

# **POLICY FILE**



**California  
State  
Employees  
Association**

# INTRODUCTION

The Policy File of CSEA is divided into three distinct parts.

## **PART I - BYLAWS**

Article XIX, Section 1 of the CSEA Bylaws establishes the Bylaws as the fundamental law of the Association. To the extent that any lesser provisions conflict with the Bylaws, such provision is null and void. These Bylaws may be amended according to Article XVIII.

## **PART II - BROAD GOALS AND SPECIFIC OBJECTIVES**

This part contains statements of policy on what the Association is striving to attain for its members. "Broad Goals" are perennial goals of the Association or broad statements of intent. "Specific Objectives" are short range objectives to be achieved in a close time frame, usually by specific legislation, lawsuits or other specific action. Both Broad Goals and Specific Objectives have as their sole authority specific resolutions adopted by General Council or specific motions adopted by CSEA's Board of Directors. They may be amended by the General Council or the Board of Directors.

## **PART III - ASSOCIATION PROCEDURES**

This part contains references to how the Association gets things done. The sections have to do with the inner operations of the Association in accomplishing its objectives. Put simply, this part should be referred to when a question arises on how the Association proceeds, functions or conducts its business. Association procedures have as their sole authority specific resolutions adopted by General Council or specific motions adopted by CSEA's Board of Directors.

# CSEA POLICY FILE

## PART I



## BYLAWS

# BYLAWS

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## **ARTICLE I**

### **Name and Principal Office**

#### **Section 1. Name**

This organization shall be known as the California State Employees Association, hereinafter referred to as the Association.

#### **Section 2. Principal Office**

The principal office of the Association is in Sacramento.

## ARTICLE II

### Purposes and Objectives

#### Section 1. Purposes of the Association

- (a) The Association was formed and exists to further the interests of the current and retired employees of the State of California in connection with their service to the people of the State.
- (b) The Association shall represent organized employees participating collectively in the mutual formulation of wages, hours, working conditions and retirement benefits except and to the extent such representation rights have been transferred to a duly chartered affiliate organization.
- (c) The Association shall serve as the central support system to a federation of related organizations, each representing the particular interests of a class or classes of members united by occupational, collective bargaining, retirement status, or other common interests.

#### Section 2. Objectives of the Association

The Association is established in order to:

- (a) foster acquaintanceship, cooperation, efficiency, and harmony among state employees and to develop a fuller knowledge among them of the state's organization, functions, and activities;
- (b) encourage and preserve a true merit system in state government;
- (c) promote the welfare of employed and retired state employees in all ways compatible with the public interest, including the support of legislation deemed beneficial and resistance to legislation deemed detrimental to their interest;
- (d) represent those state employees for whom it has, or may acquire, lawful authority to serve as majority representative including members and nonmembers of the Association in discussions and negotiations with the state and its agencies relating to all personnel and employment matters;
- (e) undertake and perform lawful acts in concert including such acts as pertain to the employment relationship and to mutual aid and protection;
- (f) support the continuity and integrity of government;
- (g) encourage the maintenance of high standards of employee conduct in governmental affairs;

- (h) advocate and defend a just and efficacious administration of laws;
- (i) aid in the improvement of government and in the development of the state's resources and the advancement of the state's economy;
- (j) inspire and maintain in its members a constant dedication to the principles of constitutional democracy as exemplified in our American form of government;
- (k) in all ways render the most effective service to the people of the United States of America and the State of California;
- (l) support and promote the independent public employee movement both within and without the Association, including the Association of California State Supervisors, Inc., through programs of education, cooperation, representation, and affiliation, of and among all political subdivisions of the State of California;
- (m) represent the interests of its members in all matters relating to the negotiation of wages, hours and all other terms and conditions of employment without regard to sex, race, religious creed, color, national origin, ancestry, age or sexual orientation (except as provided in Government Code Section 18932).

### Section 3. Right to Organize, to Negotiate Collectively, and to Represent Members

The Association and its members have earned, and they expect and demand, that government recognize the right of organized employees to participate collectively in the mutual formulation of wages, hours and other terms and conditions of employment for submission by agreement and with bilateral recommendation to the legislature, in all instances where legislative action is constitutionally required and otherwise for settlement through direct agreement or by the aid of fact-finding, mediation, conciliation, arbitration, or such other negotiating techniques as may be mutually acceptable.

Notwithstanding any other provisions of these Bylaws, the Association shall retain the right to represent its members in all matters of labor conflict resulting from the failure of any of the provisions in this section to achieve their desired result, providing however, that all related procedures of the Association and divisions/affiliates have been complied with.

### Section 4. Areas of Responsibility

- (a) The Association shall be primarily responsible for matters on which it is necessary, advisable, or advantageous to the members of the divisions/affiliates of the Association to take a common stand to secure the greatest possible benefits for active and retired state employees.
  - (1) The Association shall have the exclusive responsibility for business services, printing, and personnel management.
  - (2) The Association shall have the lead responsibility for legal services,

legislative and political action, and member benefits, but policy-making authority in these areas shall be shared with the divisions/affiliates.

- (b) Each division/affiliate shall be primarily responsible for pursuing those goals and objectives which are particular to its members, as provided in Articles VIII and IX.
  - (1) The divisions/affiliates shall have the exclusive responsibility for contract negotiations, meet and confer sessions, organizing, member recruitment, member representation, training and education, member communications, and research.
  - (2) Divisions/affiliates shall not enter into any agreement which will adversely affect the benefits of any other division or affiliate members.
- (c) The Association and the divisions/affiliates have the responsibility to promptly resolve any area of concern that cannot be met by the parties.

#### Section 5. Representation of Membership

The Association shall maintain such recognition, registration, or identification as an employee organization as may be required or permitted by law on behalf of the members, chapters, and councils of the Association, and except as otherwise provided by the Board of Directors or the General Council, shall be the representative of the members, chapters, and councils of the Association for all purposes stated in Section 1 of this Article.

#### Section 6. Supervisory, Management, and Confidential Personnel

The interests of supervisory, management, and confidential personnel shall be provided for by the Association through the Association of California State Supervisors, Inc., in its representation, so far as permitted by law, and such representation shall be accomplished without placing members or the Association in a conflict of interest position.

#### Section 7. Anti-discrimination

The Association shall not accept or uphold any form of discrimination against any member on the basis of race, color, sex, religion, national origin, sexual orientation, ancestry, disability (as defined by the Americans with Disabilities Act), age or classification.

## ARTICLE III

### Membership

#### Section 1. Types

The Association has four mutually exclusive types of membership: active, associate, honorary, and special.

#### Section 2. Definition of Employee

An employee as defined in these Bylaws is:

Any person employed in any state department or agency, whether civil service or exempt, the University of California, the California State Universities, the California Military Department, and any auxiliary organization of the above; those employed under any public service employment program; or any others approved by a two-thirds vote of the Board of Directors.

#### Section 3. Active Members

Active members are:

- (a) represented employees, including those on authorized leave, of the State of California;
- (b) supervisory, management and confidential employees of the State of California, including those on authorized leave;
- (c) persons who retired from state service under the provisions of a public retirement system and who remain retired from state service; or who are laid off or involuntarily terminated from state service during the duration of their re-employment rights or appeal proceedings for reinstatement; and
- (d) past state presidents of the Association who are not eligible for active membership in a division/affiliate

whose dues for active membership are not delinquent.

#### Section 4. Associate Members

Associate membership is limited to those persons who:

- (a) are beneficiaries of deceased members who were active members at the time of death;
- (b) are spouses of active retired state employees who are members of CSEA;

- (c) are on authorized leave of absence from state service who elect not to be active members;
- (d) were members while in state service, have separated from state service, and who are recommended by a chapter for membership;
- (e) were members while in state service and have been laid off from state service;
- (f) are employees of the legislature; and
- (g) are not eligible for active retired membership

whose dues for associate membership in each respective case are not delinquent.

#### Section 5. Honorary Members

Honorary membership is limited to the spouse of a deceased president or deceased past president of the Association upon approval of the Board of Directors. All rights and benefits except the right to vote and the right to hold office are available to honorary members. Honorary membership is complimentary and free of any dues or assessments.

#### Section 6. Special Members

Special membership is limited to those employees of the State of California as defined by the Board of Directors.

#### Section 7. Classes of Membership

##### (a) Division of Active Members into Classes

The active membership of the Association shall be divided into mutually exclusive classes as follows:

- (1) Civil Service. This class shall include: (i) employees in bargaining units represented by the Association or by an affiliate of the Association which is authorized to assume jurisdiction of such bargaining units; and (ii) the non-civil service staff of the Special Schools of the California Department of Education and California Maritime Academy.
- (2) CSU. This class shall include rank-and-file employees of the California State University System in bargaining units represented by the Association or by an affiliate of the Association which is authorized to assume jurisdiction of such bargaining units.
- (3) Supervisors. This class shall include active employed members of the Association who are not represented by an exclusive bargaining agent or

are excluded from bargaining under existing state employer-employee relations statutes.

- (4) Retired. This class shall include all former state employees who are retired and who are, or who become, members of the Association.

A member may not hold membership in more than one class.

(b) Effect of Membership in an Affiliate

As long as there is an affiliate to which a class belongs pursuant to Article IX, Section 3, any individual who is a member in good standing of such class in such affiliate shall automatically be a member of such class in the Association. Such persons shall remain members of the same class and retain all rights thereof if their affiliate surrenders or loses its charter.

Section 8. Effective Date of Membership

Association membership in a class which belongs to an affiliate is effective from and after the time a membership application is received and accepted by such affiliate. Membership in a class which belongs to a division is effective from and after the time a membership application is received and accepted by such division. Associate, special and honorary membership is effective when a membership application for such type of membership is received and accepted by the Association, or when a formerly active membership is automatically converted to associate status by occurrence of one or more of the events specified in this Article III, Section 4. Upon the occurrence of any such event, the member affected thereby shall remain an associate member of the affiliate, if any, to which he or she belonged, provided the affiliate's bylaws allow associate membership. If such person recovers active membership in such affiliate, he or she shall thereby recover active membership in the Association.

Section 9. Dual Chapter Membership Prohibited

A member of the Association may not hold membership in more than one division/affiliate or chapter at one time, nor may any member of an affiliate also belong to any chapter or division of the Association.

Section 10. Membership Rights

- (a) Active members have the right to take all actions to be taken by, and enjoy all benefits provided for, the members of the Association, including the rights to vote and to run for elective office in the Association and in the division/affiliate to which each belongs. They also have those additional rights, if any, which may be provided by these Bylaws or applicable law for the class, division/affiliate to which they belong.
- (b) Associate members have those rights designated by the Board of Directors except

the rights to vote and to hold elective office. If they belong to an affiliate, they also have such additional rights as may be given them by that affiliate, but no affiliate may confer on any person other than an active member in good standing of the Association the right to vote or hold office in the Association or to serve on the Board of Directors of the Association.

- (c) Special members have those rights designated by the Board of Directors, except the rights to vote and to hold elective office in the Association. The Association may admit special members who are not members of any affiliate, and any affiliate may admit special members who are not members of the Association. Membership in either does not confer membership or any rights in the other.
- (d) All members have the right to express their opinions, criticism, ideas and proposed change(s) as an individual as a matter of freedom of speech and freedom of press. Members shall have the right to protest, to assemble and to organize regarding member concerns, grievances and amendments. However, members shall not have the right to use the name of the Association or collect dues in the name of or on behalf of the Association, without the express authorization of the Board of Directors or General Council, by approval of a simple majority of those voting.

#### Section 11. Transfer

An active-employed member shall be administratively transferred to the appropriate division/affiliate and/or chapter of the Association when the member's status changes with respect to work location or job classification. A retired member in good standing may transfer freely from one chapter to another as long as it remains legal to do so. The procedure for transfer will be established by the Board of Directors.

#### Section 12. Discipline

Members of the Association who do not belong to an affiliate may be disciplined by three-fourths vote of the Board of Directors in accordance with rules established by the board, subject to applicable law. The Board of Directors shall provide for causes for disciplinary action, notice in writing, right to counsel, specification of charges, types of disciplinary action to be taken, hearing prior to disciplinary action being effective, and right of appeal. Members of divisions may be disciplined by their respective divisions, in matters which do not potentially affect the operation of any other division(s)/ affiliate(s) or of the Association as a whole, subject to policies and procedures established by the divisions, and subject to applicable law.

Members of affiliates may be disciplined as provided in the bylaws of their respective affiliates, subject to applicable law. Members of affiliates may be disciplined by three-fourths vote of the Board of Directors, for the violation of Association policies and procedures, in accordance with rules established by the board as specified above, and subject to applicable law.



### Section 13. Member Grievances

Any member or group of members claiming to be aggrieved by any action of the Association or of any board, officer, committee, chapter, council, or other unit or agency thereof, except as limited by Article II, Section 4; Article IX, Section 1; or Article X, Section 1, shall have the right to grieve such actions in accordance with procedures established by the Board of Directors.

### Section 14. Membership Reinstatement

Membership which was terminated under Article III, Section 12, may by a three-fourths vote of the Board of Directors be restored.

## ARTICLE IV

### Governance

#### Section 1. Board of Directors

##### (a) Composition

The Board of Directors consists of the officers of the Association, regional directors, division directors, deputy division directors, affiliate president(s), and one director elected by each class which belongs to an affiliate.

##### (b) Powers

Except as provided in this section, and subject to the provisions and limitations of applicable law, and to any limitations in the Articles of Incorporation and these Bylaws, the Association's activities and affairs shall be managed, and all corporate power shall be exercised by or under the direction of the Board of Directors.

- (1) Matters within the "Scope of Representation" under the State Employer-Employee Relations Act and Higher Education Employer-Employee Relations Act shall be delegated by the Board of Directors to the appropriate committees of the Board of Directors.
- (2) Matters regarding protection and/or enhancement of benefits of retired state employees shall be delegated by the Board of Directors to the appropriate committees of the Board of Directors.

##### (3) Agreements

The board may enter into contractual agreements. All such agreements shall be as required to meet the needs of the Association.

##### (4) Affiliation Agreements

The authority to negotiate and approve the affiliation agreement between CSEA and SEIU is vested in the full Board of Directors. Administration and enforcement of that agreement, unless specifically reserved by the board, shall be the responsibility of the rank-and-file members of the board who, acting as a committee of the board, shall act on behalf of the full board.

The board may adopt such rules and delegate such corporate powers as it deems expedient, consistent with these Bylaws. The board has power to interpret and define corporate policy in areas of uncertainty or ambiguity.

(c) Division Committees of the Board of Directors

The division director and deputy division director shall constitute a division committee of the Board of Directors with final authority to act on behalf of the board on matters delegated to it by the board with respect to its division. The affiliate president(s) and the director elected by the class which belongs to such affiliate shall constitute an affiliate committee of the board with final authority to act on behalf of the board on matters delegated to it in connection with the affiliate which it represents.

(d) Discipline

Association officers and directors may be disciplined by the Board of Directors in accordance with rules established by the Board of Directors, which shall provide for, but not be limited to: causes for disciplinary action; prior notice in writing; -right to counsel; written specification of charges; types of disciplinary action that may be taken; suspension during investigation; hearing prior to disciplinary action becoming effective; and right of appeal.

(e) Dual Elective Office Prohibited

Officers, regional directors, and assistant regional directors shall not, at any time during their term of office, be eligible to hold any other elective position except job steward and/or General Council delegate, within the organizational structure of the Association. Division directors, deputy division directors and affiliate representatives on the board shall not hold any elective office outside their division/affiliate structure.

(f) Association Representatives

Notwithstanding the provisions of Bylaws Article IV, Section 2 (b) (1) f

- (1) Representatives of the Association to any conference or convention of SEIU shall be selected by the by the rank-and-file classes, in accordance with procedures established by the board.
- (2) Representatives of the Association to any other self-governing organization which seeks the advancement of the interests and mutual welfare of public employees shall be designated by the Board of Directors.

Such representatives, other than to the SEIU Board, may include the general manager of the Association. This section is applicable only if it is consistent with federal and state laws and/or the constitution/bylaws of the relevant self-governing organizations.

(g) Acts

Acts of the Board of Directors in conflict with the provisions of these Bylaws are void.

Section 2. Officers

(a) Composition

The officers of the Association are president, executive vice president, vice president and secretary-treasurer.

(b) Duties

(1) The President:

- a. represents the membership of all divisions/affiliates of the Association;
- b. acts as chief spokesperson on all Association-wide policy matters;
- c. is responsible for directing the general manager of headquarters staff in carrying out the established policies and programs of the Association;
- d. gives direction to the general manager concerning collective bargaining with the recognized organization representing the majority of the members of headquarters staff on all matters relating to wages, hours, benefits, and working conditions;
- e. presides at all meetings of the General Council, Board of Directors, and Executive Committee;
- f. appoints and removes members of all committees, except the Governmental Affairs Committee, ex-officio members of the Fiscal Committee and division/affiliate committees of the Board of Directors and those established by divisions/affiliates, subject to the power of the Board of Directors to disaffirm any such appointment or removal as provided in Bylaws Article XI, Section 4;
- g. is an ex officio member of each committee except the Association committee on nominations, division/affiliate committees of the board and those established by divisions/affiliates;
- h. at the general session of the General Council renders a report to the delegates on his/her administration, with such recommendations as deemed advisable;

- i. assigns all referral matters to an appropriate committee, council, forum, panel, or such other body for deliberation and recommendation or disposition; and
- j. represents the Association at meetings and conferences within and without the State of California within budgeted funds at his/her discretion, when in the best interest of the Association.

(2) The Executive Vice President:

- a. acts in the place and stead of the president in the latter's absence or on the president's request. In the event of the death, resignation, or removal of the president, the executive vice president becomes president for the unexpired portion of the term.
- b. is responsible for Association committee activities and programs relating to legislation and political action and bylaws, policies, and procedures and performs such duties as are assigned by the president.

(3) The Secretary-Treasurer:

- a. with the assistance of staff, reviews and approves, within Association policy, claims for reimbursement money expended for Association purposes and as the custodian of Association records is responsible for:
  - 1. maintaining a correct record of the proceedings of the General Council, board and executive committee;
  - 2. obtaining insurance to protect the Association against liability to its employees imposed by law;
  - 3. obtaining insurance to protect the Association and its officers, directors and employees severally against their public liability and liability for property damage arising out of the performance of Association duties;
  - 4. maintaining and supervising the account(s) in the name of the Association in such bank(s) as the board designates;
  - 5. keeping the books and accounts of the Association and collecting monies owing to the Association and paying all bills owed by it; rendering to the General Council in general session a statement of the financial condition of the Association and rendering like statements to the board at such times as directed by it;

6. serving as officer assigned to of the Fiscal Committee; and
7. performing such other duties as are assigned by the president.

(4) The Vice President:

- a. is responsible for Association committee activities and programs relating to community relations, member benefits, and performs other duties as are assigned by the president.

(c) Responsibilities

Officers are responsible immediately to the president and ultimately to the Board of Directors.

Section 3. Executive Committee

(a) Composition

The Executive Committee shall be comprised of the officers, division directors, and affiliate president(s).

(b) Authority

The Executive Committee of the Association, as a body, is vested with authority to carry out the policies of the Association between meetings of the Board of Directors and between the adjournment of General Council and the first meeting of the board. Programs or actions without provision in existing policy shall not be implemented by the Executive Committee unless the committee declares that an emergency situation exists and then secures a two-thirds vote of the Board of Directors, by any communication means necessary.

(c) Acts

Acts of the Executive Committee in conflict with the provisions of these Bylaws are void.

Section 4. Duties of Regional Directors and Assistant Regional Directors

Each regional director, or assistant regional director upon the request of the regional director:

(a) performs the following as regional director:

- (1) supervises the promotion of and adherence to the objectives of the Association;

- (2) represents the president when so requested;
  - (3) participates in grass roots political action involvement;
  - (4) advocates the Association's goals through regional communications, training, workshops, information meetings, and regional publications;
  - (5) coordinates community relations activities to enhance the image of the Association;
  - (6) supports the programs, goals, and objectives of the respective divisions/affiliates within the region; and
  - (7) other duties as developed by the Board of Directors.
- (b) performs the following as a member of the Board of Directors:
- (1) represents the members at meetings of the Board of Directors;
  - (2) submits a written report on the region when requested by the president; and
  - (3) participates in chapter, region, or statewide committee meetings and other activities outside the region at the direction of the president.

#### Section 5. Duties of the Division Directors/Deputy Division Directors

Each division director or deputy division director, upon the request of the division director, as a member of the Association Board of Directors, committee of the board, or Executive Committee shall:

- (a) represent the Association in corporate matters;
- (b) represent the membership of the division and advocate division goals, objectives and programs;
- (c) promote and adhere to the objectives of the Association;
- (d) endeavor diligently to keep the councils and council members in the division in good standing;
- (e) represent the president when requested; and
- (f) appoint, in accordance with procedures set forth in this Article and by division policy an alternate division director(s) to serve as a substitute for the division director or deputy division director at meetings of the Association Board of Directors, division committee of the Board of Directors, or executive committee.

## Section 6. Duties of Alternate Deputy Division Directors

### (a) Duties

Each alternate deputy division director performs such duties as determined appropriate by the division council, and when appointed by the division director, represents the division on the Association Board of Directors or appropriate division committee of the Board of Directors in the absence of his or her division director or deputy division director. In the absence of both the division director and deputy division director, and when appointed by the division director, an alternate deputy division director shall sit on the Executive Committee.

Unless otherwise specified in the appointment document, an alternate deputy division director shall have the same voting rights as the person for whom he or she is substituting.

### (b) Appointments

A division director has the authority to appoint an alternate deputy division director to serve on the Board of Directors, appropriate division committee of the Board of Directors or the Executive Committee only in accordance with the following procedures: (a) the appointment must be made in writing with the time frame of the appointment clearly set forth; (b) the appointment document must be submitted to the secretary-treasurer on or before the date on which the appointment commences; and (c) the appointment document shall be made a part of the official minutes of any board or Executive Committee meeting at which the alternate deputy division director serves.

### (c) Limitations

Upon expiration of the term of the appointment, the division director or deputy division director for whom the appointment was made shall automatically resume the responsibilities of his or her office. The division director may cancel an appointment at any time for any cause.

Notwithstanding any of the above provisions of this section, a limit of up to one-third of all directors may serve on the Board of Directors by virtue of appointment. Any appointment made pursuant to this section which results in exceeding this limit is invalid.

## Section 7. Duties of Affiliate Alternates

### (a) Duties

Persons authorized pursuant to an affiliate's bylaws may be substituted for the affiliate representatives at the Board of Directors meetings. In the absence of both the affiliate representatives and when duly appointed, the affiliate alternate shall



represent the affiliate at the Executive Committee. An affiliate alternate shall have the same voting rights as the person for whom he or she is substituting.

(b) Appointments

Appointments shall be made in accordance with the following procedures: (a) the appointment must be in writing with the time frame of the appointment clearly set forth; (b) the appointment document must be submitted to the secretary-treasurer on or before the date on which the appointment commences; and (c) the appointment document shall be made a part of the official minutes of any board or committee meeting at which the affiliate alternate serves.

(c) Limitations

Upon expiration of the term of the appointment, the affiliate representative for whom the appointment was made shall automatically resume the responsibilities of his or her office. The affiliate representative may cancel an appointment at any time for any cause.

#### Section 8. Representation Training

All Association officers, division council members, affiliate officers and directors, bargaining unit council members, regional directors, and assistant regional directors, who are actively employed are required to attend the appropriate basic representation training course. No member may be excluded from running for office or being appointed to any of the above-mentioned positions if he/she has not completed the training course. Notwithstanding, the newly elected or newly appointed member must complete the training within the first six months of the term of office.

#### Section 9. Filling of Vacancies

(a) President

In the event of a vacancy in the office of president, the executive vice president assumes the office of president.

(b) President and Executive Vice President Simultaneously

Should the offices of president and executive vice president become vacant, the order of succession shall be vice president, then secretary-treasurer.

(c) All Officers Simultaneously

Should all officer positions become vacant simultaneously, the general manager shall call a special meeting of the board members to be held within 24 hours of confirmation of such emergency situation. The board members shall meet, elect a

temporary chairperson from among their ranks and proceed to immediately elect a president.

(d) Other Officers

To fill a vacancy among Association officers, except as provided in Sections (a) and (b) of this Section 9, the president shall make an interim appointment from the active membership of the Association to serve the unexpired portion of the term. Such appointment shall be effective immediately, but must be ratified by the Board of Directors at its next meeting.

(e) Regional Directors and Assistant Regional Directors

If the position of regional director becomes vacant, the assistant regional director assumes the office. If a regional director or assistant regional director transfers chapter affiliation to a chapter in another region, the president shall declare vacant the position of regional director or assistant regional director, as the case may be. If for any reason the position of regional director or regional director-elect becomes vacant, and there is no assistant regional director or assistant regional director-elect, or if for any reason the position of assistant regional director or assistant regional director-elect becomes vacant, the presidents of the chapters or their designated representatives in such regions shall elect such regional director or assistant regional director within 30 days pursuant to Board of Directors' rules.

## ARTICLE V

### Elections and Terms of Office

#### Section 1. Association Officers

The officers are elected by the delegates at the general session of the General Council from the active members of the Association.

##### (a) Eligibility for Office

Any active member is eligible for Association office provided that no conflict of interest exists and that prior to the closing of all nominations he/she gives written consent.

##### (b) Election Procedures

- (1) The officers of the Association shall be elected by secret ballot in accordance with rules and regulations established by the Board of Directors.
- (2) A majority of members voting, ignoring blanks and write-in votes, is required to decide an election.
- (3) If no nominee receives a majority on the first ballot, the nominee(s) receiving lower votes than the top two will be removed from the ballot, before the next balloting.
- (4) If there is only one nominee for an office, the presiding officer shall call for a motion to declare elected the unopposed candidate.

##### (c) Term

The officers of the Association shall be elected in even-numbered years for two-year terms. In the year 2000 the officers shall be elected for three-year terms. Thereafter the officers shall be elected in odd-numbered years for two-year terms.

##### (d) Recall

Association officers may be recalled in accordance with rules established by the Board of Directors.

#### Section 2. Regional Officers

The regional directors and assistant regional directors are elected from and by active members of chapters in their respective regions.

(a) Elections

All elections of regional officers shall be by secret ballot. All members in the region shall be given a fair and equal opportunity to run for office, to nominate others, to campaign for themselves or others for such office, and otherwise to communicate with other members about such vote. The Board of Directors shall establish additional election procedures as necessary.

(b) Term

Regional directors and assistant regional directors are elected for two-year terms in even-numbered years. In the year 2000 regional directors and assistant regional directors shall be elected for three-year terms concluding at the end of the General Council held in the year 2003. Thereafter the regional directors and assistant regional directors shall be elected in odd-numbered years for two-year terms.

(c) Recall

Regional officers may be recalled in accordance with rules established by the Board of Directors. Such rules shall be consistent with applicable corporate law.

Section 3. Division/Affiliate Officers

Division officers shall be elected in accordance with procedures and for terms set by the appropriate division. Directors appointed by affiliates and directors elected by classes which belong to affiliates are selected and elected, respectively, in accordance with procedures established by each such affiliate.

(a) Election Procedures

All election procedures for division/affiliate officers shall be by secret ballot and include a reasonable means of nominating persons for election; a reasonable opportunity for a nominee to communicate to the members the nominee's qualifications and the reasons for the nominee's candidacy; a reasonable opportunity for all nominees to solicit votes; and a reasonable opportunity for all members to choose among the nominees. Specific election procedures shall be set by the divisions/affiliates.

(b) Term

The terms of office for division/affiliate officers shall be as set forth in division/affiliate bylaws and/or policy. If a division/affiliate does not set a specific term of office then the term for any division/affiliate officer who will be a delegate by virtue of holding such office shall be for two years. In the year 2000 the division/affiliate officers shall be elected for three-year terms unless the division/affiliate provides otherwise. Thereafter the division/affiliate officers shall be elected in odd-numbered years for two-year terms.

#### Section 4. General Council Chapter/DLC Delegates

Election procedures and terms of office for General Council chapter/DLC delegates shall be as set forth in Bylaws Article X, Section 3.

## ARTICLE VI

### The Chapter

#### Section 1. Description

- (a) The basic membership group of the Association is the chapter. Members of unincorporated classes shall belong to chapters of the Association; members of classes who belong to an affiliate shall belong to such chapters, if any, as such affiliate may require, but not to any chapter of the Association. The provisions of this article, and all other provisions of these Bylaws pertaining to chapters, apply only to chapters of the Association.
- (b) A chapter/DLC of the Association is an autonomous organization of persons with a community of interest qualified for membership in the Association, which holds an unrevoked charter signed by the president and secretary-treasurer, issued by authority of the appropriate division/affiliate and under the seal of the Association.

#### Section 2. Assignment of Membership

Membership in a chapter or in an affiliate confers membership in the Association. The remaining provisions of this section shall apply only to chapters of the Association, not to any chapters which may be established or retained by an affiliate. Nor does the remainder of this section apply to any member who is also a member of an affiliate. Members in bargaining units shall be in the appropriate chapter in the geographical area where the member works. Actively employed members not in bargaining units in which the Association has been elected as the exclusive representative, and supervisory members, shall be assigned to an appropriate chapter in the geographical area in which the member works or resides unless otherwise provided by the Board of Directors. Retired members may belong to any chapter of their choice so long as they may legally do so.

#### Section 3. Charter

A charter is an instrument issued at the discretion of the appropriate division officially establishing a chapter, establishing parameters of membership by community of interests to be served, designating its location and authorizing it to operate as a lawful part of the Association.

#### Section 4. Petition for Charter

Persons who are eligible to or who hold active membership in the Association may petition the appropriate division for the issuance of a charter declaring in their petition the community of interest to be served, their acceptance of these Bylaws and their desire to function as a lawful unit of the Association.

## Section 5. Petitioning Group

The appropriate division may grant a charter if requested by at least 400 active members. The appropriate division may grant a provisional charter if requested by at least 250 petitioners, with the provisions established by the appropriate division.

## Section 6. Minimum Membership

Chapters shall maintain a minimum active membership of 400 and shall not limit its active membership by number. Exceptions to the above may be made by the appropriate division on good cause shown. The appropriate division will annually review minimum chapter membership and performance.

## Section 7. Filing of Bylaws

A chapter/DLC shall file with the appropriate division officer as determined by the division a duly authenticated copy of its bylaws, and of each amendment as and when adopted. The officer shall send a copy to the Association secretary-treasurer.

## Section 8. Conflict with Association Bylaws

A chapter's bylaws may not conflict with these Bylaws or the enactments of the General Council and to the extent that any such provision is in conflict, it is void. To the extent that any provision of a chapter's bylaws conflicts with these Bylaws, amendments to bring them into conformance shall be filed with the secretary-treasurer of the Association.

## Section 9. Revocation of Charter

The charter of any chapter may, for good cause, after notice and with opportunity to be heard, be revoked by the appropriate division, appealable to the Board of Directors.

## Section 10. Voluntary Surrender of Charter

A chapter may surrender its charter in accordance with rules established by the appropriate division.

## Section 11. Discipline of Elected Chapter Representative

Each chapter is required to have a procedure for the discipline and/or removal of its elected chapter representatives subject to appeal to the appropriate division.

## Section 12. Election and Recall of Chapter Officers

Election and recall of chapter officers shall be in accordance with procedures set by the appropriate division/affiliate.

## **ARTICLE VII**

### **The Region**

#### **Section 1. Definition**

For administrative purposes the Association is divided into regions, not more than 13 in number, each defined geographically and each composed of one or more chapters, and each represented by a regional director and an assistant regional director who must have and maintain active membership in chapters in the region or in an appropriate statewide chapter.

#### **Section 2. Formation**

Regions may be redefined and new regions formed by action of the General Council, initiated by resolution from the board. At even-numbered General Councils, beginning with the 62nd, the board must present a reapportionment resolution to ensure equal membership of regions, with a maximum deviation from the average of no more than 20 percent and with regional boundaries drawn to the extent possible to coincide first with the boundaries of local political subdivisions and second with zip codes.

#### **Section 3. Established Regions**

The following regions are established and respectively designated:

##### **First Region**

Counties of Del Norte, Humboldt, Mendocino, and Lake.

##### **Second Region**

Counties of Butte, Shasta, Glenn, Plumas, Tehama, Lassen, Siskiyou, Modoc, Trinity, Colusa, Sutter, Yuba, Sierra, Nevada, Placer, El Dorado, and Alpine.

##### **Third Region**

Counties of Yolo and Sacramento.

##### **Fourth Region**

Counties of Napa, Marin, Sonoma, and Solano.

##### **Fifth Region**

Counties of San Mateo, San Francisco, Alameda, and Contra Costa.



### Seventh Region

Counties of Santa Clara, Santa Cruz, San Benito, and Monterey.

### Eighth Region

Counties of San Joaquin, Stanislaus, Merced, Calaveras, Tuolumne, Mariposa, and Amador.

### Ninth Region

Counties of Madera, Fresno, Kings, and Tulare, and that portion of Kern County west of the Tehachapi Mountains.

### Tenth Region

Counties of Mono, Inyo, that portion of Kern County east of the Tehachapi Mountains, that portion of San Bernardino County north of the San Bernardino Mountains, and that portion of Los Angeles County north of the San Gabriel Mountains.

### Eleventh Region

That portion of Los Angeles County south of the San Gabriel Mountains.

### Twelfth Region

Counties of San Luis Obispo, Santa Barbara, and Ventura.

### Thirteenth Region

Counties of Orange, San Diego, and Imperial.

### Fourteenth Region

County of Riverside and that portion of San Bernardino County south of the San Bernardino Mountains.

### Section 4. Chapter Assignment

A chapter may be assigned to only one region.

## ARTICLE VIII

### Divisions and Bargaining Units

#### Section 1. Definitions of Divisions

It is recognized that each class constitutes and possesses a community of interest which requires certain unique and distinctive services, activities, and forms of governance. Each class of members shall be entitled to self-government within the Association. Any class which belongs to an affiliate shall be governed by such affiliate; any class which does not belong to an affiliate shall constitute a self-governing division of the Association. The following sections of this Article VIII shall apply only to such unincorporated divisions, except that any provision of this article or of any other part of these Bylaws authorizing the division council to take any action shall be deemed, in the case of a class represented by an affiliate, to authorize such action by that affiliate or its duly authorized officers.

#### Section 2. Composition of Division Councils

Each division shall have a council consisting of active members and include a director and deputy director of the division which in each case shall be elected in accordance with rules and regulations established by the appropriate division council.

#### Section 3. Division Council Functions

The respective councils act on behalf of the Association, its officers, members, chapters, and regions along occupational lines in matters pertaining to the scope of representation under the State Employer-Employee Relations Act or Higher Education Employer-Employee Relations Act and other provisions of law relating to the representation of state employees or when acting in regard to matters protecting or enhancing the benefits and annuities of retired state employees; which acts are subject to rules and regulations established by the appropriate division committee of the board. Division councils shall have full authority to specify their own rules and regulations pertaining to all matters, provided they are not inconsistent with these Bylaws.

