



## **PREAMBLE**

United Emergency Medical Services Workers, AFSCME, Local 4911 has been formed to:

- Improve the social and economic well-being of its members;
- Promote democracy for its members;
- Promote the efficiency and high quality of EMS services and;
- Express its belief in the unity of organized labor.

These Bylaws have been adopted to protect the rights of all members, to provide for responsible governance of the Union, and to involve as many members of the Union as possible in its activities through the sharing of opportunities and responsibilities.

## **SECTION 1 – NAME & AFFILIATION**

The name of this Union shall be United Emergency Medical Services Workers, (“UEMSW”), AFSCME Local 4911. This union shall be affiliated with the American Federation of State, County and Municipal Employees, AFL-CIO.

## **SECTION 2 – OBJECTIVES**

We are the United Emergency Medical Services Workers. We are united by our belief in the dignity and worth of workers and by our belief in the services we provide. We are dedicated to improving the lives of our members and their families, and to creating a more just and humane society in which all people have access to quality affordable healthcare.

This Union’s greatest asset is the strength, unity, and solidarity of its entire membership. We are Emergency Medical Services workers, forming a strong union to build power for ourselves and to protect the people we serve.

The objectives of this Union are to:

- Secure the best possible pay, benefits, job security, working conditions, and pensions/retiree benefits for its members through organization of the unorganized, collective bargaining, legislative and political action, and the utilization of other lawful strategies;
- Promote the professional reputation of and public respect for Emergency Medical Services workers;
- Create dignified, safe, and progressive job conditions for EMS workers that enable those workers to provide the highest quality care to patients and their families;
- Promote trade unionism and worker solidarity across industries and workforces;
- Provide opportunities for its members to influence and shape their future through free democratic trade unionism;
- Encourage the settlement by negotiation and mediation of all disputes between members and their employers;

- Achieve influence over the Emergency Medical Services industry sector and labor market;
- Ensure that workers' voices are heard at the highest levels of government, and that their expertise and experience shape the transformation of Emergency Medical Services in the United States and globally;
- Eliminate harassment and discrimination of any sort to ensure equal treatment regardless of class, race, color, nationality, ethnicity, age, gender, language, sexual orientation, place of origin, ancestry, religious and/or political beliefs, and mental or physical disability, and actively oppose such discrimination wherever it appears; and,
- Establish strong working relationships with our employers, the public we serve, and the communities in which we work and live.

### **SECTION 3 - MEMBERS' RIGHTS AND RESPONSIBILITIES**

#### **A. Bill of Rights for Union Members**

1. No person otherwise eligible for membership in this union shall be denied membership, on a basis of unqualified equality, because of race, creed, color, national origin, sex, age, sexual orientation, disability, or political belief.
2. Members shall suffer no impairment of freedom of speech concerning the operations of this union. Active discussion of union affairs shall be encouraged and protected within this organization.
3. Members shall have the right to conduct the internal affairs of the union free from employer domination.
4. Members shall have the right to fair and democratic elections, at all levels of the union. This includes due notice of nominations and elections, equal opportunity for competing candidates, and proper election procedures which shall be constitutionally specified.
5. Members shall have an equal right to run for and hold office, subject only to constitutionally specified qualifications, uniformly applied.
6. Members shall have the right to a full and clear accounting of all union funds at all levels. Such accounting shall include, but not be limited to, periodic reports to the membership by the appropriate fiscal officers and periodic audits by officers elected for that purpose or by independent auditors not otherwise connected with the union.
7. Members shall have the right to full participation, through discussion and vote, in the decision making processes of the union, and to pertinent information needed for the exercise of this right. This right shall specifically include decisions concerning the acceptance or rejection of collective bargaining contracts, memoranda of understanding, or any other agreements affecting their wages, hours, or other terms and conditions of employment. All members shall have an equal right to vote and each vote cast shall be of equal weight.
8. Charges against a member or officer shall be specific and shall be only on grounds provided in this constitution. Accused members or officers shall have the right to a fair trial with strict adherence to due process. The accused shall be considered innocent until proven guilty. All judicial procedure shall be conducted in accordance with Article X, Judicial Procedure, of the International Union Constitution.

#### **B. Members' Responsibilities in the Union:**

1. The responsibility to help build a strong and more effective labor movement, to support the organization of unorganized workers, to help build a political voice for working people, and to stand up for one's co-workers and for all workers.

2. The responsibility to inform themselves about the internal governance of the Union and to participate in the conduct of the Union's affairs.
3. The responsibility to contribute to the financial support of the Union.
4. The responsibility to treat all workers and members fairly.
5. The responsibility to bring concerns in a constructive manner to structures within the Union as defined by these bylaws.

