

**Constitution of
California School Employees Association
Chapter 431, CSEA
Chaffey College
Revised July 30, 2009**

This Constitution is the local operating document for this chapter as formulated under Article III, section 8 of the State Association Constitution.

Where used through this document, “State Association” means the California School Employees Association, the statewide governing board for this organization; “organization” and “chapter” are interchangeable, and mean Chaffey Community College, Chapter No. 431, CSEA.

**Article I
Name and Object**

Section 1. Name:

The name of this organization shall be the CHAFFEY COMMUNITY COLLEGE, CHAPTER NO. 431, of the California School Employees Association.

Section 2. Objects:

The objects of this organization shall be: a) to promote the good and welfare of the members of this organization under the available labor relations system and to secure for them reasonable hours, fair wages, and improved working conditions; b) to establish a spirit of cooperation, good faith, and fair dealings with the employer; c) to safeguard, advance, and promote such legislation as may be for the best interests of the members of this organization; d) to promote the efficiency and raise the standards of service of its members and other public service workers; e) to instill confidence, good will and understanding among the members and their employers; f) to promote the economic and social welfare of the members of the Association through unity of action and mutual cooperation.

Section 3. Definitions:

Where the following words are used in the Constitution they shall mean:

- a) COLLEGE DISTRICT – The Chaffey Community College District.
- b) BOARD – The Board of Trustees of the Chaffey Community College District.
- c) ADMINISTRATION – The Administration of the Chaffey Community College District.

Article II Membership

Section 1. Active:

(a) “Active” membership, which carries with it the privilege of full participation in chapter activities, including the right to vote and to hold elected or appointed offices, shall be extended to any person employed in a bargaining unit represented by this chapter, without regard to race, creed, color, national origin, sex, age, sexual orientation or political belief. “Active” membership status shall cease at such time as the member becomes eligible for any other category of membership defined herein, except as follows:

(1) “Active” members who are laid off may continue in “Active” status until expiration of their 39-month payment of the established dues in effect at the time of layoff.

(2) “Active” members who are appealing an involuntary termination action by the the employer may continue in “Active” status until the appeal(s) process has been terminated and the status of their employment has been finally decided, upon continued payment of the established dues in effect at the time of the involuntary termination.

(3) Nothing herein shall be construed to require continued “Active” status of members under paragraphs (1) and (2) above for the purpose of continued CSEA representation regarding their employment/reemployment rights. However, retention of “Active” status shall be required for such employees to continue to be eligible to hold elective or appointed offices within the State Association and chapter and to have voice and vote and otherwise participate in chapter and State Association affairs.

(4) “Active” members of this chapter must also be “Active” members of the State Association as defined in the State Association’s Constitution.

(b) Inactive: Any “Active” member of this chapter who (1) is granted an unpaid leave of absence by the employer or (2) is placed on a reemployment list for reasons other than layoff and is not otherwise in a paid status with the employer or (3) is laid off and elects not to continue as an “Active” member under provisions of paragraph (a)(1) above may continue membership in an “Inactive” status until expiration of the approved leave of absence or reemployment list or until returned to paid employment status in an eligible position [as defined by paragraph (a) above], which ever occurs first, upon continued payment of dues at ½ the rate required of them as an “Active” member at the time the leave or placement on the reemployment list occurred. Such dues shall be paid annually in advance or for the number of months of the approved leave if less than one year. Such members shall be eligible to continue to receive such membership benefits as are generally made available to the “Active” membership, unless specifically excluded in contract. They shall not, however, be accorded voice or vote in chapter or State Association affairs.

(5) **Associate** –Any person who would otherwise be eligible for “Active” membership under paragraph (a) of this section but who is employed in a bargaining unit represented by another labor organization under the laws of this State, shall be eligible for “Associate” membership. “Associate” members shall be entitled to participation in special services, insurance and other such membership benefit programs as are generally made available to “Active” members, and to receive the Association’s official publication. Such members shall not be eligible for, nor shall they be accorded, any representation rights, or voice, vote, or other participation in Association affairs.

(6) **Exempt-** the following members shall be entitled to transfer to “Exempt” membership status:

(a) Members whose positions are lawfully declared to be management or confidential and thereby excluded from an existing bargaining unit.

(b) Members who have lawfully been designed as supervisors and who are not entitled to representation by this Association in accordance with the laws of this State. “Exempt” members shall not be eligible for, nor shall they be accorded, any representation rights, or voice, vote, or any other participation in Association affairs. This membership class is provided solely to preserve any insurance, special services, or similar services to which they were or might be entitled as “Active” members.

(7) **Retired-**

(a) Any retiree who was employed in the classified service of any California school district or who was employed in any public agency represented by CSEA shall be eligible for retired membership in the Retiree Unit. Such “Retired” members shall be eligible for participation in special services, insurance and other membership benefit programs as may be made available to retirees, and shall receive the Association’s official publication as well as such other publications as may be approved by the Board of Directors.

(b) “Retired” members shall be eligible to serve in appointive or elective positions within the chapter in accordance with the following:

(i) Service at the chapter level shall be restricted to those who were “Active” members at the time of retirement.

(ii) If the member was serving in an elected position at the time of their retirement, the member will have the opportunity to complete the term of office.

(iii) The “Retired” member will be part of the State Retiree Unit and pay the local chapter dues.

Article III
Dues and Assessments

Section 1. Annual Dues:

(a) The annual dues for “Active” members of this chapter shall be XXXX dollars (see Appendix A), plus the applicable annual per capita dues of the State Association as specified in subsection (b) below. Dues are payable by payroll deduction during the months of August through May or may be paid annually in advance.

The annual dues of this chapter plus the annual per capita dues of the State Association equals the member’s total annual dues. The member’s total annual dues divided by 10, or divided by the actual number of months worked in a school year if less than 10, is the member’s monthly dues requirement.

(b) The annual per capita dues of the State Association shall be assessed at the rate of 1.5% of annual salary up to a maximum “cap” as specified in the Association’s Bylaws. Annual salary shall be computed based on placement on the salary schedule for the school year commencing July 1 and including longevity, professional growth and annual anniversary increments. Annual salaries shall be recomputed and dues rate adjustments made accordingly effective as of July 1 of each year, except as follows:

(1) If a general dues increase has been approved by action of delegates to the State Association’s annual conference to take effect other than July 1, the new dues rates shall be effective on the date specified and adjustments made accordingly.

