016 Constitution and Bylaws Appendix C: SEIU Code of Ethics and Conflict of Interest Policy.

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