

Burbank City Employees Association

CONSTITUTION OF AFSCME LOCAL 3143

ARTICLE I NAME

The name of this organization shall be known as the Burbank City Employee's Association, American Federation of State, County and Municipal Employees, Local 3143, AFL-CIO.

ARTICLE II OBJECTIVES

The objectives of this local union shall be to carry out, on a local basis, the objectives of the American Federation of State, County, and Municipal Employees: To advance the good and welfare of all employees within the bargaining unit, to represent employees in all matters concerning, but not limited to wages, hours, insurance, fringe benefits and working conditions.

ARTICLE III MEMBERSHIP & DUES

Section 1.

All persons regularly employed by the City of Burbank represented by the BCEA bargaining unit as listed under Exhibit A in the Memorandum of Understanding are eligible for membership in this local union, subject to the requirements of the International Constitution.

Section 2.

The monthly membership dues of the local shall be one (1) % of the base monthly salary per regular full-time member.

Section 3.

The monthly membership dues of retired members shall be in accordance with Article III, Section 2, of the International Constitution.

Section 4.

The monthly membership dues of part-time employees shall be in accordance with Article IX, Section 8, of the International Constitution (members' dues are currently 3/4 of 1%).

Section 5.

Individuals who are employees of the City of Burbank, who are not within the bargaining unit (BCEA), and who wish to maintain membership (i.e. Associate Membership) in the union shall be charged a flat rate membership fee of fifteen (\$15) dollars per month. Said members shall not be eligible for candidacy to elective offices or to representation rights within the local.

ARTICLE IV PAYMENT OF DUES

Section 1.

Membership dues shall be payable bi-monthly through payroll deduction. Payment on the 25th of the month shall be for the period of the 1st through the 15th and payment on the 10th shall be for the period of the 16th through the 31st of the prior month. Any person who is paying dues through a system of regular payroll deductions shall, for so long as such person continues to pay through such deduction method, be considered in good standing.

Section 2.

Previous union members shall be assessed a reinstatement fee of \$25, in addition to monthly dues.

Section 3.

A member suspended under the above section may be reinstated to membership in the local upon receipt of a reinstatement fee of twenty-five (\$25) dollars plus the current month's dues.

ARTICLE V MEETINGS

Section 1.

Regular meetings of the general membership of this local shall be held quarterly at a time and place to be fixed by the membership or the local Executive Board.

Section 2.

Special meetings of the general membership may be called by the local President, the local Executive Board, or by petition filed with the President and signed by 10% of the members of the local. Special meetings of the general membership may also be called by the International President.

Section 3.

Not less than fifteen days prior to the holding of a general membership or a special general membership meeting, a notice shall be mailed to each member at the member's last known address. The notice shall include the date, time, place, and a proposed agenda for the meeting. Notices of the meeting shall also be posted on BCEA bulletin boards throughout the City.

Section 4.

The quorum for meetings of this local shall be 35 members or ten percent (10%) of the membership, whichever is lower.

ARTICLE VI OFFICERS, NOMINATIONS, ELECTIONS AND VOTING PROCEDURES

Section 1. Officers

The officers of this local shall be a President, a First Vice-President, a Second Vice-President, a Recording-Secretary, a Secretary-Treasurer, and three Executive Board members, and these eight shall constitute the local union Executive Board. In addition, there shall be elected three members who shall serve as Trustees. The Trustees shall be elected to three-year terms of office, except that in the initial election, one shall be elected for a one-year term, one for a two-year term, and one for a three-year term. All other officers shall be elected for a term of one year. (See Article VII for Duties)

Section 2. Advisory Executive Board Position

The Past President of the Executive Board has the option to serve in an advisory capacity only on the Executive Board for a period of one year following the end of his/her term. To serve in this advisory capacity, the Past President must still be represented by this bargaining unit. The Past President shall not have a vote on the Executive Board.

Section 3. Time of Elections

All regular elections shall be held in the month of November or at the discretion of the Election Committee.