(2) Members who realize a reduction in salary due to an involuntary reduction in work hours or classification or a voluntary reduction in lieu of layoff may have their dues rate recomputed effective within the first month following such reduction.

Section 2. Assessments:

No assessments shall be levied in this chapter other than those approved by three-fourths (3/4) of the chapter membership present and voting on the question by secret ballot, provided that each member has been notified in writing at least ten (10) days in advance of the nature of the proposal and the time, date and place where the matter will be voted on.

Section 3. Fund Solicitation:

No funds shall be solicited in the name of the chapter without authorization of the Executive Board.

Article IV

Officers/Executive Board/Election Procedures

Section 1. Officers:

The following officers shall be elected by and from the total “Active” membership of the chapter regardless of the location of their employment: President, Vice President, Secretary, Treasurer, Public Relations Officer, Chief Job Steward, and Site Representatives.

Section 2. Executive Board:

The Executive Board of this chapter shall consist of the elected officers designated in Section 1 plus the past President.

Section 3. Eligibility to Hold Office:

Officers shall be elected from among eligible chapter members who have maintained continuous membership in good standing for a period of twelve (12) consecutive months immediately preceding the month in which the elections are held. Must have attended (5) five chapter meetings.

Section 4. Nomination and Election Procedures:

- (a) A Nominating Committee appointed as hereinafter provided, shall provide its nominations to fill the elected offices listed in Section 1, which shall be submitted annually at the October and the November chapter meeting.
- (b) Nominations for these offices shall also be accepted from the Floor at the October and November chapter meeting.
- (c) If, after all nominations are closed at the November chapter meeting, there is only one nomination for an office, the single nominee shall be declared elected to the office and no balloting or other action shall be required. The Executive Board shall so notify the membership in writing soon thereafter as possible.
- (d) When there is more than one nominee for an office, an election shall be held by secret ballot before the December chapter meeting. It shall require a majority vote to elect any officer. Write-in votes shall not be accepted. The results will be announced at the December chapter meeting and this December vote shall be final.

(e) Notices of time, date, and place for nominations and balloting and all other procedural matters relating to conducting these elections shall be in accordance with provisions of State Association Policy 618 (see Appendix B).

(f) All candidates shall be provided with an opportunity to address the members present at the election meeting prior to the balloting, and their designated representative shall be accorded the right to observe the ballot tally process.

(g) All ballots, including used, unused, invalid, and challenged ballots, sign-in sheets, tally sheets, and related election documents, including notices of nomination and election procedure shall be retained by the Chapter Secretary for one month or until any and all challenges to the election or charges of misconduct in the running of the election have been resolved, whichever is the longer period.

Section 5. Term of Office:

Elected officers shall take office and assume their duties on the January 1 following their election and shall continue to serve for two (2) years or until their successors are elected, or appointed provided that any officer shall automatically forfeit such office if they cease to be an “Active” member in good standing.

Section 6. Installation:

Installation of officers shall be held no later than January 31.

Section 7. Vacancies:

- (a) A vacancy in the office of President shall be filled by the Vice President.
- (b) For vacancies in any other elected office, the Executive Board shall submit its recommendation to fill the office in writing to the chapter membership at least fifteen (15) days in advance of a designated chapter meeting. Nominations from the Floor shall also be accepted at said meeting. If there are no nominations from the Floor, the Executive Board’s candidate shall be declared elected. If nominations from the Floor are made, a secret ballot election shall be conducted among the “Active” members in good standing present.

ARTICLE V
AUTHORITY OF EXECUTIVE BOARD/DUTIES OF OFFICERS

Section 1. Executive Board:

The Executive Board shall have general supervision of the affairs of the chapter between the general membership meetings. It shall transact the routine business of the chapter as authorized and required herein, direct the activities of the various committees, fix the time and place of meetings except as otherwise directed by the membership, prioritize and determine recommendations on matters requiring discussion and action by the general membership, and perform such other duties as are specified in this Constitution. The Board shall conflict with actions taken by the chapter membership.

A report on all actions taken by the Executive Board shall be made to the membership at the next regular or special chapter meeting, with such actions subject to membership ratification if appropriate. Minutes of Executive Board Meetings shall be kept on file for at least three (3) years.

The Executive Board shall meet at the call of the President or at such times and places designated by it; the President shall call a special meeting upon the written request of a majority of the Board.

A majority of the members of the Executive Board shall constitute a quorum.

Section 2. Duties of Officers, General:

Upon separation from office, an officer shall immediately turn over to his or her successor or other properly designated CSEA official all books, records, money, and other effects of the chapter in his or her possession.

Section 3. President: The President shall:

- (a) Be Chairperson of the Executive Board and preside at all meetings of the chapter and Executive Board at which he or she is in attendance.
- (b) Appoint the various committees, standing or special, required by this Constitution or established by the Executive Board or as may be ordered by vote of the membership, except as herein otherwise provided.
- (c) Attend all Regional Presidents' Meetings, and such other meetings as required by the State Association or direction of the chapter and report back to the Executive Board and chapter membership at the next chapter meeting, with recommendations for chapter action or as otherwise required.
- (d) Perform such other duties as normally pertain to the office of president or ordered by this Constitution.

Section 4. Vice President: The Vice President shall:

- (a) In the absence or disability of the President possess all of the powers and perform all of the duties in his or her stead.
- (b) At all times assist the President in the performance of his/her duties.
- (c) Assume the office of President if a vacancy occurs.
- (d) Serve as Chairperson of the Membership Committee.
- (e) Coordinate the activities of the standing committees.
- (f) Perform such other duties as may be assigned by the Executive Board or ordered by this Constitution.

Section 5. Secretary: The Secretary shall:

- (a) Keep an accurate record of all proceedings of chapter and Executive Board meetings including an accurate roll of members and officers in attendance at each.
- (b) Keep an accurate roster of the officers of the chapter and see that such information is forwarded to the State Association as required.
- (c) Issue notices of all meetings of the Executive Board and chapter meetings, which shall include notice of matters for discussion at same.
- (d) Notify members of all committees of their appointment of election.
- (e) Have custody of all correspondence, official documents and historical records of the chapter, which shall be open at all times for the inspection of the President and members of the Executive Board.
- (f) Maintain up-to-date copies of the Constitution & Bylaws and Policy of the State Association and the Constitution of this chapter and see that copies of same are available for reference at all Executive Board and chapter meetings and are available for inspection by the general membership upon request.
- (g) Perform such other duties as normally pertain to the office of Secretary or as may be directed by the President or required by this Constitution.

