

**SERVICE EMPLOYEES INTERNATIONAL UNION  
LOCAL 105, CTW, CLC**

**CONSTITUTION AND BY-LAWS**

**Denver, Colorado**

**Adopted 1988**

**Revised 2011**

**Revised 2013**



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## **Preamble**

We the members, staff & officers at SEIU Local 105 believe our strength comes from our unity.

We believe that all workers shall be treated with respect and dignity and have their voices heard.

We believe our power & effectiveness depend upon the active participation and commitment of our members, the development of our leaders and solidarity with each other and our allies.

We will not be divided by forces of discrimination based on race, creed, color, religion, sex, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age, disability, income or political affiliation.

Through education and collective actions we will improve wages, benefits, hours, working conditions, and the collective voice at work for our members & others working families.

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## **ARTICLE 1 – NAME**

This Union shall be known as the Service Employees International Union (SEIU) Local 105, CTW (Change to Win), CLC (Canadian Labor Congress), and by other names that the Executive Board shall from time to time designate, subject to the approval of the International Union. In the event of such changes, this Union's naming designation shall be updated. The Union shall hereinafter be referred to as "Local 105", "the Union", or "the Local".

## **ARTICLE 2 – AFFILIATION**

Local 105 is affiliated with the Service Employees International Union (S.E.I.U.). In addition, the Local is affiliated with other appropriate Joint Councils, Industry Councils, and state and local labor bodies as determined by the Executive Board, and with all other appropriate regional and craft bodies. All such affiliations are subject to the approval and determination of the International Union.

## **ARTICLE 3 – JURISDICTION**

The jurisdiction of Local 105 shall include all workers employed in the healthcare, property services, security, public, and mental health industries in the state of Colorado and as may be granted and determined by the International Union from time to time.

## **ARTICLE 4 – PURPOSE**

We, the members of SEIU Local 105, have come together in solidarity to: unify, empower, and organize all working people for economic and social justice in order to create a better society.

## **ARTICLE 5 – MEMBERSHIP**

There shall be no discrimination against any member, or any applicant, for membership, by reason of race, creed, color, religion, sex, , sexual orientation, gender expression, marital status, national origin, citizenship status, ancestry, age, disability, income or political affiliation.

Members shall have the right to receive accurate and timely information relating to the affairs of the Union.

### **A. CATEGORIES OF MEMBERSHIP**

#### **1. Regular Members**

- a. A regular member is an individual employed in the bargaining unit for which Local 105 is the recognized bargaining agent for matters relating to wages, hours, and other terms and conditions of employment.
- b. A Local 105 Officer or staff member is also eligible to be a regular member.

## 2. Casual Members

In the event of unusual employment conditions where there are varying assignments of hours per day, per week, weeks per month, or months per year; a person working under such unusual employment conditions may be a casual employee. The Executive Board shall establish criteria and conditions for casual employees to become eligible for full membership in this Local Union. A casual employee shall receive all rights and benefits provided for in the collective bargaining agreement applicable to the craft under which he/she is employed and shall pay a service fee on a per event basis not to exceed the highest monthly dues established for any member of this Union. A casual employee shall be not allowed to vote until such time as he/she becomes a regular member.

## 3. Associate Members

- a. An associate member must be an individual who is not part of a Bargaining unit for which Local 105 is the recognized bargaining agent and is part of a group or an individual that has been approved by the Local 105 Executive Board as being eligible for Associate Membership.
- b. The Executive Board shall be permitted to enact procedures and regulations to implement the establishment of the associate member classification of membership, subject to the guidelines of the International Union.
- c. Associate Members shall not be eligible to run for election to any Officer or Executive Board position.
- d. The Executive Board shall have the authority to set the dues for Associate Members.

## 4. Retired Members

Retired members shall be entitled to maintain membership in Local 105 and shall pay less than the full dues required for working members of the Local, but shall not be eligible for nomination as an Officer or Executive Board Member.

## B. INITIATION FEES



The initiation fee for applicants for membership in this Union shall be set by the Executive Board, provided however, that for the purpose of organizing new members; the Executive Board may waive the initiation fee.

#### **C. MEMBERSHIP IN GOOD STANDING**

In order to be considered in good standing and to be eligible to participate in all of the gratuities and benefits of the Local Union, members must pay on time their full dues and initiation fees. Members must pay their dues by the end of the month and initiation fees must be paid within the first ninety (90) calendar days of employment. A member who fails to pay dues shall not be considered a member in good standing and shall not have the corresponding rights of such members under this Constitution and Bylaws.

1. A member who has failed to pay their dues can restore themselves to membership in good standing by:
  - a. Any member who becomes delinquent shall pay the back dues and a ten dollar (\$10) Reinstatement Fee;
  - b. Any member who becomes sixty (60) days delinquent shall pay the back dues and a twenty-five dollar (\$25) Reinstatement Fee;
  - c. Any member who becomes ninety (90) days or more delinquent shall pay the back dues and a fifty dollar (\$50) Reinstatement Fee.

The above requirement to pay back dues and Reinstatement Fees shall not apply when the failure to pay dues is not the fault of the employee, as determined by the Executive Board.