Section 4. Election Committee

An Election Committee shall be appointed by the President with the approval of the Executive Board prior to the Nominations Meeting. The Election Committee shall consist of five individuals and one alternate from different departments. The Election Committee shall be maintained for ten days after the election. The Election Committee shall have the general responsibility for the conduct of the election in accordance with the constitution of the International and the Local. The Election Committee's duties shall include but not be limited to:

1. Making sure that each nominee has been offered the opportunity to decline a nomination.
2. Hearing and deciding, any challenge which may be made concerning the eligibility of any nominee. (See Section 7 of this Article for Challenges)
3. Making sure proper notice of nominations and the election is given.
4. Preparing and/or supervising the preparation of ballots.
5. Supervising the issuance and return of the ballots.
6. Counting the ballots and certifying the results of the election.
7. Hearing and deciding any protests which may be filed concerning the conduct of the election. (See Section 15 of this Article for Protests)
8. Making a report to the membership concerning the results of the election. (See Section 16 of this Article)

Section 5. Nominations/Election Notice

1. Not less than fifteen days prior to the holding of nominations for local union officers, a notice shall be mailed to each member at the member's last known address. The notice shall include what offices are being filled and the date, time, and place of the Nominations Meeting, and the Election.
2. No quorum is necessary for a Nominations Meeting.

Section 6. Nominations

1. A Nominating Committee may be appointed by the President with the approval of the Executive Board or elected by the General Membership to make nominations. Whether or not such Nominating Committee is used, nominations shall be permitted from the floor at the Nominations Meeting. At the Nominations Meeting, the President shall relinquish the chair to a member of the Election Committee or the Business Agent to conduct nominations. After the completion of nominations for all offices, the nominees will be contacted by the Election Committee within 48 hours. After being contacted, the nominee must decline any nomination(s) in writing within 24 hours. If the nominee fails to do so his/her name will appear on the ballot. The name of any nominee who has declined the nomination(s) shall not appear on the ballot.
2. No member may be a candidate for more than one local union office at the same time. If a member is nominated for two or more offices in the same election, the nominee must decline all except one such nomination. If the nominee fails to indicate which office he/she wishes to seek, the Election Committee shall assume the nominee is running for the first office for which he/she was nominated and assume he/she has declined all other nomination(s).

Section 7. Eligibility for Office

1. A candidate must be a member in good standing with the Local.
2. A candidate must have had one year's membership with the Local immediately preceding the election.
 - a. Exception: If there is only one nominee for an office and if that nominee would be ineligible only because of the length-of-membership requirement, the nominee may

- be declared elected and may serve the full term.
- b. If there is more than one nominee and all of them are ineligible only because of the length-of-membership requirement, they should all be considered eligible and their names placed on the ballot.
 3. No member whose eligibility for membership is based upon employment in a position for which another organization is the exclusive representative with regard to wages, hours, or other terms and conditions of employment shall be eligible to seek or hold office in this local (i.e. associate members).
 4. No retired member shall be a candidate for office in this Local.

Section 8. Challenges

A challenge is a formal objection to someone's right to run for office. It must be raised by a member before the election is actually held. A challenge must be based on some provision of the International Constitution or the Local Constitution. Any challenge must be directed immediately to the Election Committee. The Committee should meet as quickly as possible, offering both the challenged nominee and the member making the challenge the opportunity to be heard. The Committee may also examine official records affecting the challenge. The Committee must then decide the matter and report its decision to the membership before the election takes place. The Committee's decision is subject to acceptance or rejection by the membership. Action on a challenge may be appealed later to the Judicial Panel under the provisions of Section 4 of Appendix D of the International Constitution. The filing of such appeal should not delay the election.

Section 9. Election Campaigning

1. No union funds can be spent in campaigning for union office.
2. No publication of any kind which is sponsored by or supported by the union can make any endorsement or otherwise support any candidate for union office.
3. Any candidate for union office has the right to one mailing to the membership made through the union office before the election. This mailing is not to be made at the union's expense.

Section 10. Ballots

1. The ballot should be headed "Official Ballot", followed by the name and number of the local, and the date of the election. The ballot should include instructions for marking the ballots (i.e. Mark the ballot; place it in the plain envelope or the envelope with the word "Ballot" printed on it; place that envelope in the other stamped envelope; and mail it no later than the specified date). (It is advisable to add "Do not sign your name on the ballot" and "Do not make any other marks on the ballot".) The various offices to be voted on should be listed on the ballot one at a time and, after the designation of each office, the words "Vote for One" or "Vote for Three" or whatever is appropriate should appear. This should be followed by an alphabetical listing of candidates with a box or circle next to each name.
2. Candidates who have been deemed elected at the Nominations Meeting shall not appear on the ballot.
3. The ballots should be printed in-house under the direction and supervision of the Election Committee.
4. The Election Committee shall determine the number of ballots to be printed. The number to be printed should exceed the actual number needed by 75 ballots to take into account the possibility of spoilage during the election itself. The Election Committee is responsible to make sure the exact number are in fact printed and is responsible to take charge of the ballots immediately upon completion of the printing, safeguarding them until the election takes place.

