

608 .4

.05 The hearing will be held in the general locale of the district in which the question has been raised.

.5 Changes in this policy which would substantially alter its intent may only be effected by action of the delegates to an Annual or Special Conference of the Association.

609 REFUND FOR OVERPAYMENT OF DUES

B-VII.

Adopted September 1976—Revised January 2008

.1 The Association recognizes that occasionally and for various reasons, chapters/employers remit dues payments for members/fee payers who, having ceased membership in a CSEA bargaining unit, have not, in fact, paid dues/fees, and that appropriate refunds should be made.

.2 Refund of overpayment of dues/fees for former bargaining unit members will be made only on the following basis:

.01 **100 Percent Refund.** All verified claims for refund of overpayment by the chapter/ employer will be fully refunded on overpayments occurring within 12 months of the date of the claim.

.02 **Administrative Charge.** An administrative charge of not less than \$50 nor more than \$150, dependent upon the number of overpayments claimed and the length of time involved shall be made when the claim includes overpayments exceeding 12 months, but less than 36 months.

.03 **Non-Entitlement.** No refund for overpayment which occurred prior to 36 months from the date of the claim shall be made.

.3 All claims for refund for which an administrative charge is to be made or a denial for refund is made, shall be submitted to the Association President for approval prior to providing the refund or denial of refund.

610 COLLECTIVE BARGAINING

B-XII.

.1 **Petitions for Recognition.** Any petition submitted by a chapter of this Association seeking exclusive recognition (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 (name) Chapter (number).”

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.2 **Initial Proposals**
Revised July 2002

- .01 Each chapter, when negotiating a full contract, shall survey its membership for recommendations of its initial bargaining proposal.
- .02 **Each chapter shall ensure that initial bargaining proposals are determined by a vote of the membership.**

If there is more than one bargaining unit in a chapter, the chapter leadership shall ensure that the initial bargaining proposals are determined by a vote of the membership of each appropriate unit.

- .03 Each chapter will forward a copy of its initial bargaining proposal to the Field Director and Labor Relations Representative before it is presented to the membership for approval. When it is available, a copy of the employer’s initial proposal will also be provided to the Field Director and Labor Relations Representative. As soon as it is practical, the Field Director shall review the initial proposals and advise the chapter of any concerns as well as identify resources that may be helpful to the chapter in negotiations.

Prior to a chapter beginning the negotiations process, the Labor Relations Representative will review the procedures for ratification, as described in this Policy, with the Chapter leadership.

- .04 The employer shall be notified of CSEA’s negotiations and ratification process and procedures at the outset of negotiations.

- .05 **Merged Bargaining.** Merged bargaining with pooled voting is an alternative form of negotiation and ratification for chapters with more than one bargaining unit. Prior to submission of the initial proposals to the employer, each bargaining unit shall separately determine whether negotiations for the units should be merged, including a pooled ratification vote, or whether negotiations will be considered separate for each unit and thereby subject to separate, independent ratification votes by each unit.

The employer shall be notified of the agreed-upon ground rules for ratification at the outset of negotiations.

No bargaining unit can be included in merged negotiations without its consent. Once consent is given, no unit can withdraw from merged negotiations for that contract without the consent of all parties including, if initial proposals have been submitted to the employer, the consent of the employer.

.3 **Bargaining***Revised July 2001*

If the Association becomes aware of a bargaining issue during the chapter's negotiations process that could be detrimental to the chapter and/or its members, the Field Director can call a meeting with the chapter's Executive Board and negotiating team/committee to discuss the issue and possible solutions.

.4 **Negotiated Agreement***Revised March 2005*

.01 Every chapter of this Association shall, when designated the exclusive representative of a bargaining unit, negotiate a contract covering wages, hours and other terms and conditions of employment with the Employer.

.02 Every contract shall be executed by both the Association and its chapter, except as herein provided.

.03 No chapter shall enter into a collective bargaining agreement, approve any subsequent modification thereof (including memorandums of understanding), or take a formal ratification vote, until it has been reviewed by the Labor Relations Representative and the Field Director (via Policy 610 Contract Review Form No. 3036).

(a) For purposes of this Policy, the following shall not be considered contract "modifications" subject to a ratification vote:

(1) Settlements resulting from unfair practice charges, grievance procedures, PERB proceedings or Administrative determination.

(2) Individual reclassifications or creation of new positions, unless: (1) they would have a generalized effect on the bargaining unit(s) as determined by the Field Director; or (2) they are submitted as part of an initial bargaining proposal or a contract re-opener proposal.

(b) An "Appalachian-Shale" agreement with the district, setting the new term of the agreement, can be signed by the Chapter President with the approval of the chapter's Executive Board.

Any re-opener modification to the agreement shall follow the regular ratification procedures, as described herein.

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.04 If there is more than one bargaining unit in a chapter, each unit shall vote separately on ratification of the negotiated agreement, unless merged bargaining with pooled voting has been agreed to in accordance with Section .2.05 of this policy.

.5 **Ratification Procedures**
Revised March 2005

.01 When the chapter, any chapter officer or chapter negotiating committee (by whatever name) has negotiated a contract or modifications (including memorandums of understanding) to an existing contract, it shall, prior to submitting the tentative agreement to the bargaining unit members for ratification or rejection, submit one copy to the Labor Relations Representative assigned to the chapter.

.02 Upon receipt of the Tentative Agreement, the Labor Relations Representative shall provide a copy of the Agreement to the Field Director.

.03 The Field Director shall forward to the Chapter President, without delay, a review that determines whether the Agreement is in compliance with applicable laws, CSEA’s Constitution and Bylaws, and/or policies of the Association. If the review recommends disapproval, the Field Director shall include the specific reasons as to why such a recommendation is being made. In cases where a verbal review is necessary, the Field Director shall immediately follow up such verbal review in writing to the Chapter President. The review letter shall be provided in writing to the Chapter President prior to the ratification meeting.