#### Section 4. Authority

- (a) Each division shall be deemed a self-governing unit of the Association, within the scope of the Association's purposes. The division council of each division shall have the authority to establish and administer all its programs, including but not limited to its membership, training, educational, and recreational programs. Divisions shall not take a political action position which is in conflict with the Association's position.
- (b) Each division shall be entitled to set its own budget and establish its own dues and fees. All authority of the Association to establish dues and fees for its members shall be deemed delegated to the respective divisions to which such members belong. Each division shall set and meet its own budget, manage its own finances,

and make such payments to the Association as are set forth in the budget of the Association. Each division shall immediately reimburse the Association and each other division and/or affiliate for any costs and expenses, including attorneys' fees, incurred by them or any of them to defend against or pay any claims, demands or judgments arising out of the debt, obligations, acts, omissions, or any wrongdoing of such division or its agents, including amounts paid in good faith to settle such claims; and the Association shall promptly reimburse each division for any such costs or expenses incurred by such division in connection with claims or demands arising out of the debts, obligations, acts, omissions, or any wrongdoing of the Association or its agents, including amounts paid in good faith to settle any such claims.

- (c) The dues and fees payable by the members of each division shall be collected by the Association for the account of such division. Each division shall inform the Association of the amount of dues and fees to be collected from its members on its behalf. The Association may retain any amounts due it pursuant to Section 5 of this article, and shall deposit the balance in one or more accounts controlled by the division, from which only the duly elected officers of such division have the authority to make withdrawals. The Association shall furnish the division at the time of each such deposit an accounting of the monies received, by member and date, and of the amounts retained by the Association, by account. If requested by the division, the Association shall take legal action to collect dues, or to enforce by any legally permissible means the financial obligations of the members of such division.

- (d) Trusteeship

A division may place a subordinate body such as a chapter district labor council or bargaining unit negotiating committee in trusteeship, in accordance with rules established by the appropriate division for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of the division.

A division may develop rules for the imposition of trusteeship. Such rules must be in accordance with the following: except in an emergency a division may only impose a trusteeship after a hearing; the subordinate body must receive notice of the charges, the time and place for hearing, and the nature of the hearing; and in case of an emergency, the hearing shall be held within a reasonable time after the imposition of the trusteeship.

## Section 5. Services to be Provided

- (a) Obligation to Provide Services

The Association shall provide to each division and its members all the resources, goods, and services which the Association makes available to any other division, affiliate, or member, and such additional services as the division requests and the

Association is reasonably able to provide, as long as such services are within the purposes and objectives of the Association, as set forth in Article II. Each division shall pay for services rendered at its request, at the rates established in this Section 5.

(b) Price for Services

The price at which the Association shall provide resources and services to the divisions shall be the Association's direct cost therefor. In consideration of the agreement of the Association to make such services available at cost, and the other benefits accruing to the members of a division by virtue of their membership in the Association, each division shall also pay its proportionate share of the Association's indirect costs. A division's share of Association indirect costs shall be payable monthly, and may be deducted from dues the Association collects on behalf of such division. If a division has a positive fund balance with the Association, it may, at its option, apply such fund balance or a portion thereof to reduce its obligations to the Association. (The term "fund balance" means the cumulative account kept by the Association of the difference between (i) the amount of dues contributed by the members of a division, and interest thereon, and (ii) the amounts which such division has been charged for the direct and indirect costs of services rendered to such division by the Association.)

(c) Cost and Cost Allocation Definitions

- (1) "Direct costs" shall be those costs which are incurred as a direct result of rendering the services in question and/or can be specifically identified with such services, including, without limitation, the actual cost of goods provided or materials consumed and the direct labor costs of services rendered.
- (2) "Direct labor costs" shall be the compensation (including employment taxes) of Association staff members who render services directly to or for the benefit of a division.
- (3) "Indirect costs" shall be those which cannot be directly attributed to services performed for any particular division or affiliate.
- (4) Indirect costs shall be allocated among the divisions and affiliates in proportion to the direct labor costs incurred by each. A division's or affiliate's "proportionate share" of the Association's indirect costs shall be that percentage of all indirect costs of the Association which is equal to such division's/affiliate's percentage of all direct labor costs collectively incurred by all divisions/affiliates during the same period of time. For every division/affiliate or budgetary organizational unit within a division or affiliate, a division's or affiliate's "proportionate share" of the indirect costs shall be equal to such division's/affiliate's percentage of direct labor costs

in the division/affiliate or budgetary organizational unit within a division/affiliate during the same period of time.

- a. Any reasonable doubt about the characterization of any item as a direct or indirect cost shall be resolved in favor of direct cost; and the Association shall endeavor in good faith to collect the information necessary to identify its costs as direct costs to the greatest possible extent.
- b. Each division's/affiliate's share of indirect costs may be adjusted by the Association's delegates at General Council to cause the individual cost per member or feepayer of rank-and-file divisions and rank-and-file affiliates to be equal.
- c. The indirect costs for any budgetary organizational unit transferred from a division or affiliate to the Association after December 31, 1998, shall be allocated among the divisions and affiliates in the same manner as before such transfer unless otherwise designated by the General Council delegates.

#### Section 6. Membership in Bargaining Unit Councils

- (a) A bargaining unit council consists of active members elected by the bargaining unit members, or as provided by contractual agreement, to act on behalf of the Association, its officers, members, chapters, and regions, along occupational lines in matters pertaining to the scope of representation, under the State Employer-Employee Relations Act or the Higher Education Employer-Employee Relations Act subject to rules and regulations established by the appropriate division committee of the Board of Directors. Bargaining unit councils shall cover specific occupational groups.
- (b) The number of bargaining unit council members shall be determined by the appropriate rank-and-file division council. Term of office and filling of vacancies shall be under rules prescribed by the appropriate rank-and-file division council.

#### Section 7. Authority of Bargaining Unit Councils

- (a) Division and bargaining unit councils shall have such authority and responsibility, as is consistent with the authority of the Board of Directors, to engage in representation or collective negotiations as authorized by state law, except that the bargaining unit councils shall not enter into any agreement which will diminish the benefits or annuities of the retired members. Divisions or councils may utilize assigned staff of headquarters in order to implement their responsibilities.
- (b) A bargaining unit council may establish subcommittees of the council by vote of the council, to work with the occupational groups within the council. Unit councils

may also be formed by contractually established agreement pursuant to rules and regulations established by the appropriate division council.

**Section 8. Membership Responsibility**

Responsibility for development of membership recruitment and retention programs shall be vested in the division councils.

## ARTICLE IX

### Affiliated Organizations

#### Section 1. Incorporated Classes

Any class may, upon compliance with the terms and conditions of this article and by the affirmative vote of a two-thirds majority of its General Council delegates, organize itself as a separate corporation, while remaining united in purpose and in action with the Association, and retaining its membership in the Association. Such separate corporation organized pursuant to this article shall be known as an "affiliate" of the Association. Two or more classes may join to form one affiliate, while remaining separate classes within the Association. The Association and its officers and employees shall cooperate in good faith with any class which wishes to incorporate, including, without limitation, assisting in the formation of a new corporation and its application for tax-exempt status, cooperating with capitalization plans for the new affiliate, negotiating a fair and reasonable service contract, and arranging for the assignment of the Association's bargaining agreement and bargaining agency for such class to the affiliate.

#### Section 2. Eligibility for Affiliation

##### (a) Organization of Corporation

Prior to receiving a charter as an affiliate, a division must form and organize a non-profit mutual benefit corporation under the laws of the State of California. The articles of incorporation of such corporation shall include the following statement:

"This corporation has been chartered by authority of California State Employees Association, a California non-profit mutual benefit corporation ('CSEA'). If such charter is surrendered to, taken away, or revoked by CSEA, this corporation shall thereupon dissolve. If this corporation is dissolved for such reason or for any other reason or cause whatsoever, all of its assets, after compliance with the applicable provisions of Chapters 15, 16, and 17 of the California Non-Profit Mutual Benefit Corporation Law, shall be distributed to CSEA. The foregoing provisions may not be amended without the written consent of 'CSEA.'"

Until such time as the corporation has admitted members, its incorporator shall be the division director of the division whose members are to become members of the proposed affiliate, and its board of directors shall be the division council of such division, who shall hold authority in such corporation as agents for their class. Until such time as the new corporation is organized, the process of organizing and capitalizing it and preparing it for affiliation shall be the responsibility of the division to which the class belongs.

(b) Tax Exemption

No corporation may be granted a charter as an affiliate unless it has been recognized by the Internal Revenue Service as a tax-exempt entity under Section 501 of the Internal Revenue Code, or the Board of Directors of the Association determines that the Internal Revenue Service will probably grant such recognition.

(c) Capitalization

The proposed affiliate must be adequately capitalized, or have a plan for the provision of adequate initial capital. Capital sufficient to provide for the anticipated operating costs of the proposed affiliate for two months shall be deemed adequate.

(d) Service Contract

Prior to receiving a charter, an affiliate shall also enter into a service contract with the Association pursuant to Article IX, Section 6. If such affiliate is to admit as members the members of any division which has a negative fund balance with the Association, such service contract shall also specify the repayment schedule by which such indebtedness is to be repaid. If the proposed affiliate is otherwise eligible for a charter but cannot reach agreement with the Association on such service contract, it shall be deemed to have entered into a contract for services of the same kind and amount, and at the same rates, as it used during the last year it was an unincorporated division, and to have agreed to repay such negative fund balance in no more than 12 monthly installments, and its charter shall thereupon be issued.

### Section 3. Charter

The Association shall grant a charter to any class which has voted for incorporation and organized an eligible corporation for that purpose and otherwise complied with Section 2 of this article. The grant of such charter shall constitute such corporation an affiliate of the Association. Such charter shall be evidenced by a written document in such form as the Board of Directors may determine, and shall be executed by the president and secretary of the Association and by the duly authorized officers of the affiliate.

### Section 4. Effect of Charter

(a) Affiliates and Members

Upon accepting a charter, an affiliate shall be entitled to all the benefits accorded to affiliates in these Bylaws. It shall be deemed to have admitted as members all members of the class it was organized to represent. Each such person shall be a member of both the affiliate and the Association, and shall have the rights and privileges pertaining to both such memberships.



(b) Divisions

The division to which such members formerly belonged shall be dissolved, and shall have no further existence while such affiliate continues to hold such charter. All functions of such division, and all powers exercised by it, shall automatically be transferred to such affiliate. All existing chapters of such former divisions shall be deemed chapters of the affiliate, not of the Association, and shall be governed by the articles of incorporation, bylaws, and board of directors of the affiliate. The affiliate may, at its discretion, reorganize, merge, rename, or dissolve any or all such chapters.

(c) Directors

The division director and deputy division director of the division to be incorporated shall not be removed from the Board of Directors of the Association by the incorporation of the class which their division formerly represented. Instead, they shall be deemed the directors appointed by such affiliate and elected by the class which it represents, respectively, and shall serve in such capacities until the expiration of their respective terms unless they are sooner removed by the persons entitled to do so. Thereafter, the affiliate shall appoint, and its members shall elect, directors as set forth in Article V.

(d) Binding Effect of Association Bylaws

An affiliate shall be bound by the provisions of the Bylaws of the Association, to the extent applicable, as they existed at the date such affiliate received its charter, and as amended from time to time.

Section 5. Financial Matters

(a) Affiliate Finances

Each affiliate shall set its budget, establish its dues and fees and make any assessments which may be made upon its members according to its articles of incorporation and bylaws. The Association shall have no authority to levy any dues, fees or assessments on its members who belong to an affiliate. Each affiliate shall own and control its own assets, and shall make payments to the Association in the amounts and on the schedule established pursuant to Section 6 of this article. Neither the Association nor any other affiliate shall be responsible for the debts or obligations of any affiliate; and no affiliate shall be responsible for the debts or other obligations of the Association. The Association and each affiliate shall indemnify each other and hold each other harmless from any damages, causes of action, claims or costs, including attorneys' fees and amounts paid in good faith to settle such claims, in connection with the debts and obligations of each such indemnifying party.

(b) Initial Capitalization

After a class has voted to incorporate, but before it is granted a charter, it shall accumulate the capital necessary to become eligible for such charter. A portion of the dues payable by the members of such class shall be set aside and held in trust by the Association, in a separate account or accounts in the name of the Association as trustee for the members of that class, pending organization of their affiliate and issuance of its charter. The exact amount or percentage so to be set aside shall be established by the division to which such class belongs. A charter shall be issued as soon as the funds so set aside equal the amount required by Section 2 of this article, and the affiliate is otherwise eligible. When a charter is issued to the affiliate to which the members of such class belong, the Association shall disburse to such affiliate the funds held in trust for those members, which funds shall thereupon be considered dues paid by them to their affiliate, and as such, unrestricted general funds of such affiliate. At any time before a charter is granted, the class to be incorporated may, by vote or written ballot of a two-thirds majority of its General Council delegates, cancel its plan to incorporate, and in such event all funds held in trust for that class shall be disbursed to the division to which it belongs.

(c) Preservation of Fund Balances

If any division has a positive fund balance with the Association immediately prior to receiving a charter as an affiliate, the Association shall hold and apply such balance for the benefit of the members of such affiliate. Services rendered by the Association to such affiliate shall be paid for by application of such fund balance until it has been fully used. If any division has a negative fund balance with the Association immediately prior to receiving a charter as an affiliate, it shall be indebted to the Association in the amount of such fund balance, and shall repay the same according to the repayment schedule established pursuant to Section 2 (d) of this article. The term "fund balance," as used in this section, shall have the same meaning as in Article VIII, Section 5.

(d) Collection and Remittances

The dues, fees, and assessments payable by each member of any affiliate may be collected by the affiliate or the Association for the account of such affiliate. If collected by the affiliate, any amounts owed by it pursuant to Section 5 of this article shall forthwith be transferred to the Association. If collected by the Association for the account of the affiliate the affiliate shall, from time to time, inform the Association of the amount of dues, fees, and assessments to be collected from its members on its behalf. The Association may retain any amounts due it pursuant to Section 6 of this article and/or Subsection (c) of this Section 5, and shall promptly remit the balance to the affiliate. The Association shall furnish with each such remittance an accounting of the monies received, by member and date, and of the amounts retained by the Association, by account. If requested by the affiliate, the Association shall take legal action to collect dues, or to enforce by any legally permissible means the financial obligations of the members of such affiliate. The

Association shall make remittances to its affiliates as required hereby, notwithstanding any offsetting claim it may have or claim to have, unless and until such offsetting claim has been established by the judgment of a court of competent jurisdiction and such judgment has become final. The obligation of the Association to pay without offset shall be enforceable by the affiliates by a preliminary injunction or other prejudgment court order without having to plead or prove damages.

## Section 6. Services to be Provided

### (a) Obligation to Provide Services

The Association shall provide to each affiliate and its members all the resources, goods, and services which the Association makes available to any other member, division, or affiliate, and such additional services as the affiliate requests and the Association is reasonably able to provide, provided such services are within the purposes and objectives of the Association, as set forth in Article II hereof. Each affiliate shall pay for services rendered at its request, at the rates established by this Section 6, and within such times and upon such terms as will be established by the service contract between the Association and each affiliate. Unless other terms are agreed upon in such service contract, and except as otherwise provided in Section 5 (c) of this article, all services shall be paid for in cash within 30 days of invoice.

### (b) Price for Services

The price at which the Association shall provide resources and services to the affiliates shall be the Association's direct cost therefor. In consideration of the agreement of the Association to make such services available at cost, and the other benefits accruing to the members of an affiliate by virtue of their membership in the Association, each affiliate shall also pay its proportionate share of the Association's indirect costs. An affiliate's share of such indirect costs shall be payable monthly. The cost and cost allocation definitions by which the provisions of this subsection shall be construed shall be the same as those set forth for divisions in Article VIII, Section 5.

### (c) Service Contract

The Association and each affiliate shall enter into a service contract every two years, for a term co-extensive with the two fiscal years of the Association, except that in the year 2000 they shall enter into a three-year service contract and thereafter beginning with the year 2003 they shall enter into a service contract every two years. Any modification in Association staffing during the term of the contract shall be done in accordance with the existing staff contract. No later than 180 days before the end of the then-current service contract, each affiliate shall notify the Association of the kind and amount of services the affiliate needs for the forthcoming two years. The Association shall agree to provide such services, to the extent it is required by this Section 6 to do so and to the further extent that it is

reasonably able to do so. Unless otherwise agreed by the parties, the terms of such contract shall be as set forth in this Section 6 (to the extent applicable). Such service contract, which shall be in writing, shall set forth the nature and amount of all services to be rendered to each affiliate during the forthcoming two fiscal years of the Association. It shall also cover payment terms and any other matters required by this article. The service contract for the forthcoming year shall be negotiated, agreed upon, and signed by the parties at least 120 days before the expiration of the current contract.

(d) Change Orders

If an affiliate needs additional services not included in its service contract, the Association shall provide the same, subject to reasonable availability of staff, equipment, and materials, at the Association's direct cost, determined under Subsection (b), above. Unless otherwise agreed by the Association and the affiliate, the payment terms for such additional services shall be net 30 days. If an affiliate wishes to reduce its obligations under its annual contract, it shall notify the Association of specific services to be deleted from the contract. Upon receipt of such notice, the Association shall attempt in good faith to avoid incurring the costs of such services, and the affiliate shall be obligated to pay only for the unavoidable costs of the services specified in its contract. Staff time shall be deemed an unavoidable cost unless it can be avoided by deferring the employment of new personnel or unless additional services ordered by other divisions/affiliates utilize staff time formerly allocated to the affiliate which has requested a reduction in services.

(e) Disputes

(1) Negotiation of Service Contract

The parties shall negotiate in good faith and shall devote their respective best efforts to entering into a service contract by the deadline date. If, despite such efforts, the parties are unable to agree on a new contract by a date no later than 120 days before the expiration of the current service contract, the matter shall be referred to arbitration by, and under the rules of, the American Arbitration Association. The arbitrator or arbitrators in such matter shall be entitled to set all terms of the service contract for the forthcoming contract period, according to the principles established in the foregoing portions of this Section 6. The decision of the arbitrator or arbitrators shall be final and binding on both parties, and shall establish the terms of the service contract between such parties for the forthcoming contract period. If the arbitration award has not been announced before the expiration of the current contract, such term shall be extended from month to month until the matter has been resolved.

(2) Other Disputes Involving Service Contracts

Any other disputes involving the interpretation or enforcement of, or compliance with, this Section 6 or any service contract shall likewise be resolved by arbitration by, and under the rules of, the American Arbitration Association. The arbitrator(s) shall have authority to declare the rights and duties of any party to any service contract, to award damages for any breach of such contract or for fraud, misrepresentation, negligence or other wrongful act or omission in connection with a service contract, and/or to reform or revise any service contract to comply with the terms of this Section 6. However, the arbitrator(s) shall not order the rescission, cancellation or termination of any service contract. Notwithstanding any other provision of this article, a party which is otherwise entitled to injunctive relief, a writ, or any other prejudgment remedy not available in arbitration may apply for and obtain the same from a court of competent jurisdiction.

(3) General Provisions Regarding Arbitration

All arbitrations shall be held at the principal office of the Association, unless the parties otherwise agree. Each party shall pay one-half the costs and fees payable to the American Arbitration Association, but shall otherwise bear its own costs and attorneys' fees in the matter. Pending the outcome of any arbitration, the Association shall continue to provide services as before, and the affiliate shall likewise continue to pay for them. The Association and each affiliate hereby waive and release any right or claim any of them may have or hereafter acquire to rescind, cancel, or terminate any service contract; the sole remedy for any breach or alleged breach of any service contract, or failure on consideration thereof, or other circumstances which might vitiate such contract, shall be arbitration as set forth above.

Section 7. Membership

Each affiliate may admit as members any and all persons eligible for membership pursuant to Article III, provided each person admitted as an active member is within the description of a class which belongs to such affiliate. If the class or eligibility of any member changes due to promotion, retirement, disability, termination of employment, or any other cause, then such member shall be terminated as a member or assigned to the appropriate division/affiliate, as the case may be. Each affiliate shall promptly notify the secretary-treasurer of the Association of the name, address, chapter, or other organizational unit membership, voting rights and occupational status of each and every member of such affiliate upon admitting such persons to membership, and again whenever it is reasonably necessary for the purposes of the Association. The affiliate shall also provide the Association with information about such affiliate's chapters or other organizational units, if any, including their identify, jurisdiction, mailing addresses, and the names and addresses of their officers. The Association shall provide all such membership and chapter information to the affiliate when the affiliate receives its charter and again from time to time when needed by the affiliate.

## Section 8. Surrender and Cancellation of Charter

### (a) Surrender

An affiliate may surrender its charter to the Association after obtaining the vote or written consent of two-thirds of all the voting members of such affiliate, whether or not in attendance at a meeting. Such surrender shall take effect at the end of the current term of such affiliate's service contract with the Association.

### (b) Cancellation

The Association may cancel the charter of an affiliate for one or more of the following causes:

- (1) Such affiliate is dissolved, becomes a debtor in a proceeding under the bankruptcy laws, suffers the suspension or cancellation of its corporate charter by the California Secretary of State, merges with or into any other corporation or enters into a binding agreement to do so, or sells or otherwise disposes of, or agrees to sell or dispose of, all or substantially all its assets, either voluntarily or involuntarily.
- (2) Such affiliate amends its articles of incorporation or its bylaws to contain provisions which are incompatible with the purposes and objectives of the Association, and which are likely to lead to acts or omissions which will materially and adversely affect the reputation or effectiveness of the Association or subject it to an unreasonable risk of liability.
- (3) Such affiliate actually engages in conduct which materially and adversely affects the reputation or effectiveness of the Association or subjects it to an unreasonable risk of liability.

### (c) Procedure for Cancellation

- (1) Upon receiving an accusation that grounds exist for cancellation of the charter of an affiliate, or on its own volition, the Board of Directors of the Association shall investigate the matter. If the board determines that grounds for cancellation do not exist, it shall so notify all persons concerned.
- (2) If the board determines that grounds for cancellation probably exist, it shall give written notice of intent to cancel to the affiliate. If within 30 days of actual receipt of such notice the affiliate requests in writing the opportunity to be heard, the board shall schedule a hearing no sooner than 10 days and no later than 30 days after the date such request is received. At the hearing, the affiliate shall be allowed a full and fair opportunity to present its evidence and arguments why its charter should not be canceled. The charter shall not be canceled unless the board finds after reasonable and good-faith inquiry, and after notice and hearing as required hereby, that grounds for cancellation

exist and that it is in the best interest of the members of the Association to cancel such charter.

- (3) If the ground for cancellation is one which can be corrected by action of the affiliate, and the affiliate undertakes to do so, then the affiliate shall be given a reasonable amount of time, not to exceed 90 days, to take such corrective action, and its charter shall not be canceled if such corrective action is timely completed.
- (4) If the affiliate does not request a hearing, does not appear at such hearing, does not undertake necessary corrective action, or does not timely complete action it has undertaken, the charter may be canceled if the board finds, after reasonable and good faith inquiry, that grounds for cancellation exist and that it is in the best interest of the members of the Association to cancel such charter.
- (5) No ground for cancellation may be relied upon if it was not set forth in the notice of intent given to such affiliate by the Association.
- (6) The vote of the Board of Directors required to cancel a charter shall be two-thirds of the directors then in office. Directors appointed by the affiliate in question, or elected by a class which belongs to such affiliate, shall not be entitled to vote on the matter, shall not be counted as board members for purposes of such vote, and shall not be counted as part of the quorum required for a meeting of the board for the purpose of taking such action.

(d) Effect of Surrender or Cancellation

- (1) Upon surrender or cancellation of its charter, an affiliate shall immediately dissolve and wind up its affairs. It shall lose all power to admit new members, collect dues, exercise any of its former rights as an affiliate, or carry on any of its business or affairs, except as necessary to liquidate its assets. It shall also lose all the rights of an affiliate under these Bylaws, but shall remain liable for payment of all sums owing under its service contract with the Association as of the date of surrender or termination.

After payment of its lawful debts and obligations (including, without limitation, those to the Association), making reasonable provision for the payment of contingent or disputed claims, and taking such other action as may be required by applicable law, all its remaining assets shall be distributed to the Association.

- (2) The class of members which belonged to such former affiliate shall retain their membership in the Association, and shall constitute a division pursuant to Article VIII, with all the rights and duties thereunto pertaining. The benefit and the burden of the service contract between the affiliate and the Association shall inure to such division. All dues and fees formerly required

by such affiliate from its members shall be the dues and fees they are required to pay to such division until such division changes them. Any money or property received by the Association from the dissolved affiliate shall be held for the benefit of, and delivered to, such division.

- (3) All chapters, bargaining unit councils and occupational councils, and other subordinate units which were organized and in existence within such affiliate as of the date its charter was surrendered or canceled shall become chapters, bargaining unit councils or occupational councils, respectively, of the Association and of such division. Any subordinate bodies of organizational units authorized by such affiliate and not contrary to the Bylaws of the Association shall be preserved as subordinate bodies or organizational units of such division.
- (4) The persons who constituted the Board of Directors of the former affiliate immediately before the surrender or cancellation of its charter shall be the division council of the division until such time as a regular division council can be duly elected. The person appointed by such former affiliate to represent such affiliate on the Board of Directors of the Association shall become the division director of such division, and shall in such capacity continue to represent the division on the Board of Directors of the Association until the expiration of his/her term, unless he/she is sooner removed from office by vote of the members of such division. The director elected by such class of members shall be the deputy division director of such division, and in such capacity shall continue to serve as a member of the Board of Directors of the Association until the expiration of his/her term, unless he/she is sooner removed by vote of the members of such division.
- (5) Nothing herein contained shall be construed to prevent the class which belonged to such former affiliate from incorporating again, after complying with requirements of Section 2 of this Article IX.

#### Section 9. Other Affiliations

The Association, may from time to time, enter into affiliation agreements of various kinds with other employee organizations, on such terms as may be approved by the Board of Directors and ratified by the General Council, but such affiliation shall not constitute any person or group an affiliate for purposes of this Article IX except upon compliance with all the provisions of this article.

#### Section 10. Political Action

Affiliates shall not take a political action position which is in conflict with the Association's position.



## ARTICLE X

### General Council

#### Section 1. Purposes

All the voting rights of the active members, except the right to elect delegates, shall be exercised by and through their delegates. An assembly of delegates for the purpose of exercising this voting power and the group of delegates selected for such purpose, are either or both, referred to as the "General Council." All matters required to be approved by the members, or which may be acted upon by the members, shall be voted upon by the General Council with the same effect as though voted upon by all the voting members which each delegate represents. All rights of membership other than voting rights are reserved to the individual members themselves. This section applies to actions taken at General Council, or by a written vote of General Council when it is not in session, and does not apply to matters upon which a division or affiliate is voting.

#### Section 2. Membership Roll

The membership roll of delegates to General Council, limited to active members of the Association, is determined at each session, and consists of:

- (a) delegates and alternates elected by chapters. Each chapter shall be entitled to elect one delegate for each 100 members then belonging to such chapter or major fraction thereof, except that no chapter shall have less than one delegate. A chapter may provide in its bylaws that the person elected chapter president will be one of that chapter's delegates to General Council. In such case, the candidate consent statement and the election ballots shall indicate that the person elected will serve in both capacities and such elections shall be held in accordance with standards applicable to the election of chapter delegates. The delegates referred to above shall be known as chapter delegates;
- (b) members of the outgoing Board of Directors;
- (c) two officers from each division/affiliate who are not already delegates by virtue of (b) above, determined by the division/affiliate;
- (d) past state presidents who are currently members of the Association; and
- (e) regional directors-elect.

#### Section 3. Record Date for Delegate Elections

- (a) The number of delegates to which a chapter is entitled shall be based on the number of active members in good standing in the chapter 120 days before the general session of the General Council. In the absence of a delegate at any session of the General Council, an alternate serves.

- (b) Notwithstanding other provisions in this section, a chapter acquiring a charter after the date fixed for delegate apportionment and more than 30 days before the convening of General Council is entitled to one delegate.

#### Section 4. Delegate Elections and Terms

- (a) Elections

- (1) Chapter Delegates and Alternates

All elections of chapter delegates shall be by secret ballot. All chapter members shall be given a fair and equal opportunity to run for delegate, to nominate others, to campaign for themselves or others, and otherwise to communicate with other chapter members about such vote.

Those candidates who are not elected delegates shall be placed on a list of alternate delegates in order of votes received.

If a chapter's elections do not result in the election of a full delegation, or if subsequent vacancies in the delegation occur, and there are insufficient alternate delegates to fill the positions, or if the chapter has no alternate delegates or has an insufficient number of alternate delegates, it may hold additional elections until it has elected a full delegation and/or sufficient number of alternate delegates.

All such secondary elections must be completed at least 31 days prior to the opening session of General Council. The cost of additional elections shall be borne by the chapters.

Affiliates shall establish specific procedures for elections of their chapters' delegates. The Association's Board of Directors shall establish specific procedures for election of chapter delegates from divisions, and for election of delegates from those affiliates who do not establish their own procedures.

- (2) Other Delegates

Regional and statewide officers shall be elected by secret ballot in accordance with the other provisions of these Bylaws.

Unless another provision of these Bylaws establishes the procedure for electing those who will serve as General Council delegates by virtue of holding an office in any division/affiliate or subordinate body thereof, they shall be elected as set forth in this paragraph. Such elections shall be by secret ballot. All persons qualified to hold the office to be filled shall be given a fair and equal opportunity to run for such office and to communicate with the electorate about the election. All persons entitled to vote in the election shall be given a fair and reasonable opportunity to nominate candidates for it

and to communicate with other voters about the election. Each division/affiliate may adopt detailed rules of procedure, consistent with these Bylaws, for the conduct of such elections among its members.

(b) Terms

(1) Chapter Delegates

General Council chapter delegates have two-year terms, beginning at the opening ceremonies of General Council and continuing until their successors are installed, except that in the year 2000 the General Council chapter delegates shall be elected for three-year terms and thereafter beginning with the year 2003 they shall have two-year terms.

(2) Past State Presidents

Past state presidents shall serve as delegates for life so long as they remain members in good standing.

(3) Other Delegates

Regional and statewide officers shall serve as delegates for the terms of such offices as set forth elsewhere in these Bylaws.

Unless another provision of these Bylaws establishes a specific term for those who will serve as General Council delegates by virtue of holding an office in any division/affiliate or subordinate body thereof, such term shall be as set forth in the Bylaws and/or written policies of the appropriate division/affiliate. In the absence of any other term provision, such term shall be for two years and until a successor has been elected and assumed office, except that in the year 2000 these other delegates shall be elected for three-year terms and thereafter beginning with the year 2003 they shall have two-year terms.

Section 5. Delegate Vacancies

(a) Chapter Delegates

(1) Vacancy

A vacancy in a chapter delegation to General Council exists by virtue of the resignation, death, disability, or removal of a delegate, or failure of a chapter delegate who does not serve as such by virtue of being chapter president to attend a session (or part of a session) of the General Council.

(2) Filling of Chapter Vacancy

When a chapter has a vacancy in its delegation to the General Council, the chapter shall fill the vacancy with an elected chapter alternate in order of the number of votes received by each alternate, and certify such alternate delegate to the secretary-treasurer of the Association.

(3) Alternate for a Delegate

An alternate who fills a vacancy serves and is known as a delegate for the remainder of the term for which such delegate was elected.

(4) Alternate for a Chapter Officer

An alternate replacing a delegate who is a delegate by virtue of being a chapter president, serves only for the duration of the general session, or of any special session from which the chapter president is absent, and the chapter president serves at all other times and until the convening of the next session of the General Council.

(b) Other Delegates

A vacancy exists by virtue of the resignation, death, disability, or removal of a delegate. Any vacancy in the office that gives delegate status to a person other than a chapter delegate shall also create a vacancy in such person's position as a delegate. Any such vacancy shall be filled automatically by the successor, if any, to such office, and may not be filled in any other way.

Section 6. Accreditation of Delegates

(a) Chapter Delegates

At each general session of General Council, the Credential Committee shall accord membership to those chapter delegates, and chapter alternates who present credentials signed by the president and secretary of their chapters.

(b) Other Delegates

Delegates who are not chapter delegates shall be accorded membership by the Credentials Committee upon presentation of credentials signed by the president and secretary-treasurer of the Association.

Section 7. Removal

(a) Chapter Delegates

Any chapter delegate may be removed for cause by the vote of a majority of the

chapter members at a regular or special meeting of the chapter. All chapter members shall be given a fair and reasonable opportunity to communicate with other chapter members about the matter, and the delegate(s) subject to removal shall be given reasonable notice of the proposed action and opportunity to be heard by the members. The vote shall be by secret ballot. Affiliates shall establish specific procedures for removal of their chapter delegates. The Association's Board of Directors shall establish specific procedures for removal of chapter delegates from divisions, and from affiliates that do not establish their own procedures.

Chapter delegates may also be removed as delegates for cause by the Board of Directors upon petition by the Executive Committee.

(b) Delegate Status as Result of Other Elective Office

Except as provided below, delegates other than chapter delegates are removed by action of removal from the office that gives them delegate status.

(c) Past Presidents

Past presidents of the Association, who retain active membership in the Association, may be removed as delegates for cause, by the Board of Directors on petition of the Executive Committee. Removal of delegate status does not deprive a past president of the office of past president.

## Section 8. Recall

Any chapter/DLC delegate may be recalled. Affiliate(s) shall establish specific procedures for recall of their chapter delegates. Any affiliate that does not establish specific procedures for recall of chapter/DLC delegates shall follow the procedures established by the Association for the divisions. The Association's Board of Directors shall establish specific procedures for recall of chapter/DLC delegates from divisions.

## Section 9. Duties of Delegates

Delegates, delegates-elect, and delegates-designate to General Council are encouraged to attend meetings of General Council committees. Delegates shall attend all sessions of General Council, consider General Council resolutions, and act upon the business of General Council in accordance with the best interest of their chapters and the Association. Delegates shall assist their chapters in understanding and implementing the actions of the General Council.

## Section 10. Franchise

Only members of the General Council may vote in the General Council. Each member of the General Council is entitled and limited to a single vote on each issue. All General Council subject committee chairpersons shall during the duration of the respective

committee reports have the right to make motions for the committee and speak on resolutions being reported by that committee. The rights of the subject committee chairperson shall be limited to the above unless the subject committee chairperson is a member of the General Council.

