

# **CONSTITUTION AND BYLAWS**

**SEIU UNITED HEALTHCARE  
WORKERS – WEST**

**SERVICE EMPLOYEES INTERNATIONAL UNION, CTW, CLC**

December, 2010

**SEIU-  
UHW**

United Healthcare Workers West

**[WWW.SEIU-UHW.ORG](http://WWW.SEIU-UHW.ORG)**



# CONTENTS

## Article

I	Name .....	1
II	Mission and Purpose .....	1
III	Jurisdiction .....	2
IV	International Constitution .....	2
V	Affiliations .....	3
VI	Member Rights and Responsibilities .....	3
VII	Membership .....	3
VIII	Steward/Leader or Area Leader .....	4
IX	Worksite and Area Steward/Leadership Councils .....	6
X	Divisions and Division Steward/Leadership Councils .....	8
XI	Leadership Structure .....	10
XII	Committees and Central Labor Council Delegates .....	16
XIII	Membership Meetings/Annual Leadership Conference .....	18
XIV	Collective Bargaining .....	19
XV	Funds of the Union .....	20
XVI	Strikes .....	21
XVII	Due Process and Hearing Procedures .....	22
XVIII	Amendments .....	22
XIX	Procedure and Debate .....	23
XX	Dissolution .....	23
XXI	Property Rights of Members .....	23
XXII	Nominations and Elections .....	24
XXIII	Recall .....	26
XXIV	Obligation to Abide .....	27
XXV	Non-Liability of Local Union .....	27
XXVI	Rights by Law .....	27
XXVII	Installation Pledge .....	28
XXVIII	Membership Pledge .....	28
	Appendix A .....	29
	Appendix B .....	30



## **Article I NAME**

This is the Constitution and Bylaws of SEIU United Healthcare Workers -West, (SEIU-UHW) affiliated with the Service Employees International Union (SEIU), Change to Win (CTW) and Canadian Labour Congress (CLC).

*Our union is affiliated with the Service Employees International Union*

## **Article II MISSION AND PURPOSE**

Our mission is to build a workers' organization dedicated to being a powerful force to change workers' lives and fight for social and economic justice. Our vision of a workers' organization is one in which there is an expectation that members lead and decide together; one in which conflict is embraced as healthy, necessary, and an inevitable part of making positive change; and one in which the Union's integrity is beyond reproach.

*Our mission is to build a workers' organization where members lead the fight for social justice*

Our purpose is to promote better working conditions and a better future for our members and all working people. It is our objective to build a strong and more effective labor movement by organizing unorganized workers, building an effective political voice for working people, and protecting all workers from unacceptable or unjust actions by employers.

*Our purpose is to promote a better future for us and for all working people*

We are committed to improving our working lives; supporting our families; ensuring that we are able to provide the best quality care to our patients, consumers, and residents; and promoting quality, affordable health care for all.

As members of SEIU-UHW, we have long shared a set of common principles and values that bind us together and create a unified vision of our future.

*Five values create a unified vision for our union*

### **Commitment to Democracy**

We are a workers' organization run by and for members. We have the right to vote on all of our contracts and elect stewards/leaders or area leaders and bargaining teams. We commit to respecting and engaging the full range of members' ideas and opinions. And we urge all members to participate in decision-making and in the full array of union activities, including bargaining, organizing, political action, and building strength on the job.

*We are run by and for members*

### **Commitment to Honesty and Accountability**

Elected officers, board members, bargaining teams, stewards/leaders or area leaders, and staff will be accountable to members. Dues revenue will be spent only to serve the best interests of members, and all expenditures will be fully and honestly reported to the membership.

*We will be honest and accountable in all our decisions*

### **Commitment to High Standards**

We will maintain the high industry standards we have long set for wages, benefits, and working conditions in acute care, home care, nursing homes and every field in which we

*We will work to achieve high industry standards*

have members. We will demand a strong voice in patient and resident care decisions. And we commit to standing united to take whatever action is necessary to win the best possible contracts and achieve those contracts quickly and efficiently.

### **Commitment to Justice**

*We will work to create a more just and humane society*

We pledge to help create a more just and humane society. We will fight for equality and fairness, and seek full participation in our Union from members of every race, ethnicity, religion, age, physical ability, gender, gender expression, or sexual orientation. To achieve this, we will empower all SEIU-UHW members to stand up for our rights on the job. And we will work in solidarity with other Unions and our allies to improve our communities; pass and maintain laws to protect the rights of all people; enact healthcare for all; and elect – and hold accountable – political leaders who share our belief in justice for all.

### **Commitment to Unite More Workers in Our Union**

*We will organize non-union workers as the key to raising standards for all healthcare workers*

Growing bigger and stronger is the key to increasing our strength and winning a better future. We commit to aggressively organize non-union healthcare workers to raise the standards in all our industries, improve the lives of all working people, and ensure the best possible care for the people we serve.

## **Article III JURISDICTION**

*Our jurisdiction covers healthcare workers in California and other areas authorized by SEIU*

Subject to the authority of the International Union to establish jurisdiction of local unions, this Local Union shall have jurisdiction over all healthcare workers who are eligible for membership in the Service Employees International Union in California, as well as Kaiser Permanente in the Reno, Nevada area, and any state as authorized by the Service Employees International Union. This Local Union does not claim jurisdiction over such workers if they are under the jurisdiction of a presently existing, and operating local union pursuant to the granting of jurisdiction by the International Union.

## **Article IV INTERNATIONAL CONSTITUTION**

*Our bylaws must be in compliance with the SEIU Constitution and Bylaws*

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, and the International Constitution and Bylaws, or any amendments thereto, the provisions of the International Constitution and Bylaws shall control.

## **Article V AFFILIATIONS**

This Union shall be affiliated with the Service Employees International Union, appropriate SEIU divisions, the California State Council of Service Employees, and any other council as determined by the International Union. This Union shall also be known as SEIU Local 2005. This Union may also be affiliated with the state federation of labor, AFL-CIO, CTW, CLC and the appropriate central labor councils as directed by the Executive Board.

*We are affiliated with other labor bodies nationally, statewide and locally to achieve our mission*

## **Article VI MEMBER RIGHTS AND RESPONSIBILITIES**

### **Rights**

- ▶ The right to voice diverse opinions and be respected.
- ▶ The right to an honest accounting of the expenditures of members' dues.
- ▶ The right to lead in the Union, to have members' concerns heard and resolved, and to choose leaders in a fair and democratic process.
- ▶ The right to harness the power of many in pursuit of the best possible standards for workers.

*We have a right to lead, elect our leaders democratically and to expect respect and honesty*

### **Responsibilities**

- ▶ The responsibility to build a workers' organization to organize workers, increase our political voice, and to stand up for others.
- ▶ The responsibility to make our voice heard and to respect the voice of others.
- ▶ The responsibility to contribute to the support of the Union.
- ▶ The responsibility to treat all workers fairly.
- ▶ The responsibility to participate in a constructive manner in the Union.

*We have the responsibility to build our union, organize more workers and increase our political voice*

## **Article VII MEMBERSHIP**

1. There shall be no discrimination against any member, or any applicant for membership, by reason of race, creed, color, religion, gender, gender expression, sexual orientation, marital status, national origin, citizenship status, ancestry, age, disability or political affiliation.
2. Newly admitted members shall subscribe to the Membership Pledge set forth in the International Constitution and Bylaws, which is reprinted below. This Membership Pledge shall not be construed to require any individual member to waive any of his/her legal rights.