C. Members' Rights on the Job:

1. The right to work that is worthwhile to society and to pursue satisfying work that provides a decent standard of living, a healthy and safe workplace, and the maximum possible employment security.
2. The right to a meaningful and protected voice in the design and execution of one's work and in the long-term plans of one's employer, as well as the training necessary to take part in such planning.
3. The right to fair and equitable treatment on the job.
4. The right to share fairly in the gains of the employer.
5. The right to participate fully in the work of the Union on the scope, content, and structure of one's job.

D. Members' Responsibilities on the Job:

1. The responsibility to participate in the Union's efforts to establish and uphold collective principles and values for effective workplace participation.
2. The responsibility to recognize and respect the interests of all Union members when making decisions about Union goals.
3. The responsibility to be informed about the industry in which one works and about the forces that will affect the condition of workers in the industry.
4. The responsibility to participate fully in the Union's efforts to expand the voice of workers on the job.
5. The responsibility to provide a fair day's work for a fair day's pay.
6. The responsibility to advocate for the needs of the patients we serve and the communities in which they serve.

**SECTION 4 – MEMBERSHIP & FEES**

- A. All persons regularly employed in a bargaining unit for which UEMSW is the recognized collective bargaining agent and/or for which UEMSW seeks to be certified as a recognized collective bargaining agent, and any full time, part time and support staff, including dispatchers, and UEMSW employees who maintains a license or is certified as an EMS professional, are eligible for membership in this local union, subject to the requirements of the constitution of the International Union.
- B. Application for membership shall be made on a standardized application form. Unless such form includes a valid authorization for payroll deduction of dues, the application shall be accompanied by the current month's dues.
- C. The monthly membership dues of the local shall meet the minimum monthly dues and per capita tax obligations provided for in the AFSCME International Constitution. Dues for members per month shall be \$43.75 per member or two and a half (2.5) times the average hourly wage among members in the bargaining unit in which the member belongs, whichever is greater. Any increase in UEMSW dues and any special assessments shall be approved by majority vote of the members in good standing voting by secret ballot at a general or special membership meeting, after reasonable notice of the intention to vote upon an increase is given or in a mail ballot referendum.

- D. Membership dues shall be payable monthly in advance to the local treasurer and in any event shall be paid not later than the 15th day of the month in which they become due. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two successive months shall stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction shall, for so long as such person continues to pay through such deduction method, be considered in good standing. For periods where an income is not paid to a member by the employer, dues will not be deducted "in arrearages" from the member. In instances where this occurs, the member will still be considered a "member in good standing" by the local, not to exceed six months. Except where an employee has been brought back to work with restitution given to the member by the employer. In this instance, past dues will be paid "in the arrearages" from the settlement agreement.
- E. A member suspended under the above section may be reinstated to membership in the local on payment of all arrearages.
- F. A member who engages in conduct that serves as a basis for filing charges under Article X, Section 2, of the AFSCME International Constitution may be subject to discipline, up to and including expulsion, following notice and a hearing. All charges against a member of UEMSW shall be filed and processed in accordance with the procedures set forth in the AFSCME International Constitution. Charges shall be filed with the UEMSW Secretary and heard by the UEMSW Judicial Committee. Judicial Committee hearings to consider the charges may be held by video teleconference; provided the committee and all involved parties have the ability during the hearing to examine all evidence presented either electronically or in paper form. Decisions of the UEMSW Judicial Committee may be appealed to the AFSCME Judicial Panel within thirty (30) days of receipt of the committee's decision.
- G. Strike Fund/Negotiations Fund an additional \$2.00 increase in dues to fund loss time for bargaining members and to fund a strike fund for the membership in a separate and segregated fund. At every officer election, any increase/decrease for Strike Fund/Negotiations and its continuance of this will be voted on by the members. All policies regarding the distribution of monies will be established by the Board of Directors.

**SECTION 5 – REGULAR & SPECIAL MEETINGS**

- A. General membership meetings of UEMSW membership shall be held no less than twice annually in the months of May and November.
- B. Special meetings of UEMSW membership may be called by the president, by a majority of the board of directors, or by petition filed with the president and signed by not less than fifty (50) members in good standing. Special meetings may also be called by the International President or by an authorized representative of the International President. Notice of a special meeting shall be given no less five (5) days in advance and shall include the subject matters to be decided at the meeting.
- C. All meetings shall be arranged to allow members to participate in person at the UEMSW headquarter officers or via audio and/or video teleconference that meets the requirements of Appendix F of the AFSCME International Constitution.
- D. The quorum for membership meetings of UEMSW shall be no less than twice the size of the chapter board of directors, plus one.
- E. The order of business at regular membership meetings shall be:
  - 1. Roll call of officers
  - 2. Reading of the Equity Statement
  - 3. Reading and approval of minutes of the last meeting
  - 4. Initiation of new members
  - 5. Reading of correspondence
  - 6. Reports of officers
  - 7. Reports of committees
  - 8. Unfinished business
  - 9. New business
  - 10. Good and Welfare
  - 11. Adjournment