2. A member who is supporting a strike authorized by the Local shall be considered a member in good standing for the duration of that strike for a period not to exceed six (6) months. The Executive Board shall develop procedures and policies for members to maintain membership in good standing for any authorized strikes that are longer than six (6) months.
3. A member who is on laid-off status, and is not working in another bargaining unit represented by the Local, shall remain a member in good standing for as long as they remain on the 'Recall List'; as defined in the appropriate Collective Bargaining Agreement. In no case, however, shall this apply for more than two (2) years from the date of lay-off.

### **ARTICLE 6 – INDUSTRY COUNCILS**

- A. Local 105's greatest asset is the strength, unity, and solidarity of its entire membership. Within the Union there is also a necessity to establish positions, policies and programs that deal with the needs and concerns of members within a particular industry.

- B. The Executive Board shall authorize the formation of Industry Councils to coordinate and carry out their activities within the overall operating structure of the Union.
- C. The Local may create Industry Council(s) that are consistent with Industry Councils created or modified by the International Union. Industry Councils shall be formed: Property Services, Health Care, , Security, Airport, and Mental Health.. Additionally, new Industry Councils and other appropriate sub-organizational structures of the Local may be formed by specific authorization of the Executive Board to meet the changing needs of Local 105's membership.
- D. The duties and responsibilities of a Industry Council shall include but are not limited to:
  - 1. Focusing resources, talents and energies of the Union in order to develop a strategic plan for each Industry Council to better help the specific membership build strength in their industry.
  - 2. Providing a strong identity for members within their particular Industry Council in addition to their overall identity with the Union.
  - 3. Providing a vehicle for increased membership participation in the decision making process of the Union.
  - 4. Participating in organizing campaigns both internally and externally to better unite workers in our industries.
  - 5. Developing training, educational, informational, and communication programs.
  - 6. Sharing and coordinating information on industry trends, common issues, problems, and other concerns.
  - 7. Recommending political and legislative programs that support our efforts to improve the quality of life for workers in our industries.
  - 8. Coordinating Local plans, goals and objectives with SEIU International divisions.
  - 9. Developing effective "contract campaigns" and new, innovative strategies for achieving collective bargaining agreements.
  - 10. Developing additional Councils and/or subcommittees as necessary based on needs within a particular classification, shift, geographic area, temporary situation, multi-employer, or multi-facility contract or other considerations.

## **ARTICLE 7 – STEWARDS AND OTHER LEADERSHIP STRUCTURES**

### **A. Stewards**

1. Stewards are the worksite leaders of the Union. A strong, democratic and effective Union is built on a solid foundation of Stewards at each worksite. The responsibilities and the roles of a Steward are defined in the “Steward Guidelines”, and the provisions of the collective bargaining agreements that are negotiated with the employers. The Executive Board may modify or revise the “Steward Guidelines”.
2. The diversity and complexity of the Union allows for a general description of the Stewards roles and responsibilities in this Constitution and Bylaws. The Executive Board shall set policies as necessary on all matters relating to Stewards.
3. A Steward has no greater rights than any of the members in her/his unit. However, the responsibilities of a Steward do outweigh those of other members. Being a Steward requires that personal positions are subordinate to those positions that represent the highest good to the members of the unit.
4. Stewards shall serve without compensation. However, based on the financial ability of the Union, the Executive Board shall consider and establish guidelines and policies regarding reimbursement for lost time wages and “out of pocket” expenses.
5. The Local shall provide regular training sessions to educate new and continuing Stewards with their duties and responsibilities.
6. Stewards shall be appointed according to the process outlined in the “Steward Appointment Process”. The Executive Board may modify or revise the “Steward Appointment Process”.
7. The Executive Board may approve policies developed within Industry Councils governing stewards.
8. Stewards in violation of the “Steward Guidelines” shall be held accountable by the process contained in the “Steward Review Process”. The “Steward Review Process” may be revised or modified by the Executive Board.

### **B. Communication and Action Team (CAT), Member Organizers, Member Political Organizers**

1. CAT members are a fundamental building block of leadership in the Union. The primary role and responsibilities of the CAT is to communicate regularly with a small group of co-workers in order to:
  - a. build deeper relationships with members

- b. educate members about our industries and the Union's strategies to improve the lives of our members, families and communities
    - c. engage members in the work of the Union, and unleash the talent within our membership to further our goals.
  - 2. CAT's will be provided with appropriate training and will be supported by the Union to develop and grow as leaders (both within and outside the Union) in any way that helps advance our vision of improving the lives of working people.
  - 3. CAT's will have the opportunity to participate in setting the direction of the Union.
  - 4. CAT's, Member Organizers and Member Political Organizers will be appointed by the Union through a process approved by the Executive Board.
- C. Member Organizers primary role and responsibility is participate in efforts to organize new workers in our respective industries into our Local.
- D. Member Political Organizers primary role and responsibility is to educate our members about the need for building political power for working people and engage other members in doing so.
- E. Other Leadership Structures
- The Executive Board shall have the authority to authorize other leadership structures for bargaining units, organizing campaigns or newly-affiliated organizations that help us unite workers in our industries and build strong, responsible and accountable leadership.