#### Section 11. Resolutions

- (a) A resolution intended for consideration by the General Council must be in writing and in duplicate. Each resolution whose adoption would entail an expenditure of Association funds must contain an estimate of probable cost to the Association. Resolutions are submitted as follows:
- (1) when signed by 50 or more active members of the Association, or by any delegate of General Council, delegate-elect, or delegate-designate to the General Council, or proposed by a chapter, region, or any subject or procedural committee, division council or bargaining unit council at any officially convened meeting and delivered to the headquarters office of the Association at least 60 days prior to the convening of the next general session of the General Council;
  - (2) when proposed by any subject or procedural committee or bargaining unit council at any officially convened meeting, or signed by 20 or more delegates of General Council, or delegates-elect and delegates-designate to General Council and delivered to the headquarters office of the Association before 12 noon of the 15th day preceding the convening of the General Council;
  - (3) when presented by or signed by any member of the General Council and introduced prior to adjournment of the General Council, with an accompanying statement identifying the vital interests of the Association involved in the subject of the resolution and why the matter may not await the next General Council, and approved for consideration by the Rules Committee. Any resolution not approved for consideration by the Rules Committee may be appealed to the General Council when the Rules Committee gives its report. The proponent shall be given an opportunity to present an argument supporting the request for consideration of the resolution at this General Council and the resolution may be accepted by a two-thirds vote of the General Council;
  - (4) when proposed by the Board of Directors, or by a division council/affiliate at any time.
- (b) The headquarters office shall cause a copy of each resolution submitted under Subsection (1) to be mailed to each delegate, delegate-elect and delegate-designate at least 30 days prior to the convening of the General Council; and shall cause a copy of each resolution submitted under Subsection (2) to be mailed to

each delegate, delegate-elect and delegate-designate at least 10 days prior to the convening of the General Council.

- (c) A resolution which names or alludes to any individual or any Association member or member of Association headquarters staff in language that will be deleterious to that person's character and reputation shall be withheld from publication by the president. The president shall immediately notify the proponent in writing of the intention to withhold the resolution and the reasons therefor, and the proponent shall have 10 days from the date of such notice within which to resubmit the resolution amended so as to delete the deleterious portions therefrom. In the event no amended resolution is received or an amended resolution that has been submitted timely is still unacceptable in the opinion of the president, he/she shall refer the resolution to the Board of Directors for affirmation of the action by a two-thirds vote at their next meeting. The proponent of the resolution shall be given timely notification of the president's action prior to the board meeting. If the president's action is affirmed, the resolution shall be set aside without further consideration and the proponent so notified.
- (d) Unless the resolution contains language to the contrary, all resolutions adopted by General Council shall become effective and acted upon accordingly, at the adjournment of General Council.

#### Section 12. Regional Director - Qualification

A regional director-elect qualifies for induction into office as regional director upon presentation to and acceptance by the Credential Committee, if the General Council is in session, or the board if it is not, of satisfactory evidence of being elected. If a regional director-elect fails without good cause to be present for induction, the assistant regional director-elect, on like presentation and acceptance of credentials, shall be inducted into office as regional director. If both fail, without good cause, to present themselves for induction, the incumbent regional director shall continue to serve as such until a new regional director and assistant regional director are elected, following the procedure set out in Article V, Section 2.

#### Section 13. Induction

- (a) Members of the Board of Directors and assistant regional directors are installed as the last order of business at General Council.
- (b) If it becomes necessary to install an officer, regional director, or assistant regional director, and General Council is not in session, the installation shall be conducted by the Association's president as the first order of business at a Board of Directors meeting. However, the board member shall assume his/her duties upon appointment or election.
- (c) Installation of division/affiliate officers shall be in accordance with division/affiliate rules.

#### Section 14. Expenses

The authorized expenses of members of the General Council occasioned by their attendance at any session of the council are paid by the Association or division/affiliate as appropriate.

#### Section 15. Voting Between Sessions

When a vote of the General Council is required between sessions, and does not amend the Bylaws, the board shall formulate the question and cause it to be stated clearly and legibly on the ballot which shall have spaces for "yes" "no" votes, and which shall state the date on or before which and the place to which the ballot must be returned. The Board of Directors shall provide means for identification of the voter consistent with the secrecy of the ballot.

Approval of the question shall be valid only when the total votes cast constitute a quorum at the General Council and the number of "yes" votes equals or exceeds a majority of the votes cast. The ballot shall state the number of responses needed to meet the quorum and that a majority of the votes cast is needed for approval of the question. If the matter to be voted on is a Bylaws amendment, it must comply with the appropriate provisions for amending the Bylaws.

#### Section 16. General Council Acts

Acts of the General Council in conflict with the provisions of these Bylaws are void.



## ARTICLE XI

### Committees

#### Section 1. General Council Committees

In the General Council there are the following committees:

(a) Subject Committees:

- (1) Association Bylaws, Policies and Procedures
- (2) Member Benefits
- (3) Fiscal
- (4) Operations

(b) Procedural Committees:

- (1) Rules
- (2) Credentials
- (3) Sergeant-at-Arms
- (4) Election Tellers
- (5) Courtesy
- (6) Nominations
- (7) Arrangements

#### Section 2. Other Committees

(a) Committees other than General Council committees and division committees of the Board of Directors are established by a majority vote of the General Council, the Board of Directors, or divisions/affiliates.

(b) Board Appointed Committees:

The Board of Directors may create other committees from time to time to hold hearings and make recommendations to it concerning programs and issues of interest to the Association. Additionally, the following committees shall serve the board between sessions of General Council:

(1) Fiscal Committee

Between sessions of the General Council, the Fiscal Committee shall prepare the proposed budget for the Association and provide ongoing fiscal oversight. Notwithstanding the provisions of Bylaws Article XI, Section 4 and Bylaws Article IV, Section 2 (b) (1) f., it shall be comprised of the chief fiscal officer of each class, and one additional member from each class, appointed by the president. The president shall designate a chair and vice chair from the committee members.

(2) Member Benefits Committee

Between sessions of the General Council, the General Council Member Benefits Committee shall serve the Board of Directors and shall be responsible for insurance, retirement, other benefit programs, and related matters.

(3) Association Bylaws, Policies and Procedures Committee

Between sessions of the General Council, the General Council Association Bylaws, Policies and Procedures Committee shall serve the Board of Directors and shall be responsible for the reviewing of and recommending action on the Bylaws, policies and procedures of the Association.

(4) Operations Committee

Between sessions of the General Council, the General Council Operations Committee shall serve the Board of Directors and shall be responsible for reviewing policies and programs and making recommendations pertaining to operations and related matters.

(5) Human and Civil Rights Committee

The Board of Directors shall establish a Human and Civil Rights Committee to educate and to inform all members about the needs and concerns of its people and the general populace.

(6) Women's Committee

The Board of Directors shall establish a Women's Committee to educate and to inform all members about the needs and concerns of women in the Association, state service and in the general populace.

Section 3. Line of Responsibility

Nothing in this article affects the rights and powers of the Board of Directors as declared in Article IV, Section 1 (b). Between general and special sessions of the General Council, all committees, except those of the divisions/affiliates, are responsible to the Board of Directors, and shall keep the Board of Directors currently informed of their aims, findings, and objectives; during general sessions, and special sessions, they are responsible to the General Council.

Section 4. Appointments

The president is empowered to appoint and remove members of all committees except the Committee on Nominations, Governmental Affairs Committee, ex-officio members of

the Fiscal Committee and division/affiliate committees, as declared and qualified in Article IV, Section 2 (b) (1) f. The Board of Directors is empowered to disaffirm any appointment to or removal from a committee, other than a division/affiliate committee or the Governmental Affairs Committee, ex-officio members of the Fiscal Committee or division committee of the Board of Directors by two-thirds vote of the Board of Directors. Between meetings of the board, a vote to disaffirm is effected by mail ballot addressed to the general manager at the Association's principal office, and such vote may be initiated and circulated by any three members of the board acting jointly. In any event, to be valid, such disaffirmance must be completed within 30 days of public notice of appointment or removal.

#### Section 5. Composition and Tenure

Members of committees in Section 1 (a) are appointed from the active membership of the Association. Members of committees in Section 1 (b), except for the Election Tellers Committee, are appointed from the membership of the General Council of the general session in which they will serve. Each regional director shall certify with the Credentials Committee one member from the region to serve on the Election Tellers Committee. Such appointee shall be an alternate delegate or any member in good standing who is already present at General Council. Committee appointments terminate in any event at adjournment of the general session next succeeding appointment and acceptance, except that if an emergency arises between the close of General Council and the first meeting of the Board of Directors following General Council, the prior committee with its members may be reinstated to consider the emergency matter.

#### Section 6. Duties of General Council Subject Committees

It is the duty and prerogative of each committee listed in Section 1 (a) to:

- (a) formulate a program of aims and objectives in its respective field and through resolutions, present such programs to the General Council at the next session;
- (b) receive and analyze, during sessions of General Council, resolutions which are referred to it, and to prepare amendments;
- (c) recommend to the General Council actions on each resolution; and
- (d) consider such other matters as the board or president may refer to it between sessions of the General Council.

#### Section 7. Duties of General Council Procedural Committees

- (a) It is the duty and prerogative of each committee listed in Section 1 (b) to initiate appropriate resolutions for referral to General Council.
- (b) The Credentials Committee determines the eligibility, through proof of election or otherwise, of each prospective member of General Council.

## ARTICLE XII

### Political Action

#### Section 1. Political Endorsements

- (a) No officer, region, chapter, committee, group, council, affiliate, member, or employee by act or intent shall take any action in an official or unofficial capacity as a representative of the Association which implies support or opposition by the Association to the political candidacy of any person or persons unless approval be first obtained from the General Council when in session or from the Board of Directors if General Council is not in session.
- (b) The Board of Directors shall have exclusive authority to adopt rules and standards in the name of the Association for the support of or opposition to political candidates, and any such rules and standards shall be reasonable and commensurate with the aims, objects, goals, fiscal limitations, and in the best interests, of the membership and the Association.
- (c) The Board of Directors is authorized to adopt rules and regulations for the allocation of a portion of the Association dues for the support of political activity, subject to disaffirmation by any member as to only those dues payable by the member.

#### Section 2. Legislative Priorities

The board determines relative priorities in the Association's legislative program and changes the priorities as needed. It also determines areas and limits of adjustment in respect to individual legislative proposals. Notwithstanding the above provisions, the General Council by resolution may make such determination in any particular case. In the event the General Council makes conflicting determinations of priority, the board determines the priority as between them.

## ARTICLE XIII

### Dues and Fees

#### Section 1. Annual Dues and Fees

The annual dues and/or fees payable by members of divisions/affiliates shall be as set by their respective divisions/affiliates.

- (a) Subject to minimum dues set forth below, annual dues and/or fees for the Association's members shall be:
  - (1) for members assigned to a division, the amount set in accordance with the division's policy. If a division has not adopted policy in this area, the division's dues and/or fees shall be the amount set by a two-thirds affirmative vote of the delegates of that division; and
  - (2) for members not assigned to a division or affiliate, the amount set by the Board of Directors.
- (b) Minimum dues for each division shall be the amount set by their Association's respective delegates to meet that division's obligations for payments to the Association's central support budget, except that a division may temporarily suspend dues for a member who is in non-work status.

#### Section 2. Dues and Fees Requirement

Each member is required to pay dues or fees except that the appropriate division may declare a moratorium on the payment of dues and fees by its members or may reduce the annual dues and fees on a temporary or permanent basis. Dues and fees are not refundable.

#### Section 3. Termination of Membership

Membership in the Association shall terminate if dues are not paid within 90 days after they are due.

#### Section 4. Local Representation

Local representation funding for chapters and district labor councils (DLCs) shall be determined in accordance with division policy. If a division has no policy in this area, the following shall apply:

- (a) Local representation funding for chapters and district labor councils assigned to divisions shall be determined by the appropriate division delegates as part of the budget approval process.

- (b) Local representation funding for chapters not assigned to divisions shall be determined by the Board of Directors.
- (c) Any active employed chapter/DLC, except those of an affiliate, that has an accumulation of more than \$4,000 or six months dues, whichever is greater, excluding chapter/DLC grants, in checking accounts and/or savings accounts shall receive no further allocation of dues until the chapter/DLC funds are reduced to the above acceptable limit. Any chapter/DLC allocation of dues not paid under this section shall be forfeited by the chapter/DLC and placed in a fund to be used by the respective divisions for chapter/DLC grants.

Exceptions may be made for good cause by the appropriate division director for chapters/DLCs assigned to a division, and for chapters not assigned to a division by the secretary-treasurer.

- (d) The amount of dues allocation to a chapter/DLC fixed by the respective divisional delegates at General Council may not be reduced except by a vote of the respective divisional delegates.
- (e) The amount of dues allocation to a specific chapter or DLC may be augmented by the affected division council to meet the needs of the division as a whole, as well as the needs of the specific chapter or DLC.

#### Section 5. Dues Payment Rules

The Board of Directors shall establish rules governing the payment of dues, including:

- (a) reinstatement of members;
- (b) accounting and transmittal of dues;
- (c) transfer of members between classes of membership;
- (d) dues collection costs; and
- (e) the adjustment of dues paid by an active employed member on his/her change of class of membership.

#### Section 6. Voluntary Political Action Contributions

Notwithstanding any other provision relating to dues and fees, members may voluntarily add to their dues or make a cash contribution that is to be used exclusively for political action activities under rules and regulations established by the Board of Directors. Members may "opt out/in" of this contribution, and/or otherwise increase/decrease the amount of their individual monthly contributions upon written notice to the Association.

## ARTICLE XIV

### Financial Operations

#### Section 1. Budget Adoption and Amendment

##### (a) Adoption

Except as and to the extent expressly allowed by this section or by Section 6 of this Article, no commitment or expenditure of the funds or other assets of the Association or of any division may be made except pursuant to and in conformity with a budget duly adopted as set forth in this section. The budget of each division shall be adopted by its division council and approved by its General Council delegation. The budget of the Association, which shall be its budget for providing central support for its divisions and affiliates, shall be adopted by its Board of Directors and approved by the General Council. Each division shall have a budget setting forth, item by item, its approved revenues and expenditures, and the Association shall have a budget setting forth the approved items of revenue and expenditure for all central support activities. The Association shall include in its central support budget the appropriate authorizations and funding for all services it is required by Article VIII and Article IX to provide, at prices to be determined pursuant to those Articles.

##### (b) Amendment

A budget may be amended by those entitled to adopt and approve it pursuant to Subsection (a) above. In addition, an amendment of a division budget may be approved by the division council of such division. An amendment to reallocate expenditures under the central support budget from one item to another may be made by the Board of Directors if it does not increase the amount of total expenditures for central support and does not reallocate more than five percent of all expenditures in the central support budget; provided, that no amendment to the central support budget may reduce the level of central support service to any division or affiliate without the consent of the division council of such division or the Board of Directors of such affiliate, as the case may be.

#### Section 2. Exceeding Total Budget

(a) The total budget of the Association may not be exceeded without approval of each class, by a majority of its delegates to a regular or special session of the General Council except as follows:

(1) If actual revenue received by a division exceeds both its budgeted and its actual expenditures to date, no expenditures in excess of budget are foreseeable, and the division council of such division authorizes expenditure of such surplus; or

- (2) If the entire amount of any expenditure in excess of the budget is charged to one or more divisions or affiliates as a direct cost, with the prior approval of the affected division council(s) or affiliate(s), and in the case of a division, if funded with the discretionary reserves of such division.

### Section 3. Emergency Reserve

There is established an emergency reserve for use by General Council or the Board of Directors to meet the cost of unforeseen emergencies or extraordinary programs. The reserves shall be funded by cash, and the Board of Directors shall recommend to General Council with each proposed budget the amount to be transferred to the reserve. Withdrawals from the emergency fund may be made by a two-thirds vote of either the General Council or Board of Directors.

### Section 4. Investment of Reserve Funds

The board may:

- (a) deposit reserve funds in institutions whose deposits are insured, up to the limit of insurance;
- (b) invest such funds in United States government securities;
- (c) invest such funds in major California banks' certificates of deposit; or
- (d) authorize investment in a manner other than described above, if it is to the benefit of the Association and consistent with sound business practice by two-thirds vote.

### Section 5. Indebtedness

- (a) No debt other than that provided for in subsection (b) shall be incurred in excess of the funds in the treasury of the Association except by a two-thirds vote of the General Council.
- (b) The Association may acquire real properties or interests therein provided that properties and such interests presently owned and those contemplated can be financed by payments per annum not in excess of five percent of the income of the Association for the 12 months next preceding the date of purchase, without prejudice to the authority of the Association to reduce its obligation within the means of the Association.

### Section 6. Fiscal Year

The "fiscal year" of the Association is from January 1 to December 31, inclusive.



## ARTICLE XV

### Headquarters

#### Section 1. General Manager

The Association shall employ a general manager who shall be the chief administrator of the staff of the Association.

- (a) The general manager shall be employed under the terms of a contract.
- (b) The general manager shall be subordinate and directly accountable to the president for carrying out the policies and programs of the Association. The general manager may be dismissed by the president. He/she shall be relieved of his/her duties immediately upon dismissal by the president. Concurrence of a simple majority of the officers and affirmation by the Board of Directors is required for the dismissal to become permanent. Affirmation by the board requires a majority vote of those board members present and voting, a quorum being present.
- (c) In case of a vacancy the president, with the advice of the Executive Committee, shall appoint a general manager subject to affirmation by two-thirds of the Board of Directors, pursuant to a vote of those present and voting, a quorum being present.

#### Section 2. Association Employees

- (a) The employees of the Association are designated members of the headquarters staff. The purpose of the headquarters staff is to provide service and support to the divisions/affiliates. The Association shall maintain staff levels sufficient to permit the divisions/affiliates to obtain all services required by Article VIII, Section 5 and Article IX, Section 6, respectively. If requested by a division/affiliate, the Association shall assign certain designated employees to spend their full time or a specified portion of their time serving such division/affiliate in a capacity which it specifies, provided such assignment is within the scope of the Association's purposes. Other employees of the Association shall be made available as needed to provide services to the divisions/affiliates on request. It shall be the duty of the staff to provide services to the divisions/affiliates on request. It shall be the duty of the staff to provide satisfactory central support services to the divisions/affiliates.
- (b) The Association shall at all times employ a division manager for each division and an affiliate coordinator for each affiliate, to coordinate the work of the Association and its central support staff on behalf of such division/affiliate, respectively. The incumbent of each such position shall: act as liaison between the Association and the elected leadership of such division/affiliate; supervise and direct all Association staff who are assigned to work full time or a majority of their time for such division/affiliate; be responsible for assuring that all services required by such division/affiliate are rendered in a timely, effective and courteous manner; and have a duty of loyalty and good faith to both the Association and such division/affiliate. If

any division manager or affiliate coordinator repeatedly fails to perform the duties of such position in a manner satisfactory to the division/affiliate to which he or she is assigned, the Association shall replace him or her with a satisfactory individual.

### Section 3. Staff Collective Bargaining

The general manager is delegated the responsibility and authority to participate and act in good faith in collective bargaining with the recognized organization representing the majority of the members of headquarters staff on all matters relating to wages, hours, and terms and conditions of employment.

All proposed contracts negotiated and reached by the general manager shall be reviewed and reported to the Board of Directors by a liaison committee of the Board of Directors composed of the secretary-treasurer and the director/president from each division/affiliate. Such contracts are subject only to ratification or rejection by the Board of Directors.

### Section 4. Staff Benefits

- (a) The Board of Directors shall provide for salaries and benefits for the members of headquarters staff and shall execute the implementing contract or contracts.
- (b) The funds for executing the provisions of this section shall be provided for in the Association budget presented to the General Council except that nothing herein declared shall authorize the Board of Directors to enter into any system or contract which creates or which in a future event might create a liability on the part of the Association in excess of the amount previously budgeted by the General Council for expenditures during the existing budget period.

### Section 5. Special Consultants

The president, subject to confirmation by the Board of Directors, is authorized to employ such special consultants as may be required in the administration of the Association, subject to the financial ability of the Association.

### Section 6. Contracting for Services

The Board of Directors is authorized to enter into contracts for providing information and services to the Association.

## **ARTICLE XVI**

### **Limitations**

#### **Section 1. Incompatible Acts**

No officer of the Association, member of the Board of Directors, chapter, council, affiliate, committee, agency, or member shall take any action which is incompatible with the objectives of the Association.

#### **Section 2. Chapter Contracts**

A chapter may not negotiate a contract in the area of member benefits which violates standards set by the Board of Directors.

#### **Section 3. Chapter Endorsements**

Chapters shall not take any action or make any recommendation which relates to civil service and CSU, retirement, pay schedules, conditions of employment of state employees or of employees of other governmental agencies, or relating to ballot propositions, implying the endorsement by the Association of such action or recommendation unless approval be first obtained from the delegates of those divisions/affiliates to General Council if it is in session or from the appropriate division council/affiliate if the General Council is not in session.

#### **Section 4. Solicitation of Contributions**

Other than for an approved Association activity or a purely social activity, no member or chapter shall solicit contributions in the name of the Association or of any chapter or in such a manner as to imply endorsement by the Association or chapter unless first approved by the Board of Directors.

## ARTICLE XVII

### Meetings

#### Section 1. Board of Directors

- (a) The board shall hold at least two meetings annually.
- (b) General meetings of the board may be called by the president upon at least 20 days' written notice to each board member or by call of two-thirds of the members of the board on 15 days' written notice to each such member.
- (c) Special meetings of the board may be called by the president or by the majority of the officers, upon five days' written notice, and are limited to consideration of the matters specified in the call.
- (d) In a situation deemed to be an emergency by the Association president, the board may take action by unanimous written consent or may meet by conference telephone or similar communications equipment. Action by written consent and telephonic meetings shall meet the requirements set forth in applicable law.
- (e) Except for action which could have been taken in closed session pursuant to Section 3 of this Article XVII, action taken by written consent or at a telephonic meeting shall be valid only until the next open session of the Board of Directors, at which time the board must affirm the action in order for it to continue to be in effect.
- (f) Action which could have been taken in closed session pursuant to Sections 6 and 7 of this Article XVII, does not require affirmation. It must be reported out at the next open meeting.

#### Section 2. Executive Committee

Meetings are called by the president or upon written request of five members. The time and place of each meeting is designated by the president.

#### Section 3. General Council

The General Council meets:

- (a) in general session biennially, in even-numbered years in September, October or November on dates and at places selected by the board, until and including the year 2000, and thereafter beginning in the year 2003 in odd-numbered years. There shall be no General Council in the year 2002;

(b) in special session:

- (1) on call of the president upon at least ten days' written notice to each delegate;
- (2) on written demand of two-thirds of the chapters, or two divisions, or two affiliates, or one division and one affiliate, addressed to the president, who shall fix a place of meeting and time not less than 30 days distant.

In either case the call to a special session must specify the subject(s) on which action by the General Council is sought, and the subject(s) not germane may not be considered. Unless the context clearly indicates otherwise, a "session" of the General Council means the aggregate of the meetings of the General Council between the call to order and final adjournment.

#### Section 4. Quorum

(a) Board of Directors

A quorum of the Board of Directors exists when three-fourths of its members are present.

(b) Executive Committee

Five members constitute a quorum.

(c) General Council

A quorum at the General Council is present if two-thirds of the delegates are present. Unless the context clearly requires a different interpretation, a "vote of the council," or similar phrase, means the will of the council declared by oral or other means by those members of the General Council in attendance and voting, a quorum being present. Thus a two-thirds vote is a decision effected by two-thirds of those members of the General Council in attendance and voting, a quorum being present.

#### Section 5. Open Meetings

Except as noted below, meetings or hearings at which official actions are taken, including but not limited to, meetings or hearings of the General Council, Board of Directors, Executive Committee, officers, committees and divisions, units, councils, and subgroups thereof shall be open to all members of the Association.

#### Section 6. Closed Meetings - Mandatory

Meetings or hearings at which any of the following matters are being considered shall be closed:

- (a) litigation matters;
- (b) matters involving privileged relations such as attorney-client or doctor-patient; and
- (c) the employment, suspension or dismissal of an Association employee.

#### Section 7. Closed Meetings - Optional, When in Best Interest of the Association

Meetings or hearings at which any of the following matters are being considered or conducted may be closed when the interest of the Association so dictates:

- (a) representation appeals;
- (b) the suspension, discipline, or dismissal of any officer or member from Association membership;
- (c) grievances;
- (d) legislative matters;
- (e) consideration of the identification, election, or purchase or sale of real property;
- (f) confidential financial information;
- (g) negotiation, modification, or termination of contracts; and
- (h) collective bargaining negotiations with the staff union.

#### Section 8. Minutes of Closed Meetings

The minutes or record of closed meetings shall indicate when and for what purpose the closed meeting was held and shall further state that no other matters were considered.

#### Section 9. Attendance at Closed Meetings

Attendance at a closed meeting of the Board of Directors shall be limited to: the member(s) of the body; assistant regional directors; alternate deputy division directors; CSU division treasurer; ACSS alternate director at large and vice president; staff and other individuals who have pertinent information and whose presence is determined to be necessary by the presiding officer, subject to disaffirmation by the body. Attendance at all other closed meetings is limited to: the member(s) of the body holding the meeting; statewide officers; and staff and other individuals who have pertinent information and whose presence is determined to be necessary by the presiding officer, subject to disaffirmation by the body.

## Section 10. Pledge of Allegiance

All meetings of the Association shall be opened with the Pledge of Allegiance to the flag of the United States, if the flag is displayed in the meeting room.

## ARTICLE XVIII

### Amendments

#### Section 1. General Council in Session

- (a) When General Council is in session, these Bylaws may be amended or repealed and new Bylaws adopted by a two-thirds vote of those delegates present and voting in accordance with the Rules of General Council and Robert's Rules of Order (newly revised) in that order.

#### Section 2. General Council Not in Session

##### (a) Procedures

When General Council is not in session, an amendment or repeal can only be initiated by resolution of the Board of Directors. The Board of Directors shall inform the members of the General Council of the proposed amendment and designate a person to write an explanation. The proposed amendment(s) must be mailed to the members of General Council and shall include explanations and shall notify the members they have the right to submit supporting and opposing arguments.

- (1) Supporting and opposing arguments, if received at headquarters office within 20 days from the date the Board of Directors mailed or published information to members of the proposed amendment(s), shall be reproduced and mailed with the ballots.
- (2) Thirty days from said date of mailing or publication of information, headquarters staff will mail ballots to members, mailing all such ballots on the same day.
- (3) The Board of Directors shall fix a time and place for the opening and tallying of ballots and for the announcement of the vote.

##### (b) Mailing of Ballots and Approval Requirements

The amendment(s) contained in the resolution of the Board of Directors is/are affirmed and adopted if two-thirds of those ballots returned are in the affirmative, provided two-thirds of the ballots mailed must be returned to constitute a quorum for the vote. To facilitate such expression, the Association's general manager shall mail to the members of the General Council appropriate ballot forms, together with the pros and cons of the issue at hand.

##### (c) Canvassing of Ballots

The executive vice president, at a time and place designated by the Board of Directors, in the presence of one or more witnesses, shall canvass the ballots which



are returned. To be counted, the ballots must be marked and received in headquarters office within 30 days of such mailing.

### Section 3. Ratification

Amendments adopted pursuant to Section 2 (b) must be ratified within 90 days by a majority of the chapters/DLCs, such time to commence running from the day the proposed amendment is transmitted from headquarters to the chapters/DLCs. Failure of a chapter/DLC to return its ballot constitutes an affirmative vote.

### Section 4. Effective Date

#### (a) General Council in Session

Amendments adopted at a regular or special session of General Council become effective upon the adjournment of General Council.

#### (b) General Council Not in Session

Amendments adopted when General Council is not in session becomes effective upon the 90th day following the mailing of the ballots, or upon tally and certification of the requisite number of affirmative votes, whichever is earlier, unless a majority of negative votes is received on or before the 90th day in which case the amendment is rejected.

## **ARTICLE XIX**

### Supremacy of the Bylaws and Parliamentary Authority

#### Section 1. Supremacy of Bylaws

These Bylaws shall be the supreme law of the Association, subject only to the Articles of Incorporation and the provisions of the laws of the State of California and the United States of America. Any inconsistent provision of the Policy File, or contrary act of the General Council, the Board of Directors, divisions/affiliates, or the officers, employees, or agents of the Association is void.

#### Section 2. Parliamentary Authority

Robert's Rules of Order, latest edition, is the authority governing proceedings in meetings and conferences of the Association, board, and officers, so far as they are not in conflict with these Bylaws and adopted rules.

# CSEA POLICY FILE

## PART II



## GOALS AND OBJECTIVES

## DIVISION 1: MEMBERSHIP CODE OF ETHICS

### A. BROAD GOALS

#### 1A1.00 THE MEMBERSHIP SHALL ENCOURAGE THE FOLLOWING CONDUCT BY MEMBERS

- (a) The Association member informs himself/herself of Association activities and employment-related issues by reading Association publications and attending Association meetings. (BD 154/85/5)
- (b) The Association member respects his/her fellow state and university employees regardless of race, color, sex, religion, national origin, sexual orientation, ancestry, disability, age, occupation or job classification. (BD 154/85/5)
- (c) The Association member exercises his/her right to vote in Association elections and to participate in contract ratification elections, casting his/her ballot after studying the issues. (BD 154/85/5)
- (d) The Association member respects the selfless dedication of the thousands of CSEA and SEIU volunteers who collectively are the backbone of Association programs for active and retired state and university employees. (BD 154/85/5)
- (e) When called upon, the Association member actively assists the Association, voicing support when possible, expressing constructive criticism when necessary. (BD 154/85/5)
- (f) The Association member respects the interests of the public and supports Association programs to inform the public of the importance of state and university employees and the need to provide them just treatment and compensation. (BD 154/85/5)
- (g) The Association member is watchful for injustice in employment and reports such incidents or policies to the Association. (BD 154/85/5)
- (h) The procedures for filing charges and for the investigation of the charges shall be as set forth in Section 1A3.00 below. (BD 38/98/3)

#### 1A2.00 LEADERSHIP CONDUCT

- (a) The Association leader informs himself/herself of Association policies and procedures by reading Association publications and participating in training and informational meetings. (BD 154/85/5)

- (b) The Association leader respects his/her fellow activists regardless of race, color, sex, religion, national origin, sexual orientation, ancestry, disability, age, occupation or job classification. (BD 154/85/5)
- (c) The Association leader conducts himself/herself in a manner so as to bring respect to the Association. (BD 154/85/5)
- (d) The Association leader welcomes and actively encourages participation in the Association by other employees and retirees. (BD 154/85/5)
- (e) The Association leader publicly supports the Association positions and policies when he/she can, and actively works within the Association's processes to reverse or modify Association positions or policies which he/she opposes. (BD 154/85/5)
- (f) The Association official shall not take an active part in promoting another organization which is undermining the existence of the Association or is seeking its decertification. (BD 5/00/1)
- (g) The Association official shall not state alleged facts regarding the Association, its divisions/affiliate(s), officers, members, agents or employees, which the individual knows or reasonably should know are untrue and misleading. (BD 5/00/1)
- (h) The Association official shall not make public statements in his/her official capacity that are in opposition to the stated policies or mandates of the Board of Directors and which are not part of a good-faith effort to change policy within the proper internal procedures. (BD 5/00/1)
- (i) The procedures for filing charges and for the investigation of the charges shall be as set forth in Section 1A3.00 below. (BD 38/98/3, BD 5/00/1)

1A3.00 INCOMPATIBLE ACTIVITIES

1A3.01 Definition

An Association official is any person elected to serve as a statewide officer, chapter officer, district labor council officer, regional officer, division/affiliate council member, bargaining council member or a person appointed by the president to serve on a committee or task force. (BD 50/92/2)

1A3.02 Purpose

An Association official shall not engage in any employment activity, or enterprise which is clearly inconsistent, incompatible, in conflict with or inimical to his or her duties as an Association official. (BD 50/92/2)

1A3.03 Prohibited Activities

Activities and enterprises deemed to be incompatible shall include but not be limited to the following: (BD 50/92/2)

- (a) Using the prestige or influence of an Association office for the official's private gain or advantage or the private gain of another person or group. (BD 50/92/2, BD 6/00/1)
- (b) Using Association facilities, equipment or supplies for private gain or advantage. (BD 50/92/2)
- (c) Using or having access to confidential information available by virtue of official status for private gain or advantage or providing confidential information to persons or groups to whom issuance of this information has not been authorized. (BD 50/92/2, BD 6/00/1)
- (d) Performance of an act other than in his or her capacity as an Association official knowing that the act may later be subject, directly or indirectly to the control, inspection, review, audit or enforcement by the Association official. (BD 50/92/2)
- (e) Receiving or accepting, directly or indirectly, any gift, including money or any service, gratuity, favor, entertainment, hospitality, loan or any other thing of value from anyone who is doing or is seeking to do business of any kind with the Association under circumstances from which it reasonably could be substantiated that the gift was intended to influence the Association official in his or her official duties or was intended as a reward for any official action performed by the Association official. (BD 50/92/2)

1A3.04 Filing of Charges

- (a) A charge to the effect that an Association official is in violation of this policy may be filed by any Association member. (BD 50/92/2)
- (b) A member shall file the charge with the statewide president. Such charge shall be in writing and shall be signed and dated by the charging party with a copy of the charge to be sent to the charged official. (BD 50/92/2)

1A3.05 Investigation

- (a) The statewide president shall select three Association members, one of whom shall be from the same division/affiliate as the charged officials, to serve as an investigation committee. Where a charge is

brought against the statewide president, the investigation committee shall be appointed by the executive vice president. (BD 50/92/2)

- (b) The investigation committee shall investigate the charge and incorporate its findings and conclusions into a written report, which it shall submit to the Board of Directors at a regular or special meeting. Where a charge is brought against a member of the Board of Directors, such member shall not participate in any board activity which is called for by this policy. (BD 50/92/2, BD 58/03/2)
- (c) If the report concludes that there has been a violation of this policy and that a conflict of interest exists, the Board of Directors shall recommend a method for eliminating such conflict (e.g., divestiture of stock, disclosure, resignation). The president or executive vice president shall submit such report and recommendations to the charged official. (BD 50/92/2)
- (d) In its notification to the charged official, the Board of Directors shall specify a reasonable period of time during which the charged official must comply with the recommendations. (BD 50/92/2)

#### 1A3.06 Compliance With Decision(s) of Board of Directors

In the event the charged official refuses to comply with the decision(s) of the Board of Directors within the time provided, or again violates leadership conduct or incompatible activities, the following steps shall be taken: (BD 50/92/2, BD 83/95/4, BD 35/99/2)

- (a) The Board of Directors shall submit its report to the Legal Division, and, if appropriate, steps will be taken to remove the charged official from office. (BD 50/92/2, BD 83/95/4, BD 58/03/2)
- (b) The charged official may be removed or suspended from Association membership in conformance with the Association's Bylaws or Policy File. (BD 50/92/2, BD 83/95/4, BD 35/99/2)
- (c) The decision reached by the Board of Directors shall be final. (BD 50/92/2, BD 83/95/4)

#### 1A3.07 Removal from Membership

Upon the determination by the Board of Directors that the charged official has violated its order, the board may, upon implementation of the procedures outlined in Division 10 of the Policy File and applicable Corporate Law, remove him/her from membership in the Association. (BD 7/00/1)