*Defines membership categories and rights of members*

*Non-discrimination in membership guaranteed*

### 3. Categories of Membership

#### A. Regular Members

*Workers in represented bargaining units and staff are eligible for regular membership and enjoy full rights*

- 1) A regular member is an individual employed in a bargaining unit for which the Union is the recognized bargaining agent for matters relating to wages, hours and other terms and conditions of employment; or is a Union officer or staff member. Former members who were expelled and remain barred from membership shall not be deemed members.
- 2) Home Care members who lose clients but seek to continue their Home Care employment may remain Regular members and maintain such membership in good standing for a period of one (1) year following the loss of a client, provided that they pay dues at the applicable minimum rate.

*Homecare members can maintain membership for up to a year even if they lose a client*

#### B. Associate Members

*Individuals not part of a bargaining unit may be eligible for associate membership but cannot vote or run for office*

- 1) An associate member must be an individual who is not part of a bargaining unit for which the Union is the recognized bargaining agent and is an individual or a member of a group that has been approved by the Executive Board as being eligible for associate membership.
- 2) The Executive Board may enact policies, procedures and regulations to implement the establishment of the associate member classification of membership, subject to the guidelines of the International Union.
- 3) An associate member shall not be eligible to hold office or vote in officer elections.

#### C. Retired Members

*Retirees are eligible for membership at less than full dues with limits on elected positions*

Retired members shall be entitled to maintain membership in the Local and shall pay less than the full dues required for working members of the Union, but shall not be eligible for nomination to any elected position, other than retiree member representatives of the Executive Board, nor to hold any other office.

### Article VIII

## STEWARD/LEADER OR AREA LEADER

*A strong, democratic and effective union is built on a solid foundation of stewards/leaders or area leaders*

1. Stewards/leaders or area leaders are the worksite or area leaders of the Union. A strong, democratic, and effective union is built on a solid foundation of stewards/leaders or area leaders at each worksite. The responsibilities and roles of a steward/leader or area leader are defined by this Constitution and Bylaws, union policies and procedures, as well as the provisions of the collective bargaining agreements that are negotiated with the employers.

2. The diversity and complexity of the Union only allow for a general description of the steward/leader or area leader roles and responsibilities in this Constitution and Bylaws. The Executive Board shall set policies as necessary on all matters relating to stewards/leaders or area leaders, except the basic policies that stewards/leaders or area leaders be members in good standing, and that they be elected, by ballot or petition, in a work area (unit, department, area or cluster) defined by the appropriate worksite steward/leadership council.

*The Executive Board shall set policies as necessary on matters relating to stewards/leaders or area leaders*

3. Home Care stewards or area leaders will represent members in a defined geographic area. While many of their responsibilities will be the same as stewards in institutional surroundings, the nature of the Home Care industry demands that Home Care leaders focus their energies on developing leaders who can move the union's political and legislative programs at the state and county levels, rather than on the grievance handling responsibilities, which are rare in the Home Care Industry because of its unique structure.

*Home Care leaders focus their energies on developing leaders who can move the union's political and legislative programs*

4. A steward/leader or area leader has no greater rights than any of the members in his/her area. However, the responsibilities of a steward/leader or area leader do outweigh those of other members. Being a steward requires that personal opinions and preferences are subordinate to that which represents the highest good to the members.

*Being a steward/leader requires that personal opinions and preferences are subordinate to that which represents the highest good to the members*

5. Stewards/leaders or area leaders shall serve without compensation. However, based on the financial ability of the Union, the Executive Board shall consider and establish guidelines and policies regarding reimbursement for lost time wages and "out of pocket" expenses.

*Stewards/leaders or area leaders shall serve without compensation*

6. The responsibilities of a steward/leader or area leader shall include, but are not limited to:

*Description of steward/leader responsibilities*

- A. Supporting the Union's efforts to process grievances and resolve worksite issues;
- B. Orienting new workers to the Union;
- C. Maintaining the Union's internal organization at the worksite;
- D. Completing core steward/leader or area leader training and any other required training;
- E. Participating in the grievance appeal process, as appropriate;
- F. Distributing and posting all appropriate information he/she receives from the Union and updating the union bulletin board;
- G. Collecting dues or other monies if so authorized by the Union;
- H. Representing her/his worksite or area in appropriate meetings of the Union and representing the interests of the members in their absence;
- I. Attending facility, worksite, work area, geographic, and other appropriate meetings;
- J. Effectively leading members to defend and advance the interests of the membership;
- K. Participating in, promoting, and recruiting for the Union's organizing and political programs;

- L. Communicating with and leading members to implement the policies and programs of the Executive Board and the division steward/leadership council;
- M. Mobilizing members to action.
- N. Signing up members for voluntary contributions to SEIU—UHW COPE

*Stewards/leaders/  
area leaders chosen  
every three (3) years by  
members*

7. Stewards/leaders or area leaders shall be re-elected or reconfirmed by members in their work area (unit, department, area or cluster, as defined by the worksite steward/ leadership council) every three years, commencing in the first quarter of 2007. In Home Care, area leader nominations must be supported by twenty percent (20%) of the members in their area.

8. In between the three (3) year election cycle, a steward/leader or area leader may be elected by submitting a petition signed by a majority of the members in her/his constituent work area (unit, department, area or cluster, as defined by the worksite steward/leadership council). In Home Care, area leader nominations must be supported by twenty percent (20%) of the members in their area.

*Process to remove  
stewards/leaders/area  
leaders*

9. In the event of dissatisfaction with a steward/leader or area leader, the member(s) must first present the issues of concern to the worksite steward/leadership council and allow the steward council to investigate, mediate, and resolve the issues or take satisfactory action to address the issues. After the steward/leadership council's dispute resolution process has been exhausted, a ballot election to recall a steward/leader or area leader may be called by filing a petition signed by a majority of the members in the constituent's work area (unit, department, area or cluster, as defined by the worksite steward/leadership council).

10. The Union shall not be legally liable in any court of law or other forum for the actions and/or inaction of its steward/leader or area leader.

## **Article IX WORKSITE AND AREA STEWARD/ LEADERSHIP COUNCILS**

*The worksite and area  
steward/leadership  
council shall serve as the  
center of union activity  
and coordinate the  
union's overall program  
at the facility or area  
level*

The worksite and area steward/leadership council shall serve as the center of union activity, information and input at the workplace. The worksite steward/leadership council will take leadership in the recruitment of new steward/leader or area leader activists; distributing and posting union information and materials; implementing internal and external mobilization programs; orienting new members; and scheduling and conducting regular facility based membership meetings. The worksite steward/leadership council will also take leadership for coordinating the Union's program for bargaining, organizing, political, legislative, grievance, and arbitration activity at the facility level.

*Description of duties  
and responsibilities of  
leadership councils*

1. Each worksite or area shall establish a steward/leadership council consisting of all worksite stewards/leaders or area leaders at a facility or other designated area.