## **ARTICLE 8 – STEWARD COUNCILS**

- A. Each appropriate collective bargaining unit or other appropriate Union represented group as approved by the Executive Board, shall establish a Steward Council consisting of all affected Stewards when it is feasible and advantageous to do so.
- B. Steward Councils are the vehicle for defending collective bargaining agreements and the rights of our members on a daily basis. They shall also hold each Industry Council accountable to carry out the Union wide goals and program.
- C. Steward Councils share the responsibility for organizing the worksite by sharing and distributing the responsibilities of the individual Steward.
- D. Steward Councils are a forum for discussing common problems and concerns and establishing effective solutions.
- E. Steward Councils help to develop an effective system of worksite communication including distribution systems for written material, updating bulletin boards, holding worksite meetings, and other activities.

- F. Steward Councils facilitate discussion and dialogue on issues, Union activities, training and education, and other concerns.
- G. Stewards Councils shall operate within guidelines approved by the Executive Board.

## **ARTICLE 9 – EXECUTIVE BOARD AND OFFICERS**

### **A. Executive Board**

The Executive Board is the leadership and governing body of the Union elected every three (3) years. The Executive Board is authorized and empowered to take all lawful action consistent with the Constitution and Bylaws of the Union. All Executive Board members and other Officers are considered Officers of this Union. All such Officers, whether elected or appointed, shall meet the qualifications set forth in Article 11 (B) unless such qualifications are waived as provided for in that Article and in Article 9 (D).

1. The Executive Board shall consist of a full-time President, a Secretary-Treasurer, a Vice President of Healthcare, a Vice President of Property Services, and Board Members. Each bargaining unit shall be entitled to Board Members with the following formula:
  - 50-250 Regular Members in the bargaining unit are entitled to 1 Board Member
  - 251-500 Regular Members in the bargaining unit are entitled to 2 Board Members
  - 501-1000 Regular Members in the bargaining unit are entitled to 3 Board Members
  - 1001-1500 Regular Members in the bargaining unit are entitled to 4 Board Members
  - 1501-2000 Regular Members in the bargaining unit are entitled to 5 Board Members
  - 2001-2,500 Regular Members in the bargaining unit are entitled to 6 Board Members
  - 2,501-3,000 Regular Members in the bargaining unit are entitled to 7 Board Members

For every five hundred Regular Members in a bargaining unit above 3,000 an additional Board Member shall be added. Members covered by a multi-employer contract (i.e. Master Contract) shall be treated as a single bargaining unit for the purposes of determining Executive Board representation.

The Executive Board shall oversee the program, goals, and policies of the Local, ensuring alignment and compliance with all expectations of the International Union. This includes making sure that we are committed to educating our membership about the vital role politics plays in our ability to achieve our goals, and asking them to contribute to the Committee on Political Education (COPE). This also includes fulfilling our mission to unite workers in our industries.

2. The Executive Board shall hold monthly meetings, open to all members, on a regular schedule that is known generally to the membership.
3. Special meetings of the Executive Board may be called by the President or the Executive Board may call a special meeting based upon a simple majority of the Board members.
4. The Executive Board shall adopt an annual budget.
5. All meetings of the Executive Board shall be conducted in accordance with the current edition of Robert's Rules of order.
6. Minutes of regular meetings and special meetings shall be presented in writing to the Executive Board for adoption at its next regularly scheduled meeting.
7. A simple majority of the filled seats of the Executive Board shall constitute a quorum for the transaction of Union business at a meeting of the Board.
8. The Executive Board is authorized to establish policies and procedures that are required for the direction and operation of the Union.
9. The Executive Board shall establish the compensation or lost-time policies for the Officers of the Union.
10. The Executive Board shall ratify Collective Bargaining Agreements for represented staff and approve the salary schedule(s) and the other terms and conditions of employment for the unrepresented staff of the Union.
11. Contracts for services rendered to the Union shall be approved by the Executive Board. These contracts shall include but are not limited to:
  - a. Legal Services
  - b. Member Benefit Programs
  - c. Auditing Services

d. Facility Leases

12. In the absence of the President or Secretary-Treasurer, the Executive Board shall designate one (1) of its members to co-sign checks. If both of these Officers are absent, the Executive Board shall designate two (2) of its members to co-sign checks, starting with the two Vice-Presidents
13. Members shall have the right to address the Executive Board on issues or unresolved problems in accordance with reasonable procedural guidelines established by the Board; except for grievances The Executive Board shall establish a Grievance Appeals process.
14. In the event that any member of the Executive Board fails to attend three (3) consecutive regular meetings, without a valid reason the Executive Board may declare that seat vacant.
15. Members not satisfied with a ruling of the Executive Board or its designated committee may petition the International fifteen (15) days after the action of the Local Executive Board or its designated committee complained of. Members may petition the International Executive Board within fifteen (15) days after the action of the International President. The International President and International Executive Board will not consider appeals related to collective bargaining or grievance appeals.
16. The Executive Board shall have the authority to add an additional non-voting seat or seats for Associate Members, Casual, and/or Retired members as defined in Article 5.