1A4.00 ZERO TOLERANCE

The Association believes in the importance of providing members with a healthy, safe and productive environment to participate in Association activities. Accordingly, it is the Association's policy that any acts of violence or credible threats of violence at meetings or other functions of the Association in violation of this policy are unacceptable and will not be tolerated. This policy applies equally to the behavior of members and nonmembers. (BD 121/00/2)

Members and nonmembers shall not possess weapons or ammunition at any Association meeting or function unless the member possesses a concealed weapons permit. (BD 121/00/2)

1A4.01 Definitions

This policy applies to both verbal (oral and written) and physical behavior. For purposes of this policy, the following definitions shall apply: (BD 121/00/2)

Members: Includes Association officers, division officers, affiliate officers, regional officers, chapter officers and all other members and nonmembers when attending Association meetings or functions. (BD 121/00/2)

Unlawful Violence: In any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self defense or defense of others. (BD 121/00/2)

Course of Conduct: Is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking a member to or from an Association activity; making telephone calls to a member; or sending correspondence to a member by any means, including, but not limited to, the use of the public or private mails, interoffice mail, fax or computer e-mail. (BD 121/00/2)

Credible Threat of Violence: Is a knowing and willful statement or course of conduct that would place a



reasonable person in fear for his/her safety, or the safety of his/her immediate family, and that serves no legitimate purpose. (BD 121/00/2)

Weapon: Includes, but is not limited to, firearms, knives, clubs, explosive devices or any other device that could be reasonably used to harm another person. (BD 121/00/2)

#### 1A4.02 Authority

The Association has a duty and responsibility to provide members a safe and secure environment when attending Association activities. (BD 121/00/2)

#### 1A4.03 Guidelines

- (a) Members shall not engage in conduct that results in unlawful violence against another member or which constitutes a credible threat of violence against another member. (BD 121/00/2)
- (b) All members are prohibited from bringing weapons or other dangerous or hazardous materials or devices into any meeting or function of the Association. (BD 121/00/2)

#### 1A4.04 Responsibility and Reporting Incident Procedures

Members are responsible for ensuring that this policy is observed. If you have any questions about reporting incidents or concerns of violence at Association meetings or functions, contact the Association president or general manager. (BD 121/00/2)

- (a) Members should follow these basic steps if an incident in violation of this policy occurs: (BD 121/00/2)
  - (1) Call for assistance from Association staff or hotel security (if available). (BD 121/00/2)
  - (2) Do not intervene in physical conflicts - you may be injured. (BD 121/00/2)
  - (3) If a situation becomes potentially life-threatening, exit the meeting or function location if you can safely do so. (BD 121/00/2)

- (4) If weapons are involved, or if there is potential for serious bodily harm, if possible seek protective cover and dial 911 or local emergency number. (BD 121/00/2)
- (b) If an incident occurs which a member believes is in violation of this policy, the incident should be reported to the Association president or to the presiding officer of the Association meeting or function as soon as possible after the incident occurs. (BD 121/00/2)
- (c) The president or presiding officer shall promptly investigate or cause to be investigated all incidents reported under this policy. (BD 121/00/2)
- (d) If an investigation reveals that a member is responsible for conduct that is in violation of these guidelines, the president will take prompt, and appropriate action against the responsible party; such action may include, but not be limited to, immediate suspension of membership as provided in Division 10, Section 1001.03 of the Policy File. (BD 121/00/2)
- (e) The Association encourages members to bring their disputes or differences with other members to the attention of the president before the situation escalates into potential violence. The Association is eager to assist in the resolution of member disputes and will not discipline any member for raising any good faith concerns. Concerns about Association procedures and policies should be expressed through the grievance/complaint process contained in the Bylaws and Policy File. (BD 121/00/2)

1A4.05 Right to Freedom From Violence

California law states that “It is against the law in California for anybody to threaten or commit acts of violence against you or your property because of the kind of person you are, or the kinds of persons with whom you associate.” The Tom Bane Civil Rights Act (California Civil Code Section 52.1) forbids acts of violence, or threats of violence, because of your race, color, religion, national origin, age, disability, sexual orientation, political party or your part in a labor dispute. (BD 121/00/2)

## DIVISION 2: MEMBER BENEFITS

### A. BROAD GOALS

#### 2A1.00 CONTRACTING POLICIES

##### 2A1.01 Responsibility to Obtain Benefits

The Association shall continue to investigate, develop, sponsor and be responsible for obtaining appropriate insurance and other benefits for its members and their dependents. Such benefit programs shall be governed by the following contracting policies: (BD 50/92/2)

- (a) Maximum benefits; (BD 50/92/2)
- (b) Lowest cost commensurate with safeguards and benefits provided; (BD 50/92/2, BD 59/03/2)
- (c) Subject to annual or more frequent review by the Board of Directors and continuation by renegotiation or by putting out to competitive bid; (BD 50/92/2)
- (d) Strive for statewide; (BD 50/92/2)
- (e) Avoid illegal discrimination; (BD 50/92/2)
- (f) Provide open enrollment at such time as the Board of Directors shall direct or when substantial changes in programs occur. Provide at least 30 days' notice for any such open enrollment. (BD 50/92/2, BD 59/03/2)

Any deviation from the contracting policies shall require specific action by the sponsoring division/affiliate to the Board of Directors. (BD 50/92/2, BD 59/03/2)

#### 2A2.00 ADMINISTRATION

2A2.01 Contracting parties shall furnish reports to the Association in the form and at such intervals as the Board of Directors shall determine. Such reports shall be reviewed by the sponsoring division(s)/affiliate(s) and recommendations made to the Board of Directors. (BD 50/92/2)

2A2.02 Audits shall be made at such intervals and by such persons as the actuary and/or the appropriate committee or division(s)/affiliate(s) recommended and by action of the Board of Directors. (BD 50/92/2, BD 59/03/2)

2A3.00 LIFE INSURANCE

2A3.01 Provisions of State Program

Any group life program offered to state employees by the state should include provisions as follows: (BD 9/93/1)

- (a) A benefit amount not less than one and one-half times annual salary up to age 50; (BD 9/93/1)
- (b) Benefits from age 50 to retirement should be on a decreasing term basis not to exceed the cost applicable at age 50; (BD 9/93/1)
- (c) Benefits under the decreasing term schedule be frozen at age 70 and continued for life at the same cost; (BD 9/93/1)
- (d) Upon termination of state employment, the group life program may be converted, without evidence of insurability, to an individual policy. (BD 9/93/1)

B. SPECIFIC OBJECTIVES

2B1.00 CONTRACTING POLICIES

2B1.01 Provisions of Contract

Those contracts obtained pursuant to Policy File Section 2A1.00 shall provide for: (BD 10/86/1, BD 9/93/1)

- (a) Vesting of reserves on behalf of participants; (BD 9/93/1)
- (b) Interest on all funds; (BD 9/93/1)
- (c) Minimum retention by provider. (BD 9/93/1)

2B2.00 MINIMUM STANDARDS

2B2.01 Provisions in Contract

Those contracts obtained pursuant to Policy File Section 2A1.00 shall maintain the following minimum standards: (BD 10/86/1, BD 9/93/1)

- (a) Provide for payroll deduction when feasible; (BD 9/93/1)
- (b) Provide reasonable and optional levels of benefit provisions and premiums or other costs; (BD 9/93/1)

- (c) Provide benefits and costs that are clearly and concisely identified. (BD 9/93/1)

2B2.02 Deviation from Standards

Any deviation from the minimum standards shall require specific affirmative action by the Board of Directors. (BD 9/93/1)

2B3.00 AUTOMOBILE INSURANCE

2B3.01 Defensive Driver Training

The Association shall encourage and endorse, without cost to the Association, a program of defensive driver training for all members and licensed drivers in their families with the assistance and advice of the Association's automobile insurance carrier. (BD 100/71/2(4))

The Association urges recognition by the automobile insurance carrier of completion of such courses as a prime positive factor in renewing policies of those insured members otherwise considered high risk drivers. (BD 100/71/2(4))

2B3.02 Group Auto Insurance

The Association shall strive to obtain a group auto insurance plan which meets the following standards: (BD 50/92/2)

- (a) Available to all Association members; (BD 50/92/2)
- (b) Overall rates shall be based on the expense and loss experience of the total group of insureds who are members of the Association; (BD 50/92/2)
- (c) Individual classification rates shall be based on age of insured and type, model year and age of the automobile, number of automobiles insured, location automobile garaged, driving record, limits of liability, amount of deductible, and any other classification used by the insurer which classification is one commonly used by other insurers competing for the same class of business. (BD 50/92/2)

## DIVISION 3: EMPLOYEE ACTIVITIES

### A. BROAD GOALS

#### 3A1.00 POLITICAL ACTIVITY

##### 3A1.01 Activity Concerning Ballot Proposals

State employee activity with respect to ballot proposals shall not be considered political activity. (BD 164/70/3)

##### 3A1.02 Encouragement of Political Activity

The Association encourages officers, members and state employees to be as politically active as their personal situations will permit, within the limits of applicable law and the requirements of nonpartisanship. (BD 50/92/2, BD 60/03/2)

##### 3A1.03 Limitation of Political Activity

The Association shall oppose any restrictions on the political activities of state employees beyond those now contained in Sections 19730-19734 of the Government Code. (BD 50/92/2)

#### 3A2.00 CHARITIES

##### 3A2.01 Member Participation

The Association will encourage and will urge its members to participate in charitable fund drives. Such drives should take the form of united campaigns whenever possible, but should provide the option to employees of selecting the recipient charity. (BD 50/92/2)

#### 3A3.00 LABOR STUDIES PROGRAMS

3A3.01 The Association will encourage and promote member participation in labor studies programs. (BD 153/85/5)

## DIVISION 4: RELATIONS WITH OTHER ORGANIZATIONS

### A. BROAD GOALS

#### 4A1.00 PUBLIC EMPLOYEE ASSOCIATIONS

##### 4A1.01 Cooperation with Employee Organizations

The Association shall cooperate with any and all organizations representing employees, regardless of their affiliation, on matters which will provide benefits to members of the Association; provided that it is understood in such cooperative endeavors that the Association retains exclusive jurisdiction to represent state employees unless an agreement indicates otherwise. (Bylaws Article II, Section 7) (BD 50/92/2)

##### 4A1.02 Organizations Conflicting with the Association

The Association shall oppose any labor organization which attempts to supplant the Association in its traditional role as the representative of state employees. All communications relating to such matters shall clearly identify the labor organizations involved. (BD 50/92/2)

##### 4A1.03 Unification of Employee Associations

The Association shall seek strength and effectiveness through organization and participation in an association representing all independent public employees associations in the State of California. (BD 50/92/2)

##### 4A1.04 Participation in NCPERS Program

The Association may participate in NCPERS programs and meetings. (BD 50/92/2)

#### 4A2.00 LOCAL EMPLOYEE ORGANIZATIONS

##### 4A2.01 Local Public Employee Coordinating Councils

The Association shall encourage and support public employee coordinating councils or similar organizations at the regional and local level, providing such organizations meet the following standards: (BD 84/64)

(a) The organizations shall be constituted to carry out these purposes: (BD 84/64)

(1) To foster and maintain effective interrelationships between public employees groups; (BD 84/64)

- (2) To encourage the maintenance of the highest standard of employee conduct in governmental affairs; (BD 84/64)
  - (3) To discuss problems and exchange information with respect to the employment conditions of public employees; (BD 84/64)
  - (4) To make recommendations to constituent organizations; (BD 84/64)
  - (5) To take action, in the name of the organization, only when all constituent organizations have given unanimous approval to the action. (BD 84/64)
- (b) The membership is restricted to public employee organizations which have as one of their primary purposes the representations of their members in employment relations matters; (BD 10/86/1)
  - (c) The organization provides that each member organization shall have equal representation regardless of size of its membership. (BD 84/64)

4A2.02 Region and Chapter Participation in Coordinating Councils

Chapters and regions are encouraged to form and participate in such councils. Representation in the organization shall be designated by the region or chapter participating in the organization. The expense for participation in these organizations shall be borne by the regions and chapters participating. Headquarters will normally furnish staff informational services only. (BD 84/64)

4A3.00 MUTUAL RECOGNITION

4A3.01 Purpose of Mutual Recognition

It is in the interest of the Association and of state employees in general to provide for cooperation and coordination among the various organizations representing state employees. This can be best accomplished by mutual recognition. (BD 86/61)

4A3.02 Integration of Employee Organizations

It is not the policy of the Association to induce and encourage the formation of other state employee organizations. However, when the employees have demonstrated such a need through the formation of an organization, it is in the interest of all to integrate its operations with those of the Association. (BD 10/86/1)



#### 4A3.03 Types of Organizations Eligible

The types of organizations contemplated for "mutual recognition" agreements include those composed of members of a particular profession or occupation. Mutual recognition agreements should also be developed with those organizations whose members have a clear community of interest (such as retired employees). Mutual recognition is not contemplated for organizations which are structurally similar to the Association (such as those offering membership to all employees or a particular agency, or to all state employees). (BD 10/86/1)

#### 4A3.04 Standards

The Association may develop mutual recognition agreements with those organizations which will agree to the following standards: (BD 86/61)

- (a) Adherence to the objects and limitations of the Association as set forth in its state constitution and bylaws; (BD 10/86/1)
- (b) Require as a condition of membership in the organization that the ratio of the percentage of Association members compared to the number of eligible for membership in the Association be not less than that of Association members compared to the number in state service eligible for Association membership at the time of approval; and (BD 330/62, BD 10/86/1)
- (c) As a means of preventing conflict, definition in the recognition agreement of the scope of activities of each organization. (BD 86/61)

#### 4A3.05 Independence of Organizations

In providing for mutual recognition, it is not the intent of the Association to: (BD 86/61)

- (a) Dictate the organizational structure of other organizations; (BD 86/61)
- (b) Select the officers of other organizations; (BD 86/61)
- (c) Determine the policies of other organizations which are within that organization's scope as set forth in a mutual recognition agreement; (BD 86/61)
- (d) Establish the dues structure of other organizations; and (BD 86/61)
- (e) Determine the activities and allocate the funds of other organizations. (BD 86/61)

4A4.00 CREDIT UNIONS

4A4.01 Development of Association-Sponsored Credit Unions

The state Association and its chapters should encourage the development, formation and retention of Association-sponsored credit unions whose field of membership is restricted to Association members. (BD 50/92/2)

4A4.02 Credit Union Management

The Association shall investigate methods, including legislation, to ensure that credit unions provide greater opportunities for member accessibility and input in their management and to ensure that member advocacy groups are provided opportunities for representation on the credit union board of directors. (BD 50/92/2)

4A4.03 Candidate Endorsements

The Association shall establish procedures to provide for Association endorsement and promotion of a slate of candidates in all contested board elections for credit unions in which Association members are also members of the credit union. (BD 50/92/2)

4A5.00 UNITED FUND ORGANIZATIONS

4A5.01 Charitable Contributions

- (a) The Association shall discourage the expansion of the Government Code provision which permits approved plans for payroll deductions for charitable contributions to the agency handling the principal fund drive in any area, to include more than just the principal fund drive. (BD 92/74/2)
- (b) The Association shall seek to eliminate any pressures being brought against any employee in connection with charitable fund drives. All solicitations for such fund drives should be handled through one office at the local level, and all contributions shall be kept confidential. (BD 13/65, BD 17/77/1)

## DIVISION 5: RELATIONS WITH STATE BOARDS AND COMMISSIONS

### A. BROAD GOALS

#### 5A1.00 STATE PERSONNEL BOARD

##### 5A1.01 Statewide Personnel Administration

The Association advocates that the functions of setting personnel and civil service standards, personnel appeals and statewide personnel administration remain the function of the State Personnel Board. (BD 84/64)

##### 5A1.02 Standards for Selection of Members

The Association, based on the judgment of its officers and headquarters staff, may oppose the appointments and membership on the State Personnel Board of persons under consideration unless they meet the following standards: (BD 391/67)

- (a) Good moral character; (BD 391/67)
- (b) Demonstrated interest in California state government; (BD 391/67)
- (c) Demonstrated interest in the principles of the merit system; (BD 391/67)
- (d) No employment or affiliation which would be in conflict with performance as a member of the State Personnel Board; (BD 391/67)
- (e) No current elective office in a political party. (BD 391/67)

##### 5A1.03 Independent Status

The Association will oppose any plan which will change the independent status of the State Personnel Board. (BD 50/92/2)

#### 5A2.00 PUBLIC EMPLOYEES' RETIREMENT SYSTEM

##### 5A2.01 Independence of Current Functions

The functions currently performed by the PERS should remain under the administration of an independent board and should not be incorporated into another state agency. (BD 84/64, BD 328/68(14))

## DIVISION 6: HEALTH AND SAFETY

### A. BROAD GOALS

#### 6A1.00 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

6A1.01 The Association urges increased commitment by the state of resources, both financial and staff, for research into HIV and other causes and methods of the transmission of AIDS. (BD 51/88/2, BD 61/03/2)

6A1.02 The Association calls on the state to educate persons with HIV, AIDS or AIDS-related complex (ARC), individuals in high risk groups, and workers who may be exposed to HIV and the AIDS virus about the disease and the appropriate measures to prevent its transmission. (BD 51/88/2, BD 61/03/2)

6A1.03 The Association urges the state to develop programs and materials to better inform the public about how the disease is and is not transmitted. (BD 51/88/2)

6A1.04 The Association will diligently pursue the protection of its members from risk of contracting the disease and from discrimination against workers in high risk groups. (BD 51/88/2)

6A1.05 The Association will diligently work to educate workers about HIV and AIDS to provide guidance to workers who may be occupationally exposed to the disease. (BD 51/88/2, BD 61/03/2)

6A1.06 The Association, as part of its commitment to protect the rights of all workers, will pursue the protection of persons with HIV, AIDS or ARC and members of high risk groups from unwarranted intrusion and other workers whose rights are threatened because of the disease. (BD 51/88/2, BD 61/03/2)

6A1.07 The Association will work to obtain adequate funding and programs to assure proper medical care and social support to lessen the tragedy and suffering of those unfortunate individuals who are diagnosed as having HIV, AIDS or ARC and their families. (BD 51/88/2, BD 61/03/2)

## DIVISION 7: STATEMENT OF UNITY

### A. BROAD GOALS

#### 7A1.00 MOVING INTO THE 21ST CENTURY UNITED IN PURPOSE AND ACTION

##### 7A1.01 Purpose of Existence of CSEA

CSEA exists to further the interests and aims of its members: rank-and-file, supervisor, management/confidential, exempt, California State University employees and retirees of the State of California. It promotes the rights of rank-and-file employees to collectively bargain improved terms and conditions of employment. It gives equal prominence to the welfare of supervisors, managers and confidentials and respects their effort to administer and guide the state's workforce. CSEA shall fight to protect and improve the pension and health benefits for those whose careers were spent in state service. (BD 46/01/2, BD 69/02/5)

##### 7A1.02 Intertwining of Interests

At the organization's core is the recognition that the interests of one group within CSEA are intertwined and inseparable from the interests of all others. Rank-and-file workers negotiate improved wages and benefits at the bargaining table. When excluded employees' (supervisors, managers and confidentials) terms and conditions are improved through meet and confer with the DPA and the legislature, rank-and-file employees ultimately benefit through enhanced promotional opportunities. When CSEA prevents the state from contracting out jobs, both excluded and rank-and-file workers benefit. When retirees obtain improved pension rights and benefits, rank-and-file and excluded employees will share in these achievements when they retire. (BD 46/01/2)

##### 7A1.03 Cooperation Between Members

In the larger community, CSEA is viewed as a force of considerable import which moves its members in a common direction. Past accomplishments share a common factor - cooperation between the CSEA members. (BD 46/01/2)

##### 7A1.04 Multiple Challenges

Facing multiple external challenges, including pressure to increase contracting out, elimination of affirmative action programs, re-inventing government through layoffs, displacement, and consolidation, requires a well-coordinated and focused response from CSEA leadership, membership, and staff. (BD 46/01/2)

- (a) After having established common direction, the Association shall incorporate the many voices within CSEA in order to speak with one voice and act with shared resolve. The officers, membership and staff shall act in concert and devote resources as currently allocated by each division/affiliate and take direction from the president to implement our strategy. (BD 46/01/2)
- (b) The CSEA president and Executive Committee, assisted by staff, shall develop a strategy that contains adequate funds to eliminate threats to the Association utilizing currently budgeted fiscal resources. (BD 46/01/2)
- (c) The Association shall streamline CSEA's internal operations and become flexible enough to meet any threats to the organization. (BD 46/01/2)

#### 7A2.00

#### REFORMS OF THE STATE CIVIL SERVICE MERIT SYSTEM

- (a) CSEA shall draw attention through communications, legislation and legal action regarding the public investment in effective state services. CSEA shall concentrate those efforts to bring to light serious problems with the alleged cost-effectiveness, accountability and quality of contracting out. (BD 46/01/2)
- (b) CSEA shall educate the membership about contracting out and the negative impact on and its consequences for jobs and services. (BD 46/01/2)
- (c) CSEA shall seek support from other state employee organizations and enlist SEIU to oppose any future or further efforts to erode public services. (BD 46/01/2)
- (d) CSEA shall develop and communicate to the public and membership a series of issue papers advancing our views of delivery of state service for the 21<sup>st</sup> century. (BD 46/01/2)

#### 7A3.00

#### ENHANCING AND PROTECTING THE RIGHTS OF MEMBERS

- (a) CSEA shall develop flexible internal operations emphasizing member education, commitment and mobilization around issues. (BD 46/01/2)
- (b) CSEA shall value each member's and staff's contribution to the whole, while recognizing and respecting the division/affiliate autonomy. (BD 46/01/2)
- (c) CSEA shall focus its representational efforts based upon issues,

striving to involve all members where issues have common ground.  
(BD 46/01/2)

- (d) CSEA shall develop methods, policies and practices that provide for the divisions/affiliates to identify and develop joint strategies and actions to mobilize the whole organization to meet future challenges.  
(BD 46/01/2)

#### 7A4.00 PUBLIC RELATIONS

- (a) CSEA shall utilize appropriate resources from the central support budget for support of legislative and public relations activities including funds for paid media. (BD 46/01/2)
- (b) CSEA shall develop and distribute to all members a CSEA statewide publication. (BD 46/01/2)
- (c) CSEA shall be positive in identifying themes based on services provided by state employees and issues which highlight for the public in a positive manner the need for public services that are provided by our members using public service ads or other broadcast media.  
(BD 46/01/2)
- (d) CSEA shall solicit support and maintain an active relationship with community-based organizations. (BD 46/01/2)
- (e) CSEA shall encourage SEIU to foster a media environment more receptive to local efforts promoting workers and their services in the State of California. (BD 46/01/2)

#### 7A5.00 AFFIRMING FAIR AND EQUITABLE TREATMENT

CSEA shall reinforce its opposition to discrimination and promote positive pro-active redress of institutionalized barriers for opportunities. The Board of Directors should be responsible for implementation of this recommendation. (BD 46/01/2)

#### 7A6.00 MEMBERSHIP GROWTH

- (a) CSEA shall encourage the sharing of programs and information between divisions/affiliates regarding membership recruitment programs. (BD 46/01/2, BD 69/02/5)
- (b) CSEA shall utilize any other resources to enhance programs for increasing membership and visibility. (BD 46/01/2, BD 69/02/5)

- (c) All membership recruitment programs shall recognize and celebrate diversity. (BD 46/01/2, BD 69/02/5)
- (d) The divisions/affiliates are encouraged to see that their members maintain and continue their CSEA membership at the time of their retirement by joining the Retired Division of CSEA. (BD 46/01/2, BD 69/02/5)

7A7.00 LEGISLATIVE

- (a) CSEA shall increase our visibility and work on legislative and budget issues. (BD 46/01/2, BD 69/02/5)
- (b) CSEA shall recognize the autonomy of divisions/affiliates while recognizing the importance of speaking with one voice on legislative issues. (BD 46/01/2, BD 69/02/5)
- (c) All divisions/affiliates are encouraged to support each other's legislative agenda where possible. (BD 46/01/2, BD 69/02/5)
- (d) CSEA shall continue to work in coalitions to advance the overall legislative agenda for organized labor and retirees. (BD 46/01/2, BD 69/02/5)

7A8.00 POLITICAL

- (a) CSEA shall continue to support the political action guide for divisions/affiliates to utilize in recruiting volunteers for political activity and recruiting C-MAC members. (BD 46/01/2, BD 69/02/5)
- (b) Each division/affiliate is encouraged to set C-MAC membership goals and report these goals and their outcome to the Board of Directors. (BD 46/01/2, BD 69/02/5)
- (c) CSEA shall increase its volunteer activists for all future election cycles through communications and education. (BD 46/01/2, BD 69/02/5)
- (d) The Board of Directors shall recommend that C-MAC develop a recognition program for chapters/DLCs that could act as an incentive to recruit new C-MAC members and/or volunteers. (BD 46/01/2, BD 69/02/5)
- (e) All division/affiliate training programs shall include a component on the importance of political volunteerism and C-MAC membership recruitment. (BD 46/01/2, BD 69/02/5)



- (f) Each division/affiliate is encouraged to designate a political action contact at the chapter/DLC level. (BD 46/01/2, BD 69/02/5)
- (g) CSEA shall actively participate in CalPERS board elections. (BD 46/01/2, BD 69/02/5)

7A9.00 CSEA STAFF VALUES AND BELIEFS

As part of the strategic planning process for the year ahead, the staff of CSEA rededicated itself to the values, beliefs and basic goals of CSEA and of the members we are all privileged to represent: (BD 46/01/2)

- (a) To empower members, leaders and staff and encourage them to take personal responsibility for CSEA and its activities and programs; (BD 46/01/2)
- (b) To build an effective, dynamic organization which is pro-active rather than reactive; (BD 46/01/2)
- (c) To build an organization that is unified, where everyone can work in harmony toward our common goals and respect each other; (BD 46/01/2)
- (d) To reach out to allies in the labor movement, the community and to those constituents that state workers provide services to/for; (BD 46/01/2)
- (e) To be a strong political force that fights for state workers and those who use state services; (BD 46/01/2)
- (f) To build activists in the workplace to solve problems and involve members in the decision-making process; (BD 46/01/2)
- (g) Through education, to establish belief in both the ideals of the labor movement and the issues of importance to workers, i.e., solidarity, economic and social justice for all, equal pay for equal work, upward mobility, affirmative action, domestic partner benefits, child care programs and quality health care; (BD 46/01/2)
- (h) To build an organization that is visible and respected by the members, the community, our allies and our opponents, as well as ourselves; (BD 46/01/2)
- (i) To establish efficient, coordinated follow-through and accountability; (BD 46/01/2)

- (j) To live by these values and beliefs every day in the work that we do; (BD 46/01/2)
- (k) To defend the rights of members, but not condone inappropriate behavior; (BD 46/01/2)
- (l) To encourage member participation in the Association at all levels; and (BD 46/01/2)
- (m) To build a union that delivers for its members and is sensitive to the members' needs. (BD 46/01/2)

# CSEA POLICY FILE

## PART III



## PROCEDURES

## PART III

### PROCEDURES

#### DIVISION 1: POLICY-MAKING PROCEDURES

##### 101.00 DEFINITIONS

- 101.01 Advocate. To plead or argue in favor of a cause or policy and to recommend publicly. (Does not imply financial aid.) (BD 214/60)
- 101.02 Affiliate. Unless otherwise required by context, the term "affiliate" shall be synonymous with the term "division" for the purpose of this Policy File. (BD 44/94/2)
- 101.03 Affirmative Action Officer. The terms affirmative action officer and affirmative action coordinator are synonymous. (BD 9/87/1)
- 101.04 Agenda. An outline of items to be considered at authorized meetings of the board, Executive Committee, committees, councils and subgroups. For the Board of Directors meetings only, agenda includes a summary of recommended actions. (BD 14/81/1)
- 101.05 Approve. To sanction officially and accept as satisfactory. Does not imply financial aid.) (BD 214/60, BD 195/80/5)
- 101.06 Bargaining Unit Negotiating Committee. For purposes of this Policy, the term "bargaining unit negotiating committee" shall be synonymous with the term "bargaining unit council." (BD 66/88/3)
- 101.07 Board. Unless expressly provided for otherwise by context, the terms board and Board of Directors are synonymous. (BD 195/80/5)
- 101.08 Chapter/District Labor Council. For purposes of this Policy File, the terms "district labor council" (DLC) and "chapter" shall be considered synonymous unless the context otherwise requires. (BD 77/95/4)
- 101.09 Chapter Autonomy. The rights and conditions of a chapter's independence and power of self-government, not pre-empted by provisions of the Bylaws, Policy File or enactments of General Council of the Association. (Bylaws Article VI, Section 1(b.) (BD 77/95/4, BD 47/01/2)
- 101.10 Competing Organizations. Any organization which represents or intends to represent state employees in matters of wages, hours or working conditions before the State Personnel Board, the Board of Trustees, the Board of Regents, or any policy-making body with the intent to supplant the

Association in its role as the exclusive representative for state employees. (BD 262/75/5, BD 195/80/5)

- 101.11 CSEA. Unless expressly provided for otherwise by context, the terms CSEA and Association are synonymous. (BD 195/80/5)
- 101.12 Division. Unless otherwise required by context, the term "division" shall be synonymous with the term "affiliate" for the purpose of this Policy File. (BD 44/94/2)
- 101.13 Employee Representatives. Members of the Association officially appointed as organizational representatives or elected as stewards. (BD 66/88/3)
- 101.14 Encourage. To declare approval and to foster, favor and promote the growth of a cause or policy. (Does not imply financial aid.) (BD 214/60, BD 262/75/5, BD 195/80/5)
- 101.15 Endorse. To give the Association's name in support of or sanction to programs or projects sponsored by others or to allow the Association's name to be used publicly in support of the candidacies of individuals or in the campaigns for propositions found worthy by the Association. (Could be accomplished with financial aid.) (BD 214/60, BD 262/75/5, BD 195/80/5)
- 101.16 Favor. Suggest an active interest and a willingness to give approval or to encourage and endorse. (Does not imply financial aid.) (BD 214/60, BD 262/75/5, BD 195/80/5)
- 101.17 Financial Aid. Specific monetary allowances in addition to normal operating expenses. (BD 212/68, BD 262/75/5, BD 195/80/5)
- 101.18 Headquarters Office. The Association's principal office in Sacramento is headquarters. (Bylaws Article I, Section 2.) (BD 17/77/1, BD 195/80/5)
- 101.19 Interest. Have sufficient concern to note and report on progress and modifications without expecting to become involved in the matter. (BD 328/68(1), BD 262/75/5, BD 195/80/5)
- 101.20 Labor Relations Representatives. Staff employed by headquarters office in positions of employee relations representation. (BD 66/88/3)
- 101.21 No Position. Neutrality in attitude and position. (BD 212/68, BD 262/75/5, BD 195/80/5)
- 101.22 Open Position. Chapters, regions and divisions/affiliates are free to take any action they choose. (BD 50/92/2, BD 59/94/2)
- 101.23 Oppose. To resist or take action against a policy sponsored by others which

is incompatible with the objectives or policy of the Association. (Could be accomplished with financial aid.) (BD 426/69/3, BD 262/75/5, BD 195/80/5)

- 101.24 Oppose Publicly. To resist or take action against a program or project sponsored by others which is incompatible with the objectives or policy of the Association and to allow the Association's name to be used publicly in opposition to the candidacies of individuals or in the campaigns against propositions found unworthy by the Association. (Could be accomplished with financial aid.) (BD 158/74/2, BD 262/75/5, BD 195/80/5)
- 101.25 Policy. A policy is a goal or rule of the Association. All Association policies have as their authority the Association's Bylaws or approved Board of Directors' motions. Division/affiliate policies have as their authority approved division/affiliate motions. Policies are written and are contained in the appropriate policy file. Specific assignments, studies and reviews of topics are not policies and are not to be included in the policy files. (BD 50/92/2, BD 62/03/2)
- 101.26 Policy File. The collection of all Board of Directors adopted policies or properly adopted division/affiliate policies. The Policy File shall be divided into parts as follows: (BD 62/03/2)
- Part I. Association Bylaws.
  - Part II. Broad Goals and Specific Objectives.
  - Part III. Association Procedures.
  - Part IV. Comprehensive Index. (BD 39/94/2)
  - Part V. Association of California State Supervisors Bylaws and Policies.
  - Part VI. California State University Division Policies.
  - Part VII. Civil Service Division Policies.
  - Part VIII. Retired Employee Division Policies.
- 101.27 Program. A program is a plan for accomplishing a policy or an objective. (BD 212/68, BD 262/75/5, BD 195/80/5)
- 101.28 Project. A project is a separate and distinct assignment relating to a phase of a program. (BD 10/60, BD 262/75/5, BD 195/80/5)
- 101.29 Sponsor. To assume responsibility for initiating and carrying out a program or policy. (Should be accomplished with financial aid.) (BD 158/74/2, BD 262/75/5, BD 195/80/5)
- 101.30 Statewide Officers. Statewide officers are Association president, executive vice president, vice president, secretary-treasurer. (BD 52/99/2)
- 101.31 Support. To uphold and defend a cause or policy which is consistent with the policy of the Association sponsored by others right and just, or to give

financial aid to the candidacies of individuals or the campaigns for propositions found worthy by the Association. (Should be accomplished with financial aid.) (BD 158/74/2, BD 262/75/5, BD 195/80/5)

101.32 Watch. Have such concern to observe and report on movement and modifications of a cause or policy sponsored by others with expectancy that the Association may become involved. (BD 195/80/5)

## 102.00 ESTABLISHMENT OF POLICY

### 102.01 Policy-Making Agencies

The Board of Directors and the division(s)/affiliate(s), within the limits of their authority, are the policy-making agencies of the Association. (BD 81/92/3, BD 59/94/2)

- (a) With regard to language for inclusion in the Association Policy File, General Council shall refer language to the Board of Directors for adoption as board policy. (BD 81/92/3)
- (b) Board of Directors policy is subject to change by the Board of Directors. General Council resolutions changing policy are referred to the Board of Directors for action and become Board of Directors policy. (BD 50/92/2, BD 62/03/2)
- (c) Division/affiliate policy must not be in conflict with established Board of Directors policy. Division/affiliate policy is subject to change by the division/affiliate. In the event the Board of Directors finds that a division/affiliate policy is inconsistent with the Association's Bylaws or Policy File, the policy is void and any prior policy shall remain in effect. The board shall refer such policy to the division/affiliate for corrective action consistent with the Association Bylaws and Policy File. Any action based on voided policy is nullified. (BD 22/01/1, BD 62/03/2)
- (d) Additions, deletions or amendments to Policy File by the Board of Directors become effective immediately upon adoption unless otherwise specified. (BD 22/01/1, BD 62/03/2)

### 102.02 Status of Approved Policy

Any policy referred by the General Council to the Board of Directors or policy adopted by the Board of Directors shall remain in force until rescinded, revised, or accomplished. Division/affiliate policy remains in force until rescinded, revised or accomplished, unless the board finds the policy is void due to a conflict with Association Bylaws or policies. (BD 62/03/2)