2. The worksite or area steward/leadership council shall meet at least once a month.
3. The worksite or area steward/leadership council shall develop ground rules for conducting steward council meetings.
4. The worksite or area steward/leadership council shall maintain and distribute minutes of the council meetings.
5. Worksite or area steward/leadership councils are the vehicles for defending the rights of members on a daily basis.
6. Worksite or area steward/leadership councils share the responsibility for organizing the worksite by sharing and distributing the responsibilities of the individual steward/leader or area leader.
7. Worksite or area steward/leadership councils shall be a forum for discussing common problems and concerns, and establishing effective solutions.
8. Worksite or area steward/leadership councils shall help to develop an effective system of worksite communication, including distribution of written materials, updating bulletin boards, worksite meetings, and other activities.
9. Worksite or area steward/leadership councils shall facilitate discussion and dialogue on relevant issues, including union activities, training, education, and other concerns.
10. Worksite or area steward/leadership councils shall address appeals related to grievance handling, as determined by division policy.
11. Worksite or area steward/leadership councils shall participate in, promote, and recruit for the Union's organizing and political programs.
12. The leadership positions responsible for the effective functioning of the worksite or area steward/leadership councils are as follows:
  - A. Representative Chairperson/District Leader: the steward/leader or area leader who, along with the chief steward/leader or area leader, has primary responsibility for the operations of the council, representation coordination, and training coordination. The Representative Chairperson or District Leader shall preside over the worksite or area steward/leadership council and membership meetings and cooperate and coordinate with all stewards/leaders, area leaders, officers, and the Executive Board to ensure that the worksite or area steward/leadership council functions are carried out. The Representative Chair or District Leader shall also serve on the Division/ Steward Leadership Council.
  - B. Chief Steward/Leader or Area Leader: with the appropriate number determined by the worksite or area steward/leadership council, each worksite or area may elect a Chief Steward/Leader or Area Leader who in coordination with the Representative Chair or District Chair will take responsibility for representation coordination and training coordination.

*Description of leadership positions within leadership councils*

- C. Council Secretary: the steward/leader or area leader who has responsibility for recording minutes of worksite or area steward/leadership council meetings and worksite or area membership meetings in order that a record is kept of issues, activities and recommendations for report to the division steward/leadership council and Executive Board for follow-through when necessary. The Council Secretary will also work with union staff to publish and distribute facility newsletters to inform the membership of issues of interest and activities of the Union at the worksite or area and in general.
- D. Mobilization Chair: the steward/leader or area leader who has primary responsibility for coordinating internal mobilizations and communications in support of worksite or area and union-wide programs. The Mobilization Chair will work closely with the Representative Chair, District Leader, the Chief Steward/Leader or Area Leader, the COPE chair, and union staff to ensure that worksite or area actions and mobilizations are developed in support of facility and union-wide programs.
- E. COPE Chairperson: the steward/leader or area leader who has the primary responsibility for the coordination, education and mobilization in support of political and legislative programs, and who is the designated representative to the Union's political action committee.
- F. Worksite or area steward/leadership councils shall operate within guidelines approved by the Executive Board on such matters that include, but are not limited to, structure, officers, Chief Stewards/Leaders or Area Leaders, and other appropriate policy matters.

**Article X**  
**DIVISIONS AND DIVISION STEWARD/  
 LEADERSHIP COUNCILS**

*Divisions and division steward/leadership councils coordinate and carry out activities to deal with concerns of members within a particular industry*

- 1. The Union's greatest asset is the strength, unity and solidarity of its entire membership. Within the Union there is also a necessity to establish policies and programs that deal with the needs and concerns of members within a particular industry.
- 2. The Executive Board shall authorize the formation of divisions and division steward/leadership councils to coordinate and carry out its activities within the overall operating structure of the Union.

*Four Divisions are formed: Hospitals, Kaiser, Home Care and Convalescent and Retirement Care*

- 3. Not less than four (4) such divisions shall be formed: Convalescent and Retirement Care, Hospitals -- Public/Private, Kaiser Permanente and Home Care. The Executive Board may establish additional divisions and division steward/leadership councils.
- 4. The division steward/leadership councils shall consist of representatives from the division, based on geographical area, facility or contractual units as determined by the Executive Board, who are stewards/leaders or area leaders elected by their constituency. Division steward/leadership council representatives shall:

*Description of composition and duties of division steward/leadership councils*

- A. Attend division steward/leadership council meetings;

- B. Report back to their defined constituency on the activities and decisions of the division steward/leadership councils;
  - C. Convey to the division steward/leadership councils any issues that might impact the division as a whole.
5. The duties and responsibilities of a division and division steward/leadership councils shall include, but are not limited to, the following:
- A. Meeting at least every three (3) months;
  - B. Selecting a rank-and-file chair who will participate in the development of the division steward/leadership council agenda;
  - C. Maintaining and distributing minutes of the division steward/leadership council meetings;
  - D. Focusing resources, talents, and energies of the Union on developing a strategic plan for each division to better serve the membership;
  - E. Providing a strong identity for members within their division as well as within the Union;
  - F. Providing a vehicle for increased membership participation in the decision-making process of the Union;
  - G. Developing training, educational, informational and communication programs;
  - H. Sharing and coordinating information on industry trends, common issues, problems, and other concerns;
  - I. Coordinating and implementing union-wide plans, goals and objectives in conjunction with division activities;
  - J. Developing effective "contract campaigns" and new, innovative strategies for achieving collective bargaining agreements;
  - K. Developing additional councils and/or subcommittees, as necessary, based on needs within a particular classification, shift, geographic area, temporary situation, multi-employer or multi-facility contract, and other considerations;
  - L. Deciding appeals related to the processing of grievances as appropriate;
  - M. Participating in, promoting, and recruiting for the Union's organizing and political programs;
  - N. Developing the leadership of the worksite steward/leadership councils and standardizing policies where appropriate;
  - O. Developing and implementing a code of conduct for steward/leader or area leader;
  - P. Developing and implementing a process for steward/leader or area leader and member dispute resolution.
6. Division steward/leadership councils shall operate within guidelines approved by the Executive Board and shall not engage in any action that interferes with another division or with the general policies, goals, and programs of the Union as a whole.

# Article XI LEADERSHIP STRUCTURE

## 1. Leadership Body

*The members are the supreme authority of the union*

The members are the supreme authority of the union. The members have the authority to adopt and amend the Constitution & Bylaws, elect the union's leadership, set dues, elect negotiating teams and vote on contracts.

*The Executive Board is the highest leadership body in the union – elected every three (3) years*

### A. Executive Board

The Executive Board is the highest leadership body in the union. It is elected every three (3) years. The Executive Board shall consist of:

*Description of composition of Executive-Board -President, Vice-President, Executive Committee and Executive Board*

- ▶ President—a full-time, paid position
- ▶ Vice-President—a full time, paid position
- ▶ Executive Board Member—one (1) rank-and-file (non-staff) member elected for every five hundred (500) rank-and-file members by division, and by geography within a division.
- ▶ Executive Committee—one (1) rank-and-file (non-staff) member elected for every five thousand (5,000) members by division, and by geography within a division; and eight (8) members elected union-wide, rank-and-file (non-staff) and staff eligible.

*Members elect one (1) rank and file representative for every five hundred (500) members to the Executive Board*

*Members elect 1 rank and file member for every five thousand (5,000) members by division; and eight (8) members union-wide (rank and file and staff eligible*

### B. Composition

An election committee of members as outlined in Article XXII shall determine the constituencies of the Executive Board and the Executive Committee based on such representative principles as membership numbers, geographical area, employer, and/or bargaining units. The election committee shall make its determinations sufficiently in advance of the election cycle that all eligible members wishing to run for office and/or nominate others to run for office will have a full opportunity to so participate.

*An election committee of members determines the constituencies of the Executive Board and the Executive Committee*

### C. Advisors to Executive Board

*Four (4) Ethics Officers and four (4) Financial Officers advise the Executive Board to ensure ethical and financial accountability*

- 1) Four (4) Ethics Officers, one elected from each division, shall be advisory to the Executive Board to ensure the highest ethical standards
- 2) Four (4) Financial Officers, one elected from each division, shall be advisory to the Executive Board to ensure financial accountability to the membership.