Section 6. Treasurer: The Treasurer shall:

- (a) Receive all funds of the chapter and keep and disburse same under the direction of the President and as required by the Constitution & Bylaws of the State Association and this chapter.
- (b) Keep or cause to be kept regular books and full accounts which shall be open at all times to inspection of the President and the Auditing Committee.
- (c) Provide access to all records, vouchers, and statements to the Auditing Committee for annual inspection at the close of each fiscal year.
- (d) Report at each meeting of the chapter as to the financial condition of the treasury with a detailed statement of receipts and expenditures and accounts payable to include per capita dues/fees paid and owed to the State Association, if any.
- (e) Promptly process and forward membership applications and dues payments to State Headquarters and payroll deduction authorizations to proper district office for processing.
- (f) Maintain an accurate record of members in good standing and prepare such monthly reports and remittances as may be required by the State Association and promptly forward to State Headquarters within thirty days of request.
- (g) Prepare an annual report to include the last day of the fiscal year and provide access to all records vouchers, and statements to the Auditing Committee for annual inspection.
- (h) Oversee the preparation of the annual Public Employees Relation Board (PERB) financial report to include the last day of the fiscal year, and immediately submit same to the President for review and forwarding to PERB, the State Association, and the membership.
- (i) Upon leaving office, turn over all records, vouchers and statements and sign such bank signature cards or other documents necessary for the transfer of all chapter accounts to the new Treasurer.

- (j) Arrange for bond coverage under the State Association's blanket bond in such amount as determined by the Executive Board; premium for said bond shall be at the expense of the chapter and through the State Association.
- (k) Perform such other duties as may be directed by the President or required by the State Constitution & Bylaws.

Section 7. Public Relations Officer:

It shall be the duty of the Public Relations Officer to edit and distribute a newsletter or similar publication as may be authorized by the chapter membership or the Executive Board, to write articles of interest pertaining to chapter affairs for local newspapers and *The California School Employee*, to compile a report on the activities and achievements of the chapter and forward a copy of same to each member in January, and to perform such other public relations activities as directed by the President.

Section 8. Past President:

The Past President shall act as counselor to the elected officers and attend all meetings of the Executive Board. S/he shall, during the absence or disability of the President and Vice President, possess all the powers and perform the duties of the President in his/her stead. S/he shall be chairperson of the Nomination Committee and perform such other duties as may be assigned by the President.

Section 9. Chief Job Steward: The Chief Job Steward shall:

- (a) Ensure that the Job Steward program of the chapter functions according to the requirements set forth in this constitution, and maintain the necessary records on matters of contract enforcement to permit the chapter to effectively represent bargaining unit employees.
- (b) Process all grievances not settled at the immediate supervisory level unless CSEA staff assistance is required.
- (c) Serve as Chairperson of the Grievance Committee and keep the Executive Board informed on all grievance activity.
- (d) Call and conduct periodic meetings between the Job Stewards to ensure an appropriate level of communication and coordination.

ARTICLE VI MEETINGS

Section 1. Regular business meetings of this chapter shall be held during the months of August through May, inclusive. The schedule of such meetings shall be established after ratification of academic calendar in May of each year for the succeeding 12 month period and shall be provided to the membership.

Section 2. Special meetings may be called at any time by vote of two-thirds (2/3) of the Executive Board or upon petition to the President of twenty percent (20%) of the chapter membership.

Section 3. Meeting Notes:

- (a) Regular Meetings. Unless otherwise specified herein, a meeting notice shall precede chapter meetings at least five (5) days in advance to allow members a reasonable opportunity to attend. Said notice shall include a summary of the business to be acted upon, and the time, date, and place of the meeting.
- (b) Special Meetings. Notice for special meetings shall include the specific topic(s) for discussion/action at said meeting, and unless otherwise required herein, a notice of less than five (5) days, but no less than 24 hours in advance, may be given in an emergency situation.

Section 4. Unless otherwise ordered by two-thirds vote of the members present, the Order of Business at regular chapter meetings shall be:

- 1) Pledge of Allegiance to the Flag
- 2) Roll Call
- 3) Approval of Minutes of the previous meeting
- 4) Report of Executive Board Actions
- 5) Communications
- 6) Treasurer's Report
- 7) Report of the Bargaining (negotiating) Committee
- 8) Committee Reports – (Identify Committees)
- 9) Recognition of New Members
- 10) Unfinished Business
- 11) New Business
- 12) Good of the Order
- 13) Adjournment

Section 5. Quorum for Meetings:

It shall require at least four members of the Executive Board and 12 members in good standing in attendance at any chapter meeting for business to be conducted.

**ARTICLE VII
CONTROL OF FUNDS/BUDGET**

Section 1.

All funds received shall be deposited in the name of Chaffey College, Chapter No. 431, CSEA, in such bank or other financial institution as approved by the Executive Board. No funds shall be disbursed except by a check duly authorized and signed by the Treasurer and at least one of the following officers: President, Vice President, Secretary. In the event of absence of, inability to act by, or vacancy in the office of Treasurer, funds shall only be disbursed upon signature of at least two of the above named officers.

All proceeds from fundraisers shall be deposited in a separate savings account to be designated as the Ways and Means Fund of the chapter. Expenditures from this fund shall be to support approved chapter social activities, delegate attendance at Annual Conferences, and the chapter's scholarship awards program in accordance with the approved budget. Funds shall be transferred from the Ways and Means Fund to the General operating Fund when and as needed for the appropriate approved expenditures.

Nothing herein shall preclude general operating funds from being used to supplement the above programs/activities as approved in the annual budget or by appropriate membership action.

Section 2.

The Executive Board shall prepare an annual budget for approval of the chapter membership no later than December of each year, which shall contain itemized estimated receipts and expenditures and amounts to be set aside as a reserve fund, if any. The approved budget shall regulate the expenditures of the chapter except that the Treasurer shall submit any single expenditure in excess of \$100 to the Executive Board for prior approval. Any expenditure in excess of those approved in the budget must be approved by the chapter membership.

**ARTICLE VIII
COMMITTEES
Adopted November 2003**

Section 1.