- F. Regular meetings of the board of directors shall be held on the second Wednesday of every third month, in January, April, July, and October. When the meeting date falls on a statutory holiday, or if a situation beyond the control of the Union arises that requires cancellation of the meeting, the president shall reschedule the meeting and shall give the board no less than fourteen (14) days' notice of the rescheduled meeting.
- G. Special meetings of the board of directors may be called by the president or by a majority of the board of directors. Notice of a special meetings shall be given no less than five (5) days in advance and shall include the subject matters to be decided at the meeting.
- H. Meetings of the board of directors may be arranged to allow participation via audio and/or video teleconference provided the methods used satisfy the requirements of Appendix F of the AFSCME International Constitution.
- I. The quorum for board of director meetings shall be no less than a majority of the officers and board of directors; provided at least two (2) officers are present.
- J. Meetings of the board of directors shall be open to the membership. However, the baard may meet in executive session to discuss any matter involving actual or pending litigation in which UEMSW is or may be a party, or to discuss any matter, including employment related discipline, involving any member or employee of UEMSW for which a reasonable person would have an expectation of, or a legal right to, privacy. Approved minutes of board of directors open meetings shall be made available to any member within seven (7) business days of a written request submitted to the secretary.
- K. Any member of the board of directors who fails to answer the roll call for three (3) consecutive board of directors meetings, without excuse approved by the board, shall be removed from office and the position declared vacant.

**SECTION 6 – OFFICERS, CHAPTER PRESIDENTS & TRUSTEES**

- A. The officers of UEMSW shall be the president, vice president, secretary, and treasurer. In addition there shall be at least one chapter president from each chapter listed below. The officers and chapter presidents shall constitute the board of directors. There shall also be elected three members who shall serve as trustees. All officers, chapter presidents and trustees shall be elected for a term of three years and must be current in the payment of their dues to hold office.
- B. To ensure equal representation of the varied interests of diverse geographical areas and work-sites, and to promote spirited debate generated by the inclusion of multiple voices, chapter presidents shall be elected from the following chapters:
  - a. Chapter 1 – Santa Clara
  - b. Chapter 2 – New England
  - c. Chapter 3 – Sacramento, Yolo, Placer, and Shasta
  - d. Chapter 4 – San Joaquin and Stanislaus
  - e. Chapter 5 – Contra Costa and Sonoma
  - f. Chapter 6 – San Francisco, San Mateo, Santa Cruz, and San Benito
  - g. Chapter 7 – Medic Ambulance
  - h. Chapter 8 – ProTrans
  - i. Chapter 9 – Riverside
  - j. Chapter 10 – Falck

Any newly organizing bargaining unit shall constitute an additional chapter and be entitled to elect chapter officers in accordance with this provision.
- C. Each chapter shall have one chapter president per five hundred (500) members or fraction thereof, not to exceed five (5) chapter presidents per district. Chapter presidents shall be elected by vote of the membership employed within the chapter they represent.
- D. Officers, chapter presidents and trustees may only be removed from office, prior to the expiration of their term, through the procedures set forth in Article IX, Section 48, and Article X of the AFSCME International Constitution.
- E. No officers, chapter presidents or trustees, or the office of president, shall be employed by UEMSW by virtue of their elected position or hired as staff while holding their position

except in the unforeseen event that the executive director position is vacant. Employment shall be granted to the president for no longer than six months. Please refer to Section 7.G.4 for the presidential compensation formula in the event of a vacancy in the executive director position. Officers, chapter presidents and trustees shall not receive any compensation; however, they may be reimbursed and/or paid a reasonable stipend for expenses incurred in the course of business matters undertaken on behalf of UEMSW, as permitted under the AFSCME Financial Standards Code and set forth in policies approved by the board of directors. They may also be issued equipment or other items necessary for the performance of their duties, as determined by the board.

## **SECTION 7 – DUTIES OF OFFICERS, CHAPTER PRESIDENTS & TRUSTEES**

(Entire board of directors is required to adhere to the requirements of the position. Insert Article X language. All elected officers of this local will be members in good standing. On termination of office, surrender all books, seals, and other properties of the Union to her or his successor. All elected officers who are responsible for the processing of union monies must complete AFSCME's Financial Codes and Practices training.)