102.03 Official Policy

Any position taken or endorsement made, after due deliberation, by the Board of Directors becomes the official policy of the Association, and no officer, board member, chapter leader, division/affiliate leader, employee or other representative of the Association, acting in their official capacity, may actively pursue a position other than that of the Association. (BD 133/83/3, BD 59/94/2)

- (a) When the Association, as a member of another organization, has more votes than delegates, votes should be evenly distributed among the delegates with odd-numbered votes being given to the secretary-treasurer. Such votes are known as "Association votes" and must be cast in accordance with any position or endorsement taken or made by the Board of Directors. (BD 133/83/3)
- (b) In casting votes for a candidate endorsed by the Board of Directors, Association votes shall be cast for the endorsed candidate as long as that person remains a candidate. (BD 133/83/3, BD 59/94/2)
- (c) When there is no policy or candidate, the delegates are free to cast Association votes as they see fit. (BD 133/83/3)

102.04 Unenacted Legislation

If the objective of a policy-establishing resolution is sought through legislation which fails enactment, in whole or part, the full objective of the resolution nevertheless continues to be policy. (BD 50/92/2)

102.05 Supported Legislative Bill

The support of a particular legislative bill, by General Council or the Board of Directors, does not constitute the adoption of a policy in relation to the subject of the bill. (BD 23/70)

102.06 Resolutions Referred to Board of Directors

An action of General Council, by which a resolution failing adoption is referred to the Board of Directors for study and appropriate action does not establish an expression of Association policy. (BD 50/92/2)

103.00 POLICY FILE STRUCTURE

103.01 Date of Adoption of Page

Vertical lines shall be placed along both margins on each section of Policy File which has been revised or adopted between biennial revisions prior to



General Council; each page of the Policy File shall indicate the month and year that any section of the page was adopted or last revised. (BD 10/86/1)

103.02 Authority Citation

Each provision in the Policy File commanding a number distinction must contain a parenthesized authority citation and headquarters office shall provide such authority citation. (BD 195/80/5)

103.03 Format of Amendment

Amendments to the Policy File should be in a form which indicates proposed deletions to existing policy in strike-out type and proposed additions to existing policy in underline type and indicates the specific Policy File section in which the amendments are to be included if adopted. (BD 50/92/2)

- (a) If a proposed amendment is to delete an entire Policy File section, a statement to that effect is all that is necessary. (BD 81/84/3)

103.04 Recodification of Policy File

Recodification of the Policy File shall be at five-year intervals. The years shall be those that are divisible by five. (BD 17/77/1)

104.00 REVIEW OF POLICY FILE

104.01 Duty of Executive Vice President

The executive vice president is responsible for the coordination of the review of the Association Policy File. (BD 50/92/2, BD 59/94/2)

Members of the Association and the general manager are urged to call needed changes in the Policy File to the attention of the executive vice president. (BD 50/92/2)

104.02 Annual Review

The annual review of policy is as follows:

- (a) Substantive review. This review shall be as provided by the Board of Directors: (BD 50/92/2)
  - (1) The annual review of the Policy File shall be in accordance with the responsibilities as outlined in Division 5 of the Policy File. (BD 52/83/1 BD 59/94/2)
  - (2) The Bylaws, Policies and Procedures Committee is

authorized to recommend to the Board of Directors changes in language that will clarify policy statements. (BD 59/94/2)

- (3) The subject matter areas covered by the Policy File are primarily the responsibility of the General Council subject committees which shall annually review those sections of the Policy File within the area of their responsibility and report any discrepancies or conflicting provisions with recommendations to the Board of Directors. Divisions/affiliates shall provide for an annual review of their respective policy files. (BD 62/03/2)
  - (4) Sections within various subject matter areas may be assigned to ad hoc committees, or other Board of Directors standing committees. (BD 50/92/2, BD 59/94/2, BD 62/03/2)
- (b) Bylaws review. This review shall be the responsibility of the Board of Directors. Referral to the Bylaws, Policies and Procedures Committee is recommended. (BD 50/92/2, BD 59/94/2)
  - (c) Administrative review. This review shall be the responsibility of the president, and through him/her referred to the Bylaws, Policies and Procedures Committee. Said review is to: (BD 56/83/1, BD 59/94/2)
    - (1) Ensure internal consistency; (BD 50/92/2)
    - (2) Ensure proper form; (BD 50/92/2)
    - (3) Eliminate obsolete portions; (BD 50/92/2)
    - (4) Ensure correct authority citations. (BD 50/92/2)
  - (d) The Bylaws, Policies and Procedures Committee shall review the Policy File and recommend such changes as are necessary to correct typographical, grammatical, spelling and punctuation errors in board policy as long as the changes do not alter the substance of the specified sections. (BD 273/76/5, BD 59/94/2)

#### 104.03 Review for Conflicts

All actions of the Board of Directors and divisions/affiliates amending their respective policy files are automatically referred to the Bylaws, Policies and Procedures Committee for review for possible conflicts with the Association's Bylaws or Policy File. Any conflict in policy approved by the Board of Directors shall be included in the next Board of Directors' meeting agenda as an action item in order that appropriate corrective action can be taken. (BD 62/03/2)

Nothing in this section is intended to restrict other reviews of the Policy File as provided elsewhere. (BD 24/01/1)

104.04 Numbering Conflicts

Where there are Policy File numbering conflicts, staff is authorized to make necessary changes. (BD 56/83/1)

104.05 Standard Policy File Language

The executive vice president is authorized to make necessary changes in the language of board motions in order that standard Policy File language is used. (BD 71/00/2)

## DIVISION 2: MEMBERSHIP

### 201.00 ELIGIBILITY

#### 201.01 Determination of Eligibility

The Board of Directors shall determine which groups of employees are eligible for membership when eligibility is not specifically stated in the Association's Bylaws. (Bylaws Article III, Section 2) (BD 174/61, BD 59/94/2)

#### 201.02 Persons Eligible for Membership

- (a) Persons are not excluded from eligibility for active membership because of the form of their employment status. Persons in all the following categories are eligible for membership: supervisory, management, confidential, temporary (TAU), probationary, part time, intermittent, limited term, and similar categories. (It should be recognized that the form of employment status may limit eligibility for certain benefit programs.) (BD 195/80/5, BD 80/92/3)
- (b) Persons employed in rank-and-file classes not represented by the Association in collective bargaining matters are eligible for special membership pursuant to Bylaws Article III, Section 6 and Division 2 of the Policy File. (BD 11/82/1, BD 59/94/2)

#### 201.03 Conflict of Interest of Association Officials

- (a) A conflict of interest shall exist:
  - (1) If any member seeking election or appointment, or serving as an elected or appointed representative of the Association concurrently holds an elective or appointive office in another organization representing state employees which is in competition with the Association; (BD 77/80/3)
  - (2) If any member seeking election or appointment, or serving as an elected or appointed representative of the Association is concurrently active in organizing or recruiting for an organization which is or intends to become competitive to the Association. (BD 77/80/3)

#### 201.04 Disciplinary Action

- (a) Action taken against an Association official pursuant to the Bylaws and/or Policy File of the Association, shall follow the procedure outlined in Division 10 of the Policy File. (BD 36/99/2)

- (b) An Association official or representative charged under Division 2 of the Policy File shall be suspended from his or her office upon majority vote of the board until a final determination has been made on the charges. (BD 151/79/3, BD 59/94/2)

202.00 ACTIVE MEMBERSHIP

202.01 Employed Eligible Group

- (a) Employees, as defined by Article III, Section 2 of the Bylaws, not elected by the people nor appointed directly by the governor, including those on authorized leave; (BD 59/94/2)
- (b) Member help at the veterans home; (BD 195/80/5)
- (c) Employees of auxiliary activities at state facilities and institutions providing they are directly responsible to a state employee; (BD 195/80/5)
- (d) Employees of the California Exposition and Fair; (BD 195/80/5)
- (e) Members who are laid off or involuntarily terminated from state service during the duration of their re-employment rights or administrative appeal proceedings for reinstatement. (Bylaws Article III, Section 3 (c)) (BD 195/80/5, BD 80/92/3, BD 59/94/2)

202.02 Retired Eligible Group

- (a) Within the purview of Bylaws Article III, Section 3(c), persons who retired from state service under provisions of a public retirement system and who continued retired from state service. (BD 195/80/5, BD 80/92/3, BD 59/95/4)
- (b) Retired employees of auxiliary activities at state facilities and institutions providing that during the course of their employment they were directly responsible to a state employee. (BD 195/80/5)

203.00 ASSOCIATE MEMBERSHIP

203.01 Eligible Groups

- (a) Beneficiaries of any deceased persons who were active members at the time of death; (BD 195/80/5, BD 59/94/2, BD 135/00/2)
- (b) Spouses or domestic partners of active retired state employees who are members of CSEA. (BD 59/94/2, BD 135/00/2)

- (c) Employees on authorized leave of absence from state service who elect not to be active members; (BD 195/80/5, BD 59/94/2, BD 135/00/2)
- (d) Association members while in state service, who have separated from state service, and are recommended by a chapter for membership; (BD 80/92/3, BD 59/94/2, BD 135/00/2)
- (e) Association members while in state service who have been laid off; (BD 80/92/3, BD 59/94/2, BD 135/00/2)
- (f) Employees of the legislature; (Bylaws Article III, Section 4 (f)) (BD 195/80/5, BD 59/94/2, BD 135/00/2)
- (g) Retired state employees who are not eligible for active retired membership; (BD 135/00/2)

whose dues for Association membership in each respective case are not delinquent. (BD 59/94/2, BD 135/00/2)

203.02 Assignment to Division/Affiliate

Associate members shall be assigned to an appropriate division/affiliate. (BD 24/95/2)

203.03 Rights of Associate Members

Associate members shall have the rights to participate in all member benefit discount programs and, if previously enrolled while in full membership status, can continue their participation in insurance member benefit programs, but shall not have the right to representation or to vote and hold office. (BD 137/00/2)

204.00 HONORARY MEMBERSHIP

Honorary membership is limited to the spouse of a deceased president or deceased past president. (Bylaws Article III, Section 5) (BD 10/86/1, BD 59/94/2)

205.00 SPECIAL MEMBERSHIP

205.01 Definition

Special membership is limited to those employees of the State of California as defined by the Board of Directors. (Bylaws Article III, Section 6) (BD 195/80/5, BD 59/94/2)

- (a) The constitutional officers of the state, members of the legislature, regents and the president of the University of California, trustees and chancellor of the California State Universities, board of directors of the Hastings College of Law, persons excluded from membership by a formal representation statute or comparable provision, members or boards or commissions appointed by the governor, heads of agencies or departments or deputies appointed by the governor or by another constitutional officer, departmental, executive and nonclerical secretaries to the governor, judges of all California courts of record, and disabled persons employed by the workshops for the blind, who have had continuous membership in the Association since December 9, 1978 and are continuing to pay special member dues. (BD 80/92/3)
- (b) Members of organizations including non-Association members of the California Faculty Associations, subject to applicable dues, fees and rights specified in an agreement. (BD 80/92/3)
- (c) Employees in the rank-and-file classes for whom a union other than the Association has been certified as the exclusive representative for collective bargaining purposes. (BD 11/82/1, BD/59/94/2)
- (d) Exempt employees of all California courts of record and of the governor's office who held associate membership in the Association on or before December 1, 1981, and who elect to relinquish the right to vote and hold office. (BD 58/82/2, BD 80/92/3, BD 57/03/2)
- (e) Exempt employees of the state legislature. (BD 80/92/3)
- (f) Employees of auxiliary or foundation organizations of the California State University. (BD 70/86/2)

205.02 Rights of Special Members

Special members shall have the right to all insurance, discount and other member benefit programs, but shall not have the right to representation or to vote and hold office. (BD 80/92/3)

206.00 MEMBERSHIP EFFECTIVE DATE

206.01 Initial Membership

Association membership is effective at the time a payment of dues or a signed membership payroll deduction application is received by an authorized Association or chapter representative. (Bylaws Article III, Section 8) (BD 28/89/2, BD 59/94/2)

- (a) A person whose membership has been terminated under Article III, Section 12 may not restore his/her membership by filing a new membership application form, but must instead request the Board of Directors under Article III, Section 14 for restoration of membership. (BD 133/00/2)

206.02 Continuation of Active Membership into Retirement

Active employed Association members become active retired members on the effective date of their retirement from state service, provided a signed application for retired membership has been received in headquarters. (BD 41/99/2, BD 81/01/3)

207.00 MEMBERSHIP DUES AND FEES

207.01 Dues and Fees Structure

- (a) The annual dues and fees for active and associate members are not refundable and no other dues or fees shall be collected. (BD 146/82/4, BD 59/94/2)
- (b) Annual dues and/or fees for the Association's mutually exclusive classes of special membership or fair share fee shall be: (BD 9/83/1)
  - (1) The constitutional officers of the state, members of the legislature, regents and the president of the University of California, trustees and chancellor of the California State Universities, board of directors of the Hastings College of Law, persons excluded from active membership by a formal representation status or comparable provisions, members of boards or commissions appointed by the governor, heads of agencies or departments or deputies appointed by the governor or by another constitutional officer, departmental, executive and nonclerical secretaries to the governor, judges of all California courts of record, and disabled persons employed by the workshops for the blind, who continued membership in the Association since December 9, 1978; no dues or fees; (BD 55/83/1)
  - (2) Members of affiliated organizations, including non-Association members of the California Faculty Associations: applicable dues and fees as specified in an agreement; (BD 55/83/1, BD 80/92/3)
  - (3) Members in rank-and-file classes not represented by the Association in collective bargaining and having fair share: \$60 effective July 1, 1983; (BD 9/83/1)



- (4) Exempt employees of all California courts of record and of the governor's office who held associate membership in the Association on or before December 1, 1981, and who elect to relinquish the right to vote and hold office, whose dues are set by the appropriate division/affiliate; (BD 80/92/3, BD 57/03/2)
- (5) Exempt employees of the state legislature at a rate of \$12 per year. (BD 80/92/3)
- (c) Monthly dues for Association members taking a leave of absence from state service to work for the Association shall be active member dues, based on gross monthly compensation. (BD 80/92/3)

207.02 Method of Payment

- (a) Members covered by Association MOUs containing "maintenance of membership" provisions shall pay their annual dues and fees in monthly installments of 1/12th of the annual dues or fees by payroll deduction. (BD 146/82/4)
- (b) Members not covered by (a) above are encouraged to avail themselves of payroll deduction of dues and fees where this method of payment is available, or they shall pay them in accordance with one of the following methods: (BD 146/82/4)
  - (1) Lump sum - pays 1/12 the annual dues for each month remaining in the year, commencing with the month following application, and January 1 of each subsequent year pays the annual dues for that year; (BD 146/82/4)
  - (2) Direct monthly payment - members who have been laid off or involuntarily terminated may pay their dues or fees directly to headquarters office during the duration of their re-employment rights or appeal proceedings for reinstatement; (BD 146/82/4)
  - (3) Monthly payment by use of Master Card, Visa or automatic checking account withdrawal for those members ineligible for payroll deduction. (BD 146/82/4)
  - (4) Monthly payment is permitted for members who work at the Lawrence Livermore National Laboratory until such time as maintenance of membership is negotiated. (BD 178/82/5)

207.03 Renewal Notice

The annual renewal notice to members paying annually must include information that payroll deduction is available, must include payroll deduction

authorization form, and must advise the member that if he/she chooses payroll deduction he/she must do so prior to December 1, to be effective January 1. (BD 146/82/4)

207.04 Delinquency of Dues

Membership becomes delinquent if dues are not paid within 90 days after they are due. However, when dues are not forwarded to headquarters through no delinquency or fault on the part of the member, the member shall be considered to be in good standing. Dues for the various methods of payment are due and payable in accordance with the following: (BD 249/62, BD 17/77/1, BD 59/94/2)

- (a) Payroll deduction - on the date of the last remittance to the Association headquarters. The last remittance is the last day of the month for which dues provided paid membership coverage. One month's deduction provides coverage for the following month; (BD 249/62, BD 17/77/1)
- (b) Lump sum - January 1 of each calendar year; (BD 249/62, BD 17/77/1)
- (c) Headquarters office shall have discretion in the matter of collecting back dues. (BD 17/77/1)

207.05 Termination of Membership

Membership is terminated under the following conditions: (BD 249/62, BD 17/77/1)

- (a) Upon delinquency of dues; (BD 249/62, BD 17/77/1)
- (b) Upon written notice of resignation to headquarters office, except that employees covered by Association MOUs containing "maintenance of membership" provisions may only terminate their membership in accordance with the applicable MOU. Notice of resignation does not make dues refundable. (BD 146/82/4)
- (c) Upon order of the Board of Directors for removal of membership after the necessary procedures have been concluded under Division 10 of the Policy File or Corporate Law. (BD 8/00/1)

208.00 MEMBERSHIP STATUS WHILE OFF PAYROLL

208.01 Continuation of Benefits

If a member is off the payroll because of serious illness or an accident and his/her group insurance may be jeopardized because of nonmembership, the secretary-treasurer may continue the active membership involved by

handling the dues as an account receivable with the member's chapter. (BD 26/58, BD 80/92/3)

208.02 Layoff or Termination

If a member is off the payroll because of layoff or involuntary termination he/she is eligible for Association benefits and representation provided that membership dues and fees are paid. (BD 146/82/4, BD 80/92/3)

209.00 MEMBERSHIP CARDS

209.01 Issuance

The Association shall prepare and issue membership cards. The cost of membership cards shall be borne by the divisions/affiliate(s). (BD 80/92/3)

209.02 Card Size

The membership card shall be a single card suitable to fit in a standard insert card holder. (BD 50/92/2)

209.03 Listed Information

The membership card will list the member's bargaining unit affiliation together with chapter affiliation. (BD 50/92/2, BD 59/94/2)

210.00 MEMBERSHIP LISTS

210.01 Exclusive Rights

The complete official membership list shall be maintained by headquarters office and is the exclusive property of the Association. The Association shall ensure that permitted use of its membership lists shall be for purposes consonant only with stated goals and organizational activities. (BD 25/01/1)

210.02 Use

The membership lists shall be used as follows:

(a) The Board of Directors authorizes headquarters office to disseminate by direct mail: (BD 80/01/3)

(1) Official publications and communications as directed by General Council and Board of Directors or as required and budgeted for the normal business of the Association; (BD 14/60)

- (2) Official region, chapter, bargaining unit council, division/affiliate communication within respective jurisdictions at cost of materials, labor and postage to the official requesting mail services; (BD 82/80/3, BD 80/92/3, BD 59/94/2)
  - (3) Information to the full membership or any portion thereof on matters relating to member benefits, including PERS-sponsored health programs, will comply with the following criteria: (1) that such mailings be at the cost of the company requesting the mailing; (2) that the mailings be done in the Association print shop or by a certified mailing company; (3) that subject mailings be authorized by the president or designee; (BD 102/85/4, BD 59/94/2)
  - (4) Educational information with respect to the Association's legislative program. (BD 14/60)
- (b) Any direct mailing will be reviewed as to context in conformity with Association policy and in terms of good internal and external public relations. (BD 84/64, BD 105/70/2 (12))
  - (c) Chapters may utilize the names and addresses of their own members by requesting headquarters office to provide them with addressed envelopes and/or sticker tapes for use in the conduct of official chapter business, the cost of which shall be borne by the chapter. Chapters may not receive mailing addresses for members of other chapters; (BD 177/73/3, BD 59/94/2, BD 80/01/3)
  - (d) Chapters may request headquarters office to use the names and addresses of chapter members for mailing of chapter benefit programs; (BD 80/01/3)
  - (e) Regional directors may request headquarters office to use the names and addresses of chapter members within their regions for mailing of regional benefit programs. In addition, regional directors may request headquarters office to mail notices of region meetings to delegates and chapter officers or they may utilize the names and addresses of delegates in their respective regions by requesting headquarters office to provide them with addressed envelopes and/or sticker tapes for use in the conduct of official region business, the cost of which shall be borne by the region. The addressed envelopes and/or sticker tapes may be used only for the specific purpose for which they were requested. (BD 80/01/3)
  - (f) Bargaining unit councils and divisions/affiliates may request

headquarters to mail information to their own members for use in the conduct of official bargaining unit or division/affiliate business. (BD 80/01/3)

- (g) The secretary-treasurer may authorize the use of the membership list by headquarters office to mail material on behalf of an individual member. To be eligible for such a mailing, a member must apply for use of the membership list by submitting a written request to the secretary-treasurer, stating (1) the purpose for the mailing, explaining how such a mailing is in the person's interest as a member; (2) specifying which members are to receive the mailing. A copy of the material to be mailed must accompany the request. A form to make such a request may be obtained from headquarters; (3) The secretary-treasurer shall verify that the member(s) requesting the mailing are dues paying member(s) in good standing. If not, the request will be denied; (4) If any names are on the material to be mailed, those names of non-dues paying members shall be stricken and only the names(s) of dues paying members shall remain; (5) The request must be signed by the member(s) requesting the mailing; and (6) If denied, the member may appeal to the president. (BD 22/99/1)

The secretary-treasurer will respond within ten business days as to whether the membership list can be used for the mailing and, if the use is authorized, the print shop shall also be notified. In making this determination the secretary-treasurer shall act in accordance with applicable law. (BD 22/99/1)

When notifying a member that use of the membership list is approved, the secretary-treasurer will advise the member of the estimated cost of the services required to do the mailing on the member's behalf. This cost will be the actual cost of the services, by either first class mail or by pre-sorted standard mail at the members' option. Members may either use the Association's services to prepare the materials to be mailed, or may deliver the material to the print shop already prepared for mailing. The member must pay for the services in full prior to the mailing. The check or other proof of payment received for the services shall be copied and the copy shall be attached to the work order. (BD 22/99/1, BD 58/99/2, BD 22/00/1, BD 26/01/1, BD 33/04/2)

All mailings under this section shall have the following statement prominently displayed on the outside of the mailer at no less than 8 point bold print on the bottom or along the side margin of the message, and the return address must be the home address of the person requesting the mailing: "THIS MATERIAL IS NOT PAID FOR OR ENDORSED BY CSEA." (BD 58/99/2, BD 33/04/2)

210.03 Improper Use

Membership lists shall not be used for:

- (a) Dissemination of information which is contrary to provisions of the Association's Bylaws or aimed at opposing any program endorsed or sponsored by General Council or the Board of Directors or contrary to the approved policies of the Association; (BD 14/60, BD 59/94/2, BD 91/98/5)
- (b) Sale, loan or gift to any person or organization; (BD 17/77/1)
- (c) Subject to the provisions of the California Corporations Code, the membership lists for any division/affiliate, bargaining unit or any group of members shall not be given to anyone without permission of the Board of Directors. (BD 35/91/3, BD 59/94/2, BD 80/01/3)
- (d) Solicitation for or opposition to the candidacy of any member for any elected position in the Association, except as provided in Policy File Sections 210.02 (g) and 1301.07. (BD 80/01/3)

211.00 MEMBERSHIP LIMITATIONS

No member or group of members, including councils, conferences, leagues, clubs, caucus, organizations or associations, not already recognized in the Bylaws or Policy File, composed of members of the Association, shall, in any manner, directly or indirectly, use, exploit or take the name, or any similar name or designation of the Association or any region, division/affiliate, council or chapter, without first obtaining recognition and permission from the Board of Directors. (BD 48/94/2, BD 83/95/4)

None of the above-described may, without first obtaining recognition and permission from the Board of Directors, levy, solicit or collect any tax, dues or other monies; distribute materials, literature or newsletters at any function of the Association or any region, division/affiliate, council or chapter; advertise either directly or indirectly in any publication of the Association or any region, division/affiliate, council or chapter. (BD 48/94/2)

To receive recognition, any of the above may petition the Executive Committee for recognition. The petitioners shall submit a petition signed by two-thirds of the current membership of the petitioning group. They shall include a copy of their bylaws and/or statement of goals and objectives. (BD 48/94/2)

The Executive Committee shall present the petition to the Board of Directors

with a recommendation to recognize the petitioners or to reject the petition. If the recommendation is to reject, the Executive Committee shall give the reason(s) why the petition should be denied. (BD 48/94/2, BD 55/97/3)

The Board of Directors may grant or deny the petition. If granted, the board may, with or without cause, withdraw such recognition at any time. (BD 79/01/3)

212.00 QUALIFICATION TO HOLD OFFICE

The basic qualification for a person to run for and to maintain an elected or appointed office in the Association is that the person must be a member in good standing, which is defined as: (BD 71/03/2)

- (a) Dues are current; (BD 71/03/2)
- (b) If membership has been terminated pursuant to Policy File Section 206.01, the member has complied with Policy File Section 206.01 (a); and (BD 71/03/2)
- (c) This section shall not be applied in conflict with Corporate Code provisions. (BD 71/03/2)

## DIVISION 3: GENERAL COUNCIL

### 301.00 GENERAL COUNCIL RESOLUTIONS

All matters presented to General Council for action shall be submitted in the form of a resolution. A resolution consists of whereas and resolved clauses. Whereas clauses state the need for action and resolved clauses state the action requested. (BD 59/94/2)

### 301.01 Drafting of Resolutions

A resolution begins with an idea addressing an issue that a person feels needs to be improved, amended, replaced or rescinded. A resolution can be submitted by any active member of the Association, delegate of General Council, delegate-elect, or delegate-designate to General Council, or proposed by a chapter, region, or any subject or procedural committee, Association divisions/affiliate(s), bargaining unit council(s), or Board of Directors for the purpose of drawing attention to the subject. (BD 84/94/3, BD 55/97/3)

A resolution is written in two parts. The first part states the reason for the resolution, pointing out selected facts concerning the issue. Each reason or fact is a short, separate paragraph which begins with "WHEREAS," is consecutively numbered, and must be a complete statement. Any number of WHEREAS clauses can be presented to support the reason for the proposal. (BD 84/94/3, BD 63/03/2)

The second part of a resolution simply states what action should be taken to achieve the desired result. Again, there can be any number of actions intended in separate statements called "RESOLVED" paragraphs, consecutively lettered. All requested actions should be related to the particular issue. (BD 84/94/3, BD 63/03/2)

Requirements for preparation of RESOLVED clauses are:

- (a) Must be complete statements (sentences) which stand on their own merits; (BD 84/94/3)
- (b) Must clearly state the intent of the author; (BD 84/94/3)
- (c) Must identify the section of Bylaws and/or the Policy File which is affected, if any; (BD 84/94/3, BD 55/97/3)
- (d) Must clearly reflect the subject matter. (BD 84/94/3)



301.02 Responsibility of Proponent

The primary responsibility for ensuring that a resolution intended for submission to General Council is in proper form rests with the proponent. (BD 50/92/2)

301.03 Format of Resolution

Resolutions submitted to General Council must set forth the subject, the name of the proponent, including chapter number if it is submitted by an individual, and a reference to the appropriate section of the Bylaws and the Policy File, if ascertainable by the proponent, in the following form at the beginning of the resolution: (BD 50/92/2, BD 84/94/3)

SUBJECT:

SUBMITTED BY:

REFERENCE:

WHEREAS, (1) , now therefore be it

RESOLVED, (a)

Principal Proponent: \_\_\_\_\_  
(Individual, chapter, region or division/affiliate)  
(BD 84/94/3)

Resolutions submitted by 50 or more active members of the Association or signed by 20 or more members or members-elect of General Council shall indicate the principal proponent in the above form. (BD 50/92/2, BD 84/94/3)

In drafting resolutions, each whereas clause shall be consecutively numbered, and each resolved clause shall be consecutively lettered. (BD 50/92/2)

Amendments to the Bylaws or Policy File shall be in a form which indicates proposed deletions to existing language in strikeout type and proposed additions to existing language in underline type. If a proposed amendment is to delete an entire section, a statement to that effect is all that is necessary. (BD 80/84/3, BD 59/94/2)

The resolution must contain an estimate of probable cost to the Association in the following form: (BD 50/92/2)

ESTIMATED CSEA COST:

301.04 Processing of Resolutions

All resolutions received in headquarters office no later than 60 days prior to the convening of General Council shall be forwarded to the members of the Resolutions Screening Committee on the first day of each month, or more frequently if it is deemed necessary, beginning with August and immediately after the last day for submission of resolutions and the committee shall meet within 10 days thereafter. Upon receipt of the resolutions, the members of the Resolutions Screening Committee shall review them for the immediate purpose of offering guidance to the proponent of a resolution that has inadequacies. The proponent is to be informed as to what changes or corrections need to be made in order to eliminate the inadequacies. Headquarters should be notified as soon as possible in order for them to notify the proponent so the resolution can be corrected and put in proper form. Any change or correction must be submitted prior to the deadline for submission of resolutions. (BD 50/92/2)

301.05 Personal References

The Association will not publish resolutions to be heard at General Council which name any individual person or allude to any Association member in language that will be deleterious to that person's character and reputation. (Bylaws Article X, Section 11 (c)) (BD 50/92/2, BD 59/94/2, BD 69/04/3)

301.06 Conflicts Between Resolutions

In interpreting the actions of General Council where a conflict exists between two or more resolutions: (BD 50/92/2, BD 69/04/3)

- (a) The most recently adopted resolution shall govern when the conflicting resolutions were adopted at different General Councils; (BD 50/92/2, BD 69/04/3)
- (b) The Board of Directors shall resolve the conflicts between resolutions adopted at the same General Council by taking into consideration the overall actions of General Council in order to determine its intent. (BD 50/92/2, BD 59/94/2, BD 63/03/2, BD 69/04/3)
- (c) If the Board of Directors cannot determine the intent of General Council, it may submit conflicting resolutions to the delegates

pursuant to Bylaws Article X, Section 15, to resolve a conflict. (BD 50/92/2, BD 59/94/2, BD 44/99/2, BD 63/03/2, BD 69/04/3)

- (1) The Board of Directors shall prepare a ballot with instructions for the delegates to vote for the resolution they prefer. A majority vote of returned ballots shall resolve the conflict. (BD 63/03/2, BD 69/04/3)

301.07 Integrity of General Council Resolutions

Resolutions dealing with amendments to the Bylaws adopted by General Council delegates when General Council is not in session may not be altered before being submitted to the chapters/DLCs for ratification. However, when in session ratification by chapters/DLCs is not necessary. (Bylaws Article XVIII, Section 3) (BD 81/96/3, BD 69/04/3)

301.08 Status Report on General Council Resolutions

At each meeting of the Board of Directors, the president shall report in writing on the status of all General Council resolutions for which final action is pending. (BD 50/92/2, BD 63/03/2, BD 69/04/3)

302.00 RULES OF GENERAL COUNCIL

302.01 Rules Adopted by General Council

It is the prerogative of each General Council to adopt the rules to govern its own session of General Council. The rules as adopted at the last previous General Council shall remain in effect until new rules are adopted and shall be printed herein so that they are available for study on a continuous basis. (BD 59/94/2, BD 122/00/2)

RULES OF GENERAL COUNCIL

1. Only delegates to the General Council, those persons having official council duties and other persons authorized by the president shall be permitted on the General Council floor and must wear the official badge. Anyone not wearing the badge will be escorted from the floor.
2. Delegates must be present at all sessions of the General Council, including affiliate meetings, unless excused by the presiding officer of that meeting. Delegates must be seated at their designated table and report to the sergeant-at-arms when leaving the General Council floor. Any chapter/DLC delegate vacancy during general session should be filled immediately following a negative roll call or after an

unexcused absence of two hours or more, provided the next ranked alternate is available.

3. Certification by the Credentials Committee as to the attendance of delegates at each session shall constitute the roll call.
4.
  - A. A quorum at the General Council is present if two-thirds of the credentialed delegates are present. Unless the context clearly requires a different interpretation, a "vote of the council," or similar phrase, means the will of the council declared by those delegates of the General Council in attendance and voting, a quorum being present. Thus a two-thirds vote is a decision effected by two-thirds of those delegates of the General Council in attendance and voting, a quorum being present.
  - B. On the last day of General Council, attendance cards will not be collected until the last resolutions committee has reported.
5. The secretary-treasurer shall make a motion to adopt the order of business.
6. Floor Debate --
  - A. Floor debate will be allowed on all matters except appeals to General Council or where precluded by other rights contained herein.
  - B. Three minutes to speak upon the matter currently before the General Council will be allowed each delegate. No delegate may be allowed to speak more than twice on a matter currently before the General Council and will not be allowed to speak a second time until all other delegates who are at a microphone have had an opportunity to speak. Two minutes shall be allotted for the second speech. There shall be no yielding pursuant to Robert's Rules of Order.
  - C. Only one point of information and one point of order will be recognized during a delegate's presentation on the floor of General Council. All such further requests for point of information and/or order will be deferred to the end of the delegate's presentation.
  - D. A request for a point of information must be in the form of a question; any affirmative statement by the delegate so recognized will be ruled out of order by the chair and the chair will request the delegate speaking on the pending question to

continue his/her presentation. If, in the presiding officer's judgment, a delegate has intentionally misused a point of information, the presiding officer may deem the delegate as having spoken to the question and shall not recognize the delegate further until all other delegates wishing to speak to the question have done so.

7. Resolutions --

- A.
  1. A General Council resolutions committee shall consider all resolutions referred to it.
  2. Resolutions may be amended and/or consolidated by the committee.
  3. Committee reports shall be in writing and include recommendations for:
    - (a) adoption in original form;
    - (b) adoption in amended form;
    - (c) adoption as consolidated with one or more resolutions;
    - (d) referral to the Board of Directors for study and appropriate action;
    - (e) referral to the Board of Directors for study and report to the next General Council;
    - (f) referral to the president for appropriate action;
    - (g) referral to an appropriate division council or affiliate;
    - (h) rejection with reasons; and
    - (i) rejection in amended form, with reasons.
  4. When a committee has recommended an amendment to a resolved clause, the entire resolved clause as amended shall be presented to General Council in writing before action is taken on the resolution.

5. Before any vote is taken by the delegates on any committee report that proposes to amend the Bylaws, the report shall be referred to the Association Bylaws, Policies and Procedures Committee to determine if any conflict exists.
- B. When possible resolutions and amendments should be presented in an electronic format and displayed using a projection system for review, debate, amendment, and disposition.
- C. When called upon by the presiding officer, the chairperson of a resolution committee shall report the recommendations of the committee to the General Council, such recommendations constituting a motion.
- D.
1. If a motion for adoption is not adopted by the General Council, the resolution is rejected.
  2. If a motion to reject is not adopted by the General Council, the resolution continues as a subject before the council and must be disposed of by subsequent action of the General Council.
  3. If a motion to amend and adopt is not adopted, then a motion to consider the resolution in its original form is in order; 300 seconds are required and a majority vote.
  4. If a motion to refer is not adopted by the General Council, the resolution continues as a subject before the council and must be disposed of by subsequent action of the General Council.
  5. In the event a resolution is adopted that requires separate approval of one or more classes (affiliates), immediately after the adoption of the resolution, the president shall call for a separate vote of each affected class (affiliate). Should any affected class (affiliate), which has the right to a separate class (affiliate) vote, fail to adopt a resolution by an appropriate majority, the resolution shall be deemed rejected.