### D. The term of office for these officers shall be three (3) years.

*The Executive Board decides and sets policy and the direction of the union and is accountable to the membership*

## 2. Leadership Duties

### A. Executive Board Duties

The Executive Board is the leadership body of the Union elected every three (3) years. The Executive Board shall decide and set policy, and the direction of the

Union, and be accountable to the membership. Each Executive Board Member will be expected to uphold the guiding principles spelled out in Article II of the SEIU-UHW Constitution and Bylaws.

B. Meetings

- 1) Scheduling and frequency of Executive Board meetings will be determined by the Executive Board (but will be held at least quarterly).
- 2) Special meetings of the Executive Board or Executive Committee may be scheduled by the President, or the Executive Board may call a special meeting based upon a request from one half of the Board members.
- 3) All meetings of the Executive Board shall be conducted in accordance with the current edition of Robert's Rules of Order
- 4) Minutes of regular and special meetings shall be presented in writing to the Executive Board for adoption at its next regularly scheduled meeting.
- 5) A majority of the filled seats of the Executive Board shall constitute a quorum for the transaction of union business at a meeting of the Board. Decisions of the Executive Board shall be decided by a majority vote of those present and voting, once a quorum has been established.
- 6) Meetings shall be open to all members in good standing. Members shall have the right to address the Executive Board in accordance with reasonable guidelines which shall be established by the Board.

*Executive Board meets at least quarterly*

*Decisions of the Executive Board shall be decided by a majority vote*

C. Financial Responsibility

- 1) The Board is responsible to make final decisions in adopting the budget and on other key financial issues.
- 2) The financial and ethics officers shall report to the Board on all financial and ethics matters.

*The Board is responsible to make final decisions in adopting the budget and on other key financial issues*

D. Term of Office/Removal /Training for Transition/Vacancy

- 1) The term for officers and Executive Board members shall expire following the election and installation of all newly elected leaders.
- 2) Training for newly elected leaders shall be provided to ensure an effective transition.
- 3) In the event that any member of the Executive Board is absent, without an excuse approved by the Executive Board, for three (3) consecutive regular meetings, that member's seat shall be declared vacant.

E. Executive Board Vacancy

In the event of a vacancy on the Executive Board, an election to fill the unexpired portion of the term of office shall be held within ninety (90) days, according to procedures adopted by the Executive Board. All members from the constituency in which the vacancy occurred who meet the good standing requirement are eligible for nomination.

*Executive Board vacancies are filled through election*

### 3. Delegates to the SEIU Convention

*Description of delegate selection to the SEIU convention*

The Executive Board shall determine the number of delegates and alternates who shall represent the Union at the convention. Executive Board members shall be deemed, by virtue of their election, elected as delegates to the Service Employees International Union Convention, and any other conventions, conferences, councils and bodies to which this Union is entitled to send delegates. If it shall appear that the number of elected union officers is less than the number of delegates which the Union has decided to send to the convention, then arrangements shall be made for nomination and secret ballot election, if required, of an additional number of eligible members as convention delegates. Nominees for such positions, if unopposed, shall be deemed elected without necessity for further procedures. If the total number of elected officers is greater than the number that the Local Union is permitted to send to the convention, the President, Vice President, and members of the Executive Committee shall attend as delegates. Additional positions of delegate to the Convention in the number determined by the Executive Board shall be allotted among the divisions in proportion to each division's allotment determined by the Election Committee at the time of the preceding election of officers. Candidates who received the highest number of votes for Executive Board within each division in that preceding election shall be deemed elected to such additional delegate positions.

*Division proportionality and number of votes received are criteria for selection*

*The Executive Committee executes and implements decisions of the Executive Board*

### 4. Duties of the Executive Committee:

- A. Reports to the Executive Board
- B. Carries out all decisions of the executive board within the parameters set by the executive board.

### 5. President

*The President is a full time officer who leads the union on a day to day basis and administers the policies of the union*

- A. The President shall be elected at large to serve on a full-time basis as the Union's Chief Executive Officer. The President shall administer the affairs of the Union and implement the policies of the Union on a day-to-day basis. The President's duties shall include but are not limited to:
  - 1) Complying with the mandates of all membership votes and/or decisions of the Executive Board;
  - 2) Presiding at all meetings of the Executive Board and at membership meetings, conferences, conventions, and other Union functions as necessary;
  - 3) Hiring, firing, assigning and directing the Union's staff in accordance with any applicable bargaining agreement, rules, laws, and regulations; pursuant to any staff related policies adopted by the Executive Board; and within an operating budget approved by the Executive Board;
  - 4) Calling special meetings of the Executive Board, membership, or specific committees and other bodies of the Union, as necessary;
  - 5) Together with the Vice President, signing checks, vouchers, financial contracts, and agreements, subject to the policies of the Executive Board and the Constitution and Bylaws;

*The President directs the union's staff*

- 6) Signing all collective bargaining agreements as the Union's official representative after ratification by the membership and signing by the appropriate negotiating committees and/or staff;
  - 7) Representing the Union in the community, in the media and at meetings, conferences, or conventions of organizations that the Union is affiliated with; and generally acting as the chief spokesperson for the Union;
  - 8) Voting on any matter before the Executive Board where his/her vote shall be the deciding vote;
  - 9) Fulfilling such other duties as his/her office requires and as are consistent with the Constitution and Bylaws;
  - 10) Presenting an annual budget to the Executive Board for their review, discussion and final adoption;
  - 11) As the Chief Executive Officer, serving as the Union's first delegate to the SEIU International Convention and to all other conferences and conventions in which the Union is eligible for participation;
  - 12) Serving as an ex-officio member of all committees of the Union, except the election committee.
  - 13) Subject to the approval of the Executive Board, establishing committees and appointing representatives to committees, standing or ad hoc, that may be necessary to further the interests of the membership or improve the functioning of the Union.
- B. The President shall have the authority to interpret any ambiguous provision of this Constitution and Bylaws, subject to the approval of the Executive Board.
- C. In the event of a vacancy in the office of the President, an election to fill the unexpired portion of the term of office shall be held within ninety (90) days. The Executive Vice President shall assume the duties of the President until the newly elected President is seated.

*Description of election procedure to fill vacancy of President's office*

An election to fill the unexpired term of office shall not be held if a regular general election is scheduled to take place within eighteen (18) months of the vacancy. In this case, the Vice President will assume the duties of the President until the newly elected President is seated.

## **6. Vice President**

- A. The Vice President shall be elected at large to serve the Union on a full-time basis. The Vice President is a voting member of the Executive Board. The duties of the position include but are not limited to:
- 1) Complying with the mandates of all membership votes and/or the decisions of the Executive Board;
  - 2) Assuming the duties of the President in his/her absence and assisting the President as he/she requests;

*The Vice President is a full time officer who assists the president in leading the union*

- 3) Directing staff at the request of the President;
- 4) Representing the Union when the President is unable or unavailable to do so;
- 5) Negotiating collective bargaining contracts at the request of the President;
- 6) Representing the Union and members in various forums with employers, the community, the labor movement, the media, legislative and regulatory bodies and other such forums;
- 7) Together with the President, signing checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws;
- 8) Serving as the Union's second delegate to the SEIU International Convention and to all other conferences and conventions in which the Union is eligible for participation.

*Procedure to fill vacancy of Vice President's office*

- B. In the event of a vacancy in the office of the Vice President, the President, subject to the approval of the Executive Board, shall appoint a replacement to fill the unexpired portion of the term of office.

## **7. Duties of the Financial and Ethics Officers**

*The Financial Officers act as a financial oversight group*

- A. Financial Officers

The Financial Officers act as a financial oversight group. In performing this function, they may review external and internal audits and regulatory examinations. The primary duty of the Financial Officers is to uncover any misuse of union funds, including fraud. The secondary function of the Financial Officers is to review the practices of the Union regarding handling of funds and administration of finances and to suggest improvements in these areas, including improvements in the areas of risk management, internal controls, and whistleblowers.