### A. The president shall:

1. Utilize her or his vision, creativity, and leadership skills to inspire the membership.
2. Be the chairperson of the board of directors.
3. Act as a public ambassador of the Union's interests and commitments.
4. Enforce these Union bylaws and the Equality Statement.
5. Decide all points of order and procedure (subject always to appeal by the membership).
6. Break a tie in a vote of the board of directors.
7. Countersign all checks drawn against the funds of the local.
8. Appoint all standing committees and all special committees of the local, subject to the approval of the board of directors.
9. On termination of office, surrender all books, seals, and other properties of the Union to her or his successor.
10. Report periodically to the membership regarding the progress and standing of the local and regarding the president's official acts.
11. Be a member of all committees except the Judicial and Election committees.
12. Be an automatic delegate to conventions to which UEMSW is entitled to representation and shall report on the business of those conventions at the next board of directors and membership meetings.
13. Together with the executive director and treasurer, submit a fiscal budget annually by October of each year for approval by the board of directors.
14. In the event that the executive director position is vacant, the president will, on a temporary basis, fill this vacancy upon executive board approval for no more than 6 months. All efforts will be made to fill any vacancy as soon as feasibly possible.
15. The president must be a member in good standing of the local.

### B. The 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. Serve as the chairperson of the UEMSW Judicial Committee.
4. Upon approval by the board of directors, be authorized to act as co-signer of checks drawn on the local funds in place of either the president or the treasurer.
5. Act as the sergeant-at-arms for all executive board meetings and other meetings as assigned. Those duties are as follows:

The sergeant-at-arms' duties:

- To maintain orderly conduct at all meetings
- To report when a quorum is present
- In charge of sign-in sheets
- Verify membership status of meeting attendees
- To keep track of speaking time and speakers
- Collect and storage of all materials after meetings.

### C. The secretary shall:

1. Keep a record of the proceedings and financial reports of all membership and board of director meetings.
2. Post approved minutes of all membership and board of director meetings in the members only section of the local's website.
3. Provide notice of membership and board of director meetings.
4. Carry on the official correspondence of the local, except as the board of directors may direct otherwise.
5. Keep a record of all correspondence received and sent by the local union.
6. Perform such other duties as the board of directors may require.

D. The treasurer shall:

1. Receive and receipt 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 board of directors, and money so deposited shall be withdrawn only by check signed by the president and the treasurer, or the vice president if authorized to sign as a substitute for the president or treasurer.
3. Prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or the board of directors.
4. Prepare and submit monthly membership reports to the International Union 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. Notify all members who are in arrears in the payment of their dues for one month or more and report to the board of directors those members who are two (2) or more months in arrears and stand suspended.
6. Keep an accurate record of receipts and disbursements and shall, once each month, prepare for membership review upon request and presentation at membership meetings, a monthly operating statement of the financial transactions of the local for the previous months.
7. Together with the executive director and comptroller, submit a fiscal budget annually to the President by October 1st of each year for approval by the board of directors.
8. Act as custodian of all properties of the local union and make all books and records available for member inspection upon reasonable notice.
9. Ensure that all officers and employees are bonded for an amount equal to not less than ten (10) percent of the union's annual revenue, at the expense of the local union and through the International Union.
10. Adhere to all AFSCME financial codes and practices and is required to obtain appropriate training for the execution of said roles and responsibilities.
11. See that any financial reports required under the International Union Constitution are submitted to the International Union.

E. The chapter president shall:

1. Represent the interests of the chapter members they represent at board of director meetings and keep their members informed of actions taken by the board of directors.
2. Should hold quarterly, or as frequently as needed, informational meetings of the members within the chapter they represent; provide advance notice to the local's president.
3. Post and/or distribute UEMSW official notices at worksites within the chapter they represent.

F. The trustees shall:

1. Within one week of reconciliation of the monthly financials, all financial documentation will be provided to the trustees for their independent review.
2. Within one week of receipt of the local, any audit result, all audit documentation will be provided to the trustees for their independent review.

G. The board of directors shall:

1. Be the governing body of the local union except when 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 board of directors.

2. Meet at the call of the president, or of a majority of the members of the board, and report on all actions taken by the board of directors at the next following membership meeting.
3. Adopt an annual budget prior to the end of the preceding calendar year that sets forth the anticipated income and the sources thereof, and the anticipated expenditures and their purposes.
4. Approve compensation and benefit policies, or applicable collective bargaining agreements, governing employees of UEMSW; provided that the base compensation for the president of UEMSW shall be based upon the compensation schedule for his/her position comparative to their industry standards within the bargaining unit he/she was employed prior to election and equal to forty (40) hours per week paid at one step level above the step level received at the time initially elected to the president position, adjusted annually in April of each year to provide an additional step increase until such steps are exhausted, and thereafter adjusted annually by two percent (2%); and provided further that the president shall be reimbursed for any costs or fees normally paid by the employer under his/her collective bargaining agreement related to maintenance of any licenses or certifications held at the time of election.
5. Hold title to all real property owned by UEMSW in trust for the Union. The board shall have no right to sell, convey, or encumber any real property without submitting the proposal to a properly noticed meeting of the membership for approval.