Unless otherwise specified herein, the President shall, as soon as possible after January 1 of each year, appoint the chairperson and members of committees, which appointment shall be subject to the ratification of the Executive Board. The Executive Board shall determine the number of members to be appointed to each, except as otherwise provided herein.

<u>Committee</u>	<u>Minimum Membership</u>
Auditing	3
Election Tellers	3
Grievance	5
Health/Safety	3
Insurance	3
**Negotiating	5
Nominating	4
Political Action/Legislative	open
Scholarship	3
Special Activities/Ways & Means (fundraising)	5

**Special instructions for filling Negotiating Committee

Section 2. Ad Hoc Committees:

Such other committees as the Executive Board or the chapter membership may deem necessary to perform a specified task for the welfare of the chapter may be appointed. The Executive Board shall determine the composition of such committees and the timelines for completion of their assigned duties. Such Ad Hoc committees shall cease to function upon completion of their specified task.

Section 3. The Vice President shall act as coordinator of all appointed committees.

Section 4. The President shall be, ex officio, a member of all committees except the Nominating Committee.

Section 5. Quorum: A majority of the members of any committee must be present at any meeting to constitute a quorum.

Section 6. Terms:

Unless otherwise provided herein, the term of office for all committees shall be from January 1, until the end of the chapter and fiscal year or until their successors are appointed provided that any committee member shall automatically forfeit the office if they cease to be an "Active" member in good standing.

Section 7. Grievance Committee:

- (a) It shall be the duty of the Grievance Committee to supervise and assist the operation of the Job Steward Program. The committee shall ensure that all grievances are handled properly in their investigation and filing and consistent in their resolution.
- (b) The committee shall be empowered to review proposed settlements of grievances undertaken by individual members of the bargaining unit (i.e., without representation of a Job Steward or CSEA staff) to ensure that they are resolved consistent with provisions of the collective bargaining agreement.
- (c) The committee shall review all grievances going beyond the immediate supervisory level to determine whether CSEA staff assistance should be obtained. If staff assistance is required, the Executive Board shall be so notified.
- (d) The committee shall review all grievances being considered for arbitration and recommend to the Executive Board whether each particular case should be arbitrated.

Section 8. Auditing Committee:

It shall be the duty of this committee to receive and audit the books and records of the Treasurer immediately after the close of each fiscal year, and at such other times as may be directed by the President, and report its findings to the chapter membership.

Section 9. Nominating Committee: It shall be the duty of this committee to investigate the qualifications of members for the elective offices and submit such nominees for office as in its judgment will best serve the interests of the chapter. Nominations shall be reported to the chapter membership as required by Article IV, Section 4, of this constitution.

Section 10. Political Action Committee:

It shall be the duty of this committee to:

- (a) Develop and implement a chapter Alert system (telephone tree) to be used for emergency contact of the membership when immediate action is necessary on legislative issues, contract matters, or other items of importance to the Association and chapter;
- (b) Keep the members informed about the legislative program of the State Association, and may recommend to the chapter membership legislative proposals it deems desirable for submission to the Association's Annual Conference or to the Association's Legislative Committee for consideration and inclusion in the Association's legislative program.
- (c) Work cooperatively with the Regional Political Action Coordinator (RPAC), appropriate staff and Area PACE and Legislative committee representatives in furtherance of the Association's legislative and political goals, rendering regular reports at chapter meetings regarding the same and recommending any chapter support or activity it considers appropriate.
- (d) Encourage all members to financially support PACE of CSEA and the Victory Club, and educate the membership regarding the necessity for active participation in the political process in accordance with Association and chapter goals.
- (e) Make recommendations to the chapter membership regarding endorsement of candidates for school board, in accordance with the following procedures.

- (1) The committee shall conduct a pre-screening of candidates to be recommended for endorsement, through direct interviews or questionnaires sent to the candidates. Following the pre-screening process, the committee shall present its recommendations for endorsement at a designated chapter meeting for action by the chapter membership. A majority vote shall be required for endorsement.
- (2) Whenever possible, the Committee shall arrange for a candidates' forum to provide chapter members an opportunity to hear and question the candidates on relevant issues prior to hearing the committee's recommendation and the endorsement vote being taken.
- (f) The committee shall determine the amount of financial support, if any, to be requested from PACE of CSEA, and shall submit said request to PACE of CSEA on such forms as may be required.
- (g) The committee shall solicit volunteer activity by the chapter membership on behalf of endorsed candidates, and shall be responsible for coordinating and directing such member activities.

Section 11. Election Tellers:

It shall be the duty of this committee to supervise and assist in the preparation, distribution, and counting of the ballots in all elections (including contract ratifications) within the chapter, and certify the results to the Chapter President. In addition, the committee shall ensure that election procedures are in accordance with applicable provisions of the State Association's Constitution & Bylaws and Policy, and this Constitution. *See Appendix B for Assn. Policy 618-Chapters Elections. See Appendix D for Calendar of Elections.*

Section 12. Negotiating Committee:

- (a) The Negotiating Committee shall consist of the Chapter President or his/her designee as chairperson, and may have one representative from each of the major job groupings represented by this chapter for example: Clerical, Instructional, Maintenance, Support Services, Campus Police.
- (b) CRITERIA: TO BE FOLLOWED BY PRESIDENT, EXECUTIVE BOARD AND CHAPTER WHEN SELECTING NEGOTIATING COMMITTEE.
 - (1) Must attend a state CSEA research/negotiations training
 - (2) Must be in good standing for not less than one (1) year.
 - (3) Committee shall have at least two (2) members who have served on the negotiating committee in previous years.
 - (4) Committee shall have at least two (2) new members.
 - (5) The President of the Chapter or his/her designee will always be an active member of the negotiating committee.
- (c) The committee members shall be elected by and from among the members in good standing employed in each of the job groupings designated above. The Executive Board shall set the time, date, and place of such election meetings, which shall be no later than December of the designated election year. The Chapter President shall preside at said election meetings, at which nominations will be taken and a secret ballot vote shall be conducted. All procedural matters relating to these elections, including timelines for notice to the affected members, shall be in accordance with Assn. Policy 618 (see appendix B)

- (d) Term of office for the elected members shall commence upon their election and will remain in effect until the end of the Agreement/Contract they negotiated with the District. The main function of the negotiating committee will be as caretakers to ensure the proper use and following of the Agreement/Contract.
- (e) Vacancies shall be filled by appointment of the Executive Board.
- (f) Duties: It shall be the duty of the Negotiating Committee to research issues and prepare and submit initial bargaining proposals (including proposals on re-openers) for review and approval of members in good standing of the bargaining unit prior to commencement of negotiations, to keep the Executive Board and the membership informed on the progress of negotiations and solicit membership input where advisable, negotiate the contract (including re-openers and modifications) for and on behalf of the chapter with assistance from State Association field staff, and to ensure that all bargained agreements are submitted for ratification of the bargaining unit(s) in accordance with Article XIII of this Constitution.