Section 11. Election Procedure

1. Elections shall be by secret ballot.
2. Local union members shall be afforded a reasonable opportunity to vote.
 - a. Members shall be eligible to vote after receipt of payment of one month's dues through payroll deductions.
3. The Election Committee will have the sole discretion to decide whether the election itself shall be conducted on one day or via mail.
 - a. One day voting shall be held in early December at a single polling location to be determined by the Election Committee. The election itself shall be run from 7:00 a.m. to 7:00 p.m. under the supervision of the Election Committee. The ballots shall be counted at the close of balloting, i.e. 7:00 p.m.
 - b. Voting via mail shall be held during the month of November or at the discretion of the Election Committee. The mailing to each member shall contain:
 - A. A ballot.
 - B. A plain envelope or one with the word "Ballot" printed on it.
 - C. A stamped envelope addressed to the point to which ballots are to be returned and with the member's name and return address already printed on the top left corner. The return envelopes should be addressed to a neutral address, not the union office or someone's home.
 - D. A set of instructions, which may be printed on the ballot itself.
 - E. The Election Committee should carefully supervise the mailing to the members, with the observers invited to be present.
 - F. The recommended time between the mailing of the ballots and the opening of the ballot box is 20 days.
 - G. The box should be opened at a specified location on a specified date and time, with the observers invited to be present.
 - H. The names on the envelopes should be checked against the membership list used in the mailing of ballots, and as each is verified, the envelope should be opened and the inner envelope containing the ballot should be dropped in the ballot box.
 - I. When the verification process is completed, the plain envelopes should be opened and the ballots removed.
 - J. The ballots are then tabulated and the report made in the same manner as for any kind of election.

Section 12. Observers

Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of the candidate's own choosing, who must be a member of the Federation, in all places where ballots bearing the candidate's name are to be cast or counted. Each candidate may designate his/her own observer. A candidate may not serve as his /her own observer or as an observer for another candidate. The observers are there to observe; they may not assist in the actual conduct of the election. They may not, while so serving, engage in any kind of campaigning. They do have the following rights:

1. To inspect the ballot box at any time up to the moment the election is to start.
2. To be present in the room where the election is taking place throughout the hours set for voting.
3. To challenge any voter whom they think is not eligible to cast a vote.
4. To take notes as they so choose to, including making their own list of who has voted.
5. To call to the attention of the Election Committee members present any violation of proper procedure which they may observe.
6. To remain after the polls have closed and to keep the ballot box under observation until it is opened.
7. To observe the actual counting of the ballots, including the right to inspect any suspect

- ballot.
8. To maintain their own tabulation as the Election Committee counts the ballots.

Section 13. Counting the Votes

When counting the votes, two Committee members should examine the ballots themselves, with one of them calling off the names of those who receive votes on a particular ballot, and with two other Committee members keeping a record of votes by making a mark after each name that is called on a "tally sheet". Periodic checks should be made by the two Committee members tallying to make sure their counts agree. There are a couple of rules regarding the validity of ballots:

1. Such deviations from the instructions on the ballot as making a check mark instead of an "X" should not serve to void the ballot. If the intention of the voter is clear, count the vote.
2. If a voter has signed his/her name to the ballot, void the entire ballot.
3. If a ballot is partly spoiled, that does not void the entire ballot. For example, if the voter has voted for two candidates for President, his/her ballot is void for that office only.
4. Write-in votes are not counted at all; treat them as if they were blank for the office(s) for which a write-in vote appears.
5. Keep a record of the number of totally void or totally blank ballots.

Section 14. Majority Vote

The candidate for each office receiving a majority of the votes cast for that office shall be declared elected. Any remaining unfilled office(s) shall be filled through a run-off election. Majority means more than one-half. The formula to be used by the Election Committee is as follows: Take the total number of all votes cast for each office. Divide it by double the number to be elected. Any candidate who has more votes than the resulting figure has a majority and has been elected.