*The Ethics Officers ensure that all who act on behalf of the union are in compliance with the union's ethical code*

- B. Ethics Officers

The duty of the Ethics Officers is to ensure that a code of ethics applies to all employees, officers, members of boards, committees, or contractors, as well as others who act on behalf of the union, and that they are in complete compliance with the spirit and the letter of applicable laws, regulations, and ordinances. This would include, but not be limited to, implementing compliance and responsibility for ethics related outcomes; such as recommending appropriate action in cases of breach of trust, including self-dealing, conflict of interest, nepotism and making or receipt of improper payment of gifts.

The Ethics Officers shall recommend improvements in ethical norms as the basis for decision making and practices at all union organizational levels.

## **8. Retiree Member Representatives**

- A. In order to ensure input and representation regarding overall policy matters, the retired members shall elect one (1) retiree member representative per division to the Executive Board;
- B. Each member representative shall be a retired member;
- C. Each member representative shall be elected by the retired members in his or her division;
- D. Each retiree member representative is responsible for representing the interests of all retired members;
- E. The retiree member representatives shall serve without compensation but shall be reimbursed for any "out of pocket" expenses.
- F. In the event of a vacancy in the office of a retiree member representative, the President, subject to the approval of the Executive Board, shall appoint a retired member to fill the unexpired portion of the term. All retired members shall be notified of the vacancy and the procedures adopted by the Executive Board for filling the position.

*Four (4) retired members, elected by retirees by division, represent retired members on the board*

## **9. Officer Liability**

The opinion of any attorney, accountant or other professional consultant or expert hired or retained shall constitute full and complete authority and protection in respect of any action taken, suffered or omitted by officers of this Union in good faith and in accordance with such opinion. Neither the President, nor any other officer of this Union shall be liable to any person or organization for any act which is not willful misconduct or in bad faith, done by the officer in effectuation of the purposes and objects of this Constitution and Bylaws and in the interests of the members of this Union.

## **10. Authorized Representatives of the Union**

The President and Vice-President shall be the only persons authorized to act for, or on behalf of, the Union. And the actions, declarations or conduct of any other person except those officers herein named, whether performed or made with respect to the Union or not, are not, and shall not be considered to be, the acts of any officer or agent of the Union and shall not constitute any authorized acts for, or on behalf of, the Union, nor shall they cause or form the basis for liability of any nature whatsoever on the part of the Union.

*The President and Vice President shall be the only persons authorized to act for or on behalf of the union*

## **Article XII COMMITTEES AND CENTRAL LABOR COUNCIL DELEGATES**

*Committees develop the policies, positions and programs of the union through maximizing membership participation in decision-making*

*Standing Committees are permanent to advise the Executive Board on ongoing issues.*

*Special Committees are temporary and deal with a specific subject.*

*The President, subject to the approval of the Executive Board, shall appoint a chair as well as an appropriate number of members to committees*

*Five (5) Standing Committees are established: Retiree Members, Social and Economic Justice, Organizing, Committee on Political Education (COPE) and Budget*

*Retiree Committee integrates retirees into the work of the union*

### **1. Committees**

Committees are vitally necessary in order to develop the policies, positions and programs of the Union. Committees are intended to maximize membership participation and input in the decision-making process.

- A. Committees that have an ongoing or permanent necessity to develop positions, policies and programs that guide, advise and provide direction to the Executive Board shall be known as standing committees.
- B. Committees that deal with a specific subject, project, issue and/or problem and are temporary in duration, based on the needs of the particular situation, shall be known as special committees.
- C. Each type of committee may also need to establish subcommittees based on regional or geographic issues, classification needs and other factors that affect participation, decision-making and the operations of the committee.
- D. The Executive Board of the Union shall establish policies and procedures for committee operations that enhance membership participation and involvement in the day to day activities of the Union. Factors such as committee size, chairpersons, shift representation and frequency of meeting shall all be considered in establishing the operating guidelines.
- E. The President, subject to the approval of the Executive Board, shall appoint a chair as well as an appropriate number of members. The President shall appoint a staff person to work with the committee.
- F. All committees shall keep minutes of their meetings and shall send the minutes to the President for distribution at the next Executive Board meeting.

### **2. Standing Committees**

The standing committees of the Union are:

- A. Retiree Members Committee  
The committee shall endeavor to recruit an active committee of retiree members to assist in developing programs for retiree members to find ways to integrate retirees into the organizing, legislative, and political programs of the Union. Typical responsibilities include but are not limited to:
  - 1) Providing a vehicle for the continuing involvement of retired members in the activities of the Union;
  - 2) Recommending, monitoring and organizing for legislation that will improve areas of concern such as: pensions, housing, healthcare, taxes, consumer concerns, and other issues;

- 3) Informing retired members of benefits and services that are available to them through the Union, community groups, government, and other appropriate agencies;
- 4) Developing social and cultural programs that enhance the quality of life of retired members.

B. Social and Economic Justice Committee

The committee shall assist in developing programs and taking positions on a variety of social and economic justice issues and report to the Board. Typical responsibilities include but are not limited to:

*Social and Economic Justice Committee promotes social justice opportunities with the wider community*

- 1) Promoting equality of economic, social and political opportunities within the Union, with employers, and in the community;
- 2) Organizing activities that will advance the interests of the membership of this Union, the International Union and of workers everywhere in the improvement of general economic, social and political conditions;
- 3) Working with other unions and community organizations whose goals and purposes are similar to and consistent with those of the Union.

C. Committee on Political Education (COPE)

The committee shall assist the Executive Board in developing and carrying out a sound political and legislative program. Typical responsibilities include but are not limited to:

*COPE promotes a sound political and legislative program to build power*

- 1) Interviewing candidates for political office;
- 2) Reviewing requests for campaign contributions for endorsed candidates;
- 3) Developing fund raising and other support activities or events;
- 4) Voter registration programs and "Get Out The Vote" activities;
- 5) Reviewing and monitoring legislation of interest to the Union's members and making recommendations to the Executive Board on the Union's position.

D. Organizing Committee

It is intended that this committee be an activist volunteer committee that is actively involved in carrying out the organizing program of the Union and in recruiting larger numbers of members to organize the healthcare industry.

*Organizing Committee actively involves members in organizing unorganized workerst*

E. Budget Committee

The committee shall assist the financial and ethics officers and the Executive Board in carrying out their duties with respect to the finances of the Union, including but not limited to:

*Budget Committee assists the financial and ethics officers and Executive Board on overall finances*

- 1) Recommending the employment of a certified public accountant to the Executive Board of the Union;

- 2) With the financial and ethics officers, making an annual report certified by a certified public accountant that shall be published in the Union's publication and available to the membership;
- 3) With the financial and ethics officers, reviewing all necessary financial reports and records to project an annual budget based on the projected goals of the Executive Board and the Union. The projected budget will be subject to review and approval by the Executive Board;
- 4) Conducting a midyear review of the finances and budget and proposing changes as may be appropriate, subject to Executive Board review and approval;
- 5) Reviewing and submitting recommendations for staff and officer compensation for review by the financial and ethics officers prior to approval by the Executive Board.

### **3. Central Labor Council Delegates**

*Executive Board  
approves delegates to  
labor councils*

The Union may participate in the appropriate central labor councils and, if so, shall strive to maintain an active complement of delegates who shall represent the positions and policies of the Union. The President shall receive all recommendations for delegate appointments and shall present those to the Executive Board for final approval.