Section 13. Health/Safety Committee:

It shall be the duty of this committee to participate as a member of the on campus Health and Safety committee and to report back to executive board and membership all information dealing with health and/or safety issues directly affecting bargaining unit membership also to conduct surveys among bargaining unit membership when potential problems arise affecting the health and/or safety of said membership.

Section 14. Scholarship Committee:

It shall be the duty of this committee to select a student to receive a scholarship from the chapter.

Section 15. Special Activities/Ways & Means:

It shall be the duty of this committee to plan and execute the special activities and social functions of this chapter plus plan and promote fundraising.

Section 16. Insurance Committee:

It shall be the duty of this committee to review all insurance programs that may be available to the chapter membership and to acquaint the membership with these programs. The committee shall act as intermediary for any member between administration, insurance carriers, and other concerned persons or groups, for a member so requesting and involving a program of group insurance available to the membership.

ARTICLE IX JOB STEWARDS

Section 1. Election:

Job Stewards in sufficient numbers to serve the needs of the membership shall be elected to serve each work site. The Executive Board shall determine the number of stewards to be elected for each area of representation.

- (a) No later than December of the designated election year, the members in good standing employed in each of the service areas designated above shall meet and elect from among themselves their Job Steward(s). The Executive Board shall set the time, date, and place of such election meetings. The Chapter President shall preside at said election meetings, at which nominations will be taken and a secret ballot vote shall be conducted. All procedural matters relating to these elections, including timelines for notice to the affected members, shall be in accordance with Assn. Policy 618 (*see appendix B*).

Section 2. Term of Office:

Term of office for Job Stewards shall be from the January 1 following their election to the end of the chapter and fiscal year, or until their successors are elected, provided that any Job Steward shall automatically forfeit such office if they cease to be an “Active” member in good standing employed within the designated service area. Vacancies shall be filled by appointment of the President, ratified by the Executive Board, from among the qualified members in good standing employed within the affected service area, for the remainder of the original term only.

Section 3. Duties: Job Steward duties shall be to:

- (a) Attend annual training sessions for Job Stewards provided by the State Association and/or other appropriate training as directed by the Executive Board.
- (b) Attend periodic Site Representative/Site Council meetings as directed by the Grievance Chair.
- (c) Educate bargaining unit employees about their rights under the contract and determine how problems arising under the contract can best be handled.
- (d) Act as the basic channel of communication between the employees and the chapter and relay specific member concerns to the chapter’s Negotiating Committee for incorporation into the bargaining proposals.
- (e) Investigate and prepare grievances for processing and handle grievances at the immediate-supervisory level, and be present as required during other steps of the grievance procedure.
- (f) Immediately inform the Grievance Chair of all grievances received; immediately report to the Grievance Chair the settlement of grievances processed or the failure to settle within contractual timelines.
- (g) Preserve the confidentiality of personal grievances, resolve differences among the membership in grievance handling; maintain a file on all grievances handled which shall be turned over to the Grievance Chair upon completion.

**ARTICLE X
RECALL OR REMOVAL FROM OFFICE**

Section 1. Recall of elected offices:

- (a) Any member of the Executive Board, Conference delegates and alternates, may be recalled from office upon a two-thirds (2/3) secret ballot vote of “Active” members of the chapter in good standing and voting at a meeting called for the purpose of a recall action. Negotiating Committee members and Job Stewards may be recalled from office by a two-thirds (2/3) secret ballot vote of the “Active” members in good standing of the work site from which the position was originally elected present and voting at a designated meeting.
- (b) Recall may be initiated by a petition of two-thirds (2/3) of the Executive Board or thirty percent (30%) of the members in good standing eligible to vote on the individual being recalled. The petition shall state the specific reasons in support of the recall, and the petition shall be presented to the Executive Board and to the individual.
- (c) Upon receipt of the petition, the Executive Board shall arrange for a special meeting to be held not less than fifteen (15) days not more than thirty (30) days following its receipt, at which the charged person shall be afforded opportunity to rebut the charges, including presentation and cross-examination of witnesses as may be appropriate, and the secret ballot vote shall be conducted. Attendance at said meeting shall be restricted to members of the Executive Board and members of the chapter in good standing who are eligible to vote on the particular recall action, authorized representatives of the State Association, and such witnesses as may be pertinent to the action. Notice specifying time, date, and place and the specific nature/purpose of the meeting shall be issued to those eligible for attendance at least ten (10) days in advance.

Section 2. Removal of Appointed Offices.

- (a) Appointed committee members and Site Representatives may be removed from office by a two-thirds (2/3) vote of the Executive Board, a quorum being present, provided such person shall be provided at least five (5) days advance notice of the reasons for removal and the time, date, and place where the Board will meet to vote on the matter. At said meeting the member shall be afforded an opportunity to provide rebuttal argument prior to the vote being taken.
- (b) Any appointed committee chairperson or member failing to attend three (3) consecutive committee meetings, unless excused for cause, shall be automatically removed from the committee.

**ARTICLE XV
AMENDMENTS TO CONSITUTION**

Section 1.

This Constitution shall at all times conform to all provisions of the State Association Constitution & Bylaws and Policy, and where any conflict should occur, the State Association Constitution & Bylaws and/or Policy shall prevail.

Section 2.

Any member in good standing of the chapter (or the Executive Board) may submit a written proposal to amend this constitution (containing the exact text of the proposed change) at any chapter meeting, which shall constitute a first reading. The Chapter President shall then cause the proposed amendment(s) to be placed on the agenda of the next regular or a special chapter meeting where the matter will be read a second time and acted upon, and shall cause written notification of the proposed amendment(s) and the date, time, and place of the designated chapter meeting to be issued to all members in good standing at least ten (10) days in advance of said meeting. Said notification shall include at least a written summary of the proposed changes, and the exact text of the proposed changes shall be made available for review by members upon request.