If the president is uncertain about whether the resolution adopted by the delegates requires separate approval of one or more classes (affiliates), the president may take an advisory vote of those classes (affiliates) to

establish the necessary record in the event there is a challenge of General Council's action. However, the advisory vote will not affect the finality of the delegates' action.

- E. Separate action is not required on resolutions which have been consolidated with other resolutions. However, upon proper motion and 300 seconds and a majority vote, the resolution may be withdrawn and considered separately.
  - F.
    - 1. A motion to accept the committee recommendations in toto is in order if the written committee recommendations have been distributed to the delegates at least four hours prior to the committee's report except as contained in Rule 7.F.2.
    - 2. Committee recommendations which would amend the Bylaws and Fiscal Committee resolutions shall require individual action by the General Council.
  - G. The final report of General Council actions on committee recommendations shall be in written form and must show only the amended resolved clause(s) and the action taken.
  - H. Policy File language as part of a resolution shall no longer be General Council policy but shall be referred to the Board of Directors, which shall adopt it as board policy.
8. Motions --
- A. Only one amendment and one amendment to the amendment may be pending concurrently.
  - B. A substitute motion is not in order.
  - C. A motion to table is not in order.
  - D. A motion to reconsider and enter on the minutes is not in order at any time.
  - E. A motion to reconsider may only be made by a delegate who voted on the prevailing side; it requires a second; is debatable; and requires a two-thirds vote, except for a motion to reconsider the Central Support budget, which shall require a majority vote. If the motion prevails, the motion which resulted in the action which has been reconsidered is restored to the

floor. A motion to reconsider would be to reconsider the action taken on the resolution. The resolution comes back exactly as it was when it was previously acted upon. It is then open for amendment, adoption or rejection.

- F. A motion to rescind is amendable, debatable and requires a two-thirds vote.
- G. A delegate who makes a motion must rise only for that purpose and will be given the first opportunity to speak on the motion.
- H. A motion for the previous question may be made only by a delegate who rises solely for this purpose. The motion must be seconded by 300 delegates. It is not amendable; it is not debatable. It requires a two-thirds vote. Unless either the “pro” or “con” speaker list has been exhausted, the chair shall not accept a motion to end debate until a minimum of three (3) “pro” and three (3) “con” arguments have been heard.

9. Voting --

- A.
  - 1. General Council actions on motions shall be by show of hands, standing vote, voting cards, standing counted vote or roll call vote only. The presiding officer may call for any of these actions at his/her discretion.
  - 2. At the discretion of the presiding officer, a motion before the General Council may be set aside until all delegates have been given an opportunity to return to the floor.
  - 3. A motion to suspend a rule is in order on all matters before the house except those involving an amendment to the Bylaws, provided the maker states the purpose for which the suspension is requested. The motion must be seconded; is not amendable; is not debatable; and requires a three-fourths vote.
  - 4. A motion for a standing vote to be visually determined by the chair requires one second.
  - 5. A motion for a standing counted vote must be concurred in by 300 delegates or more and requires a majority vote.



6. A motion for a roll call vote must be concurred in by 300 delegates or more and requires a majority vote and would be accomplished with a recorded tally by the sergeants-at-arms of the delegates, by delegate number, within their assigned areas.
  7. A motion for a standing vote, standing counted vote or roll call vote must be made before another motion is put by the presiding officer.
  8. On a standing counted vote or a roll call vote the presiding officer shall direct the sergeants-at-arms to instruct all delegates who are away from the General Council floor to return for the vote.
- B.
1. Affiliate actions shall be by show of hands, standing vote, voting cards, standing counted vote or roll call vote. The presiding officer may call for any of these actions at his/her discretion.
  2. A request for a standing vote to be visually determined by the chair requires one second.
  3. A request for a standing counted vote must be concurred in by 20 percent of the delegates or more and requires a majority vote.
  4. A request for a roll call vote must be concurred in by 20 percent of the delegates or more and requires a majority vote and would be accomplished with a recorded tally by the sergeants-at-arms of the delegates, by delegate number, within their assigned areas.
  5. A request for a standing vote, standing counted vote or roll call vote must be made before another motion is put by the presiding officer.
  6. A motion to close debate must be seconded by 20 percent of the delegates present.

10. Elections --

- A. After the nominations for all offices have been closed, the presiding officer shall call for a motion to declare elected the

unopposed candidate for an office; the secretary shall cause the record to report the candidate as elected.

B. Pursuant to Bylaws Article V, Section 1 (b) and (c), the election shall be conducted in accordance with the procedures established by the Board of Directors, which includes the responsibilities of the Election Tellers Committee and the "Election Protest Procedure of Association Officer," contained in Policy File Section 1302.08 contained in the following paragraph C.

C. Candidate Election Protest Procedure

A candidate for Association office may protest an election for that office at the general session of General Council. The protester shall:

1. (a) Seek recognition of the presiding officer, not later than one hour (excluding breaks) after the election results have been announced, for presentation of the protest.
- (b) Specifically explain the irregularity or procedure violated.
2. The presiding officer shall immediately rule upon the protest and if the protester or any candidate for that office disagrees with the ruling of the presiding officer, he/she may challenge the ruling of the chair.

The presiding officer shall immediately take appropriate action to enact the decision of General Council.

D. At the conclusion of all elections, the president may recognize candidates for elective office as a matter of personal privilege for the purpose of thanking the delegates for their election support.

11. Appeal from Decision of Chair --

Appeal from the decision of the chair is in order; requires concurrence of 200 delegates. A motion to sustain the decision of the chair is adopted by a majority or tie vote.

12. Appeal to General Council --
  - A. The appeal must be presented in writing to the president.
  - B. The presiding officer shall appoint an ad hoc committee to hear an appeal and make written recommendations to General Council.
  - C. The written report of the committee shall include:
    1. A statement of the appeal;
    2. Its findings; and
    3. Its recommendation.
13. With the exception of material which can be placed at each delegate table location, all campaign/electioneering material including posters, banners and other forms of displayed material is not allowed in the arena area or in any location where it could be observed by delegates while they are in session.

No material may be placed at the delegate tables which names any individual person or alludes to any Association delegate in language that may be deleterious or derogatory to a person's character and reputation. Questionable material shall be referred to the Rules Committee, whose decision is final. At the direction of the presiding officer, questionable material shall be confiscated by the sergeants-at-arms until a determination is made by the Rules Committee.

14. The Bylaws, these rules, the Robert's Rules of Order, latest edition, in order of priority stated, constitute the rules, including the affiliate meetings during this session; at affiliate meetings requests for standing vote, standing counted vote, roll call vote or closing debate must be seconded by 20 percent of the delegates present.
15. Smoking and alcoholic beverages shall be prohibited on the floor of General Council.
16. Decorum shall be maintained on the floor of General Council. Cellular phones brought onto the floor must be in silent or vibratory mode. Delegates should leave the floor to answer. When candidates are sequestered during the candidates' speeches, cellular phones or their use by candidates is prohibited.

The presiding officer may take appropriate action including removal

from the floor by the sergeants-at-arms to maintain order and to enforce these rules.

17. The minutes of this 63rd General Council will be approved by a committee appointed by the president.
18. Late submitted resolutions submitted by an affiliate or approved by the Rules Committee shall be referred by the president to an appropriate subject committee.

303.00 REPORT OF GENERAL COUNCIL

Following General Council, the headquarters staff shall issue a report of actions of General Council. (BD 69/04/3)

304.00 ATTENDANCE AT GENERAL COUNCIL

304.01 Regional Director-Elect

Nonincumbent regional directors-elect shall be authorized to attend the board meeting prior to General Council and the resolutions committee hearings. (BD 50/92/2, BD 84/95/4)

305.00 DELEGATES TO GENERAL COUNCIL

305.01 Delegates Folder

The delegates folder should include at least the following: (BD 50/92/2, BD 69/04/3)

- (a) A section describing the action taken on all resolutions not rejected by the previous General Council; (BD 50/92/2, BD 69/04/3)
- (b) A section containing the report of the secretary-treasurer; (BD 50/92/2, BD 69/04/3)
- (c) A section containing a list of all members of General Council; (BD 50/92/2, BD 69/04/3)
- (d) A section containing General Council subject committee reports; (BD 50/92/2, BD 59/94/2, BD 69/04/3)
- (e) A section containing Board of Directors standing committee reports; (BD 50/92/2, BD 59/94/2, BD 69/04/3)

- (f) A section containing division/affiliate reports; (BD 50/92/2, BD 59/94/2, BD 69/04/3)
- (g) A section containing resolutions before the current General Council; (BD 50/92/2, BD 69/04/3)
- (h) A section containing rules from the preceding General Council and/or proposed amendments to the rules. (BD 50/92/2, BD 69/04/3)

305.02 Delegate Status

(a) Assignment to Division/Affiliate

All delegates shall be assigned to the appropriate division/affiliate based on their membership class as defined in Article III, Section 7, of the Bylaws. (BD 57/93/3, BD 69/04/3)

(b) Voting Rights at General Council

- (1) All delegates regardless of the class to which they are assigned have the right to vote on all matters coming before the general session of the General Council. (BD 57/93/3, BD 69/04/3)
- (2) Delegates from the divisions/affiliates shall have the right to attend and vote at all sessions of their division/affiliate meetings of the General Council. A delegate's status, as determined by class of membership at the time of the meeting, shall determine voting rights, provided he/she remains a delegate pursuant to Article X, Section 3, of the Bylaws. (BD 57/93/3, BD 69/04/3)

306.00 SEATING ARRANGEMENTS

306.01 Division/Affiliate Delegate Seating

Each division/affiliate shall determine the seating of its division's/affiliate's delegates at General Council. Headquarters shall assign areas for division/affiliate delegates, with locations rotating each assignment with the exception of Retired Division delegates who shall be seated in the front. Headquarters shall notify each division director of the assigned area for the division/affiliate delegates, and request seating arrangements to be returned by a specific date. The seating arrangements within the assigned division/affiliate area are to be rotated. Division directors/affiliate presidents shall respond with seating assignments by the due date, or seats will be assigned by headquarters. (BD 50/92/2, BD 59/94/2, BD 130/00/2, BD 69/04/3)

## DIVISION 4: ASSOCIATION GOVERNANCE

### 401.00 ORDER OF BUSINESS

The order of business of the Board of Directors in regular and special meetings shall be, as far as practicable, as follows: (BD 22/95/2)

Call to order  
Roll Call  
Pledge of Allegiance  
Consideration of minutes  
Communications  
Reports of officers and directors  
Reports of committees  
Unfinished business  
New business  
(BD 22/95/2, BD 34/04/2)

### 402.00 BOARD OF DIRECTORS

All powers not expressly delegated elsewhere by the Bylaws are vested in the Board of Directors which shall meet at least twice a year. (BD 59/94/2)

### 403.00 BOARD OF DIRECTORS ORIENTATION

The Association shall conduct an orientation session at the first regular Board of Directors meeting following adjournment of General Council. The orientation program shall be conducted by experienced Association members and headquarters staff to acquaint newly elected regional and division/affiliate directors and officers with the procedures and policies of the Association and assist the members of the board in effectively utilizing headquarters operations. (BD 50/92/2, BD 59/94/2, BD 64/03/2)

### 404.00 MEETING PROCEDURES

#### 404.01 Agenda Items

- (a) All items for the printed action agenda, except those from actions of the Executive Committee, shall be submitted to the president at least 30 days prior to each meeting of the Board of Directors and shall be accompanied by factual supporting data. (BD 21/93/2)
- (b) Recommendations to adopt, amend, or repeal policy shall be submitted in specific Policy File language and shall be supported by sufficient factual data to enable the Board of Directors to take immediate action. It shall also contain a notation that the policy is an addition to the index, a change in the index, a deletion from the index,

or no change to the index. Any action agenda item not in proper form or without sufficient background information shall be designated an informational item as provided in Section 404.01 (e). (BD 10/86/1, BD 21/93/2)

- (c) Board of Directors meetings shall not be recessed for any scheduled activity or function without such activity being specified on the printed agenda. (BD 42/91/3)
- (d) Collective bargaining issues shall be referred to the affected division(s)/ affiliate(s) for their action and/or implementation. (BD 50/92/2, BD 59/94/2)
- (e) Items submitted for the action agenda may be referred or deferred by the president. Items referred or deferred by the president shall become informational items of the agenda. The Board of Directors, by a majority vote, may place informational items on the action agenda. (BD 99/82/3)
- (f) Items submitted, from any source other than the Executive Committee, as a body, for the action agenda after the 30-day limit as provided in subsection (a), shall be referred to the Board Agenda Committee. Each item shall be accompanied by sufficient supporting data to demonstrate the emergency nature of the item. The proponent of each item shall provide the Board Agenda Committee with a minimum of 60 copies. (BD 107/84/4, BD 21/93/2, BD 59/94/2)
- (g) Items determined by the Board Agenda Committee to be of an emergency nature shall become an action item by the Board of Directors. The Board Agenda Committee's recommendation to refuse submission of an item shall be reversed by two-thirds vote of the Board of Directors. (BD 137/77/5, BD 59/94/2, BD 64/03/2, BD 34/04/2)
- (h) Action items reported to the Board of Directors by standing committees shall not be referred or re-referred except by a two-thirds vote. (BD 99/82/3)
- (i) The Board of Directors shall not take action on any item that has not been presented through the action agenda. (BD 21/76/1)
- (j) The minutes of the Executive Committee meetings shall be an informational item of the agenda at the Board of Directors meeting. (BD 99/82/3, BD 59/94/2)
- (k) Items may only be submitted by members of the Board of Directors,

members-elect of the Board of Directors, standing committees of the Board of Directors or the Executive Committee, as a body. (BD 131/83/3, BD 59/94/2)

- (l) Any member may request a member of the Board of Directors to submit an agenda item to the Board of Directors. (BD 131/83/3)
- (m) All amendments to division/affiliate policy of the Association shall be information items to the next regularly scheduled Board of Directors meeting. (BD 15/87/1)
- (n) Items that propose to expend funds not otherwise budgeted must identify a funding source. (BD 5/96/1)

#### 404.02 Executive Sessions

Executive sessions of the Board of Directors shall be in compliance with Bylaws Article XVII, Section 9. (BD 78/95/2, BD 12/97/1, BD 67/04/3)

#### 404.03 Open Meetings - Presentation by Members

Members may speak at any open Board of Directors meeting, subject to the right of the president to determine a reasonable time for the members to appear, to put a reasonable limit on the length of presentation, and to require that the presentation be germane to the subject under consideration. (BD 10/86/1, BD 64/03/2)

#### 404.04 Child Care

Every attempt will be made to provide child care to members attending General Council. When a member requests child care, an agreement will be sent to that member specifying that the member will be responsible for any additional charges incurred if the child is not picked up within half an hour after recess/adjournment of the meeting for which child care was provided. The member must also agree to sign in/sign out, to present identification when leaving or picking up their child, to provide all meals and to be available at the meeting facility at all times while child care is provided. (BD 7/98/1, BD 64/03/2, BD 10/05/1)

#### 404.05 Minutes

The table of contents page of the minutes of each Board of Directors meeting shall reflect a summary of the motions contained therein. (Example: BD 107/69/3) (BD 183/69/3, BD 99/82/3, BD 64/03/2)



404.06 Smoking Policy

Smoking shall be prohibited during all meetings within the Association. (BD 61/03/2, BD 64/03/2)

404.07 Numbering Motions of the Board of Directors

Motions of the Board of Directors shall be consecutively numbered for each year starting with the first meeting. The number shall include the following: (BD 99/82/3, BD 64/03/2)

- (a) The number of the motion; (BD 160/69/3)
- (b) The year of the term of the board; (BD 160/69/3)
- (c) The number of the board meeting; (BD 160/69/3)
- (d) The distinctions outlined above shall be separated by a diagonal line. (BD 160/69/3)

404.08 Motions Requiring Staff Study or Implementation

All motions of the Board of Directors requiring staff study or implementation shall set an estimated date on which the requested implementation or study shall be completed. (BD 9/71/1, BD 64/03/2)

405.00 DISPLAYS AND EXHIBITS AT BOARD OF DIRECTORS MEETINGS

Displays, exhibits or representations at Board of Directors meetings by any firm, organization or group outside of those sponsored by the Association shall be prohibited unless prior written approval is obtained from the president. (BD 238/75/5, BD 59/94/2)

406.00 DUTIES AS INSTALLING OFFICERS

Current members of the Board of Directors are encouraged to act as installing officers. (BD 50/92/2, BD 59/94/2)

406.01 Oath of Office

I do hereby solemnly affirm that I will faithfully discharge the duties of the office to which I have been elected in accordance with the Bylaws and Policy File of the California State Employees Association to the best of my ability. I will deliver to my successor in office all books, papers and other property of this Association that may be in my possession at the close of my official term. (BD 61/90/2, BD 59/94/2, BD 64/03/2)

407.00 FULL-TIME PAID PRESIDENT

The Association shall pay a salary to a full-time president. (BD 33/91/3)

407.01 Duties of the President

The duties of the president shall include: (BD 34/91/3)

- (a) Those duties prescribed in Bylaws Article IV, Section 2 (b). (BD 34/91/3, BD 59/94/2)
- (b) Acting as chief spokesperson on all Association matters. (BD 34/91/3)
- (c) Representing the Association at meetings and conferences within and without the State of California within budgeted funds at his/her discretion without curtailment, when in the best interest of the Association. (BD 34/91/3)
- (d) Assigns duties to Association officers as and when necessary or appropriate. (BD 38/99/2)
- (e) Prioritizes the duties of statewide officers in situations where duties assigned them by these Bylaws are conflicting. (BD 38/99/2)

407.02 Paid Leave for President

The Association shall attempt to secure paid leave from the president's state job, and may reimburse the state for the cost of leave, plus the cost of employer-provided benefits. Should paid leave not be available, the Association shall pay directly to the president the state salary the president would have drawn while on paid leave, including any scheduled state salary adjustments during the president's term of office. In addition, the Association shall pay the cost of any benefits that would have been paid by the state employer for a period of paid leave. (BD 33/91/3, BD 101/98/5, BD 34/04/2)

407.03 President's Compensation

- (a) The salary of an employed member serving as president shall be the continuing salary the member draws from the State of California following election, plus an amount as determined in (c) below. (BD 33/91/3, BD 101/98/5, BD 34/04/2)
- (b) The salary of a retired member serving as president shall be equal to the current top step of the classification held at the time of retirement (or, if the classification no longer exists, an equivalent classification),

less the employee's gross state retirement, plus an amount as determined in (c) below. (BD 33/91/3, BD 101/98/5, BD 34/04/2)

- (c) The president shall be paid \$50,000 annual salary or the amount under (a) or (b) above, whichever is greater, plus expenses and a leased automobile. (BD 38/01/1, BD 31/02/1, BD 22/03/2, BD 34/04/2)

407.04 Compensation for Replacement for Full-Time Paid President

(a) Permanent Replacement

In the event of the death, resignation or removal of the president, the executive vice president becomes the president for the remaining portion of the term. (BD 45/92/2, BD 101/98/5)

(1) Compensation

When the executive vice president becomes president, his/her compensation shall be as provided in Division 4 of the Policy File. (BD 45/92/2, BD 59/94/2, BD 101/98/5)

(b) Temporary Replacement

In the event the executive vice president becomes president on a temporary basis due to illness, injury or other similar incapacity that prevents the president from performing the duties of the office, the compensation for the executive vice president shall be determined as follows: (BD 45/92/2, BD 101/98/5)

- (1) No compensation for the first 15 days, except for related expenses incurred; (BD 45/92/2, BD 101/98/5)
- (2) Starting with the 16th day and thereafter:
  - a. If leave of absence is taken, the prorata share of the compensation provided in Division 4 of the Policy File. (BD 45/92/2, BD 59/94/2, BD 101/98/5)

408.00 INSPECTION OF CORPORATE RECORDS BY DIRECTORS

408.01 Right to Inspect Records

Members of the Board of Directors have an absolute right to inspect and copy all records of the corporation and to inspect the physical properties of the corporation in accordance with the following guidelines: (BD 18/92/1, BD 83/95/4)

- (a) The request must be in writing, addressed to the president, specifying the items to be reviewed; (BD 18/92/1)
- (b) Reasonable notice must be given; (BD 18/92/1)
- (c) The inspection must be made at a reasonable time; and (BD 18/92/1)
- (d) The right to inspect does not extend to confidential records which are protected by law from release. If any confidential records of any nature are released to a member of the Board of Directors, he/she is prohibited from copying, releasing or distributing the records or communicating their contents to any other. (BD 27/01/1)

408.02 Misuse of Corporate Records

Any director who misuses corporation records shall be immediately suspended in accordance with Division 10 of the Policy File. Misuse, as determined by the Board of Directors, shall include, but not be limited to, release of the following: (BD 18/92/1, BD 59/94/2, BD 83/95/4, BD 64/03/2)

- (a) Confidential information; (BD 18/92/1, BD 64/03/2, BD 64/03/2)
- (b) Membership lists; (BD 18/92/1, BD 59/94/2, BD 64/03/2)
- (c) Confidential information during negotiations or meet and confer sessions with the State of California; (BD 18/92/1, BD 64/03/2)
- (d) Confidential information during negotiations with the staff union; and (BD 18/92/1, BD 59/94/2, BD 64/03/2)
- (e) Individual expense claims of members or staff. (BD 18/92/1, BD 64/03/2)

409.00 RESOLUTION OF CONFLICTS IN BYLAWS

When a conflict between sections of the Bylaws is brought to the attention of the Board of Directors, it has the authority and responsibility, as corporate governing authority of the Association, to declare which section of the Bylaws has priority over the other section. In arriving at its decision the Board of Directors shall consider the overall intent of the Bylaws, the good of the Association and applicable law as it may apply to the particular situation. (BD 13/00/1)

410.00 BOARD MEMBER ATTENDANCE AT ASSOCIATION MEETINGS

Members of the Board of Directors are authorized to attend all meetings of

divisions/affiliates, regions, chapters, committees and other subgroups within the Association, subject to the provisions of Bylaws Article XVII, Section 9, Attendance at Closed Meetings. (BD 157/00/3, BD 34/04/2)

## DIVISION 5: COMMITTEES

### 501.00 GENERAL COUNCIL SUBJECT COMMITTEES

General Council subject committees are: (Bylaws Article XI, Section 1)

Association Bylaws, Policies and Procedures  
Member Benefits  
Fiscal  
Operations  
(BD 21/95/2)

### 501.01 Size Restriction

The size of committees shall be composed of at least one (1) member of each division/affiliate and shall be restricted to as few members as can be utilized effectively with a view to economy of operation. (BD 50/92/2, BD 5/03/1, BD 16/05/1)

### 502.00 DUTIES OF GENERAL COUNCIL SUBJECT COMMITTEES

#### 502.01 Association Bylaws, Policies and Procedures Committee

The basic responsibility of the Association Bylaws, Policies and Procedures Committee is to protect the integrity of the Association by serving as the forum for discussion of all matters that relate to the governing principles of the Association. The committee: (BD 39/91/3, BD 21/95/2)

- (a) Independently reviews all actions of General Council, the Board of Directors, and divisions/affiliates for conformance with the Articles of Incorporation, Bylaws and Policy File and brings to the attention of the Board of Directors any actions found not in conformance therewith; (BD 39/91/3, BD 59/94/2, BD 65/03/2)
- (b) Upon referral by the Board of Directors or the president, studies and makes recommendations on matters as appropriate; (BD 139/77/5)
- (c) Upon request of the Board of Directors or the president, interprets unclear or ambiguous portions of the Bylaws and, along with any such interpretation, makes recommendations as appropriate; (BD 139/77/5, BD 59/94/2)
- (d) Assumes and performs such other functions as delineated in the Bylaws and Policy File; (BD 139/77/5)

- (e) Reviews assigned sections of the Policy File and makes recommendations to the Board of Directors; (BD 82/95/4, BD 65/03/2)
- (f) Reviews division's/affiliate's policy and actions for conformance with Bylaws and Policy File and brings to the attention of the Board of Directors policies and actions not in conformance. (BD 65/03/2)

502.02 Member Benefits Committee

The Member Benefits Committee has the primary responsibility for insurance, other benefit programs, retirement programs and related matters. The committee: (BD 195/80/5, BD 16/05/1)

- (a) Reviews each Association-sponsored member benefit plan at least annually, and makes recommendations relating to benefits, plan reserves, premiums, costs, and continuation of the plans; (BD 195/80/5, BD 16/05/1)
- (b) Reviews potential member benefit programs which may have merit as Association-sponsored member benefit plans; (BD 195/80/5, BD 16/05/1)
- (c) Approves specifications, reviews the bids received and makes recommendations to the Board of Directors regarding the awarding of a contract for the plan or the rejection of all bids received when any Association-sponsored plan is put out to bid; (BD 195/80/5)
- (d) Reviews and analyzes resolutions which are referred to it and prepares amendments and makes recommendations to General Council; (BD 104/79/5, BD 65/03/2)
- (e) Reviews referrals from the Board of Directors or the president on matters relating to member benefits. (BD 16/05/1)

502.03 Fiscal Committee

- (a) The primary responsibility of the committee is to advise the Board of Directors and General Council on all matters relating to the ability of the Association to fund programs and objectives recommended and/or approved by the Board of Directors or General Council as follows: (BD 15/78/1, BD 16/05/1)
  - (1) Use of reserves; (BD 15/78/1, BD 59/94/2, BD 16/05/1)
  - (2) Deferment of specific programs and objectives. (BD 15/78/1, BD 59/94/2, BD 16/05/1)

- (3) Reviews referrals from the Board of Directors or the president on matters relating to fiscal items; and (BD 16/05/1)
- (4) Recommends to the Board of Directors policy sections which relate to the financial operation of the Association. (BD 15/78/1, BD 59/94/2, BD 16/05/1)

502.04 Operations Committee

The Operations Committee is responsible for reviewing policies and programs and making recommendations pertaining to operations and related matters. The committee: (BD 21/95/2)

- (a) Reviews subjects pertaining to operations of the Association and its policies relative to its members, public relations, intra organizational matters and relations with other organizations; (BD 21/95/2, BD /05/1)
- (b) Reviews referrals from the Board of Directors or the president on matters relating to operations. (BD 16/05/1)

503.00 GENERAL COUNCIL PROCEDURES COMMITTEES

The General Council procedural committees are: (Bylaws Article XI, Section 1 (b))

Arrangements	Nominations
Courtesy	Rules
Credentials	Sergeant-at-Arms
Election Tellers	(BD 50/92/2)

503.01 General Activity

General Council procedural committees exist only during General Council and assist in its operation. (BD 31/71/1)

504.00 BOARD OF DIRECTORS STANDING COMMITTEES

504.01 Standing Committees

Agenda (BD 50/92/2)  
 Resolutions Screening (BD 50/92/2)  
 Women's (BD 50/93/3)  
 Hearing Officers Panel (BD 200/82/6)  
 Human and Civil Rights (BD 4/78/1, BD 59/94/2)  
 Governmental Affairs (BD 80/95/4)



General Activity

Board of Directors standing committees review matters assigned by General Council or the Board of Directors. (Bylaws Article XI, Section 2) (BD 10/86/1, BD 59/94/2)

(a) Agenda Committee

The committee shall consist of members of the Board of Directors. It shall be the duty of the committee to review all items submitted for addition to the printed agenda. Every item submitted to the committee as an emergency item to be placed on the action agenda of the Board of Directors meeting shall meet one of the following standards, as determined by the Board Agenda Committee: (BD 17/77/1, BD 16/05/1)

- (1) Must arise out of circumstances which could not reasonably have been foreseen by the deadline for submission of regular agenda items; (BD 17/77/1)
- (2) Some substantial damage or loss to the Association or its members will occur if action is not taken by the Board of Directors; (BD 17/77/1)
- (3) The proposed action involves some nonrecurring opportunity or benefit which will be lost if not acted upon. (BD 17/77/1)

Any item accepted by the Agenda Committee shall become an action item by the Board of Directors. Any item rejected by the Agenda Committee shall be reported to the Board of Directors and shall become an action item by a two-thirds vote of the Board of Directors. (BD 51/83/1, BD 16/05/1)

(b) Resolutions Screening Committee

The Resolutions Screening Committee shall review resolutions for the purpose of offering guidance to the proponent of a resolution that has inadequacies. The committee shall inform the proponent what changes or corrections need to be made in order to eliminate the inadequacies. (BD 65/03/2)

(c) Women's Committee

The committee's role within the Association shall be to: (BD 10/86/1)

- (1) Organize and train women members to assume leadership

roles in the Association through its chapters, councils, divisions/affiliates, committees and regions; (BD 26/84/2, BD 59/94/2)

- (2) Educate and inform all members about the needs and concerns of women in the Association and in state service, identifying issues of particular concern, and supporting the Association through its leadership roles for a policy of more aggressive advocacy and sensitivity in such areas as affirmative action, upward mobility, comparable worth, pay equity, child care, discrimination, sexual harassment, hostile work environment and violence in the workplace; (BD 26/84/2, BD 59/94/2, BD 82/01/3, BD 95/02/5)
- (3) Communicate with the women of the Association through a network contacts representing chapters/DLCs, regions, bargaining units, and divisions/affiliates for the purpose of gathering information on their special concerns and disseminating information on the activities of the Women's Committee and cooperating women's organizations and conferences; (BD 5/93/1; BD 50/93/3, BD 82/01/3, BD 95/02/5)
- (4) Develop educational activities to raise the awareness of Association women as to their legal rights; the availability of state supported in-service and out-service career development training programs and of promotional opportunities in state service; their rights and benefits as state employees or retirees, as Association members, and the Bylaws and Policy File provisions that govern the actions of Association components and members; (BD 26/84/2, BD 59/94/2, BD 82/01/3)
- (5) Review and monitor existing and proposed laws and regulations covering areas of particular significance to women, applying pressure for changes or for enforcement, as appropriate, through recommendations for action to the Association Board of Directors; (BD 26/84/2, BD 95/02/5)
- (6) Hold a biennial conference in even-numbered years commencing 2006. (BD 43/02/4, BD 71/04/3)

(d) Human and Civil Rights Committee

For the purpose of the performance of the committee, human rights shall be defined as those rights that exist within the Bylaws and Policy

File of the Association, and that exist under the Constitution and laws of the United States, and that exist under the Constitution, laws, rules and regulations of the State of California or any department of the California State University. (BD 56/87/3, BD 59/94/2)

The goal of the committee shall be to ensure an environment free of persecution and discrimination. (BD 56/87/3)

The committee shall:

- (1) Provide educational training for members who are targets of any form of discrimination (including but not limited to women, minorities, and all persons with disabilities), as defined elsewhere in this Policy File, to assume participational and leadership roles in the Association through its chapters, committees, divisions/affiliates and regions; (BD 59/94/2, BD 46/97/3)
- (2) Provide education and information for all members about the needs and concerns of targets of any form of discrimination (including but not limited to women, minorities, and all persons with disabilities) in the Association and in state service; (BD 56/87/3 BD 46/97/3)
- (3) Develop and conduct educational activities to raise the awareness of the members of the Association as to the rights of targets of any form of discrimination (including but not limited to women, minorities, and all persons with disabilities); (BD 56/87/3, BD 46/97/3)
- (4) Review and monitor existing and proposed policy and practices of the Association for adherence to the policy of protection of the rights of all members in both civil and human concerns; (BD 56/87/3)
- (5) Review and monitor proposed and existing laws, rules and regulations of the state and the implementation of them to ensure the protection of the rights of all members; (BD 56/87/3)
- (6) Develop and propose policies and plans to the Association to further the practice of fair and equal treatment of all its members; (BD 56/87/3)
- (7) Coordinate the Association's participation in fairs, parades and ethnic, minority and women's events designed to raise

awareness of human rights issues; and (BD 56/87/3, BD 49/01/2)

- (8) Encourage all chapters/DLCs to fund member participation in the CSEA and SEIU Human and Civil Rights Conference and Women's Conference. (BD 46/97/3, BD 49/01/2)

(e) Governmental Affairs Committee

The Governmental Affairs Committee shall consist of nine members: two representatives from each division/affiliate, appointed by the division director/affiliate president, and a chairperson appointed by the president. (BD 89/95/4)

The committee is established to develop the legislative program of the Association. The Association's legislative program must include items mandated by the General Council, the Board of Directors and the divisions/affiliates on matters within their jurisdiction. The Association's legislative program may contain other items recommended by the General Council, Board of Directors or divisions/affiliates. (BD 65/03/2)

The members of the committee shall be, and continue as, active members of the Association who are not members of the Board of Directors, employees of the Legislature or appointees of constitutional officers. If a member of the committee receives an appointment from a constitutional officer which has not yet been confirmed by the Legislature, that member may continue on the committee but shall not participate in any discussions or votes which concern the officer or any matter under the officer's jurisdiction. (BD 65/03/2)

(f) Hearing Officers Panel Pool

The panel shall conduct investigations and hearings and make recommendations to the Board of Directors pursuant to Divisions 10 and 13 of the Policy File. This panel may also be used by the divisions/affiliate(s). (BD 37/96/2)

- (1) This panel functions under the guidance of a chairperson appointed by the president. The chairperson shall have administrative authority to assign grievances, disciplinary actions or protests to specific panels. (BD 37/96/2)

- (2) The president shall select active members to the pool to serve four-year staggered terms. The president shall select at least

20 pool members reflective of geographic and affiliate composition of the Association membership. (BD 37/96/2, BD 16/05/1)

- (3) Prior to serving on specific hearing officer panels, Hearing Officer Panel Pool members shall be certified as hearing officers by receiving formal training from the CSEA Legal Division and/or an educational institution. If a person appointed to the panel does not receive the necessary training within six months of appointment, he/she shall be removed unless the president determines that additional time may be given to that person to receive the training. (BD 9/00/1)
- (4) The training shall include, but not be limited to, the following: (BD 59/94/2, BD 37/96/2)
  - a. Procedures for conducting hearings; (BD 200/82/6)
  - b. Rules of evidence; (BD 200/82/6)
  - c. Evidence of evaluation; (BD 200/82/6)
  - d. Decision making; (BD 200/82/6)
  - e. Report preparation; and (BD 200/82/6)
  - f. Presentation of findings and recommended decision to the Board of Directors. (BD 200/82/6)

505.00 BOARD OF DIRECTORS AD HOC COMMITTEES

505.01 Purpose

Ad hoc committees may be established when a specific need arises and only when the subject matter cannot be settled by an existing committee or through the staff advisors. Prior consideration shall be given to assigning the subject matter to an existing committee. (BD 50/92/2)

505.02 Ad Hoc Committee for Decertification Campaigns

Each division/affiliate shall have the authority to develop Decertification Campaign Committees and procedures for decertification. (BD 50/92/2, BD 16/05/1)