B. Executive Board Members

1. In order to insure input and representation regarding overall policy matters of the Executive Board, there shall be elected at large by the Regular Members of their respective bargaining unit.
2. Executive board members shall be Regular Members employed in a bargaining Unit for which Local 105 is the recognized bargaining agent.
3. Executive board members shall be elected by Regular Members employed in the bargaining units for which Local 105 is the recognized bargaining agent.
4. Executive board members are responsible for representing the interests of all members within their constituency.
5. Executive board members shall serve without compensation, however, Convention delegates shall be reimbursed for any lost-time wages and “out of pocket” expenses.

6. If an Executive board members ceases to be a Regular Member in good standing or ceases to be a Regular Member of her/his Industry, that Executive board members seat on the Executive Board shall be declared vacant and filled by the procedures set forth elsewhere in this Article.
7. In the event of a vacancy on the office of an executive board member, the Executive Board shall appoint a Steward from that bargaining unit to fill the unexpired portion of the term. All Stewards shall be notified of the vacancy and the procedures for filling the position.
8. In the event a new bargaining unit is created, the Executive Board shall appoint a Steward from the new bargaining unit as executive board member(s), who shall serve until the next general election.

#### C. Secretary-Treasurer

The Secretary-Treasurer shall be a Regular Member elected by the Regular Members at large to assist the President and the Executive Board in maintaining the financial and other records of this Union. The Secretary-Treasurer's duties shall include:

1. Together with the President, signing all checks, vouchers, financial contracts, and agreements subject to the policies of the Executive Board and this Constitution and Bylaws.
2. Working with professional staff to aid and assist in maintaining accurate records of all the financial affairs and the membership records and information of the Local.
3. The Secretary-Treasurer and the Board of Auditors shall make an annual report, which shall be available to the membership.
4. Assuring that accurate minutes of each Executive Board meeting are kept and presented at the next Executive Board meeting for formal adoption.
5. In the absence of the President, presiding at all meetings of the Executive Board and at membership meetings, conferences, conventions, and other Union functions as necessary.
6. As an at large Officer, the Secretary-Treasurer shall serve as the Union's second delegate to the S.E.I.U. International Convention and shall have the option to serve as second delegate to all other conferences and conventions in which Local 105 is eligible to participate.
7. In the event of a vacancy in the office of Secretary-Treasurer, the Executive Board shall appoint a replacement from the Executive Board or the Committee of Auditors who shall serve out the remainder of the Secretary-Treasurer's term.



8. Ensuring that an accurate accounting of all receipts and disbursements of all monies in a bank approved by the Executive Board.

#### D. Vice-Presidents

1. The Local shall have a Vice-President of Property Services and a Vice President of Healthcare. The Vice-Presidents shall be a Regular Member elected by the Regular Members within their respective constituency.
2. Each Vice-President's Duties shall include, but not be limited to:
  - a. Serve as the Chair for their respective Industry Council and designate the Chairs for any remaining Industry Council(s) under Healthcare or Property Services, as appropriate.
  - b. Collaborate with the President, Staff, and Executive Board members to develop unity across our Local;
  - c. Chair the Executive Board in the absence of the President and the Secretary-Treasurer. The Vice-President who received the most votes shall chair first, but this duty shall rotate.
  - d. Help foster accountability within the Executive Board to our Purpose and adopted goals and programs within their respective Industries.
3. In the event of a vacancy in the office of either Vice-President, the Executive Board shall appoint a replacement from the Executive Board, who shall serve out the remainder of the Vice-President's term.

#### E. President

The President shall be a Regular Member elected by the Regular Members at large to serve as the Union's chief executive officer on a full-time basis. Regular Members are defined in Article 5 of this Constitution and Bylaws.

It shall be the President's duty to administer the affairs of the Union and to implement the goals, programs, and policies of the Union on a day to day basis. The President's duties shall include but not be limited to:

1. Complying with the mandates of all membership votes and/or decisions of the Executive Board.
2. Presiding at all meetings of the Executive Board and at membership meetings, conferences, conventions, and other Union functions as necessary.
3. Hiring, firing, assigning and directing the Local's staff in accordance with any applicable bargaining agreement, rules, laws, and regulations regarding discrimination and pursuant to any staff related policies adopted by the Executive Board. For hiring of staff or in the case of serious discipline (suspension or termination) with unrepresented staff, the appropriate Vice President or Secretary Treasurer, or their designee, from the Executive Board shall be consulted.