.04 Upon receipt of the aforementioned written review from the Field Director, the Chapter President, in accordance with Article XII, Section 3 of the Association Bylaws, shall call a meeting of all members of the bargaining unit(s) at which the leadership shall outline all the provisions of the Tentative Agreement and provide an opportunity for discussion, debate, answering of questions, and voting.

(a) Such meetings shall be open to attendance by all members of the bargaining unit(s), whether or not they are CSEA members. Non-members 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.**

(b) If the Association is recommending rejection of the proposed contract or amendments thereto, an Association representative shall be in attendance at the ratification meeting and shall be provided ample opportunity to outline the rejection and reasons therefore.

.05 The meeting notice shall be issued to all bargaining unit members no later than five (5) working days before the scheduled meeting.* The chapter executive board shall determine the most efficient means of distributing the notice, which may be to individual bargaining unit members utilizing the district mail system, distribution by site representatives or others, or by posting in prominent location(s) at each work site.

* The Executive Director, or designee, may approve a notice period of less than five (5) working days, upon request of the chapter executive board.

.06 In addition to the meeting notice, the chapter shall provide each CSEA member of the bargaining unit(s): (1) a copy of the Tentative Agreement, or a summary of the Tentative Agreement; and (2) a statement as to whether or not the Negotiating Committee recommends ratification or rejection of the Agreement, and the Association's recommendation if for rejection.

(a) The Negotiating Committee shall not recommend rejection of a Tentative Agreement reached under good faith bargaining, unless appropriate in reference to an employer's last, best, final offer.

.6 **Ratification Vote**

Revised July 2001

The ratification vote shall be by secret ballot conducted in accordance with procedures as specified in the chapter's Constitution as approved by the Association:

.01 **Voting by CSEA members in good standing of the appropriate bargaining unit(s) present at a ratification meeting conducted in accordance with Section .5, above.**

(a) The meeting notice shall include appropriate information and notification that the secret ballot vote on ratification will be conducted at the meeting, and shall contain the times allotted for discussion/debate, and the times during which voting will take place.

(b) Polls for voting shall not be opened until the period for discussion/debate has begun.

(c) At least two Tellers shall be appointed to conduct the balloting. Tellers shall verify CSEA membership in good standing and members shall sign or initial for receipt of the ballot next to their name on the membership list. Ballots shall be deposited in a closed ballot box.

Bargaining unit members who are not members of CSEA shall not be permitted to vote.

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- (d) Absentee or proxy votes shall not be permitted.
- (e) Ballots shall be tallied and results announced prior to close of the meeting.

.02 Voting by mail ballot.

- (a) Ballots and return addressed envelopes, together with instructions for completion and return to a designated chapter officer (election official), shall be distributed to all CSEA members in good standing of the appropriate bargaining unit(s).
- (b) Ballots shall be mailed via First Class, U.S. Postal Service, to the member's home address, at least ten (10) days in advance of the date set for receipt of the completed ballot by the designated official.
- (c) A double envelope system for return shall be used, providing a space for signature and identification of the voter on the outside of the return addressed envelope to verify voter eligibility.
- (d) At least two Tellers shall be appointed to oversee the election process and conduct the vote tally.
- (e) Any and all costs of mail balloting shall be the sole responsibility of the chapter.

.03 Voting by site ballot.

- (a) The location(s) and number of voting sites and the date and times for conducting the balloting shall be determined by the executive board.
- (b) At least two Tellers shall be appointed to conduct the balloting at each voting site. Listings of members in good standing eligible to vote at each of the designated voting sites shall be provided to the Tellers.
- (c) Members shall be notified at least five (5) working days in advance of the date, time(s) and location where the balloting will be conducted for their designated site. Notice may be by any of the means listed in Section .5.05 of this policy.

The Executive Director, or designee, may approve a notice period of less than five (5) workings days upon request of the executive board.

- (d) Tellers shall verify CSEA membership in good standing and the members shall sign for receipt of the ballot next to their name on the voter list. Ballots shall be deposited in a closed ballot box.

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(e) Members shall be required to cast their ballots at their designated voting site only.

Voters whose names are not on the site list shall be permitted to cast a challenged ballot, which shall be placed in an appropriately identified envelope, sealed and set aside until all other votes have been tallied. If the number of challenged ballots could affect the outcome of the vote, voter eligibility shall be determined and valid ballots then counted.

(f) Ballots shall be counted and verified separately for each voting site, prior to combining the count for the final tally.

.04 **General.** If there is more than one bargaining unit voting on the Tentative Agreement, separate colored ballots shall be used for each unit and each unit's vote tallied separately, UNLESS pooled voting has been agreed to. (See Section .2.05.)

.7 **Contract Execution.**
Revised July 2001

If ratification is properly approved over the objection of the Association representative, the Association shall execute the contract or amendments thereto together with authorized chapter personnel, unless one or both of the following exist:

- .01 The contract or proposed amendments contain provisions which are unlawful.
- .02 The contract or proposed amendments are in violation of CSEA's Constitution & Bylaws, Policies, or procedures of the Association assuring fair representation.

The chapter shall, immediately upon the contract or amendments thereto ratified by both itself and the Employer, provide the Labor Relations Representative assigned to service the chapter with three (3) signed copies of the Agreement.

.8 **Failure to Adhere to Policy.** Should chapter officers fail to adhere to this policy, it shall be grounds for their expulsion from membership or removal from office under Section 7, Article II of the Constitution upon charges being brought and sustained by the Board of Directors that they have willingly and knowingly violated the provisions of Policy 610.