## **SECTION 8 – NOMINATIONS AND ELECTIONS AT-LARGE OFFICERS AND CHAPTER PRESIDENTS**

**(All election procedures will be compliant with federal law and AFSCME Election Manual standards.)**

- A. Nominations for UEMSW officers, chapter presidents and trustees shall be made at a regular or special meeting of the membership held at the local's headquarter offices or submitted via electronic means approved by the Election Committee. At least fifteen days' advance notice shall be given the membership prior to receipt of nominations. A member may only accept nomination for one position in an election.
- B. To be eligible for any office, a member must be in good standing for one year immediately preceding the election. In addition, to be eligible for the office of chapter president, a member must be employed in the chapter in which they seek to represent. No retired member shall be a candidate for office. A member who is within a newly organized unit and was not eligible for membership during the one year immediately preceding the election is eligible for office provided he/she has been a member in good standing since the newly organized unit was certified. A member who transferred or was promoted into this local from another AFSCME local, or from one chapter to another chapter, shall be eligible if such member's combined membership in good standing in both locals or chapters is one year at the time of the election.
- C. Any challenge to the eligibility of any member to run for office must be filed with the Election Committee during the designated challenge period.
- D. Beginning in April 2016, all regular elections shall be held every three (3) years in the month of April. Officers and trustees shall be nominated and elected by the membership at-large. Chapter presidents shall be nominated and elected by the members within the chapter they seek to represent.
- E. All elections shall be by secret mail ballot vote administered by an independent agency. At least fifteen (15) days' advance notice shall be given the membership prior to the holding of the election and at least twenty (20) days shall be allowed between the mailing and counting of the ballots.
- F. Any candidate may request a recount of the votes cast for the position they seek office; provided the margin of victory for that position is ten percent (10%) or less of the total votes cast in the election for that position.
- G. Protests concerning the outcome or the conduct of an election may be filed with the Election Committee no later than ten (10) days after the completion of the ballot count.
- H. All matters concerning nominations and elections in this local union shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

- I. Vacancies in the office of officer, chapter president or trustee shall be filled in accordance with the following:
  - 1. Vacancies in the position of president shall be filled by the vice president for the remainder of the unexpired term.
  - 2. Vacancies in the position of vice president, secretary, treasurer and trustee shall be filled by vote of the board of directors for the remainder of the unexpired term, following the normal election rules.
- J. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution.

**SECTION 9 – SHOP STEWARDS**

- A. Shop stewards shall be elected by secret ballot vote of the membership in each county within the jurisdiction of a bargaining unit and shall be elected for a three (3) year term, (existing stewards will be reconfirmed at the same time.) with new elections being conducted on an as needed basis per the needs to the region. The goal of UEMSW shall be to have one shop steward per fifteen (15) members whenever possible. Shop steward elections shall be held between May and July in each even-numbered year.
- B. Shop steward nominations and elections shall be arranged and conducted by shop steward election committees appointed by the local chapter president prior to each election, with the approval of the steward council of that region. The members of the election committees may not seek election for a shop steward position.
- C. Notice of nomination for shop stewards shall be distributed and posted in the worksites no less than fifteen (15) days before solicitation of nominations begins. To be eligible to hold the position of shop steward a candidate must be a member in good standing and employed within the bargaining unit and county they seek to represent. Names of nominated candidates shall be submitted to the election committees, in writing or electronically, as provided for in the notice. The names of nominated candidates shall be reported to the president and the board of directors.
- D. For routine steward elections, electronic voting will be permitted as long as there are mechanisms in place to ensure the integrity of the participants, votes and eligible candidates. The executive board will advise the local, via the Election Committee, on the adoption of the union wide standard on which electronic service to be used to conduct such elections.

In the event where electronic voting will not be used, election of shop stewards shall be conducted by secret ballot vote of the eligible members, employed in the areas to which the shop steward will be assigned. Notice of the election shall be distributed and posted in the worksites no less than fifteen (15) days in advance. Elections shall be conducted at work locations or meetings and at times that permit members on all shifts to participate. The voting period for each shift shall be no less than two (2) hours. Ballots should list all candidates alphabetically by last name and instruct voters to “place a mark next to the name of each candidate you support for the shop steward position.”