4. Assigning and directing the Local's staff within an operating budget approved by the Executive Board.
5. Calling special meetings of the Executive Board, membership or specific committees and other bodies of the Union as necessary.
6. Together with the Secretary-Treasurer, signing all checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws.
7. Signing all collective bargaining agreements as the Union's official representative after ratification of the membership and signatures of the appropriate negotiating committee's and/or staff or assigning a designee to sign such agreements.
8. Representing the Union in the community, in the media and at meetings, conferences or conventions of organizations that the Local is affiliated with and generally acting as the chief spokesperson for the Union.
9. Voting on any matter before the Executive Board where her/his vote shall be the deciding vote.
10. Fulfilling such other duties as her/his office requires and as are consistent with the Constitution and Bylaws.
11. Presenting an annual budget to the Executive Board for their review, discussion and final adoption.
12. Notifying the International Union in writing when any collective bargaining negotiations or memorandums of understanding have been concluded and the number of employees covered, and sending copies of collective bargaining agreements and contracts entered into by the Local Union to the Research Department of the International Union.
13. As the Chief Executive Officer, the President shall serve as the Union's first delegate to the S.E.I.U. International Convention and shall have the option to serve as first delegate to all other conference and conventions for which 105 is eligible for participation.
14. Serving as an ex-officio member of all committees of the Union.
15. Sharing with the Secretary Treasurer reporting monthly to the Executive Board on income and expenses for the previous months.
16. Providing membership accessibility to financial records and Executive Board minutes; the Executive Board shall adopt reasonable rules and procedures for this

process that shall not abridge the rights of the membership nor unduly burden the President and her/his assigned staff.

17. Being covered by the appropriate bond and provide for the bonding of any other individuals including the Secretary-Treasurer and approved by the Executive Board. The cost of any bond shall be at the Local's expense.
18. Forwarding copies of the Annual Audit, LM-2's, and other required filings to the International Union.
19. Forwarding to the International Union the correct names and addresses of all its members each month, any changes in addresses; the names, addresses, social security numbers of all members initiated or readmitted, of all other persons from whom revenue is levied and of those suspended for non-payment of dues or for any other cause; and a correct list of those who will take transfer or withdrawal cards. The proper zip code shall be included for each address.
20. Notifying the International Union of all those elected to office within fifteen (15) days of the Executive Board election.

#### F. Vacancy of the President

In the event of a vacancy in the office of the President, within sixty(60) days of the vacancy, the Executive Board shall appoint an acting President who shall serve the remainder of the unexpired term of the person vacating this office. The acting President shall be appointed after an interview process has occurred and any interested Executive Board members will be considered first. The Executive Board shall maintain the authority to remove an appointed acting President from office with a two-thirds (2/3) majority vote and appoint another acting President.

If a member who is appointed to fill the vacancy in the office of the President is not eligible to be nominated for the office of the President at the time of the next scheduled general election because she/he has not been a member in good standing for at least two (2) years, the Executive Board of the Local will request from the International President a waiver of the two (2) year eligibility requirement for the entire membership prior to nominations.

## **ARTICLE 10 – COMMITTEE ON AUDITING**

- A. Every three (3) years a Committee of Auditing shall be elected; which will be comprised of three (3) Regular Members who are employed in the bargaining unit or which Local 105 is the recognized bargaining agent. In addition, there shall be three (3) Regular Members who shall be elected to serve on the committee as alternates. Alternates shall be eligible to participate as ex-officio members of the committee.
- B. The Board of Auditors shall be elected by the Regular Members at large, as defined in Article 5, of this Constitution and Bylaws.
- C. The Board of Auditors shall elect a chairperson from among its members.
- D. The Board of Auditors shall examine and review the books, records and Accounts of the Union at least once annually. This annual report shall be presented to the Executive Board upon completion.
- E. The members of the Board of Auditors shall serve without compensation but shall be reimbursed for any lost time wages and “out of pocket” expenses.
- F. In the event of a vacancy, the alternate who had received the most votes in the election shall fill the unexpired portion of the term of the position that has been vacated.
- G. In the event that an additional vacancy arises, and there are no alternates remaining, all Stewards shall be notified of the vacancy and procedures that will be used by the Executive Board for filling the unexpired portion of the term.

## **ARTICLE 11 – NOMINATION, ELECTION & INSTALLATION OF OFFICERS, EXECUTIVE BOARD AND COMMITTEE OF AUDITORS**

The General Election for all Officers, members of the Executive Board, and the Committee of Auditors shall take place every three (3) years in the month of August; except that the election in 2014 shall be at the direction of the International Union. The following election shall then be held in August of 2016 and in August every three (3) years thereafter.

### **A. Election Committee**

- 1. An Election Committee shall be established to conduct the affairs of the General Election. The committee shall consist of five members selected by the Executive Board. The Election Committee shall select a Chairperson of the committee from among the five Election Committee members. The duties of the Election Committee shall be to:

- a. Conduct the affairs of the election
  - b. Establish safeguards to insure a fair and democratic election
  - c. Validate the qualifications of the nominees for candidacy
  - d. Tabulate the results and certify the election
2. In selecting the Election Committee, the Executive Board shall ensure that the five members are all members in good standing and include members from the different industries and different bargaining units. This means that no more than two (2) Election Committee members shall be from any one bargaining unit.
  - a. Should a selected Election Committee member resign from the Election Committee prior to the election, then the Executive Board shall select a replacement, if at all possible from the same bargaining unit and if that is not possible, then from the same industry.
3. Members of the Election Committee shall not be nominated for any office, nor shall any candidate for office be appointed to the Election Committee.
4. The Election Committee may conduct business when it has a quorum of at least three (3) members.
  - a. The chair of the Election Committee shall notify, in writing, the other members of the Election Committee of the scheduling of any meeting at least five (5) calendar days in advance of such meeting.
5. A member not satisfied with a ruling of the Election Committee may petition the Executive Board within fifteen (15) days after the announcement by the Election Committee of the results of the election act complained of, to review the action of the Election Committee pursuant to provisions of the International Constitution and Bylaws.
6. Lost time wages and other appropriate “out of pocket” expenses shall be paid for by the Local for members of the Election Committee.