Section 3.

Approval by two-thirds (2/3) of the “Active” members in good standing present and voting at the second reading shall be required to adopt the amendments(s). If the amendment relates to a revision of chapter dues, the vote shall be conducted by secret ballot.

Section 4.

All amendments shall be submitted to the State Association’s Executive Directory immediately following their adoption by the chapter. No amendment shall become operative until approved by the Executive Director or action of the Association’s Board of Directors in accordance with Article III, Section 8, of the Association’s Constitution.

**ARTICLE XVI
DISBANDMENT OF CHAPTER**

Section 1.

Should the chapter disband for any reason, all financial accounts shall be transferred to the control of the State Association, and a final audit of the financial books and records of the chapter shall be made in conjunction with the State Association’s Financial Analyst/Auditor. Upon conclusion and certification of such audit, final distribution of funds shall be as follows:

- (a) All outstanding obligation of the chapter shall be promptly paid.
- (b) All funds due and owing the State Association shall be promptly remitted to the Association’s general fund.
- (c) Funds then remaining shall then be distributed for purposes as appropriate and authorized in accordance with provisions contained in Association Policy 612.

ARTICLE XI DELEGATES TO CONFERENCE

Section 1. Delegates:

Voting delegates to an annual conference of the State Association (and their alternates) shall be designated from among the “Active” members in good standing as follows:

- (a) The Chapter President
- (b) Additional delegates in such number as may be authorized by the chapter for attendance, but not to exceed the total number authorized by the Bylaws of the State Association, shall be elected as provided in Section 2 below.

Section 2. Election:

- (a) Nominations for the authorized delegate positions, other than the President, shall be taken at the regular chapter meeting in March, and election shall be by secret ballot at the regular chapter meeting in April. Alternates in sufficient numbers for each of the authorized delegates, to include an alternate for the President, shall also be elected.
- (b) Notification of nominations and election and all other procedural matters relating to delegate and alternate election shall conform to Assn. policy 618 (see Appendix B) and shall be conducted under the supervision of the elections Committee.
- (c) In the event a delegate cannot attend, the Executive Board shall determine which alternate shall replace the authorized delegate.

Section 3. Responsibilities:

Delegates shall attend all conference business and other sessions of importance to the chapter. In addition, the delegates shall:

- (a) Attend at least one orientation meeting at the Regional or Area level of the State Association concerning the resolutions to the up coming conference, as directed by the Executive Board.
- (b) Report on conference activities to the chapter membership at the first chapter meeting following the conference.
- (c) Submit a detailed report of expenditures to the Chapter Treasurer within three (3) weeks following the conference, and if an expense advance has been provided by the chapter, reimburse the chapter treasury for advance funds not utilized for authorized purposes.

ARTICLE XII COLLECTIVE BARGAINING

Petitions for Recognition:

Any petition submitted by this chapter seeking exclusive recognition for bargaining (including a petition seeking decertification of another organization) under the laws of this state and rules of the Public Employment Relations Board (PERB) shall seek recognition for “The California School Employees Association and its Chaffey College Chapter #431.”

**ARTICLE XIII
CONTRACT RATIFICATION**

Section 1. Negotiated Agreement:

- (a) When the Negotiating Committee has negotiated a contract or modification to an existing contract, it shall immediately submit one copy to the CSEA Labor Relations Representative assigned to service the chapter, for review and recommendation by the State Association prior to membership ratification.
- (b) All contract modifications shall be submitted to the CSEA Labor Relations Representative for review and recommendation by the State Association. However, membership ratification shall not be required for those items listed as expectations to the definition of “modification” within the provisions of Assn. Policy 610, *unless they are included as part of contract re-opener negotiations. (See Appendix C).*

Section 2. Ratification Procedures:

- (a) A copy of the Tentative Agreement or a summary of the Tentative Agreement, and a statement as to whether the Negotiating Committee is recommending ratification or rejection of the Agreement, shall be provided each CSEA member of the bargaining unit(s) prior to ratification meeting. *If a summary only is provided, copies of the Tentative Agreement containing the exact language of the proposal shall be provided at the meeting.*
- (b) The Chapter President/Executive Board shall set the date, time, and place for the ratification meeting, which shall be open to attendance by all employees within the bargaining unit, whether or not they are CSEA members.
- (c) Notice of the ratification meeting shall be issued to all bargaining unit employees no later than five (5) working days in advance of the scheduled date. Distribution of said meeting notice shall be at the discretion of the Executive Board, utilizing any of the following methods which it determines to be most efficient.
 - (1) To individual bargaining unit employees utilizing the district mail system;
 - (2) Distribution by Site Representatives or others;
 - (3) Posting in prominent locations at each work site

Exception to the above: The Association’s Executive Director may approve a notice period of less than five-working-days upon request of the chapter’s Executive Board, if it is determined that an immediate ratification meeting would be advisable.

- (d) Conduct of Meeting and Vote:
 - (1) The Negotiating Committee shall review the provisions of the Tentative Agreement and indicate its recommendations for ratification or rejection and reasons therefore.
 - (2) If the State Association is recommending rejection of the Tentative Agreement, a State Association representative shall be in attendance at the ratification meeting and shall be provided ample opportunity to outline the recommendation for rejection and the reasons therefore.

- (3) Adequate opportunity for full discussion, debate, and answering of questions shall be provided. Non-CSEA members of the bargaining unit in attendance shall be granted the right to participate in the discussions and debate. They shall not, however, have the right to make motions or vote.
- (4) The ratification vote shall be by secret ballot conducted at the ratification meeting under the supervision of the Elections Committee and in accordance with procedures proscribed by Assn. Policy 610 (see appendix C). Only “Active” CSEA members of the bargaining unit who are in good standing and present at the ratification meeting shall be entitled to vote on the ratification or rejection of the agreement. Absentee or proxy votes shall not be permitted.
- (5) Ballots shall be tallied and results announced prior to close of the meeting. A majority vote shall ratify.

Section 3.

Executed Agreement: Every collective bargaining agreement shall be executed by both the State Association and appropriate representatives of this chapter. No contract shall be valid which has not been ratified by the chapter membership.

**ARTICLE XIV
CONCERTED ACTIVITIES**

Section 1.