Ballots shall be cast in secret at the voting locations using a double envelope voting system. Marked ballots shall be placed by the voter in an unmarked envelope and sealed. The unmarked envelope shall be inserted into another envelope that is to be sealed and signed by the voter before being placed into the ballot box. The signature of the voter will be used to determine eligibility to vote in the election before all of the ballots are opened and counted.

- E. To be elected, candidates must receive the support of more than fifty percent (50%) of the members who cast votes in the election.. Ballots shall be counted at a pre-announced time and location by the election committees . The committees may solicit additional members who are not candidates in the election to assist with the count. The count shall be open to all members to attend and view.
- F. The election committees shall submit the roster of voters and cast ballots to the UEMSW secretary at the headquarter office within fourteen (14) days of the election. These records should be retained by the local for at least six (6) months.

- G. Special elections for shop stewards shall be held to fill any vacancies or to elect shop stewards for new bargaining units or work locations. Such elections shall be conducted in accordance with the procedures governing regular shop steward elections.
- H. Each stewards' council shall meet between the months of August and October of each even-numbered year elect one chief steward and at least one assistant chief steward to serve a two year term.
- I. All stewards shall:
  - 1. Be equal in rights granted to any other member of UEMSW, but assume greater responsibilities in the protection of those rights within the workplace.
  - 2. Be knowledgeable about the collective bargaining agreement and mindful of violations of the agreement or of established working practices.
  - 3. Be available for representation of any member within their district.
  - 4. Prepare, investigate, process and participate in the grievances of the membership.
  - 5. Present arguments before the Arbitration Committee as to whether or not a grievance shall proceed to arbitration.
  - 6. Assist with the distribution and posting of information authorized by the board of directors to the membership.
  - 7. Keep members informed of union policies and programs.
  - 8. Mobilize and enlist support of members for workplace actions and union campaigns.
  - 9. Regularly attend meetings of the membership.
  - 10. Participate in education and training provided by the union to ensure the effective exercise of all their responsibilities.
  - 11. All newly elected stewards must complete the union's training within 6 months of election certification.
- J. The union shall provide training to newly elected stewards as soon as possible, but in no case later than the month of December in each even numbered year. Additional training on issues specific to the workplace shall be provided by the chief stewards.
- K. Shop stewards may only be removed from their position following a petition submitted to the board of directors containing the support of thirty percent (30%) of the members employed within the chapter and a detailed explanation of the basis for the request for removal. Such request shall be decided upon by the board of directors. Chief stewards and assistant chief stewards, may only be removed from their position by a majority vote of the members of the Steward Council. All stewards are subject to removal if deemed appropriate following charges filed under Article X of the AFSCME International Constitution.
- L. All stewards and member appointed to the shop steward election committees shall be reimbursed for expenses incurred in the course of business matters undertaken on behalf of UEMSW, as permitted under the AFSCME Financial Standards Code and set forth in policies approved by the board of directors.

## **SECTION 10 – STEWARDS COUNCILS**

- A. Each chapter shall have at least one stewards' council. Each stewards' council shall consist of the chief stewards, assistant chief stewards and shop stewards within the steward council jurisdiction.
- B. Meetings of the stewards' council shall be convened at least quarterly to review and discuss grievances and problems in the work locations and conduct educational programs for the stewards. Two or more stewards' councils may convene to discuss issues of common concerns. No action that impacts, or may impact, the working conditions or rights of members within other councils may be taken at a council meeting.
- C. Meetings of each stewards' council shall be chaired by the chief steward and special meetings of a council may be called by the chapter president of the local union.

## **SECTION 11 – COMMITTEES**

A. The standing committees of this local shall be:

1. Judicial Committee

- a. The Judicial Committee shall be responsible for conducting hearings to resolve internal union disputes between members of UEMSW in accordance with the procedures set forth in Article X of the AFSCME International Constitution.
- b. Members of the Judicial Committee shall include the UEMSW vice president, who shall serve as the panel chair, two (2) chapter presidents and two (2) members appointed by the president, with the approval of the board of directors. No two chapter presidents or members of the UEMSW Judicial Committee shall be from the same bargaining unit.

2. Election Committee

- a. The Election Committee shall have general responsibility for the conduct of the election of officers, chapter presidents and trustees in accordance with federal law, the AFSCME International Constitution and the UEMSW Bylaws. Such responsibilities include, but are not limited to, ensuring that proper notice of nominations and elections is mailed to the membership; ensure that ballots are properly prepared, mailed and handled upon return to the independent election agency; and decide, subject to membership approval, any challenges to the eligibility of any member nominated as a candidate and any protests concerning the conduct of the election.
- b. Members of the Election Committee, and its chair, shall be appointed by the president of the local and approved by the board of directors. The Election Committee shall consist of one member from each district who is not a candidate for any office to be elected.