## **Article XIII MEMBERSHIP MEETINGS/ ANNUAL LEADERSHIP CONFERENCE**

Other articles in this Constitution and Bylaws describe the various meetings for membership input and decision-making, which include worksite or area meetings, worksite steward/leadership councils, division steward/leadership councils, standing and special committees and the Executive Board meetings.

### **1. Structure**

*Each member leadership  
structure in the union  
shall provide an  
opportunity for members  
to meet on a regular basis  
not less than every two  
(2) months*

Each member leadership structure in the union shall provide an opportunity for members to meet on a regular basis not less than every two (2) months in order to build power, provide opportunities for leadership development, and move the program of the union. Such meetings may include meetings by worksite, facility, division, geographical area, or political subdivision.

### **2. Special Meetings**

- A. Members in a division can call a special meeting by submitting a petition signed by ten percent (10%) of the members in good standing of that particular division. The President shall convene the special meeting within ten (10) days of the receipt of the petition.

- B. Meetings shall be scheduled at times and places that are convenient to the membership.

### **3. Annual Leadership Conference**

- A. Each year a leadership conference shall be held to discuss issues, policies, and programs of concern to the membership.
- B. The conference shall review the work of the Union from the preceding year, and adopt goals for the coming year.
- C. The conference shall include items that relate to all members as well as those that relate to divisions, classifications, or industries within the Union.

*An annual leadership conference shall be held to discuss issues, policies and programs of concern to the membership*

## **Article XIV COLLECTIVE BARGAINING**

- 1. The right of employees to engage in collective bargaining is a matter of national policy contained in the National Labor Relations Act. Section 7 of the Act states: "Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargaining collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."
- 2. Collective bargaining is an important activity of the Union. Our purpose is to negotiate a binding contract that secures and improves the wages, hours, benefits, and working conditions of members covered by that agreement.
- 3. A collective bargaining agreement also creates a framework of rules that is binding on the employer, and has a grievance procedure for dispute resolution if a problem arises as to the meaning of the contract or its application.
- 4. Collective bargaining is intended to involve members directly and actively in determining their wages, hours, and working conditions.
- 5. We achieve success in collective bargaining through organization, united action, legislative and political activity, and the use of creative strategies and tactics.
- 6. The size and method of selecting a negotiating committee will vary based on various representational factors.
- 7. The results of any collective bargaining session shall be subject to ratification by the members affected, with sufficient notice given to the membership and in accordance with other policies and procedures as determined by the negotiating committee and/or the Executive Board of the Union. If a contract is to be ratified at a meeting, that meeting should be scheduled as much in advance as possible. Affected members shall be given at least three (3) days notice of such meeting.

*Collective bargaining is an important activity of our union intended to involve members actively in determining our wages, hours and working conditions*

*We have the right to ratify the results of collective bargaining with sufficient notice*

8. The Executive Board shall establish policies regarding the reimbursement of lost time wages and "out of pocket" expenses by members of a negotiating committee.

## **Article XV FUNDS OF THE UNION**

*Our dues structure must be both adequate to achieve our purpose and fair to our members*

1. In order to carry out our mission to build a workers' organization and to promote better working conditions for our members and all working people, our dues structure must be both adequate to achieve our purpose and fair to our members.

*Existing due rates and structures, including caps, in effect prior to the amendment of this Constitution and Bylaws in November 2010, shall be maintained until they are revised by the membership*

2. The funds of the Union shall be derived from initiation fees, dues, fines, assessments, and by any other legal means that have been approved by the Executive Board or a general or special membership meeting. Funds paid to the Union in accordance with this section shall be deposited or disbursed in accordance with instructions from the Executive Board or a general membership meeting.
3. Existing dues rates and structures, including caps, in effect prior to the amendment of this Constitution and Bylaws in November 2010 shall be maintained until they are revised by the membership. Those rates and structures are set forth in Appendix A to this Constitution and Bylaws. Set forth in Appendix B are the applicable minimum dues provisions of the SEIU Constitution, as adopted at the SEIU 2008 Convention.

*Changes in dues are set by a majority vote of the members*

4. Any change in the rates of dues, initiation fees and assessments payable by members of the Union shall be set by a majority vote of the members in good standing voting by secret ballot.

*The Union shall maintain a strike fund*

5. The Union shall have a strike fund to be used for any and all strikes, strike-related activities, lockouts, and to protect the integrity and welfare of the Union as determined by the Executive Board.

*No member shall pay less than the minimum dues*

6. The Strike Fund shall be funded by one dollar (\$1.00) per month per member set aside from members' dues, and may be funded by such other amounts as the Executive Board may from time to time determine.

7. Notwithstanding the above, no member shall pay less than the minimum dues rate set forth in the International Constitution.

In no case will a member covered by the two percent (2%) dues formula above be required to pay dues deducted by more than one employer.

*In order for a member to be in good standing his/her dues must be paid on or before the last day of the month*

8. All dues and other financial obligations are due and payable on or before the last day of the current month. In order for a member to be in good standing, her/his dues (including all other financial obligations) must be paid on or before the last day of each month. All dues or other financial obligations not paid on or before the last day of the month in which the same are due shall become delinquent. A member who is delinquent in the payment of her/his dues or other financial obligations shall

be suspended from membership, and shall not be entitled to any benefits and/or privileges heretofore or hereinafter referred to in these Bylaws. Such a member shall not be considered a member in good standing whenever such status is required to confer upon said member a benefit and/or privileges under these Bylaws or the Constitution and Bylaws of the International Union. Reinstatement to good standing shall be accomplished by paying all delinquent amounts due and owing.

However, when a member is laid off from employment, or is absent from work due to employer lockout or a union-authorized strike for more than twenty (20) 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, except in the case of a member who is on active recall status, who will be credited for the period of time she/he is on active recall and not employed.

*Provisions for unemployed or striking members*

9. Any provision of this Constitution and Bylaws which conflicts with any provision of this Article XV shall be invalid and ineffective insofar as it so conflicts; and this said Article XV shall be effective despite the fact that any other provision of this Constitution and Bylaws may conflict with it.

10. Retired members who are seventy-five (75) years of age or older, and who have been paying dues continuously to the Union, either as full members or as retired members, for at least ten years immediately prior thereto, shall be considered members for life, and shall have no continuing dues obligations to the Union. The Union shall nevertheless pay per capita on their behalf; and they shall nonetheless be eligible to enjoy all the benefits and privileges of retired members in the International Union.

*Provision for lifetime membership*

## **Article XVI STRIKES**

1. The Executive Board shall establish policies regarding strike authorization procedures for bargaining units represented by the Union.

2. The members of the affected bargaining unit must vote in order to authorize a strike. A majority of those voting is required to authorize a strike.

*The members of the affected bargaining unit must take a majority vote to authorize a strike*

3. Prior to a strike, the Union shall notify the International President of the Service Employees International Union, or when prior notice is not practical, notification shall be given as soon as possible after the commencement of the strike by this Union, pursuant to the provisions of Article XI of the International Constitution and Bylaws.

## **Article XVII DUE PROCESS AND HEARING PROCEDURES**

### **1. Charges, Trials, and Appeals.**

*We have due process to resolve internal union disputes*

All charges, trials, penalties, and appeals shall be conducted as set forth in the Constitution and Bylaws of the International Union.