506.00 COMMITTEE APPOINTMENTS

506.01 Appointments

Unless otherwise provided, the president appoints members to General Council subject committees. Such subject committees shall consist of active members of the Association; shall be appointed within 50 days of the close of General Council; and shall serve until the adjournment of the next succeeding General Council unless previously removed. (Bylaws Article XI, Sections 4 and 5) (BD 195/80/5, BD 59/94/2, BD 16/05/1)

- (a) To ensure the greatest possible member involvement, the president should not appoint members of the Board of Directors or assistant regional directors to standing committees. (BD 43/81/3, BD 59/94/2)

506.02 Appointment from Regions

The president is encouraged to consider that statewide committee appointments shall include, in the aggregate, appointments of at least one member from each region. (BD 17/77/1, BD 7/93/1)

506.03 Non-Exclusion of Regions from Appointments

No region shall be excluded from any such committee appointments for reasons of: (BD 50/92/2)

- (a) Size of regional membership; (BD 50/92/2)
- (b) Geographical location; (BD 50/92/2)
- (c) Limited number of chapters. (BD 50/92/2)

506.04 Augmenting General Council Committees

The president, subject to the power of the Board of Directors to disaffirm any such appointment, may augment the membership of a General Council subject committee with members of General Council to serve on the committee during General Council. Appointments of such additional committee members must be made prior to the last meeting of the Board of Directors prior to General Council, in order to permit the board to have an opportunity to disaffirm. (BD 50/92/2, BD 83/95/4)

506.05 Affirmative Action

In selecting members for appointment, the president shall make every effort to ensure that the ethnic and sexual composition of the Association

committees reflects that of the Association membership. (BD 50/92/2, BD 65/03/2)

507.00 COMMITTEE DUTIES AND RESPONSIBILITIES

507.01 Interpretation of Bylaws Article XI

The Association shall interpret Bylaws Article XI, Section 6 in the following manner: (BD 80/78/4, BD 59/94/2)

- (a) The president shall assign resolutions and other matters to General Council committees when General Council is in session; (BD 31/71/1)
- (b) When General Council is not in session, the president shall assign resolutions and other matters to an appropriate committee, council, forum, panel or such other body for deliberation and recommendation or disposition; (BD 80/78/4)
- (c) The Board of Directors may assign resolutions or other matters to Board of Directors standing or ad hoc committees; (Bylaws Article XI, Section 3) (BD 80/78/4, BD 59/94/2)

507.02 General Activity

General Council subject committees review resolutions at the time of General Council and continue their review of subject matter throughout the year. (BD 31/71/1)

507.03 Responsibility to Board of Directors

Each committee is responsible to the Board of Directors between annual and special sessions of General Council, and shall keep the Board of Directors informed of its aims, findings, and objectives. (BD 31/71/1, BD 195/80/5)

507.04 Responsibility for Policy Review

Sections within various subject matter areas may be assigned to ad hoc committees, other Board of Directors committees or divisions/affiliates. (BD 50/92/2, BD 59/94/2)

- (a) The subject matter areas covered by the Policy File are primarily the responsibility of the following: (BD 50/90/2, BD 28/95/2, BD 80/95/4, BD 16/05/1)

Part II

Part III

Div. 1	B&P Committee	OPER Committee
Div. 2	MB Committee	B&P Committee
Div. 3	OPER Committee	B&P Committee
Div. 4	OPER Committee	B&P Committee
Div. 5	OPER Committee	B&P Committee
Div. 6	OPER Committee	OPER Committee
Div. 7		B&P Committee
Div. 8		OPER Committee
Div. 9		OPER Committee
Div. 10		B&P Committee
Div. 11		Fiscal Committee
Div. 12		Fiscal Committee
Div. 13		B&P Committee
Div. 14		OPER Committee
Div. 15		MB Committee
Div. 16		B&P Committee
Div. 17		OPER Committee
Div. 18		GOV. AFFAIRS Committee
Div. 19		GOV. AFFAIRS Committee
Div. 20		OPER Committee
Div. 21		OPER Committee

508.00 COMMITTEE MEETING PROCEDURES

508.01 Instructions for Assigned Materials

- (a) Instructions shall accompany subject matter assigned to committees by the president. Such instructions should advise the committees of the reason(s) for the assignment, the scope of the investigation as seen at the time of the assignment, and the type of recommendation desired. (BD 28/01/1)
- (b) Items on the agenda of the Board of Directors that are referred to committees should include reasons for such referral with suggestions for improving or correcting them. The Board of Directors should express its desired date for return of a report or recommendation. (BD 28/01/1)

In any case, the instructions to the committee shall be advisory unless they are made specifically mandatory. (BD 28/01/1)

The rules of General Council governing the consideration of resolutions shall apply to the actions of the committees when considering General Council resolutions. (BD 50/92/2)



508.02 Review of Board of Directors Material

Before consideration of other substantive matters, each committee shall review matters referred by the Board of Directors. The committee shall report on such matters to the next Board of Directors meeting following time of consideration or by the date for return as requested by the Board of Directors. (BD 31/71/1, BD 59/94/2)

508.03 Executive Session

Executive sessions, except in circumstances wherein time itself is of an urgent and critical nature, as determined by the committee, shall be reserved to the end of the agenda of the particular meeting or ordered set for a time certain on the next or later day. (BD 50/92/2)

508.04 Open Meetings

Members may speak at any open committee meeting on any subject which may be appropriately considered by the committee, subject to the chairperson's right to determine a reasonable time for the member to appear, to put a reasonable limit on the length of the presentation and to require that the presentation be germane to the subject under consideration. (BD 31/71/1)

508.05 Final Action Agenda Item

Final action may not be taken on any agenda item for which the committee members have not had back-up material in their possession for at least five days. This does not, however, preclude discussion of the matter. Exceptions to this rule may be approved by the committee. (BD 195/80/5, BD 55/97/3)

## DIVISION 6: REGIONS

### 600.00 PURPOSE OF REGIONS

Regions provide a geographical administrative unit for accomplishing the goals and objectives of the Association and geographical representation on the Board of Directors. (BD 53/83/1, BD 68/04/3)

### 601.00 REGIONAL DIRECTORS

#### 601.01 Responsibilities of Regional Directors

Regional directors provide and coordinate effective communications and participation between chapters, divisions/affiliates and the Board of Directors in accomplishing the goals and objectives of the Association within the region. The regional directors: (BD 50/92/2, BD 59/94/2, BD 68/04/3)

- (a) Promote adherence to objectives and priorities of the Association within the region; (BD 50/92/2, BD 68/04/3)
- (b) Coordinate the legislative and political activities in the region with the Association's Governmental Affairs Division, and may appoint a political director to assist in carrying out such activities; (BD 50/95/3, BD 68/04/3)
- (c) Represent the president in the region when requested; (BD 50/92/2, BD 68/04/3)
- (d) Attend meetings of every chapter/DLC in their region at least once each year, with the exception of out-of-state chapters/DLCs; (BD 64/96/2, BD 66/03/2, BD 68/04/3)
- (e) Report to the region on the proceedings of General Council, the Board of Directors and other Association meetings attended at Association expense; (BD 50/92/2, BD 66/03/2, BD 68/04/3)
- (f) Geographically represent the members of the region at meetings of the Board of Directors as a voting member; (BD 50/92/2, BD 68/04/3)
- (g) Participate in chapter, region or statewide committee meetings, and other activities outside the region; (BD 50/92/2, BD 68/04/3)
- (h) Assign duties to, and supervise the activities of, the assistant regional director; (BD 50/92/2, BD 68/04/3)

- (i) Provide information to their members on insurance, retirement, scholarships and other benefit services offered through CSEA; (BD 50/92/2, BD 59/94/2, BD 68/04/3)
- (j) Assist members in obtaining information and assistance from area offices, headquarters office, or the Board of Directors; (BD 50/92/2, BD 68/04/3)
- (k) Certify with the Credentials Committee, one member from the region to serve on the Election Tellers Committee. The member certified shall be an alternate delegate or any member in good standing who is already present at General Council; (BD 68/04/3)
- (l) Coordinate with the divisions/affiliates to schedule and conduct training in preparation for General Council and familiarization with the Association Policy File. (BD 50/92/2, BD 59/94/2, BD 68/04/3)

602.00 ASSISTANT REGIONAL DIRECTORS

602.01 Assignments from Regional Director

The assistant regional director shall perform such duties as assigned by the regional director. (BD 50/92/2)

603.00 REGIONAL MEETINGS

603.01 Schedule of Meetings

Regional meetings shall be held at least three times per year. (Bylaws Article IV, Section 4) (BD 66/03/2, BD 68/04/3)

603.02 Meeting Attendance

All Association members are encouraged to attend their respective regional meetings. (BD 68/04/3)

603.03 Major Objectives

The major objectives of the regional meeting should include the following: (BD 50/92/2)

- (a) Provide members with information about the Association and its objectives; (BD 50/92/2, BD 68/04/3)
- (b) Provide speakers at regional meetings on subjects of interest to members of the region; (BD 50/01/2)

- (c) Inform General Council delegates of their responsibility; (BD 50/92/2, BD 50/01/2, BD 68/04/3)
- (d) Foster coordination of chapters/DLCs within the region; and (BD 50/92/2, BD 50/01/2, BD 68/04/3)
- (e) Advance consideration of General Council resolutions. (BD 50/92/2, BD 50/01/2, BD 68/04/3)

604.00 REGIONAL FINANCES

604.01 Establishment of Regional Funds

Regions are encouraged to establish regional funds to finance the operation of regional activities. The regional funds should have as their source voluntary contributions from the chapters in the region. (BD 84/64)

604.02 Accounting of Regional Funds

Regional Directors are responsible to the chapters in their regions for the proper accounting for their regional funds. (BD 84/64)

## DIVISION 7: SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU)

### 701.00 PURPOSE AND RELATIONSHIP

For the benefit of the Association, CSEA and/or its rank-and-file affiliates are affiliated with SEIU. (BD 50/94/2, BD 40/06/2)

### 701.01 Relations with SEIU

All issues and decisions concerning SEIU shall be the property of the rank-and-file affiliates of the Association. The fiduciary responsibilities of the affiliation with SEIU are wholly the responsibility of the respective affiliate. For divisions, the fiduciary responsibility belongs to CSEA through its dues and revenue collection mechanisms. All other issues and decisions with respect to relations with SEIU shall remain the property of the divisions. (BD 49/93/3, BD 59/94/2, BD 40/06/2)









## DIVISION 8: HEADQUARTERS

### 801.00 STAFF OPERATIONS

#### 801.01 General Manager

- (a) The general manager shall be employed under terms of a contract, which shall be negotiated by the Executive Committee subject to confirmation by a two-thirds vote of the Board of Directors. (BD 66/88/3, BD 59/94/2, BD 75/03/2)
- (b) The president, with the approval of the officers, may summarily suspend the general manager, when, in the president's opinion, the actions of the general manager pose an immediate threat to the welfare of the Association. The action of the president is effective immediately. Concurrence of a simple majority of the officers and affirmation by the Board of Directors is required. Such vote to affirm shall be held within 30 days in accordance with Bylaws Article IV, Section 1 (b). (BD 48/83/1, BD 59/94/2, BD 75/03/2)
- (c) The suspension of the general manager shall be terminated on the 31st day following the date of approval of suspension by the Board of Directors, unless dismissal proceedings have commenced. (BD 81/78/4, BD 75/03/2)

#### 801.02 Headquarters Office Operations

The general manager is delegated the authority and responsibility for the entire headquarters office operation, including legal and legislative representation programs. Under direction of the president, the general manager shall: (BD 278/74/3)

- (a) Administer, direct, manage, organize, coordinate, plan and control all activities of headquarters office staff; (BD 258/74/3)
- (b) As the administrator of headquarters office staff, the general manager is responsible for any hired temporary help, or the appointment of members hired as lost timers or union leave acting in the capacity of staff; (BD 56/97/3, BD 93/98/5)
- (c) Advise and consult with the Board of Directors and Executive Committee; and render such assistance as may be required; (BD 191/75/4, BD 59/94/2)
- (d) In accordance with standards fixed by the Board of Directors, appoint such assistants, experts and other employees as are necessary; (BD 17/77/1)

- (e) Implement the Association programs and policies developed by the Board of Directors and General Council; (BD 82/78/4)
- (f) Maintain a record of activities within the general manager's purview; (BD 17/77/1)
- (g) Render to General Council delegates, delegates-elect and delegates-designate prior to the biennial session a report of the administration during the prior two years with such recommendations as deemed advisable; and (BD 10/86/1, BD 50/94/2, BD 55/97/3)
- (h) Assign one staff member to each division who shall be responsible for the implementation of the programs developed by the division. Any other duties assigned to the division administrator shall be limited to temporary duties only during an emergency situation. (BD 50/92/2, BD 59/94/2)

802.00 STAFF SALARIES

802.01 Salary Increase Funds

The general manager shall identify, in time to meet the Association's budgetary process needs, the amount of funds needed to provide necessary salary increases during the coming fiscal year. (BD 17/77/1)

803.00 RELATIONS WITH STAFF

- (a) Members, chapter officers and officials of the Association are urged to use restraint in criticizing the members of Association staff until they have complete information of the particular situation involved. They are especially urged to avoid personal accusations. (BD 50/92/2, BD 59/94/2, BD 83/01/3)
- (b) Divisions or affiliates shall not violate staff collective bargaining agreements or the general manager's contract which have been ratified or approved by the Board of Directors. (BD 83/01/3)

804.00 HIRING OF PAST AND PRESENT BOARD MEMBERS

Members of the Board of Directors, during the term for which elected or for two years thereafter, shall not be considered for employment by the Association, except with prior approval of the Board of Directors. (BD 50/92/2, BD 59/94/2)

805.00 HEADQUARTERS FACILITIES

The Association shall own a suitable facility for headquarters operations. (BD 50/92/2)

806.00 SEALING OR DESTROYING RECORDS

Sealing or destroying the proceedings, as part of the settlement of any arbitration process between the Association and its employees, directly or indirectly, shall not be agreed to by management staff without first explaining to the Executive Committee full details of, and reasons for, such action. (BD 50/92/2, BD 59/94/2)

807.00 RETIREMENT PLAN

807.01 Plan Benefits

Retirement benefits for Association employees shall be as provided in the CSEA Retirement Plan. (BD 48/88/2)

807.02 Retirement Plan Administrative Committee

- (a) The CSEA Retirement Plan Administrative Committee consists of the secretary-treasurer, general manager (if vacant, then the president of CSEA), CSEA chief financial officer and administrator/chief of staff of each affiliate. (BD 28/89/2, BD 25/92/1, BD 49/06/2)
- (b) Duties of the administrative committee include the investment of plan assets, the development of investment objectives and policies, and the making of necessary amendments to the plan to comply with applicable laws and regulations as amended from time to time. (BD 28/89/2, BD 25/92/1)
- (c) The administrative committee will annually review the impact of inflation on staff retirement allowances and Association retirement costs and recommend to the Board of Directors any ad hoc adjustments in retirement allowances it deems appropriate, including recommended source(s) of funding for such adjustments. In making recommendations, the administrative committee will consider only the current cost of the one-time ad hoc adjustment. (BD 25/92/1, BD 59/94/2)
- (d) In the performance of its duties the administrative committee may retain investment managers, brokers, or other skilled persons; the cost of which shall be borne by the plan. (BD 28/89/2, BD 25/92/1)

807.03 Funding of Plan Benefits

The annual actuarial valuation of the CSEA's Retirement Plan shall be reviewed by the Board of Directors. The Association shall contribute to the plan such amounts as are calculated as sufficient on a sound actuarial basis, when added to the contributions to the plan made by participants, to provide for the payment of benefits under the plan, and in no event less than the amounts necessary to have the plan continue to qualify under the applicable provisions of the U.S. Internal Revenue Code, and the Employee Retirement Income Security Act of 1974, as now in effect or hereafter amended. (BD 50/92/2)

807.04 Investment of Plan Funding

Under the terms of a trust agreement a pension fund or insured fund shall be established to receive and hold contributions to the plan and to pay the benefits provided by the plan. At least annually, the Board of Directors shall review the plan investment objectives and performance with the Retirement Plan Administrative Committee. (BD 50/9/2)

808.00 AGREEMENTS WITH ANTI-UNION EMPLOYERS PROHIBITED

808.01 Responsibility Regarding Agreements

- (a) The general manager shall ensure that the Association does not knowingly enter into any agreements with anti-union employers. (BD 73/84/3, BD 83/95/4)
- (b) All contracts entered into by the Association or an agent of the Association, or using the name of the Association, must be reviewed by the Association's Legal Division. (BD 10/86/1)
- (c) The general manager shall ensure that Association business is not conducted in or with any clubs, businesses or organizations which are known to deny membership on the basis of sex, race, religious creed, color, national origin, ancestry, age or sexual orientation. (BD 50/92/2)

808.02 Savings Clause in All Agreement

All agreements shall contain the following clause:

"If, at the time services are being rendered to CSEA, a labor dispute exists between \_\_\_\_\_ and its employees, CSEA may declare this agreement void." (BD 73/84/3)

Any agreement not containing this clause must be approved by the Board of Directors. (BD 73/84/3)

809.00

AFFIRMATIVE ACTION

- (a) Employees and applicants shall not be discriminated against based on their color, race, sex, religion, age, military reserve, veterans status, national origin, political affiliation, ancestry, marital status, sexual orientation or disability. (BD 50/92/2)
- (b) Employment decisions shall be based on merit and efficiency and the goals and objectives of the Association's affirmative action program. (BD 50/92/2)
- (c) Affirmative action shall be taken to address any under-utilization of women, ethnic minorities and disabled in our work force. (BD 50/92/2)
- (d) The general manager is responsible for guiding and evaluating the development and implementation of Association affirmative action plan. The general manager will appoint an affirmative action officer to coordinate Association's affirmative action efforts on a full-time basis. (BD 50/92/2, BD 59/94/2)

## DIVISION 9: PUBLIC RELATIONS AND PUBLICATIONS

### 901.00 CIVIC INVOLVEMENT

#### 901.01 Community Participation

The Association encourages members and headquarters staff to become active participants in civic and fraternal groups, women's organizations, service and veterans groups, educational institutions, telethons and community organizations dedicated to the public good. (BD 9/93/1, BD 70/04/3)

### 902.00 ASSOCIATION PUBLICATIONS

#### 902.01 Advertisements in Association Publications

##### (a) Political Advertisements

Neither the Association, nor any region, division/affiliate, nor chapter will publish advertising matter relating to partisan political candidates or ballot propositions on which the Association has not taken a position. (BD 43/94/2, BD 59/94/2, BD 70/04/3)

##### (b) Opposing Views

The Association, any region, division/affiliate or chapter may not publish ballot proposition views opposed to those adopted by the Association. The Association, its regions, divisions/affiliates and chapters are authorized to accept advertising in support of the Association's positions on ballot measures and partisan political candidates endorsed by the Association. (BD 43/94/2, BD 70/04/3)

##### (c) Discriminatory Advertisers

The Association shall not accept or will cancel advertising matter in its various publications from advertisers which are known to discriminate against state employees or the general public on the basis of sex, race, religious creed, ancestry, marital status, color, national origin or age. (BD 123/59, BD 70/04/3)

### 903.00 DISTINGUISHED SERVICE HONORS

#### 903.01 Process of Selection for Award

The Association, through issuance of certificates, plaques and resolutions, honors state employees or employees of the Association who should be recognized for distinguished or outstanding service. Awards may be made

at the time the distinguished service is recognized or, at the end of a career of service to state employees and the Association. (BD 10/86/1, BD 70/04/3)

- (a) Recipients of such recognition, as determined by the Board of Directors or Executive Committee, may include: (BD 196/72/3, BD 59/94/2, BD 70/04/3)
  - (1) Past presidents of the Association; (BD 47/83/1, BD 70/04/3)
  - (2) Association staff members retiring or separating after ten or more years of service; (BD 47/83/1, BD 70/04/3)
  - (3) State employees with a record of distinguished Association service; (BD 47/83/1, BD 70/04/3)
  - (4) Public officials with a record of distinguished public service; (BD 196/72/3, BD 70/04/3)
  - (5) Association staff members with a record of distinguished Association service; (BD 47/83/1, BD 70/04/3)
  - (6) Other persons as determined by the Board of Directors or Executive Committee. (BD 10/86/1, BD 70/04/3)
- (b) Coordination of such recognition is the responsibility of the headquarters communications staff. (BD 196/72/3, BD 59/94/2, BD 70/04/3)
- (c) It is the responsibility of each Association leader who becomes aware of the impending separation or retirement of a person deserving recognition to forward that information to the president for appropriate action. (BD 47/83/1, BD 59/94/2, BD 70/04/3)

904.00 SCHOLARSHIPS, GRANTS AND EDUCATIONAL LOANS

The Association Foundation shall administer a scholarship and loan fund. (BD 41/94/2, BD 70/04/3)

905.00 DIRECTORIES AND ROSTERS

905.01 Publication of Directory

Headquarters office shall publish a directory of state (Association and division/affiliate), region and chapter elected officials which is public information and shall furnish copies to members of the Board of Directors

and other division/affiliate elected officials. (BD 14/60, BD 59/94/2, BD 70/04/3)

906.00 FAIRS

906.01 State Fair

The Association is authorized, at the discretion of the Board of Directors, to participate in the California State Fair. (BD 9/93/1, BD 70/04/3)

906.02 Local Fairs

The Association encourages regions and chapters to participate in local and county fairs where participation is without expense to the Association. (BD 167/55, BD 70/04/3)

907.00 PRESERVATION OF HISTORICAL DOCUMENTS, PICTURES AND MEMORABILIA

- (a) The Retired Division shall be the custodian of all pictures, documents and memorabilia of the Association's historical events and accomplishments. (BD 13/97/1, BD 70/04/3)
- (b) The Association shall provide an accessible, adequate and secure storage area for said items. (BD 13/97/1, BD 70/04/3)

908.00 OFFICIAL COLORS OF THE ASSOCIATION

The official colors of the Association are blue and gold and shall be used, but not limited to, the following: banners, letterhead, logos, press releases, publications and the web site. (BD 59/99/2)



## DIVISION 10: DISCIPLINE AND GRIEVANCES

### 1001.00 DISCIPLINE

The Association may preserve and protect its integrity through disciplinary procedures. (BD 59/94/2)

### 1001.01 Criteria and Procedures for Disciplinary Action

Disciplinary action may be taken by the Association's Board of Directors for any of the following charges: (BD 262/75/5, BD 31/04/2)

- (a) Gross neglect of duty by a member holding an elected or appointed office; (BD 156/85/5)
- (b) Treating Association staff in an unprofessional, discourteous, disrespectful, or abusive manner which includes but is not limited to vulgar language and public humiliation; (BD 52/97/3)
- (c) Activity by an Association officer actively working for or supporting any other organization that violates the Bylaws and/or Policy File of the Association; (BD 52/97/3)
- (d) Intentional breach of confidence in matters appropriately designated confidential when said breach could harm the Association; (BD 156/85/5)
- (e) Improper distribution or other misuse of material designed for use within the Association; (BD 262/75/5)
- (f) Violation of the Association's, division's/affiliate's, or chapter's/DLC's Bylaws or Policy File; (BD 40/81/3, BD 69/03/2, BD 31/04/2)
- (g) Taking an active part in promoting another organization which is undermining the objectives or the existence of the Association or is seeking its decertification; (BD 156/85/5)
- (h) Unexcused absences from Board of Directors meetings by officers, regional directors, division directors, assistant regional directors and deputy division directors or failure to participate in activities as assigned; (BD 46/81/3, BD 69/03/2)
- (i) Taking a public position contrary to a policy regularly adopted by the Board of Directors or General Council, in the name of the Association, or purporting to act by or with the authority of the Association. It shall not be an offense for an individual to take any position whatsoever on any policy provided he or she takes such a

position as an individual and disclaims any intent to represent the position of the Association on the matter; (BD 262/75/5, BD 31/04/2)

- (j) Seeking or holding elective or appointive office in the Association while concurrently holding elective or appointive office in another organization representing state employees which is in competition with the Association; (BD 156/85/5, BD 48/94/2, BD 31/04/2)
- (k) Conduct that is in opposition to or different from that taken by the Board of Directors or the negotiating team, during the period of time that there are ongoing negotiations between the Association and its bargaining unit staff; (BD 156/85/5, BD 48/94/2, BD 31/04/2)
- (l) Misuse of Association or chapter funds, equipment, supplies or other assets; (BD 62/87/3, BD 59/94/2, BD 31/04/2)
- (m) Violation of an oath of office; (BD 45/96/2, BD 31/04/2)
- (n) Use of membership and/or mailing lists, including addressed envelopes and mailing labels, for any purpose other than the specific purpose for which they were requested. (BD 4/97/1, BD 31/04/2)

1001.02 Authority for Discipline

- (a) Each division/affiliate has exclusive responsibility over discipline of its members for matters delegated to divisions/affiliates by the Association. (BD 47/92/2, BD 59/94/2)
  - (1) A division/affiliate may take the following actions after investigation of and deliberation over a disciplinary charge: rejection of charges; reprimand; suspension from office within the division/affiliate; removal from office within the division/affiliate; recommendation to the Board of Directors that the member be suspended or dismissed from Association membership or office; or other action the division/affiliate sees fit. (BD 47/92/2, BD 59/94/2, BD 31/04/2)
  - (2) Notwithstanding section (1), only the Board of Directors may take action regarding: Association membership; or Association or statewide office. (BD 47/92/2)
- (b) On other disciplinary matters, charges may be filed with either the division/affiliate or the president. When appropriate, the president shall refer charges to the division/affiliate. When charges are brought with a division/affiliate, the division/affiliate may take action as specified in section (a) above. (BD 47/92/2, BD 59/94/2, BD 31/04/2)

1001.03 Suspension of Membership

When, in the opinion of the president, the actions of a member are such as to pose an immediate threat to the welfare of the Association, the president may summarily suspend the member until the procedure established in Division 10 of the Policy File is concluded. If written charges are not filed within 10 working days, the suspension is terminated. (BD 47/92/2, BD 59/94/2, BD 37/96/2)

However, if the suspension is brought within 90 days immediately prior to General Council, the written charges must be ratified by a majority of the Executive Committee, and filed within 10 days or the suspension is terminated. (BD 156/85/5, BD 59/94/2)

1001.04 Suspension of President

If in the opinion of three-fourths of the members of the Executive Committee of the Association, the action of the president is such as to pose an immediate threat to the welfare of the Association, the Executive Committee shall authorize and direct the executive vice president to summarily suspend the president until the procedure established in Division 10 of the Policy File is concluded. If written charges are not filed within ten days, the suspension is terminated. (BD 47/92/2, BD 59/94/2)

1001.05 Procedure for Institution of Discipline

The procedures shall be as follows: (BD 251/74/3)

- (a) Institution of the action shall occur when a member who is aggrieved by the actions of another files specific charges in writing on an Association Form HR1, which may be obtained from the Legal Services, in any area office, with the president, unless said charges are filed against the president, in which case charges shall be filed with the executive vice president. In any case, charges must be filed within one year of occurrence of the acts complained of or within one year after such acts reasonably should have been discovered. The member filing the charges must agree to be present when the action is heard, to substantiate the charges, and present the facts supporting them; (BD 81/98/5, BD 9/00/1)
- (b) Upon receipt of the completed Form HR1, the president, or the executive vice president if the action is against the president shall, within 10 working days, review the charges and if he/she finds the charges impact the members of only one division/affiliate, the president shall refer the charges to that division/affiliate. Otherwise, the president or executive vice president shall refer it to a hearing officer or panel. (BD 31/04/2)

(c) Specific Hearing Officer Panels

- (1) Specific panels shall be selected randomly from the members and appointed to the panel pool in the area of the jurisdiction in which the hearing will be held. If an insufficient number of pool candidates are available to fill specific area hearing panel officer vacancies, the president shall cause the selection of candidates from available pool members statewide. (BD 37/96/2)
- (2) Specific panels usually have three members, whose names shall be randomly drawn by the chair of the Statewide Hearing Officer Panel pool. Thereafter each panel shall select one of its members to act as chairperson and to preside at all hearings on the matter at hand, and to report to the Board of Directors. The names of the panelists shall be reported to the parties. The complainant and respondent each shall have the right to exercise one peremptory challenge to remove one panel member within ten calendar days of the report of the names of the panelists. Such challenges may reduce the panel to one or two members. The vacancies created by such challenges will be filled by random selection from the pool. There will be no additional peremptory challenges. (BD 81/98/5)

(d) Fair and Unbiased Hearing Environment

The hearing panel shall at all times maintain a fair and impartial hearing environment throughout the hearing process. Conduct which disrupts the hearing or is prejudicial to the parties will not be allowed. The panel may close the hearing upon a finding that such closure is necessary to maintain a fair and unbiased hearing environment. (BD 29/01/1)

- (e) In an appropriate case the president may refer the matter to a person(s) who is/are not member(s) of the Association, including professional arbitrators/mediators, to act as the hearing officer or panel. Such person(s) must be trained in and familiar with relevant CSEA practices and policies. (BD 87/94/3, BD 37/96/2, BD 99/98/5, BD 9/00/1, BD 29/01/1)
- (f) The hearing officer or panel shall determine the validity of the charges. Such determination shall be made no later than 30 days from the date of mailing to the panel. If the hearing officer or panel determines that the charges are not valid, the charging party will be notified, within 10 working days, and the file will be closed. If the charges are found to be valid, the hearing officer or panel shall hold a

hearing within 30 days. A participant in the dispute shall not be a member of the hearing body. If the matter has been referred to an external hearing officer or panel pursuant to Policy File Section 1001.05 (e), the validity of charges shall be determined as soon as practicable. (BD 9/00/1, BD 29/01/1, BD 31/04/2)

- (g) The hearing shall be open unless a request for a closed hearing is made by the member so charged. The findings of the hearing officer or panel shall be confidential, unless released by the Board of Directors for appeal to General Council as provided in Division 10 of the Policy File; (BD 51/93/3, BD 59/94/2, BD 37/96/2, BD 9/00/1, BD 29/01/1)
- (h) The hearing officer or panel shall have the authority to grant one extension requested from each side and continuances for good cause to a date certain; (BD 31/04/2)
- (i) The individuals involved in the hearing shall be personally notified in writing at least 10 working days prior to the hearing. Notice given by mail must be by certified mail sent to the last known address shown on the Association's records. Such notice shall include the date, time and place of the hearing and a list of charges to be heard. New charges may not be introduced after the hearing notice is mailed; (BD 47/92/2, BD 37/96/2, BD 9/00/1, BD 29/01/1)
- (j) The accused and the charging party shall have the right to all written and documentary evidence and a list of witnesses to be introduced at the hearing at least 10 working days prior to the date of the hearing. In the event additional evidence and/or witnesses are required, either party shall provide the opposing party within at least five (5) working days prior to the hearing with such additional evidence and/or witnesses. The hearing officer or panel may allow the accused to introduce documentary evidence and/or witness testimony relevant to a defense even if it was not disclosed pursuant to the timelines in this section; provided however that the charging party may be allowed an opportunity to rebut the new evidence and/or testimony if the hearing officer or panel believes the rebuttal is essential to adjudicate the issues in dispute; (BD 132/00/2, BD 29/01/1, BD 31/04/2)
- (k) The burden of proof shall be with the accuser, and the standard of proof shall be clear and convincing evidence. Findings of fact are required for each issue involved; (BD 37/96/2, BD 9/00/1, BD 29/01/1, BD 31/04/2)
- (l) The parties to the hearing shall have the right to be represented at their own cost, to introduce evidence supporting or refuting the

charges and to cross-examine witnesses. Strict rules of evidence are not applicable; (BD 47/92/2, BD 9/00/1, BD 29/01/1)

- (m) A failure to appear in person or respond in writing, without good cause, in response to the notice of hearing by the member so charged may be deemed sufficient cause for a finding that the charges are correct; (BD 47/92/2, BD 9/00/1, BD 29/01/1)
- (n) A failure to personally appear, without good cause, at the hearing by the charging party shall be deemed sufficient cause to dismiss the charges; (BD 47/92/2, BD 9/00/1, BD 29/01/1)
- (o) When a charge contains an obvious typographical error, the hearing officer or panel may permit the charge to be amended to correct the error provided that such amendment does not prejudice the accused; (BD 132/00/2, BD 29/01/1)
- (p) Once the hearing starts, the charging party may withdraw the charge without prejudice, if the hearing officer or panel finds good cause exists to justify the withdrawal and that the accused is not unduly prejudiced. Such findings shall be made a part of the record of the case; (BD 132/00/2, BD 29/01/1)
- (q) No later than 20 days after completion of the hearing, the hearing officer or panel shall only file its report with the president, or the executive vice president if the charges are against the president, who shall transmit the report to the Board of Directors. The parties shall be sent a copy of the report at the same time it is sent to the Board of Directors. Such report shall include both findings and a recommendation for action; (BD 29/01/1, BD 31/04/2)
- (r) The Board of Directors shall act on the report in executive session no later than its next regularly scheduled meeting. The parties shall be entitled to submit written argument, not to exceed five typewritten pages in print no smaller than 10 pt. font, to the Board of Directors. Disciplinary action requires a three-fourths vote of the board. The board must make immediate disposition of the case by board motion and such action must result in one or more of the following with supporting reasons: (Bylaws Article III, Section 12) (BD 47/92/2, BD 59/94/2, BD 37/96/2, BD 9/00/1, BD 132/00/2, BD 29/01/1)
  - (1) Rejection of the charges; (BD 251/74/3, BD 9/00/1, BD 132/00/2, BD 29/01/1)
  - (2) Reprimand; (BD 251/74/3, BD 9/00/1, BD 132/00/2, BD 29/01/1)

- (3) Suspension from office; (BD 251/74/3, BD 9/00/1, BD 132/00/2, BD 29/01/1)
- (4) Removal from office; (BD 251/74/3, BD 9/00/1, BD 132/00/2, BD 29/01/1)
- (5) Suspension from privileges of membership; (BD 251/74/3, BD 9/00/1, BD 132/00/2, BD 29/01/1)
- (6) Suspension of membership; (BD 251/74/3, BD 9/00/1, BD 132/00/2, BD 29/01/1)
- (7) Dismissal from the Association. (BD 251/74/3, BD 9/00/1, BD 132/00/2, BD 29/01/1)
- (s) The decision of the Board of Directors is effective immediately. The decision may be appealed as provided by General Council rules, to General Council; and (BD 47/92/2, BD 37/96/2, BD 9/00/1, BD 132/00/2, BD 29/01/1)
- (t) Unless otherwise specified in this division, in any case where a procedural error is alleged to have occurred, it shall be determined whether any charged party has been unfairly prejudiced by the error. If it is determined that prejudicial error has occurred, the charges against that party shall be dismissed. Otherwise, the disciplinary action shall proceed. Procedural violations not raised by a party within a reasonable time shall be deemed waived; and (BD 47/92/2, BD 9/00/1, BD 132/00/2, BD 29/01/1)
- (u) All time requirements within these procedures will be subject to a good faith effort by the responsible parties. A good faith effort is defined as making all reasonable attempts to comply. (BD 88/94/3, BD 9/00/1, BD 132/00/2, BD 29/01/1)