3. Bargaining Committee

- a. The Bargaining Committee shall be responsible for soliciting bargaining subjects from the membership, drafting and presenting proposals to management during negotiations, evaluating and making recommendations to all modifications of a collective bargaining agreement and the adoption of MOUs related to the bargaining unit for the purpose of improving the terms and conditions of employment for all bargaining unit members.
- b. There shall be one Bargaining Committee for each bargaining unit and its members shall consist of the members of the stewards' councils within the jurisdiction of the bargaining unit.
- c. Meetings of the Bargaining Committees shall be chaired/co-chaired by the chief stewards.

4. Arbitration Committees

- a. The Arbitration Committees shall be responsible for reviewing all grievances denied at the step level before arbitration and determining if such grievances shall proceed to arbitration within seven (7) calendar days of the denial.
- b. Committees will be made of members from the steward council from the respective bargaining unit.
- c. In the event a committee decides not to proceed to arbitration, such decision may be appealed within five (5) calendar days to the board of directors for reversal. The board shall whenever practicable decide on any appeal within ten (10) days of its receipt. The board may vote to withdraw a matter in arbitration taking into consideration the issues presented, the impact on the bargaining unit and financial resources.
- d. Each committee shall submit monthly reports to the board of directors regarding the status of any matter in arbitration.
- e. There shall be one Arbitration Committee for each bargaining unit and its members shall consist of the chief and assistant chief stewards within the unit.
- f. Each committee shall meet as necessary to consider grievances and the meetings shall be chaired/co-chaired by the chief stewards.

5. Bylaws Committee
  - a. The Bylaws Committee shall be responsible for reviewing the local's bylaws and proposing amendments that will improve the efficiency of the local union.
  - b. Members of the Bylaws Committee shall be appointed by the president of the local and approved by the board of directors. The chair of the committee shall be selected by the local's president.
  
6. AFSCME PEOPLE Committee
  - a. The PEOPLE (Public Employees Organized to Promote Legislative Equality) Committee shall assist the board of directors in developing and carrying out a political and legislative program within the local union. Committee responsibilities include interviewing candidates for political office, reviewing requests for campaign contributions and endorsements; developing fundraising and other support activities and events; participating in voter registration and GOTV (Get Out The Vote) activities; and reviewing and monitoring legislation of interest to the Union's members and making recommendations to the board of directors.
  - b. PEOPLE Committees shall be established by the board of directors in jurisdictions it finds appropriate.
  - c. Members of the PEOPLE Committees shall be appointed by the president of the local and approved by the board of directors. The chair of the committee shall be selected by the local's president.
  
- B. Special committees may be established for a specified purpose and a specified period of time by the board of directors or by the membership at a membership meeting.
  
- C. Committees shall have the duty of promoting the welfare and interests of the membership and UEMSW through such methods as may be deemed necessary by the board of directors or membership.

## **SECTION 12 – MISCELLANEOUS PROVISIONS**

- A. This local union shall at all times be subject to the provisions of the constitution of the American Federation of State, County and Municipal Employees.
  
- B. Except to the extent specified in this constitution, no officer of UEMSW 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 UEMSW except to the extent specifically authorized in writing by the president or board of directors.
  
- C. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this local union 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.

## **SECTION 13 – AMENDMENTS**

- A. The bylaws of UEMSW shall always be subordinate to the AFSCME International Constitution as it now exists or may be amended from time to time. In the event of conflict between these bylaws and the AFSCME International Constitution the latter shall govern. The AFSCME International president has the sole authority to interpret the AFSCME International Constitution.
  
- B. These bylaws may only be amended, revised, or otherwise changed by a majority vote of the members voting on such proposed change and such change shall take effect only upon written approval of the International President.
  
- C. Proposed amendments may be presented by: 1) any member with a petition showing at least ten percent (10%) support of the membership; 2) two-thirds (2/3) of the board of directors; or 3) the Bylaws Committee. Amendments must be submitted in writing to the board of directors. The board shall review and make a recommendation to the membership on all amendments received.

- D. Proposed amendments to these bylaws must be made at a regular or special meeting of the local union and read and voted on at a subsequent meeting of the local union, or voted upon by mail ballot referendum; provided adequate and proper notice is given to the membership prior to the date on which the vote is taken. Such vote shall be taken no later than 180 days after the amendment is submitted to the board of directors. A written copy of the proposed amendment shall be furnished to every eligible voter at the meeting at which the vote is taken, or if the vote is by mail ballot referendum a copy of the amendment shall be included with the ballot materials.
- E. The UEMSW Bylaws shall be posted on the local union's website and shall be made available upon the request of any member.