No concerted withholding of service shall be instituted by this chapter unless such concerted action has been approved at a regular or special membership meeting, advance notice having been given, by secret ballot vote of not less than sixty-five percent (65%) of the “Active” members in good standing present and voting; and approval for such concerted activity has been granted by the State Association’s Board of Directors.

Section 2.

If the dispute relates to contract negotiations, no concerted withholding of service shall be instituted unless the last offer of the employer has been submitted to the chapter membership in accordance with Article XIII of the Constitution and has been rejected, and the requirements of Section 1 above shall have been met.

**ARTICLE XVII
PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Robert’s Rules of Order, Newly Revised shall govern the chapter in all cases in which they are not inconsistent with this Constitution, the Constitution & Bylaws or Policy of the State Association, and any special rules the chapter may adopt. The President may appoint a Parliamentarian to assist in this regard.

ARTICLE XVIII
FISCAL YEAR

The fiscal year of this chapter shall extend from January 1 through December 31, inclusive.

Appendix A

Dues Schedule Chart Effective September 1, 2003

Minimum Dues: \$30 annually + Chapter dues
Maximum Dues: \$326.25 annually + Chapter dues

Dues are payable on a ten month basis, August through May.

The per capita dues of the State Association shall be assessed at the rate of 1.5% of the first \$2,175 of monthly gross salary (exclusive of overtime but including longevity, professional growth and anniversary increments), but shall not exceed a maximum assessment of \$326.25 annually, in accordance with procedures as set forth below.

Effective September 1, 2004

Minimum Dues: \$30 annually + Chapter dues
Maximum Dues: \$367.50 annually + Chapter dues

The per capita dues of the State Association shall be assessed at the rate of 1.5% of the first \$2,450 of monthly gross salary (exclusive of overtime but including longevity, professional growth and anniversary increments), but shall not exceed a maximum assessment of \$367.50 annually, in accordance with procedures as set forth below.

Local chapter's dues are \$2.50 per month.

Appendix B

618 Chapter Elections

Revised September 1987

.1 Force and Intent.

This policy is enacted to reinforce the intent of provisions of the Association's Constitution and Bylaws that all members of Chapter Executive Boards and delegates to Association Conference are required to be elected; to ensure democratic processes in the election of local chapter offices, and to ensure the rights of individual members to be nominated and run for any elective office.

.2 Application

.01 The positions of Chapter President, Vice President(s), Secretary, Treasurer, and all other persons designated as an officer or member of the Executive Board within the Chapter's Constitution, and delegates to Association Conferences, shall be elected, and all such elections shall be governed by the policies as hereinafter set forth.

.02 In addition to the offices listed above, elections for all other offices designated as elected positions within the Chapter's Constitution shall be governed by the policies as hereinafter set forth.

.3 Definitions

.01 "Active member in good standing" means any person employed in a bargaining unit represented by the chapter who has fulfilled the requirements for membership and who has neither voluntarily withdrawn from membership nor has been expelled or suspended from membership in accordance with provisions of Article II, Section 7 of the CSEA Constitution, nor has been expelled for nonpayment of dues.

.02 Where the term "Chapter Constitution" is used in this policy, it refers to the principal governing rules of the chapter, whether that document be called the Chapter "Constitution," "Bylaws," or "Constitution & Bylaws."

.4 Eligibility to Hold Chapter Office.

Eligibility to hold chapter office shall be as set forth in the Chapter's Constitution, except as noted below:

.01 If the Chapter's Constitution is silent on the subject of eligibility, all "active members in good standing" of the chapter shall be eligible, except as provided below:

- (a) If the Chapter's Constitution provides that a particular office is to represent the members of a particular bargaining unit or classification of members, or that a particular office is to be elected specifically by the members of a particular bargaining unit or classification of members, then eligibility to hold that office shall be limited to active members in good standing of said bargaining unit/classification.

.5 Notice for Nominations and Election

.01 The time and method of submitting nominations and the time and place of elections shall be as set forth in the Chapter's Constitution.

.02 Reasonable notice for nominations shall be provided to all members in good standing at least ten (10) days prior to the time of nomination. Such notice shall specify:

- (a) The offices to be filled by election
- (b) The time for submitting nominations
- (c) The place for submitting nominations
- (d) The proper form for submitting nominations, i.e., whether written, or orally from the floor at a designated meeting(s).
- (e) The eligibility requirements for nomination and election to the office.

.03 Reasonable notice for the election shall be provided to each member in good standing not less than fifteen (15) days prior to the election. Such notice shall specify:

- (a) The date, time (hours during which polls will be open or balloting will take place), and place of the election.
- (b) The offices to be filled.

.04 "Reasonable notice" shall consist of any of the following:

- (a) An individual notice mailed to each member in good standing, either by U.S. mail to their last known home address, or through and inter or intra-employer mail distribution system that ensures each member will receive the notice.
- (b) Publications in chapter newsletter which is distributed to all members in good standing. Such notice shall be prominently displayed on Page 1 of such newsletter.
- (c) Other methods as may be prescribed in the Chapter's Constitution which are reasonably calculated to reach all members in good standing within the timelines specified.

.05 The notice of election may be combined with the notice for nominations, provided that any such joint notice is distributed in such manner as to ensure delivery to each member in good standing within the timeframes specified in subsections .02 and .03 of this section.

.06 If a mail ballot is to be used, the election notice and ballots, including instructions for their completion and return must be mailed to each member in good standing at his/her last known home address at least fifteen (15) days before the last day on which ballots must be mailed back in order to be accepted for counting.

618.6 Campaign Rules

.01 Chapter funds shall not be used to promote the candidacy of any person.

Use of chapter funds in connection with chapter office elections shall be restricted to:

- (a) Issuance of nomination and election notices;
- (b) Issuance of ballots and other expenses necessary for conducting the election;
- (c) Printing of candidate statements in a regular issue of the chapter newsletter, provided that all candidates shall be provided equal space in the same issue.

.02 The chapter shall honor the request of any candidate to inspect the list of the members in good standing of the chapter prior to the election.

.03 The chapter shall honor all reasonable request of any candidate to distribute campaign literature, by mail or otherwise, at his/her expense, to all members in good standing. Distribution privileges, if provided to one candidate, must be accorded all other candidates on an equal basis.