#### B. Nominations

1. Nominations for all elected officers of the Executive Board shall take place during July of the appropriate election year.
2. A member is eligible for nomination if she/he has been a member in good standing for at least two (2) years prior to the date of the nomination being certified. The International President may waive this provision in her/his discretion based on good cause shown, pursuant to Article XV of the International Constitution and Bylaws. In addition, when a newly organized bargaining unit has existed less than two (2) years prior to the election, a member in good standing from that bargaining unit is eligible for nomination to an Executive Board or Committee of Auditors seat and the two (2) year membership requirement shall be waived, provided that the

member has been in good standing from the date of the newly organized bargaining unit's inception.

3. The Executive Board shall prepare an Official Nominating Petition form to be used by each member seeking nomination for any office.
4. The Official Nominating Petition(s) must be signed by the nominee in order for the nomination to be considered valid.
5. The Official Nominating Petition(s) shall be signed by the lesser of seventy-five (75) members or 15% of the appropriate constituency of the position being sought. Signatures must be from members in good standing and a member may sign petitions for multiple candidates for the same office.
6. All nominees shall either be certified for candidacy or notified in writing of the reasons for their disqualifications.
7. No member convicted of a felony as defined in Section 504 of the Landrum-Griffin Act (or an indictable offense in country of Canada) shall, in accordance with the provision of applicable law, be eligible to hold office in this Local Union.

#### C. Election Procedures

1. The Election Committee shall provide adequate safeguards to insure that a fair and democratic election shall be provided.
2. Any candidate shall have the right to have an observer present at the counting of the ballots.
3. A simple majority of members voting shall elect a candidate to office.
4. If only one candidate is nominated for a given office, that candidate shall be declared elected without further procedures.
5. Every bona fide candidate for office shall have the right, once within the thirty (30) days prior to an election in which she/he is a candidate to inspect a list containing the names and last known address of all members of the particular constituency of the office being sought.
6. The General Election shall be held in August of the appropriate year.
7. All members shall be notified of the election procedures via mail to members last known address at least fifteen (15) days prior to conducting the election.
8. Each candidate shall be encouraged to prepare a statement of qualifications and a platform statement. Each of the two (2) statements shall be no longer than two

hundred (200) words. These statements shall be included in a "Voters Pamphlet" along with the appropriate ballots for each constituency.

9. No candidate (including a prospective candidate) for any office in this Local or affiliate body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the Service Employees International Union.
10. No write in or proxy voting shall be allowed. The Union shall refrain from discrimination in favor of or against any candidate. The Union will comply with all reasonable requests of any candidate to distribute by mail or otherwise; at the candidate's expense, campaign literature in aid of that person's candidacy. In addition, any such assistance given to any candidate shall also be made available to all other candidates, at their own expense.
11. Balloting shall be conducted by secret ballot via a process that insures fairness and secrecy. No later than three months prior to each regular election, the Executive Board shall approve the secret ballot process to be utilized for that election. Such balloting shall be scheduled so as to be completed no later than August 31st, if at all possible.
12. The ballots and all other records pertaining to the election shall be preserved for one (1) year.

#### D. Installation of Officers

Installation of newly-elected officers shall take place at the September Executive Board meeting. In the case of an appointed Officer, or an Officer elected in a special election, the installation shall take place at the Executive Board meeting immediately following that Officer's election or appointment.

### **ARTICLE 12 – RECALL**

- A. Executive Board members, including Officers, may be recalled by a vote of the constituency that elected her/him to office.
- B. A vote to recall an Officer shall be held within sixty (60) days of receipt of a petition signed by at least thirty-five percent (35%) of the membership of the constituency that elected her/him to office.
- C. All signatures shall be dated and be no more than ninety (90) days old at the time of submission in order to be considered at valid signature.

- D. A special election committee shall be designated from the Executive Board to conduct the recall election pursuant to the provisions for elections contained within this Constitution and Bylaws, including Article 11.
- E. If an Executive Board member or officer is recalled, her/his office shall be declared vacant and filled in accordance with the provisions contained within this Constitution and Bylaws, including Article 9.
- F. Recall elections shall not be scheduled if a petition is received within one hundred eighty (180) days after a general election has been held nor within twelve (12) months of an upcoming general election.
- G. If a recall vote is not approved by a simple majority of those voting in the recall election, no new petition shall be considered valid if received prior to one year from the date that the recall election results were certified.