Section 15. Run-Off Elections

The Election Committee shall have the sole discretion to decide whether the run-off election shall be conducted on one day or via mail. This decision shall be made prior to the Nominations Meeting and announced at said meeting. The run-off Election shall be held as quickly as possible upon the conclusion of the original election. The holding of a run-off election will not postpone the swearing-in of other elected officers.

Section 16. Protests

A protest is not the same as a challenge. A challenge questions a nominee's right to run for office. A protest questions the actual conduct of the election itself. A protest may be filed immediately upon completion of the election or within ten days thereafter. It should be filed in writing with the Election Committee Chairperson. If the Committee has been discharged, it should be filed with the President or Secretary of this Local. The protest should be initially heard by the Election Committee or, if they have been discharged, the Executive Board and the decision shall be approved by the membership within thirty days after the protest has been filed. If the membership decides that there were violation(s) that were of such a nature that they may have affected the outcome of the election, they may order that the election, or any part of it, be set aside and a new election held. Appeals on protests may be made to the Judicial Panel in accordance with Section 4 of Appendix D of the International Constitution (1) within ten days following the decision of the Local, or (2) forty days after the protest was filed, if no decision has been reached by the Local.

Section 17. Installation of Officers

At the Annual Membership Meeting in December new officers shall be sworn in. The meeting shall be scheduled immediately after the completion of the election. The installation of the new officers shall occur at the end of the business portion of the Annual Membership Meeting immediately following the acceptance of the Election Committee report by the membership. (If there is no

formal protest pending, the membership has no choice but to accept the report.) Every officer assuming office shall subscribe to the obligation of an officer as follows:

I, _____ (name) _____, promise and pledge that I will perform faithfully and with honor the duties of the office which I now assume in the BCEA/AFSCME Local 3143, and I will deliver to my successor in office all books, papers, and other property of this union which are in my possession at the close of my official term.

Section 18. Vacancies in Office

Vacancies upon the Executive Board for a period longer than three months shall be filled for the remainder of the unexpired term by a special election of the membership. Any vacancies of a shorter duration than three months shall be filled at the discretion of the Executive Board. Special elections shall be conducted in the same manner as a regular election

ARTICLE VII DUTIES OF OFFICERS AND EXECUTIVE BOARD

Section 1.The President shall:

1. Preside at all meetings of the local union and of the Executive Board.
2. Be a member of all committees, except the Election Committee.
3. Countersign all checks drawn against the funds of the local.
4. Appoint all standing committees and all special committees of the local, subject to the approval of the Executive Board.
5. Report periodically to the membership regarding the progress and standing of the local and regarding the President's official acts.
6. Be responsible to the Executive Board for the operations, functions, and business affairs of the local under the policies and directives of said Board.
7. Not vote, except to break a tie or complete a two-thirds majority vote. The President does have the right to vote as a member during officer elections and contract ratification votes.
8. Perform other such duties as the Executive Board may require.
9. Be a delegate to the International Convention or Special Convention and be that Delegations Chairperson.

The President may be subject to removal from office for failing to attend two consecutive regular meetings of the Executive Board without due cause or for neglecting to perform his/her official duties by a two-thirds vote of all members of said Board.

Section 2.The First Vice-President shall:

1. Assist the President in the work of the President's office.
2. In the absence of the President, or in the President's inability to serve, preside at all meetings and perform all duties otherwise performed by the President.
3. Upon approval by the local Executive Board, be authorized to act as co-signer of checks drawn on the local funds in place of either the President or the Secretary-Treasurer.
4. Perform other such duties as the Executive Board may require.
5. Be a delegate to the International Convention or Special Convention.

Section 3.The Second Vice-President shall:

1. Assist the President in the work of the President's office.
2. In the absence of the President and First Vice-President or in the President's and First Vice-President's inability to serve, preside at all meetings and perform all duties otherwise

- performed by the President.
3. The Second Vice-President shall function as the Chief Steward, and, as such, act as Chairperson for the Stewards' Council.
 4. Be responsible for the stewards' training.
 5. Oversee all grievances and disciplinary actions.
 6. Perform other such duties as the Executive Board may require.
 7. Be a delegate to the International Convention or Special Convention.