### **2. Agreement to Exhaust All Remedies**

Subject to the provisions of applicable statutes and laws, every member, Executive Board member, or officer of this Union against whom charges have been preferred and disciplinary action taken, or who has a grievance, claim, or dispute against the Union or any officer thereof, agrees as a condition of membership or affiliation, to exhaust all remedies provided in the Constitution and Bylaws of the International Union and this Local Union, and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

### **3. Enforcement of Member Bill of Rights and Responsibilities**

The Local Union and SEIU Member Bill of Rights and Responsibilities in the Union shall be enforced exclusively through the procedures provided in this article and in the International Constitution and Bylaws, and any decision rendered pursuant to these procedures, including any appeals, shall be final and binding on all parties and not subject to judicial review.

## **Article XVIII AMENDMENTS**

*A vote of the majority of members who cast valid ballots can amend our bylaws*

A vote of the majority of members of the Union who cast valid ballots shall be necessary to adopt any amendment(s) to this Constitution and Bylaws.

Any amendment(s) to the Constitution and Bylaws shall be submitted in writing to the Executive Board for consideration and recommendation.

Should two-thirds (2/3) of the Executive Board fail to support taking a member's proposed amendment(s) to a vote of the membership, no vote will be scheduled on the proposed amendment(s) unless a petition supporting the proposed amendment(s), is signed by at least twenty-five percent (25%) of the members in good standing of the Union, and is submitted to the Executive Board.

The Executive Board may propose an amendment or amendments to this Constitution and Bylaws at any time provided two-thirds (2/3) of the Board supports the amendment.

Whenever the Executive Board reports upon any amendment or amendments to the Constitution proposed by members or initiated by the Executive Board, the Union shall send a written notice to all members and a vote shall take place within one hundred

eighty (180) days from the date of said report. When a notice is sent, all forms of media communication can and may be used.

Pursuant to the International Union Constitution, no amendment shall be valid or become effective until approved by the International Union.

## **Article XIX PROCEDURE AND DEBATE**

For the conduct of Union meetings, Robert's Rules of Order may be referred to as a guide, subject to policies established by the Executive Board.

## **Article XX DISSOLUTION**

This Union cannot dissolve, secede or disaffiliate while there are seven dissenting members. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of this Union shall become the property of the International Union. Under no circumstances shall this Union distribute its funds, assets, or properties individually among its membership. The International Union shall be notified by registered or certified mail, at least sixty (60) days prior to the date of any meeting scheduled by this Union, or any affiliated body for the purpose of taking a vote on disaffiliating from the International Union. And a representative of the International Union shall be afforded an opportunity to speak at such meeting. The International President shall direct whether the membership vote shall be conducted by secret ballot at a membership meeting and/or by mail referendum, and, if appropriate, a separate method by which dissenting local unions or members may assert their dissent. An independent neutral party shall count the vote. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of such union or affiliated body shall become the property of the International Union. Under no circumstances shall any union or affiliated body distribute its funds, assets or properties individually among its membership.

*Under no circumstances shall this union distribute its funds, assets or properties individually among its membership*

## **Article XXI PROPERTY RIGHTS OF MEMBERS**

The title to all property, funds, and other assets of this Union except for real property, which may be held by a corporation created pursuant to Internal Revenue Code Section 501(c)(2), shall at all times be vested in the Executive Board for the joint use of the membership of this Union. No member shall have any severable proprietary right, title or interest therein.

Membership in this organization shall not vest any member with any right, title or interest in or to the property of this Union, including the funds of this Union.

## **Article XXII**

# **NOMINATIONS AND ELECTIONS**

The General Election for all members of the Executive Board and the Financial and Ethics Officers shall take place every three (3) years, commencing in the period January 1 to March 31.

### **1. Election Committee**

*A member election committee balanced by division will oversee the conduct of the election to ensure fairness*

- A. An election committee shall be established no later than ninety (90) days prior to a general election. The committee shall consist of no less than five (5) members recommended to the President by steward/leader and area leader council rep chairs, and appointed by the Executive Board. The committee must be balanced by at least one member from each division. The duties of the election committee shall be to:
  - 1) Determine the voting constituencies for executive board and executive committee positions.
  - 2) Be authorized to contract with an outside entity to assist in any part of the election procedure as it deems necessary and appropriate
  - 3) Conduct the election;
  - 4) Establish safeguards to ensure a fair and democratic election;
  - 5) Validate the qualifications of the nominees for candidacy;
  - 6) Validate the eligibility to vote;
  - 7) Tabulate the results and certify the election;
  - 8) Determine the method of voting.
- B. No member of the incumbent Executive Board shall be eligible to be a member of the election committee.
- C. Members of the election committee shall not be nominated for any office.
- D. A member not satisfied with a ruling of the election committee may petition the International President within fifteen (15) days after the act complained of, to review the action of the election committee pursuant to the provisions of the International Constitution and Bylaws.
- E. Lost time wages and other appropriate "out of pocket" expenses shall be paid for by the Union for members of the election committee.

*Election committee members cannot be executive board members or be running for office*

### **2. Nominations**

- A. Nominations for all members of the Executive Board shall take place sufficiently in advance of the election so the election shall be held during the January 1 to March 31 election cycle in the appropriate election year.

- B. A member is eligible for nomination if she/he is currently a member in good standing and has been a member in good standing of the Union, and/or its predecessors, continuously for at least six (6) months for this first election and 1 (one) year for all subsequent elections prior to the date of the nomination being certified. The International Union President may waive this provision at her/his discretion based on good cause shown.
- C. The election committee shall prepare an official nominating petition for use in each general election.
- D. The official nominating petition(s) must be signed by the nominee in order for the nomination to be considered valid.
- E. The official nominating petition(s) for Executive Board and Executive Committee Members and the Financial and Ethics Officers shall be signed by at least fifty (50) members in good standing in the appropriate constituency of the candidate. However, for the eight (8) Executive Committee Members to be elected union-wide, the fifty (50) signatures may be obtained in any and all divisions. The official nominating petition(s) for President, and Vice President, shall be signed by sixty (60) members in good standing in each of the Union's divisions.
- F. All nominees shall be promptly certified for candidacy or notified in writing of the reason(s) for his/her disqualification. Any question regarding the eligibility of a nominated candidate shall be decided by the election committee. Appeals shall be made in writing and postmarked by registered mail-return receipt requested to the chairperson of the election committee no later than three (3) mail delivery days after receiving notice. All nominees not complying with this notice requirement shall be considered to have withdrawn.

*Eligibility is six (6) months for our first election and one (1) year for all subsequent elections*

*Candidates must submit the required number of member signatures on a nomination petition to be eligible*

### **3. Election Procedures**

- A. The election committee shall provide adequate safeguards to ensure a fair and democratic election, including written procedures and setting forth dates, times, and places for the conduct of the election.
- B. Any candidate shall have the right to have an observer present at the counting of the ballots, and any member desiring to observe the counting of the ballots shall be permitted.
- C. For the offices of President and Vice President the candidate receiving the highest number of at-large membership votes shall be declared elected. For the Executive Committee and Executive Board positions, the candidate(s) receiving the highest number of votes from the Election Committee-defined constituency for which he or she was nominated shall be declared elected.
- D. If only one (1) candidate is nominated for a particular office she/he shall be elected without further procedures.
- E. Every bona fide candidate for office shall have the right, once within the thirty (30) days prior to an election in which she/he is a candidate, to inspect a list containing the names and last known addresses of all members of the particular constituency of the office being sought.