### **ARTICLE 13 – COMMITTEES AND DELEGATES**

#### **A. Committees**

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

1. Committees that have an on-going or permanent necessity to develop positions, policies, and programs that guide, advise and provide direction to the Executive Board shall be known as Standing Committees.
2. Committees that deal with specific subject, project, issue and/or problems and are temporary in duration, based on the needs of the particular situation, shall be known as Special Committees.
3. Each type of committee may also need to establish subcommittees based on regional or geographic issues, classification needs, and other factors that affect participation, decision making, and the operations of the committee.
4. The Executive Board of the Union shall establish policies and procedures for committee operations that enhance membership participation and involvement in the day to day activities of the Union. Factors such as committee size, chairpersons, shift representation and frequency of meetings, shall all be considered in establishing the operating guidelines. The President shall receive all recommendations for committee membership and shall present those to the Board for final approval consistent with the policies of the Union.



5. All committees shall keep minutes of their meetings and shall send the minutes to the President (or the President's administrative assistant) for distribution at the next Executive Board meeting.

#### B. Labor Council Delegates

The Local shall strive to participate in the appropriate Labor Councils and shall maintain an active complement of Delegates who shall represent the positions and policies of the Local. The President shall receive all recommendations for all Delegate appointments and shall present those to the Executive Board for final approval consistent with the policies of the Union. The President shall have the option to attend as First Delegate, the Secretary-Treasurer as Second Delegate, and the Vice-Presidents as the Third and Fourth Delegate (in order of length of SEIU 105 membership).

#### C. Delegates to the International Convention

All members of the Executive Board elected in conformity with this Constitution and Bylaws shall be considered as eligible delegates to any International Convention which may take place during their term of Office. The Executive Board of the Local shall determine the number of Delegates and alternates who shall represent the Union at the convention based on economic factors and other appropriate considerations.

If at the time of the convention call, it appears that such number of Executive Board members is less than the number of delegates which the Local is entitled to, then arrangements may be made for nominations of Stewards for additional number of eligible members as convention delegates. A secret ballot election shall be utilized to determine the selection of delegate positions. If nominees for delegate positions, if unopposed, shall be declared elected.

If the total number of Executive Board members is greater than the Number of delegates which the Local is permitted to send to the Convention then the President shall attend as First Delegate, the Secretary-Treasurer will attend as Second Delegate, and the Vice-Presidents as the Third and Fourth Delegates (in order of length of SEIU 105 membership). The remainder of the Executive Board members shall attend as Delegates based on the length of Local 105 membership.

### **ARTICLE 14 – GENERAL MEMBERSHIP MEETINGS**

- A. Meetings of the general membership of Local 105 shall be held at facilities, worksites or the union hall within the various bargaining units on a schedule to be determined by the Executive Board. Members in good standing shall have the right to vote, attend and speak at such meetings. The Executive Board may schedule general membership meetings to fit the individual needs of the various bargaining units of Local 105. The

Executive Board may also delegate the authority to schedule membership meetings to Steward Councils or committees authorized by the Executive Board.

- B. A special meeting of the Union may be called by the Executive Board or upon a request submitted by ten percent (10%) of the membership to the President. The request must be made in writing and shall state clearly the purpose for which the meeting is called. No other business shall be transacted on that occasion.
- C. Actions taken by the Executive Board can be overturned when a petition signed by 30% of the membership is filed with the President calling for a vote on specific action taken by the Executive Board. If the 30% signature requirement is satisfied, the matter will be referred to the membership for a vote at the next membership meeting. Such a vote to overturn a decision of the Executive Board shall require a two-thirds (2/3) majority vote of the members in good standing who are present.

### **ARTICLE 15 – ANNUAL LEADERSHIP SUMMIT**

- A. Each year a (or more often as determined by the Executive Board) Leadership Summit shall be held to discuss and decide on issues, goals,, and programs of concern to the membership.
- B. The Leadership Summit shall be open to all leaders as defined in Article 7. Any other leadership position in the union (e.g. Member Political Organizers), Member Organizers and Communications and Action Team members (CATs), as defined from time to time by the Executive Board) shall be invited to the Leadership Summit.
- C. The participants shall review the work of the Union during the preceding year and adopt goals for the coming year.
- D. The Leadership Summit shall include items that relate to all members as well as those that relate to classifications or industries within the Union.

### **ARTICLE 16 – FUNDS OF THE UNION**

- A. The funds of this Union shall be derived from member dues, initiation fees or other legal means that have been approved by the Executive Board and the membership. Funds paid to the Union in accordance with this section shall be deposited or disbursed in accordance with instructions from the Executive Board.
- B. The dues of this Union shall be set by the Executive Board for each appropriate bargaining unit and shall be subject to approval by a vote of the affected membership as set forth in Section C of this Article. No service fee paid by a casual employee shall be less than one

dollar (\$1.00) per event, but shall not exceed the monthly dues set for the Regular Members of the casual employee's bargaining unit.

- C. Any change on the rate of dues or initiation fees or the levying of any general or special assessment shall be made only in accordance with the following procedure:
1. Reasonable notice shall be given by the President to the affected membership at least thirty (30) days prior to the meeting at which the affected membership will consider the question of whether or not such dues shall be changed or levied. The notice shall indicate that a change or assessment is to be voted on. Such meeting may be regular or special.
  2. At the regular or special meeting called as provided in this Section, voting on the change or assessment shall be by secret ballot of the Regular Members in good standing.
  3. A simple majority vote of the Regular Members in good standing at such meeting shall decide the issue.