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive style with a large, stylized initial "L".

LEE SAUNDERS  
President

Approval date: December 11, 2017

## **Appendix "A" - EQUALITY STATEMENT**

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behavior that creates conflict prevents us from working together to strengthen our union.

As unionists, we are guided by our common goals of mutual respect, cooperation, and understanding. We should neither condone nor tolerate behavior that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

Discriminatory speech or conduct that is racist, sexist, transphobic, or homophobic hurts us and thereby divides us. So, too, does discrimination on the basis of ability, age, class, religion, political affiliation, and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

UMESW Local 4911's policies and practices must reflect our commitment to equality. Members, staff, and elected officers promise to remain mindful that all sisters and brothers deserve dignity, equality, and respect.

December 11, 2017

Lee Saunders  
President

Elissa McBride  
Secretary-Treasurer

**Vice Presidents**

Se'Adoreia K. Brown  
Miami Springs, FL

Richard L. Caponi  
Pittsburgh, PA

Stacy Chamberlain  
Portland, OR

Connie Derr  
Albuquerque, NM

Greg Devereux  
Olympia, WA

Danny Donohue  
Albany, NY

Denise Duncan  
San Dimas, CA

David R. Fillman  
Harrisburg, PA

Henry A. Garrido  
New York, NY

Johanna Puno Hester  
San Diego, CA

Danny J. Homan  
Des Moines, IA

Nicholas J. LaMorte  
Cammock, NY

Salvatore Luciano  
New Britain, CT

John A. Lyall  
Worthington, OH

Kathryn Lybarger  
Oakland, CA

Roberta Lynch  
Chicago, IL

Christopher Mabe  
Westerville, OH

Glenard S. Middleton Sr.  
Baltimore, MD

Douglas Moore Jr.  
San Diego, CA

Frank Moroney  
Boston, MA

Michael Newman  
Chicago, IL

Henry Nicholas  
Philadelphia, PA

Randy Perreira  
Honolulu, HI

Steven Quick Sr.  
Indianapolis, IN

Lawrence A. Roehrig  
Lansing, MI

Joseph P. Rugola  
Columbus, OH

Eliot Seide  
South St. Paul, MN

Alan F. Shanahan  
Los Angeles, CA

Paul Spink  
Milwaukee, WI

Mary E. Sullivan  
Albany, NY

Braulio Torres  
San Juan, PR

Anthony Wells  
New York, NY

Jason Brollini, President  
AFSCME Local 4911  
7275 National Drive, Unit F  
Livermore, CA 94550

Dear Brother Brollini:

We have completed our review of the additional proposed amendments to the Local 4911 Constitution, which you submitted on November 17, 2017, and those submitted on April 10, 2017, by former Area Field Services Director Chad Johnson on your behalf. We appreciate your patience and assistance while we completed this process. The amendments have been approved with the following exceptions and/or revisions:

1. Section 3, A8. For clarity, we added a sentence to the end of this section: "All judicial procedure shall be conducted in accordance with Article X, Judicial Procedure, of the International Union Constitution." Article X, of the *International Constitution*, Judicial Procedure, outlines the due process measures that must take place.
2. Section 4B (Proposed). We do not recommend adding language regarding membership application time frames as it is not appropriate for inclusion in the local constitution. Local constitutions govern union members only and that language is more appropriate for collective bargaining agreements. In addition, membership is voluntary.
3. Section 4D. For clarity, we added a phrase clarifying how long a member shall be in good standing while not paying dues: "Membership dues shall be payable monthly in advance to the local treasurer and in any event shall be paid not later than the 15th day of the month in which they become due. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two successive months shall stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction shall, for so long as such person continues to pay through such deduction method, be considered in good standing. For periods where an income is not paid to a member by the employer, dues will not be deducted "in arrearages" from the member. In instances where this occurs, the member will still be considered a "member in good standing" by the local, not to exceed six months. Except where an employee has been brought back to work with restitution given to the member by the employer. In this instance, past dues will be paid "in the arrearages" from the settlement agreement."

4. Section 9D. We have retained language regarding ballot voting for steward elections in the event electronic voting will not be used.

Enclosed are two complete copies of the local constitution, with my signature of approval on the final page. Should the local amend this constitution in the future, please submit the amendments for approval after they have been adopted by the membership.

In solidarity,

  
LEE SAUNDERS  
President

LS/MMcC:nw

Enclosures

cc: Mike Sukal, Director, O&FS  
Joseph Guzynski, Western Regional Director, O&FS  
Walter Blair, Western Regional Assistant Director, O&FS  
Yolanda Matos-McClintock, Recording Secretary, AFSCME Local 4911