.7 Election Procedures

Revised October 1994

.01 Elections are to be conducted in such manner as specified in the Chapter's Constitution, which may include one of the following:

- (a) Balloting by qualified members present at a chapter meeting specifically designated for the election.
- (b) Balloting at various polling sites (to accommodate unit members whose work schedules or work sites would unreasonably limit their attendance at a central meeting location).
- (c) Mail balloting.
- (d) Other – if approved by the Executive Director in accordance with Article III, Section 8 of the CSEA Constitution.

.02 All chapter office elections shall be conducted by secret ballot. Proxy votes shall not be permitted.

.03 All active members in good standing of the chapter shall be eligible to vote in elections, except as provided below:

- (a) Chapter Constitutions may contain reasonable rules and restrictions relating to voter eligibility, as approved in accordance with Article m, Section 8 of the CSEA Constitution.
- (b) If a particular chapter office is designated as being representative of a particular unit or classification of employees, only those members in good standing of such unit or classification shall be eligible to vote, subject to such further reasonable rules and regulations as may be contained in the Constitution.

.04 Election Committee: The Executive Board shall appoint a Committee of Tellers whose duties shall be to oversee the preparation, distribution, and counting of the ballots, and to certify the election results.

- (a) The Chapter Secretary and/or Treasurer shall furnish the Committee a list of the names and mailing addresses of record of all members entitled to vote, which shall be certified as correct as of the date on which ballots are to be issued.
 - (1) If balloting is to be at various polling sites, the list shall be broken down into separate lists containing only the names and addresses of members eligible to vote at each particular polling site.
- (b) The membership listing shall be controlled and ballots distributed by the Election Tellers, who shall verify the eligibility of each member and require said member to sign for receipt of the ballot(s).
 - (1) If numbered ballots are used for control purposes, one Teller shall verify eligibility and obtain signatures, a second Teller shall distribute the ballots. Numbers SHALL NOT be recorded next to any voter's name on the voting list.
- (c) The Tellers shall monitor the casting of ballots to ensure that no member votes more than once:
 - (1) In meetings where only voters are present, members may either: (1) remain in their seats and drop their ballots into a receptacle passed by a Teller, accompanied by another Teller as watcher and checker; or (2) they can go to a central ballot box in charge of at least two Tellers and deposit their ballots.
 - (2) Where ballots are cast at separate polling sites, an enclosed ballot box shall be monitored by at least two Tellers:
- (d) If the vote is to be by mail ballot:
 - (1) Distribution of ballots shall be in accordance with Policy Section 618.5.06.
 - (2) Ballots SHALL NOT be numbered
 - (3) The Tellers shall ensure that the mailing used corresponds exactly to the official roll of eligible members specified in Section 618.7.04(a), and shall ensure that the mailing to each eligible member includes:
 - (i) Instructions for completion of the ballot and deadline for receipt of the marked ballot.
 - (ii) The official ballot (or ballots), which shall be pre-folded in such a manner so that when returned marked and refolded in the same manner there will be no chance of accidental observance of the member's vote when removed from the return envelope.
 - (iii) A pre-addressed, return envelope for return of the marked ballots(s), with a space designated for the voter's signature and other identifying data placed on its face.
 - (4) The chapter executive board shall arrange for a special post office box, or make other suitable arrangements with postal officials, so that the returned ballots will not be released except to authorized election officials in the presence of candidates or their observers at a scheduled time for the pickup. Ballots shall be picked up at the previously designated time, date, and

place and taken to a pre-announced tally site, where the tally will be conducted promptly by the Election Committee, in the presence of the candidates or their observers. At said tally, each envelope and ballot shall be handled in the following manner:

- (i) The signature and identification on the return envelope is checked against the list of eligible voters.
 - (ii) The voter is checked off on the list as having voted.
 - (iii) The envelope is opened and the ballot is removed and placed, still folded, into a closed receptacle.
 - (iv) When all return envelopes have been thus processed, the ballots are taken from the receptacle and the votes counted.
- (e) Each candidate shall be permitted to appoint observers to be stationed at each polling place to observe the conduct of the balloting and to challenge the eligibility of any voter, and at the counting of the ballots.
- (1) The candidate may appoint as many observers as may be necessary to properly observe the procedures and ensure a fair election and ballot count.
 - (2) The candidate shall provide the names of his/her appointed observers to the Committee of Tellers prior to the opening of the polls.
 - (3) Where a mail ballot is conducted, the candidate's observers shall be permitted to observe the entire process, including the preparation and mailing of the ballots.
- (f) Absentee Ballots
- (1) Absentee ballots shall not be permitted unless specifically authorized within the Chapter's Constitution.
 - (2) When permitted, provisions for casting absentee ballots shall be as follows:
 - (i) Notice of the procedure for requesting absentee ballots and eligibility requirements for casting absentee ballots shall be included in the notice of election sent to each member.
 - (ii) Requests for use of absentee ballots must be received in writing by the Chairperson of Tellers at least ten (10) days prior to the date set for the election.
 - (iii) The Chairperson of Tellers shall mail a ballot to the absentee voter to his/her home address within 48 hours, along with instructions for completion of the ballot, notice of the deadline for receipt and a preaddressed return envelope for enclosing the ballot as specified in 618.7.04 (d) (3) (iii).
 - (iv) The chapter shall arrange for rental of a special post office box to be used exclusively to receive the absentee ballots. Absentee ballots will be collected only once at the specified time on the date of the election by the

Chairperson of Tellers accompanied by the candidates or their observers.

(v) The marked ballot(s) must be received at the special post office box no later than 10:00 a.m. on the election date.

(vi) Absentee ballots received shall first be verified as to voter eligibility, and verification made that the absentee voter has not been recorded as already having voted at the polls. Acceptable absentee ballots shall then be removed from the return envelope, and deposited for tally with all other ballots cast, prior to commencement of the tally.

.8 Challenged Ballots.

If an authorized observer challenges, for good cause, the eligibility of a voter, such voter shall be permitted to cast a challenged ballot, which shall be placed, folded, in a sealed envelope marked with the voter's name and other appropriate identifying data, which shall be kept separate from other ballots cast until the challenge has been resolved.

All such challenges shall be resolved prior to the tally of the ballots.

If the challenge is resolved in the voter's favor, the Chairperson of Tellers shall remove the ballot from the sealed envelope and place it, still folded, with all other ballots to be counted.