*A candidate has a right to an election observer*

- F. The general election shall be held during the period January 1 to March 31 of the appropriate year.
- G. All members shall be notified of the election procedures at least thirty (30) days prior to conducting the election.
- H. Each candidate shall be encouraged to prepare a statement of qualifications and a platform, which shall not be longer than two hundred (200) words. These statements shall be included in a "voter pamphlet" along with the appropriate ballots for each constituency.
- I. No candidate (including a prospective candidate) for any office in this Union or affiliate body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any nonmember of the Service Employees International Union.
- J. No write-in or proxy voting shall be allowed.
- K. The Union shall refrain from discrimination in favor of or against any candidate.
- L. The Union will comply with all reasonable requests of any candidate to distribute by mail or otherwise, at the candidate's expense, campaign literature in aid of that person's candidacy. In addition, any such assistance given to any candidate shall also be made available to all other candidates, at their own expense.
- M. When an election committee has certified the results of an election, the committee shall turn over ballots and other records to the Ethics Officers who shall preserve for one year the ballots and all other records pertaining to the election.
- N. Installation of the Executive Board and the Financial and Ethics Officers shall take place at the next scheduled Executive Board meeting following the election.

*No contributions to candidates can come from non-SEIU members*

*Non-discrimination of candidates ensured*

## **Article XXIII RECALL**

*Elected leaders can be recalled through a vote of the constituency who elected them*

1. Executive Board, including Executive Committee members and officers, may be recalled by a vote of the constituency that elected him/her to his/her office.
2. A vote to recall shall be held within sixty (60) days of receipt of a petition signed by at least thirty five percent (35%) of the membership of the constituency that elected him/her to her/his office.
3. All signatures shall be dated and shall be no more than ninety (90) days old at the time of submission in order to be considered a valid signature.
4. A special election committee shall be designated by the Executive Board to conduct the recall election pursuant to provisions decided upon by the Executive Board.
5. If an Executive Board member or officer is recalled, his/her office shall be declared vacant and filled in accordance with the provisions contained within this Constitution and Bylaws.

6. Recall elections shall not be scheduled if a petition is received within one hundred eighty (180) days of a general election.
7. If a recall is not approved by a majority of those voting in the recall election, no new petition shall be considered valid if received prior to one year from the date that the recall election results were certified.
8. The recall process shall not be used merely to overturn the results of a bona fide election to office.

### **Article XXIV OBLIGATION TO ABIDE**

Any entity described in this Constitution and Bylaws which shall willfully neglect to abide by the provisions of this Constitution and Bylaws shall be subject to suspension or recall and/or removal or any other sanctions as may be determined by the Executive Board.

### **Article XXV NON-LIABILITY OF LOCAL UNION**

Except as is otherwise specifically provided in this Constitution, no officer, representative, or member of this Union shall be authorized to make contracts or incur liabilities for, or in the name of the Union unless authorized in writing by the President and the Vice President, their designee(s), or by action of the Executive Board.

### **Article XXVI RIGHTS BY LAW**

Subject to applicable laws, no member or employee of the Union shall bring any action against the Union or its officers, with respect to any matter arising out of the affairs of the Union, unless he/she has exhausted all procedures available under this Constitution and Bylaws, and any policies and procedures adopted hereunder. Any member filing suit in violation of this provision may, in addition to other penalties, be ordered to reimburse the Union and/or officers sued for the costs and attorneys' fees expended, or a portion thereof.

The Union is authorized upon affirmative vote by the Executive Board to pay all expenses for investigation, employment of counsel, and other necessary expenditures in any cause, matter, case or cases in which an officer, representative, employee, or agent or one alleged to have acted on behalf of the Union, is charged with any violation of law or is sued in any civil actions with respect to any matter arising out of his/her official duties on behalf of the Union, except if such individual is charged with a breach of trust to the Union, in which event he or she may be indemnified only if the action is terminated favorably for him or her.

Neither the Union nor its officers shall be responsible or liable for the wrongful or unlawful acts of the Union or any other officers or agents thereof, except where the Union or its

officers have actually participated in or actually and knowingly authorized such acts, or have ratified such acts after actual knowledge thereof.

Only the President and Vice President are authorized to be agents for service of process upon the Union. Other officers, representatives, employees, and/or agents are not authorized to be agents for service of process under any circumstances whatsoever.

## **Article XXVII INSTALLATION PLEDGE**

Each member elected to serve the members of this Union in the capacity of an officer, Executive Board member, or steward shall, upon election, be sworn in to his or her position through the administering of the following pledge:

*"I, \_\_\_\_\_, accept my responsibility as an elected representative of SEIU United Healthcare Workers - West, of the Service Employees International Union. I pledge upon my honor that I will faithfully observe the Constitution and Bylaws of SEIU United Healthcare Workers – West and the International Union.*

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

## **Article XXVIII MEMBERSHIP PLEDGE**

Whenever possible, members are encouraged to be sworn in as members of the Union and the Service Employees International Union in order that members gain an understanding of the obligations of membership and the support that members give to each other as sisters and brothers in this Local Union. The pledge is as follows:

*"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."*

# APPENDIX A

## Dues Structure

Dues are two percent (2%) of a member's regular earnings, up to a maximum of forty (40) hours paid per week at the straight time rate, including regular straight time hours, paid time off and longevity pay included in base pay. Dues are not charged on overtime pay, callback pay, standby pay, differentials, and premiums paid in lieu of benefits.

For 2010, the minimum monthly dues rate for members is \$30.00 (\$13.85 biweekly; \$15.00 semi-monthly).

For members in the former SEIU Local 399 bargaining units who have annual earnings between \$5,000 and \$16,000, the minimum monthly due rate is \$25.00 (\$11.54 biweekly; \$12.50 semi monthly). There is no minimum monthly dues rate for members in the former SEIU Local 399 bargaining units who have annual earnings below \$5,000.

For 2010, dues are capped at one-hundred and two dollars (\$102.00) per month (\$47.08 biweekly; \$51.00 semi-monthly). The monthly cap will increase by four dollars (\$4.00) each year. The 2010 maximum monthly dues rate for members of the Kaiser Chapters only is \$110.00 (\$50.77 biweekly).

Members in bargaining units not on the two percent (2%) dues structure will have their monthly dues raised by no more than four dollars (\$4.00) each year.

## Initiation

All regularly scheduled represented workers must pay a one-time only Initiation Fee of one hundred dollars (\$100.00). The initiation is usually paid in eight (8) monthly installments of \$12.50, or in sixteen (16) biweekly installments of \$6.25, starting when the first month dues are owed.

The Initiation Fee is waived for workers in newly organized units who sign a Membership Application on or before the date the first contract is ratified; and for those who present to the Membership Dept any valid SEIU withdrawal card.

## Initiation

A program has been established that allows members who have paid the full \$100.00 Initiation to receive a refund of \$50.00 after attending a UHW new member orientation. Dates and times are available from stewards, union representatives, and the Division offices.

## **APPENDIX B**

Effective January 1, 2009, for all members of Local Unions who have annual earnings of \$16,000 or more, the minimum dues shall be equal to \$29.00 per month. Effective January 1, 2009, for all members with annual earnings between \$5,500 and \$16,000, the minimum dues shall be equal to \$24.00 per month.

Effective January 1, 2010, through January 1, 2012, the minimum monthly dues for all members with annual earnings, of \$5,500 or above shall be increased by \$1.00 annually, effective January 1 of each year.

Notwithstanding the above, by action of the Local Union the minimum dues may be reduced for retired members, organizing committee members, and associate members. The Local Union may establish minimum dues for members with annual earnings which are less than \$5,500.



SEIU-UHW Oakland  
560 Thomas L Berkley Way  
Oakland, CA 94612



[bylaws@seiu-uhw.org](mailto:bylaws@seiu-uhw.org)  
[WWW.SEIU-UHW.ORG](http://WWW.SEIU-UHW.ORG)