The above requirement shall not apply to any changes in dues or initiation and reinstatement fees mandated by a convention of the International Union.

## **ARTICLE 17 – COLLECTIVE BARGAINING**

- A. The right of employees to engage in collective bargaining is a matter of national policy contained in the National Labor Relations Act. Section Seven (7) of the Act states:
- “Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargaining collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.”
- B. Collective Bargaining is a primary activity of the Union. The purpose is to negotiate a binding contract that secures and improve the wages, hours, benefits, and working conditions of those members covered by that agreement.
- C. A Collective Bargaining Agreement also creates a framework of rules which are binding on the employer and have a grievance procedure or other dispute resolution if a problem arises as to the meaning of the contract or its application.
- D. Collective bargaining is intended to involve members directly and actively in determining their wages, hours and working conditions.

- E. We achieve success in collective bargaining through organization, united action, legislative and political activity and the use of creative strategies and tactics.
- F. The size and method of selecting a negotiating committee will vary based on factors such as the number of facilities; number of shifts; variety of classifications; the demographics of the members and other factors that should be considered in assembling a committee that reflects the needs and diversity of the members.
- G. The results of any collective bargaining sessions shall be subject to ratification by the members affected, with sufficient notice given to the membership and in accordance with other policies and procedures determined by the negotiating committee and/or the Executive Board of the Union. If a contract is to be ratified at a meeting, that meeting should be scheduled as much in advance as possible. Affected members shall be given at least twenty-four (24) hours notice of such meeting.
- H. The Executive Board shall establish policies regarding the reimbursement of lost time wages and “out of pocket” expenses by members of a negotiating committee.

## **ARTICLE 18 – STRIKES**

- A. The Executive Board shall establish policies regarding strike authorization procedures for bargaining units represented by the Union.
- B. The members of the affected bargaining unit must vote in order to authorize a strike.
- C. Prior to a strike, the Local shall notify the International President of the Service Employees International Union pursuant to the provisions of Article XII of the International Constitution and the Bylaws.

## **ARTICLE 19 – CHARGES, TRIALS, AND APPEALS**

Charges, trials and appeals will be dealt with pursuant to Article XVII of the International Constitution and Bylaws

## **ARTICLE 20 – AMENDMENTS**

- A. Amendments to the Constitution and Bylaws may be proposed by a two thirds (2/3) vote of the Executive Board or by a petition containing the signatures of twenty (20) percent of the Regular Members in good standing. Within sixty (60) days from the date an amendment has been properly proposed a vote of the membership will take place.

- B. After an amendment has been initiated, the Executive Board shall call a special general membership meeting of the Local within thirty (30) days. The call for this general membership meeting shall include the text of the amendment and a clear exposition of the issues involved. A vote by secret ballot on the amendment must take place at this meeting. The amendment must be approved by two-thirds (2/3) of the Regular Members voting at this meeting. No amendment shall be valid or become effective until approved by the International Union.

## **ARTICLE 21 – DISSOLUTION**

Local 105 cannot dissolve, secede or disaffiliate with the International Union while there are seven (7) or more dissenting members. The International Union shall be notified by registered or certified mail at least sixty (60) days prior to the date of any meeting scheduled by Local 105 or affiliated body for the purpose of taking a vote on disaffiliation from the International Union. Additionally, a representative of the International Union shall be afforded an opportunity to speak at any meeting scheduled by Local 105 for the purposes noted above. The International President shall direct whether the membership vote shall be conducted by secret ballot at a membership meeting and/or by mail referendum, and, if appropriate, a separate method by which members may assert their dissent. The vote shall be counted by an independent neutral party. In the event of secession, dissolution or disaffiliation, all properties, funds and assets of Local 105 or affiliated body, both real and personal, shall become the property of the International Union. Under no circumstances shall Local 105 or an affiliated body distribute its funds, assets or properties individually among its membership.

## **ARTICLE 22 – PROPERTY RIGHTS**

The title to all property, funds and other assets of this Union shall at all times be vested in the Executive Board for the joint use of the membership of this Local, but no member shall have any severable proprietary right, title or interest therein. Under no circumstances shall the Local distribute its funds, property or assets individually among the membership.

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

## **ARTICLE 23 – SAVINGS PROVISION**

If any provision of this Constitution shall be modified or declared invalid or inoperative by any competent authority of the executive, judicial or administrative branch of the state or federal government, including, but not limited to, any provision concerning dues or fees, the Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity or modification and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purposes of the invalid or modified provision. In the case of a challenge to a dues or fees provision, this authority shall also apply in the event the Executive Board determines that such actions are necessary at an earlier state of judicial or administrative proceedings in order to ensure the effective implementation of the intent of the Constitutional provision at issue. If any Article or Section of this Constitution shall be modified or held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such Article or Section to persons or circumstances, other than those as to which it has been held invalid or modified, shall not be affected thereby.