Section 4.The Recording-Secretary shall:

1. Keep a record of the proceedings of all membership meetings and of all Executive Board meetings.
2. Carry on the official correspondence of the local, except as the Executive Board may direct otherwise.
3. Perform such other duties as the Executive Board may require.
4. Be a delegate to the International Convention or Special Convention.

Section 5.The Secretary-Treasurer shall:

1. Receive all receipts for all monies of the local union.
2. Deposit all money so received in the name of the local union in a bank or banks selected by the Executive Board, and money so deposited shall be withdrawn only by checks signed by the President and the Secretary-Treasurer, or other member of the Executive Board as so determined by said Board.
3. Prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or the Executive Board.
4. Prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary Treasurer.
5. Keep an accurate record of receipts and disbursements and shall, once each month, submit to the membership a monthly operating statement of the financial transactions of the local for the previous month.
6. Act as custodian of all properties of the local union.
7. Give a surety bond for an amount to be fixed by the Executive Board of the local union, at the expense of the local union and through the International Union.
8. See that any financial reports required by the International Union Constitution to be submitted to the International Union are submitted in accordance with the International Union Constitution.
9. Perform other such duties as the Executive Board may require.
10. Be a delegate to the International Convention or Special Convention.

Section 6.The Executive Board Member-At-Large shall:

1. Perform all such duties as the Executive Board may require.
2. Be an alternate delegate to the International Convention or Special Convention.

Section 7.The Trustees

The Trustees shall make or cause to be made at least semi-annually an audit of the finances of the local, including the finances concerning any health and welfare, pension, insurance or other benefit programs covering members of such local, and shall report to the membership on the results of such audit.

The Trustees shall not, as a rule, attend Executive Board meetings and shall not have a vote at Executive Board meetings.

Section 8.

The Executive Board shall be the governing body of the local union except when the general membership meetings of the local union are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the local not specifically provided for in this constitution or by action of the membership at a regular or special meeting shall be decided by the Executive Board. The Board shall meet at the call of the President or of a majority of the members of the Board. A report on all actions taken by the Executive Board shall be made to the membership at the next following meeting. A majority of the members of the Executive Board shall be required for a quorum.

ARTICLE VIII CONTRACT RATIFICATION VOTING

Section 1.

Not less than ten days prior to the holding of a contract ratification meeting, a notice shall be mailed to each member at the member's last known address. The notice shall include the date, time, and location of said meeting. The notice shall also include the date(s), time(s), and location(s) of voting. Notices of the meeting shall also be posted on BCEA bulletin boards throughout the City.

Section 2.

1. A written copy of all proposed contract amendments shall be furnished to every eligible voter at the meeting. Copies of all proposed contract amendments will also be available at the voting location (s) the following day.
2. Members of the Negotiations Team will be present at both the contract ratification meeting and the following day's voting to answer questions regarding the proposed contract amendments.

Section 3.

1. Members shall be eligible to vote after receipt of payment of one month's dues through payroll deductions.
2. Members may vote at the contract ratification meeting or between the hours of 7:00 a.m. and 6:00 p.m. the following day at a designated voting location. There can be no "absentee" voting.

Section 4.

Ballots will be counted immediately at the conclusion of the voting.

ARTICLE IX MISCELLANEOUS PROVISIONS

Section 1.

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

Section 2.

Except to the extent specified in this constitution, no officer of the local union shall have the power to act as agent for or otherwise bind the local union in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local union except to the extent specifically authorized in writing by the President of the local union or by the Executive Board of the local union.

Section 3.

Roberts' Rules of Order, Revised, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees.

ARTICLE X AMENDMENTS

This constitution may be amended, revised, or otherwise changed by a majority vote of the members voting on such proposed change. A planning meeting may be called to propose amendments to this constitution. The proposed amendments will then be transmitted to the Secretary-Treasurer for distribution to the Executive Board. The Executive Board shall review and make recommendations to the membership concerning the same. All amendment(s) shall properly identify the individual(s) who submitted them. The amendments will be read, discussed, debated, and voted upon at a general meeting of the local union. Adequate and proper notice shall be given to the membership prior to the date on which the vote is taken. A written copy of all proposed amendments shall be furnished to every eligible voter at the meeting at which the vote is taken.

REVISED	12/84
AMENDED	6/90
AMENDED	10/92
AMENDED	11/95
AMENDED	12/97
AMENDED	12/98
AMENDED	4/00
AMENDED	7/15'

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