1001.06 Procedure for Institution of Disciplinary Actions to Division/Affiliate Council

Each division/affiliate shall establish its own procedures for handling disciplinary actions and must, at a minimum, provide the same level of protection for the parties as provided by Association policy. Such procedures shall be consistent with the Bylaws and policy. Changes shall be reported to the Board of Directors, and do not become effective until so reported. (BD 3/94/1, BD 59/94/2)

1001.07 Reimbursement of Costs to Member

In the event the charges against the member are not sustained, the Board of

Directors shall provide reimbursement of reasonable costs to the member.  
(BD 251/74/3)

1002.00 GRIEVANCES

Association members who claim to be aggrieved by an action of the Association or of any board, officer, committee, chapter/DLC, division/affiliate, or any agency thereof, are encouraged to present their grievance, insofar as practical, first at the chapter/DLC, council, or division/affiliate level and to exhaust this avenue of relief before appealing. Failure to grieve first at the chapter/DLC, council, or division/affiliate level, if practical, shall be taken into consideration in determining action on the appeal. However, when a grievance is not being processed in a timely manner, which means within the time lines of the appropriate procedures, because of undue and unnecessary delay, the grievant may request the president or any member of the Board of Directors to submit the grievance to the Board of Directors for resolution pursuant to the procedures for grievances filed with the board. No grievance can be heard by General Council that has not first been heard by the Board of Directors. (BD 4/00/1)

1002.01 Filing of Grievances

(a) Grievance Against Association Staff

Any member, chapter or officer of the Association who is aggrieved because of an action by a member of Association staff, or who believes that an action taken was improper, should immediately contact the Association president, who shall immediately refer it to the general manager. The grievance must be in writing and must contain the facts upon which it is based. The person submitting the grievance must be available to discuss it with the president or the general manager. (BD 47/92/2, BD 59/94/2)

If the grievance is not filed with the president within 60 days after the act upon which it was based occurred or became known to the persons, it shall be dismissed. The grievance must be immediately investigated and action taken by the general manager within 30 days of his or her being notified of the grievance. The person filing the grievance and the party or parties that the grievance is filed against shall be informed of the action taken. (BD 47/92/2)

(b) Grievances Regarding Divisional Matters

The following grievances must be filed with the appropriate division/affiliate council within 60 calendar days after the act upon which it was based occurred or became known to the person(s). (BD 47/92/2, BD 59/94/2)



- (1) Any grievance against any member, officer, committee, council or any agent thereof, involving representation in matters concerning wages, hours and other terms and conditions of employment; (BD 47/92/2)
- (2) Grievances against chapter(s)/DLC(s) and chapter/DLC officer(s); (BD 47/92/2)
- (3) Grievances regarding divisional matters, including chapter/DLC disputes. (BD 47/92/2)

The grievance must be immediately investigated and a hearing held within 30 calendar days except as provided in Division 10 of the Policy File. The person filing the grievance and the party or parties that the grievance is filed against shall be informed of the recommended action. (BD 47/92/2, BD 59/94/2)

(c) Other Grievances

Any grievance against any member, chapter, officer, committee, council, regional director or assistant regional director not covered in section (b) must be filed with the Board of Directors within 60 calendar days after the act upon which it was based occurred or became known to the person(s). The grievance must be immediately investigated and a hearing held within 30 calendar days except as provided in Division 10 of the Policy File. The person filing the grievance and the party or parties that the grievance is filed against shall be informed of the recommended action. (BD 47/92/2, BD 59/94/2)

1002.02 Procedure for Institution of Grievances with the Board of Directors

When an Association member files a grievance with the Board of Directors pursuant to Division 10 of the Policy File, the president shall institute the following procedure: (BD 47/92/2)

- (a) The grievant shall submit to the president, in writing, a list of the acts or omissions which constitute the cause for the grievance. The grievant must agree to be present when the grievance is heard, to substantiate the grievance and to present evidence to support it; (BD 141/77/5, BD 31/04/2)
- (b) The president, or the executive vice president if the grievance is against the president, upon receipt of such written grievance and agreement to be present, shall review the charges. If the charges impact the members of only one division/affiliate, the president shall

refer the charges to that division/affiliate. Otherwise, the president or executive vice president shall order a hearing to be held within 30 days before a hearing officer or panel. A participant to the grievance shall not be a member of the hearing body; (BD 31/04/2)

- (c) The hearing officer or panel shall determine the validity of the grievance. If valid the hearing shall be open unless a request for a closed hearing is made by the member whose actions are alleged to be the cause of the grievance. The burden of proof shall be with the grievant, and the standard of proof shall be a preponderance of the evidence. The finding of the hearing officer or panel shall be confidential, unless released by the Board of Directors for appeal to General Council as provided in Section 1001.05 (o); (BD 47/92/2, BD 37/96/2)
- (d) The hearing officer or panel shall have the authority to grant extensions and continuance for good cause; (BD 47/92/2, BD 37/96/2)
- (e) The members directly involved in the hearing shall be personally notified in writing at least 10 working days prior to the hearing. Notice given by mail must be by certified mail sent to the last known address shown on the Association's records. Such notice shall include the date, time and place of the hearing and a list of the acts or omissions which are the subject of such grievance. New acts or omissions may not be introduced after the notice is mailed; (BD 47/92/2, BD 37/96/2)
- (f) The parties to the hearing shall have the right to be represented at their own cost, to introduce evidence supporting or refuting the charges and to cross-examine witnesses. Strict rules of evidence are not applicable; (BD 47/92/2)
- (g) A failure to personally appear in response to the notice of hearing by the member whose actions are alleged to be the cause of the grievance may be deemed sufficient cause for the grievance to be granted. Failure to personally appear by the charging party may be deemed sufficient reason to dismiss the charge; (BD 47/92/2)
- (h) The hearing officer or panel shall report to the president, or the executive vice president if the charges are against the president, no later than 20 working days after completion of the hearing, who shall transmit the report to the Board of Directors for its consideration. Such report shall include recommendations for resolution of the grievance; (BD 47/92/2, BD 37/96/2, BD 31/04/2)

- (i) The Board of Directors shall act no later than its next regularly scheduled meeting on the report; (BD 141/77/5)
- (j) The decision of the Board of Directors is effective immediately. The decision may be appealed as provided by General Council rules; and (BD 88/81/4, BD 37/96/2)
- (k) Unless otherwise specified in this division, in any case where a procedural error is alleged to have occurred, it shall be determined whether any charged party has been unfairly prejudiced by the error. If it is determined that prejudicial error has occurred, the charges against that party shall be dismissed. Otherwise, the grievance shall proceed. Procedural violations not raised by a party within a reasonable time shall be deemed waived. (BD 47/92/2)

1002.03 Procedure for Institution of Grievance to Division/Affiliate Councils

Each division/affiliate shall establish its own procedures for handling grievances. Such procedures and changes thereto shall be reported to the Board of Directors. (BD 47/92/2)

1002.04 Reimbursement of Costs of Member

Upon request the hearing body shall recommend and the appropriate body shall determine whether the Association shall provide reimbursement of reasonable costs to any members against whom a grievance is filed. (BD 47/92/2, BD 31/04/2)

1002.05 Interpretation and Application

This Division 10 shall at all times be interpreted and applied consistent with applicable laws of the State of California. (BD 47/92/2, BD 83/95/4)

## DIVISION 11: ASSOCIATION TRAVEL EXPENSE

### 1101.00 PERSONS ELIGIBLE FOR REIMBURSEMENT

#### 1101.01 Reimbursement on Association Business

The following persons may be reimbursed for expenses in connection with official business of the Association: (BD 17/77/1)

- (a) Delegates of General Council, when General Council is in session; (BD 17/77/1, BD 59/94/2)
- (b) Officers; (BD 17/77/1)
- (c) Regional directors and assistant regional directors; (BD 195/80/5, BD 17/05/1)
- (d) Division/affiliate officers; (BD 17/77/1, BD 17/05/1)
- (e) Members of statewide committees, councils, ad hoc committees, and advisory groups; (BD 17/77/1)
- (f) Other members of the Association assigned by the president to perform duties for the Association; (BD 17/77/1)
- (g) Members of staff; and (BD 195/80/5)
- (h) Interpreters for the hearing impaired. (BD 75/77/3, BD 59/94/2, BD 17/05/1)
- (i) With prior approval of the president, any elected official of the Association including General Council delegates may be reimbursed for travel expenses incurred for personal care services when on authorized Association business. The president shall require medical verification of the need for personal care services prior to granting approval. The president shall also require, prior to granting approval, a written waiver of liability for the Association which shall be executed by both the member and the person(s) providing personal care services. (BD 49/97/3)

### 1102.00 PROCESSING OF EXPENSE CLAIMS

#### 1102.01 Necessary Expenses

The most economical use of Association funds, consistent with the convenience of the claimant and the schedule for the meeting, is the standard to be used in determining whether expenses claimed are

"necessary." In review, the secretary-treasurer shall include mode of travel, needed lodging and meals relative to necessary time of departure and return. (BD 17/77/1, BD 59/94/2)

1103.00 LIMITATIONS ON REIMBURSEMENTS

1103.01 Expenses Incurred as a Candidate for Association Office

The following general limitations apply: (BD 17/77/1)

- (a) Expenses incurred as a candidate for any Association office are not reimbursable by the Association, any region, division/affiliate, council or chapter/DLC; (BD 45/94/4, BD 85/95/4, BD 76/03/2)
- (b) The preceding section does not prohibit such officials from claiming, or the secretary-treasurer from approving, expenses for a trip which is primarily and substantially required in the furtherance of Association business. If the activities of the official in promotion of his/her candidacy for office are wholly incidental, the claim is not improper within the meaning of this section. (BD 17/77/1, BD 76/03/2)

1103.02 Reimbursement of Expenses in Excess of Standard

Reimbursement for meal and travel expenses in excess of reimbursement limits shall be paid only with the approval of the secretary-treasurer. (BD 25/88/1, BD 59/94/2, BD 85/95/4)

1104.00 COMPUTATION OF EXPENSES

1104.01 (a) Meals

Daily meal allowance is \$40. Individual meal limitations are as follows: breakfast \$10, lunch \$11 and dinner \$19. (BD 14/96/1, BD 76/03/2)

- (1) Breakfast shall not be claimed if departure is after or return is prior to 8 a.m. Lunch shall not be claimed if departure is after or return is prior to 12 noon. Dinner shall be not be claimed if departure is after or return is prior to 7 p.m. (BD 17/77/1)
- (2) When meals are purchased for other persons authorized or unauthorized to claim meal expense, such persons must be listed on the expense claim with receipt attached. (BD 17/77/1, BD 76/03/2)
- (3) Members of headquarters management staff are authorized, when necessary, to claim meal expenses for other persons

authorized to claim meal reimbursement. Receipts are necessary and such persons must be listed by name and title. Meal expenses for other than authorized persons may be allowed when supported by: (a) a complete explanation of the need for the exception; (b) the names and business affiliation of the persons; and (c) receipts for the meal expenses. (BD 16/78/1, BD 76/03/2, BD 41/06/2)

(b) Lodging

The regular allowance is up to \$85 plus tax per night or the negotiated rate. Lodging other than General Council lodging shall not be allowed if residence is within 40 miles/40 minutes from meeting location. Only actual expense within the above limits is reimbursed and receipts are required. (BD 18/87/1, BD 59/94/2, BD 17/05/1)

Lodging for General Council shall be for the negotiated rate or less, based upon single occupancy by delegates. Only actual expense within the above limitations is reimbursed and receipts are required. (BD 80/90/2)

General Council delegates opting not to take lodging may claim \$25 a day, without receipts, to cover mileage, parking and other incidental expenses. (BD 18/87/1, BD 56/96/2)

Incidental expense for up to \$10 per day is allowed if lodging is involved. No receipts are required. (BD 76/03/2)

(c) Travel Allowance

Travel expense allowances are computed as follows:

- (1) Common carrier - actual coach fare expense is reimbursed, and receipts are required; (BD 17/77/1)
- (2) Airporter - actual is reimbursed, and no receipts are required; (BD 17/77/1)
- (3) Personal car - authorized use of a personal car is reimbursed at the current IRS allowable rate, except that the reimbursement shall not exceed the common carrier rate unless the common carrier would be reasonably inconvenient. The number of miles traveled must be indicated; if more than one person eligible for mileage rates rides in the car, reimbursement will be allowed for only one claimant; (BD 75/90/2, BD 67/00/2, BD 17/05/1, BD 41/06/2)

- (4) Parking - actual authorized expenses are reimbursed but amounts in excess of \$5 per day require receipts; (BD 75/90/2, BD 59/94/2, BD 17/05/1)
- (5) Bridge tolls - actual expense is reimbursed, and no receipts are required; (BD 17/77/1)
- (6) Taxicab - taxi fares will not be reimbursed except when no other transportation is practical or available, or unless the taxi fare for several riders is less than the common carrier fare. Delegates to the General Council may not claim reimbursement for taxi fares; (BD 17/77/1, BD 59/94/2)
- (7) Telephone - actual expenses are reimbursed when date and place called are shown on the expense claim, but amounts in excess of \$1 require receipts. Delegates to General Council may not claim reimbursement for telephone calls. (BD 17/77/1, BD 59/94/2, BD 17/05/1)

1105.00 ENTERTAINMENT

1105.01 Members of the Board of Directors

Entertainment may be an authorized expense only for officers and regional directors when incurred in the performance of official business of the Association. The names and titles of persons for whom this type of expense is claimed, an explanation of expenses, and receipts must be included with the expense claim. (BD 16/82/1, BD 17/05/1, BD 41/06/2)

1105.02 Designated Management Staff

Expenses for approved legislative and administrative business activities involving entertainment of non-Association persons are authorized for headquarters management staff members whose assignments require such entertainment. The names and titles of persons for whom this type of expense is claimed, explanation of expenses, and receipts for entertainment expense, must be included with the claim. In the event it is impractical to list the names of each person in a sizeable group, the name and title of the main person in the group, the total number of persons, and the receipts will be sufficient. (BD 10/86/1)

1106.00 CLAIM INFORMATION

Expense claims must be submitted by claimant with all requested information (date, time, location, signature, etc.). (BD 59/94/2)

1106.01 Deadline for Submission of Claims

- (a) Association expense claims may be submitted at any time, but no later than the calendar month following the date the expenditures were made. Late claims must be accompanied by a written statement explaining valid reasons for the delay in filing and must be approved by the secretary-treasurer. Late expense claims received after January 31 of the next calendar year require approval of the Board of Directors. Approval of late claims may be partial. (BD 61/94/2)
- (b) General Council claims not submitted within 60 days after the close of General Council shall be deemed untimely and the amount advanced:  
(BD 126/82/3)
  - (1) To a chapter for a member shall be withheld from that chapter's next membership dues check, or (BD 126/82/3)
  - (2) To a board or division/affiliate member shall be recovered from the respective board or division/affiliate member's next travel expense account claim. (BD 126/82/3, BD 59/94/2)

1106.02 Requirement of Receipt

Deductions may be made from expense claims for any item which is not accompanied by the required receipt, authorization or explanation. (BD 16/78/1)

1106.03 Reimbursement from Other Sources

No expense may be claimed which was reimbursed from any other source. (BD 17/77/1)

1106.04 Claims of Regional Officers

Claims for expenses of assistant regional directors and other regional officers shall be submitted as their own claims with prior approval by the regional directors. (BD 66/88/3, BD 26/95/2, BD 17/05/1, BD 41/06/2)

1106.05 Travel to and from Home City of General Council

Travel to and from the home city of General Council is included in the delegate allowance. No claims should be made for travel to the Board of Directors or committee meetings which normally precede General Council, unless a committee member is not a delegate to General Council and the appropriate claim is submitted. (BD 10/86/1)



1106.06 Family Members

Members of the Board of Directors are not entitled to expense reimbursement for family members. (BD 9/89/1)

1106.07 Extraordinary Expenses

- (a) Officers of the Association are reimbursed for all allowable expenses incurred in the performance of official business of the Association. In addition they may claim all reasonable and necessary out-of-pocket expenses incurred in fulfilling the requirements of their office, subject to the approval of the president and secretary-treasurer. (BD 17/77/1)
- (b) General Council delegates (and alternate delegates as defined in Division 11 of the Policy File) are reimbursed only for actual authorized expenses necessary for attendance at General Council and related preliminary committee meetings. (BD 17/77/1, BD 59/94/2)
- (c) Claims for reimbursement of extraordinary expenses of members of General Council shall be submitted to the appropriate division/affiliate for approval and submission to the secretary-treasurer. Members of the Board of Directors shall submit claims directly to the secretary-treasurer for approval. (BD 17/77/1, BD 59/94/2)
- (d) Expenses resulting from assignment of members of General Council to a hotel/motel more than one mile distance from General Council assembly location shall be approved by the appropriate division/affiliate prior to submission to the secretary-treasurer. (BD 17/77/1, BD 59/94/2)

1106.08 Out-of-State Travel

- (a) Except for out-of-state travel by the president, all out-of-state travel by Association members and staff, funded through central support, requires prior authorization of the Board of Directors. Requests for out-of-state travel, that arise between meetings of the Board of Directors, require the prior written approval of the president. (BD 59/94/2, BD 43/98/3, BD 37/99/2, BD 17/05/1)
- (b) First class rate for common carrier is not authorized for members or staff. (BD 50/92/2)

1106.09 Travel Advance

- (a) A travel advance, in an amount not to exceed estimated expenses for

one month, may be requested. Each advance must be fully accounted for before additional advances will be issued. (BD 17/77/1, BD 59/94/2)

- (b) Headquarters office shall estimate expenses for members of General Council and issue an advance to each delegate prior to the opening of General Council. The amount of the advance will be deducted from the delegate's General Council expense claim. (BD 17/77/1, BD 59/94/2, BD 29/03/2)

1106.10 Exception of Expense Rules

- (a) The secretary-treasurer may make exceptions to the rules in unusual circumstances. The secretary-treasurer shall require concurrence of the president prior to approval. (BD 17/77/1, BD 17/05/1)
- (b) Except as may otherwise be provided in the contract between the general manager and the Association, the expense rules of the Association fully apply to the authorized activities of the general manager. However, within the limitations of the annual travel budget for general administration established by the General Council and/or the Board of Directors, the officers may authorize the general manager to exceed the expense rules to the extent of an amount recommended to the officers each year by the secretary-treasurer. The amount may be increased or decreased by the officers. (BD 10/86/1, BD 59/94/2, BD 17/05/1)

1107.00 REGIONAL DIRECTORS

1107.01 Reimbursable Expenses

Regional directors are reimbursed for all allowable expenses incurred in:  
(BD 29/81/1, BD 76/03/2)

- (a) Attending all organizational and related extra-organizational meetings held within their region; (BD 17/77/1)
- (b) Attending Board of Directors meetings; (BD 17/77/1)
- (c) Attending statewide committee, division council and affiliate board meetings outside their region, providing funding for such meetings is in the region's approved budget; (BD 76/03/2)
- (d) Attending any other activity with prior written authorization from the president. (BD 66/82/2, BD 59/94/2)

1107.02 Meal and Travel Expenses During Regional Meetings

Meal and travel expenses for the following persons are reimbursable when attending regular regional meetings in their own region; (BD 33/82/1)

- (a) Assistant regional director; (BD 17/77/1)
- (b) Assistant regional director-elect; (BD 17/77/1)
- (c) Regional director-elect; (BD 17/77/1)
- (d) Regional secretary; (BD 17/77/1)

1107.03 Expenses for Regional Operations

Actual and necessary expenses for regional operations shall be reimbursed from the regional allocation. Such expenses must be itemized. (BD 114/81/4)

1107.04 Expenses of Non-Incumbent Regional Directors-Elect

Nonincumbent regional directors-elect are authorized to attend the Board of Directors meeting prior to General Council and the resolutions committee meetings and are to be compensated at the same rate as regional directors. (BD 10/86/1, BD 59/94/2)

1108.00 ASSISTANT REGIONAL DIRECTORS

1108.01 Reimbursable Expenses

- (a) Assistant regional directors are authorized to attend Board of Directors meetings. (BD 10/86/1, BD 59/94/2)
- (b) Except as provided in (a), assistant regional directors are reimbursed for all allowable expenses incurred in attending meetings within their respective regions that are authorized by the regional director. When unable to attend a normally attended meeting within the region, the regional director shall authorize attendance by the assistant regional director. (BD 63/82/2, BD 59/94/2, BD 58/96/2, BD 17/05/1)

1108.02 Performance of Regional Directors Duties

Expenses of assistant regional directors, when assigned to perform duties in place of the regional director, are reimbursable to the same extent as a regional director. (BD 17/77/1)

- 1108.03     Expenses for Non-Incumbent Assistant Regional Directors-Elect
- Nonincumbent assistant regional directors-elect are authorized to attend the Board of Directors meeting prior to General Council. (BD 59/96/2)  
The amount of expenses allowed for attending the Board of Directors meeting shall be at the same rate as an assistant regional director. (BD 59/96/2)
- 1109.00     DIVISION/AFFILIATE REPRESENTATIVES ON THE BOARD OF DIRECTORS
- Division/affiliate representatives on the Board of Directors or on the Executive Committee are reimbursed for all allowable expenses incurred in attending those meetings. (BD 158/80/4, BD 59/94/2, BD 55/97/3)
- 1110.00     MEMBERS OF STATEWIDE COMMITTEES AND COUNCILS
- All meetings of statewide committees at Association expense require prior approval of the Association president. (BD 66/88/3)
- 1110.01     Expenses of Attending Scheduled Meetings and/or Duties Assigned
- Committee members are reimbursed from the central support budget for all allowable expenses incurred in attending assigned meetings or performing other duties as directed by the president. (BD 66/88/3)
- 1110.02     Chairperson Reports to Board of Directors
- Chairpersons of committees are reimbursed for all allowable expenses incurred in reporting to the Board of Directors. (BD 17/77/1, BD 59/94/2)
- 1111.00     EXPENSES AUTHORIZED BY THE GENERAL MANAGER
- 1111.01     Expenses for Special Consultants
- Travel expenses as specified by the general manager shall be paid for special consultants in accordance with Association policy. (BD 17/77/1)
- 1111.02     Staff Advisors Conference Expenses
- The general manager may authorize meetings and expenses of staff advisors to confer with headquarters staff on matters relating to occupational groups. (BD 17/77/1)
- 1112.00     INTERPRETERS FOR THE HEARING IMPAIRED
- The president shall authorize reimbursement for all allowable expenses for

interpreters for the hearing impaired at any official Association function provided that a request for such services is made at least ten days in advance. (BD 61/88/3, BD 59/94/2)

1113.00 APPEALS

A claimant may appeal the deduction of any expense item from the expense claim, first to the Executive Committee through the president; if satisfaction is not received at that level, the claimant may appeal to the Board of Directors. (BD 17/77/1)

1114.00 TRAVEL ACCIDENT INSURANCE

When on official Association business, members of the Board of Directors, assistant regional directors, affiliate officers, statewide committee members, council members, stewards, chapter officers, delegates to the General Council (for the General Council meeting only) and headquarters staff shall be covered by a master travel accident policy. (BD 66/88/3, BD 17/05/1)

1115.00 AUTOMOBILE FOR THE PRESIDENT

The Association shall furnish a union-made vehicle for the president's use on Association business. The Association shall also furnish insurance on the vehicle and pay the actual cost of gasoline, oil, maintenance and repairs. In lieu of using an Association-furnished vehicle, the president may: (BD 7/91/1, BD 17/05/1)

- (a) Receive business mileage reimbursement for use of a private vehicle in accordance with the provisions of this Division 11. Should the president elect this option, the Association will not furnish insurance on the vehicle, nor will the Association pay for maintenance, repairs or the actual cost of gas and oil; or (BD 7/91/1)
- (b) Provide a privately-owned vehicle and receive a monthly allowance equivalent to the Association's estimated cost of furnishing a vehicle. Such allowance shall include the estimated cost of a lease payment, miscellaneous repairs and normal risk automobile insurance. The Association shall also pay the actual cost of gas and oil for business use. (BD 7/91/1)



## DIVISION 12: ASSOCIATION FINANCES

### 1201.00 GENERAL

#### 1201.01 Financial Statements

Financial statements of dues, income including reserve balances, and cash flow projections shall be issued by the secretary-treasurer to the Board of Directors and divisions/affiliate 25 days after the close of business on March 31 and each month thereafter. (BD 50/92/2, BD 59/94/2)

#### 1201.02 Financial Audits

The Board of Directors shall retain a certified public accountant to review financial procedures and audit financial records of the Association annually. An audit report shall be issued within 90 days after the close of the audit period. (BD 49/99/2, BD 11/05/1)

#### 1201.03 Chapter/DLC Audits

Divisions/affiliates shall adopt policies and audit procedures. (BD 73/93/3, BD 59/94/2, BD 11/05/1)

#### 1201.04 Provision of Bonds

The Association officers and employees whose duties involve the handling of monies shall be bonded, the premiums of which shall be paid by the Association. (BD 50/92/2, BD 59/94/2)

### 1202.00 BUILDING RESERVES

There is a building reserve to meet the cost of expansion and/or replacement of Association offices and/or other meeting facilities. The building reserve may be augmented by the General Council through transfer of surplus funds or by the Board of Directors through transfer of excess funds if any, from the operating budgets approved by General Council. (BD 50/92/2, BD 59/94/2)

### 1203.00 BUDGET

#### 1203.01 Budget Bases

The budget of the Association shall be a program budget based on its goals and objectives and shall state the composite totals of the budget line items. (BD 50/92/2, BD 59/94/2)

1203.02 Budget Period

The budget of the Association shall cover a period of at least one year. (BD 50/92/2, BD 59/94/2)

1203.03 Past Expenditure Information

The budget of the Association shall contain expenditure information in the format of 1203.01 relating to the last completed year and the current year for each activity to permit delegates to compare past expenditures with the current and the proposed budget. (BD 50/92/2, BD 59/94/2)

1203.04 Surplus Estimate

In addition to estimated revenue, an estimate of the amount of unallocated surplus which will be available at the beginning of each budget year shall be included. (BD 50/92/2)

1203.05 Budget Development and Adoption Process

The budget shall be developed and adopted in the following manner:

- (a) In January of odd-numbered years, the president shall request divisions and affiliates to submit budget recommendations for a two-calendar year budget period. Based upon these submissions and appropriate General Council resolutions and committee recommendations the overall budgeting assumptions and Association objectives including anticipated central support schedules of services shall then be formulated by the president, secretary-treasurer, and Fiscal Committee; (BD 50/99/2, BD 11/05/1)
- (b) Based on the overall assumptions and objectives developed in (a) above, non-programmatic activity requirements are developed for central support; (BD 66/93/3)
- (c) The cost estimates of the various programs and activities will be developed by the chief financial officer, with the direct and indirect costs to be applied to expenditures for each division's/affiliate's allocation of these costs. A comparison with anticipated revenue is made and a preliminary budget is submitted to the Fiscal Committee; (BD 66/93/3, BD 11/05/1)
- (d) The Fiscal Committee will review the preliminary budget and make adjustments as appropriate. After Fiscal Committee approval, the proposed budget is submitted to the Board of Directors at least 30 days before action is required; (BD 66/93/3)



- (e) The Board of Directors reviews the recommendations of the Fiscal Committee, makes adjustments and approves the proposed budget; (BD 66/93/3)
- (f) The Fiscal Committee shall hold at least two open budget hearings (north and south) to receive input from members after the approved budget proposal has been mailed to the delegates and before the convening of the General Council; (BD 66/93/3, BD 70/03/2, BD 11/05/1)
- (g) The Fiscal Committee's report to the General Council shall consist of any recommended changes to the budget proposal approved by the Board of Directors, with reasons for each recommended change, and a summary of the effect of the recommended change upon the Association's resources and expenditures if adopted by the General Council. (BD 66/93/3, BD 70/03/2)

1203.06 Association Regional Budgets

- (a) Regional directors must submit a budget for the current year and prior year budget to the secretary-treasurer by January 15. The budget must set forth the actual expenses for the prior year and the proposed expenditures for the current year. A copy of the budget shall be mailed to each chapter/DLC in the region by January 15. Until such time as regional budgets are approved by the Board of Directors, regions shall operate based upon the prior year's budget. (BD 34/98/3, BD 79/00/2)
- (b) On the day preceding the first, non-emergency meeting of the Board of Directors in each calendar year, the Association secretary-treasurer shall convene and chair a meeting of all the regional directors (or their substitutes, as per Procedures 602.01, 602.02, 602.03) for the sole purpose of development of regional budgets for subsequent submission to the Board of Directors for approval. (BD 79/00/2, BD 86/01/3)
- (c) The numeric total of the regional budgets completed as per (b) above shall not exceed the numeric total of funds allotted for such purpose in the Association budget for any given year. The regional budgets shall be completed on a standardized form which includes detailed expense categories. (BD 79/00/2, BD 86/01/3)
- (d) The regional allocation shall be spent in accordance with the Bylaws and Policy File. (BD 29/81/1, BD 59/94/2, BD 79/00/2, BD 86/01/3)
- (e) All expense claims that are charged to the regional allocation shall be signed by the regional director to be approved for payment. No

expense claim will be paid unless signed and approved by the appropriate regional director. (BD 29/81/1, BD 59/94/2, BD 79/00/2, BD 86/01/3)

- (f) All authorized regional travel expenses will be charged to the regional allocation. (BD 38/82/1, BD 79/00/2, BD 86/01/3)
- (g) Reimbursement of regional expenses for any regional officer shall not be authorized in excess of the approved regional allocation without the prior written approval of the president. The regional director shall be responsible for the regional allocation within Association guidelines. (BD 114/83/2, BD 59/94/2, BD 79/00/2, BD 86/01/3)

#### 1203.07 Budget Distribution

The Board of Directors' approved budget proposal in resolution form shall be mailed, not later than 60 days prior to convening of General Council, to: (BD 66/93/3, BD 70/03/2)

Members of the Board of Directors; (BD 50/92/2)

Chapter presidents; (BD 50/92/2)

Division Council/Affiliate board members; (BD 50/92/2, BD 59/94/2, BD 70/03/2)

Members of General Council; (BD 50/92/2)

Members of Bylaws, Policies & Procedures, Member Benefits, Fiscal and Operations Committees. (BD 66/93/3, BD 70/03/2)

This document shall be provided to any active member who, on an individual basis, requests it in writing from headquarters. (BD 50/92/2)

#### 1203.08 Budgetary Adjustments

Adjustments to the budgets adopted by General Council for central support budgetary allocations may be modified by transfer by the Board of Directors between central support allotments. (BD 19/87/1, BD 70/03/2)

#### 1203.09 Use of Unexpended Income and Reserves (Bylaws Article XVI, Section (5))

Unless approved in advance by its division council, a division's unexpended income and reserves shall not be transferred to another division/affiliate or to central support. (BD 20/01/1)

1204.00 INVESTMENTS

1204.01 Emergency Reserves

The rules governing investment of emergency reserve funds by the Board of Directors are contained in Bylaws Article XIV, Section 3. (BD 50/92/2)

1204.02 Reserve Funds Investment

The Board of Directors, by two-thirds vote, may authorize the investment of other Association reserve funds in a manner other than described in Bylaws Article XIV, Section 3, if it is to the benefit of the Association and consistent with sound business practice. (BD 50/92/2, BD 59/94/2)

1205.00 MEMBERSHIP PROHIBITIONS

Association funds may not be used to purchase memberships in, or otherwise support, any club, business or organization which is known to prohibit or deny membership on the basis of sex, race, religious creed, color, national origin, ancestry, age or sexual orientation. (BD 50/92/2)

## DIVISION 13: ASSOCIATION ELECTIONS

### 1300.00 ASSOCIATION ELECTIONS

#### 1300.01 Establishment of Rules

##### (a) Association Officers

All elections of Association officers and regional officers shall be held under rules and regulations established by the Board of Directors in accordance with CSEA Bylaws. (BD 79/92/3, BD 25/92/2, BD 68/95/4, BD 66/04/3)

##### (b) Division/Affiliate Delegates

An affiliate may adopt its own rules for elections as long as they are consistent with the CSEA Bylaws. All elections of General Council chapter/DLC delegates from divisions or affiliates that have not established election procedures shall be held under rules and regulations established by the Board of Directors. (BD 66/04/3)

#### 1300.02 Election Coordination

##### (a) Association Elections

Association elections are under the general direction of the executive vice president, unless otherwise stated in policy, who is empowered to take appropriate actions necessary to ensure compliance with election policy. In the absence of the executive vice president, the president shall appoint another officer which may be himself/herself to act in place of the executive vice president. (BD 79/92/3, BD 68/95/4, BD 55/97/3, BD 3/98/1, BD 66/04/3)

##### (b) Affiliate Delegates to General Council

When the affiliate(s) do not have rules and regulations for the election and removal of General Council chapter/DLC delegates that conform to Bylaws Article X, Sections 3 and 6, the executive vice president, unless otherwise stated in policy, is empowered to ensure compliance with election policy. In the absence of the executive vice president, the president shall appoint another officer which may be himself/herself to act in place of the executive vice president. (BD 25/95/2, BD 68/95/4, BD 55/97/3, BD 3/98/1, BD 66/04/3)

1300.03 Computation of Time

When the last day for performance of any act required by this election code falls upon a Saturday, Sunday or holiday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed. (BD 102/84/4)

1301.00 ELECTIONS OF ASSOCIATION, REGIONAL OFFICERS, AND GENERAL COUNCIL DELEGATES

1301.01 Electorate

- (a) Association officers are elected by the delegates of General Council. (BD 79/92/3)
- (b) Regional directors and assistant regional directors are elected by the active members who are assigned to a chapter within the region. (BD 79/92/3, BD 53/01/2)
- (c) General Council chapter/DLC delegates are elected by the active members of their respective division/affiliate chapters, and in accordance with their election policies and procedures. (BD 25/95/2, BD 66/04/3)

1301.02 Term of Office

Association officers, regional officers and General Council chapter/DLC delegates shall be elected for two-year terms. (BD 4/99/1, BD 66/04/3)

- (a) No General Council delegate shall lose his/her position by virtue of any division/affiliate or chapter/DLC realignment until his/her existing term of office expires pursuant to Bylaws Article X, Section 3 (b) (1). (BD 75/00/2)

1301.03 Time of Election

- (a) The election of Association officers shall be held at the general session of General Council at a time prescribed by the Board of Directors. (BD 138/83/3)
- (b) Regional and chapter/DLC delegate elections shall be held in odd-numbered years. (BD 4/99/1, BD 66/04/3)

1301.04 Eligibility for Regional and Division/Affiliate Officers

(a) Regional Officers

Any active member in good standing who lives or works in the region and is a member of a chapter assigned to the region is eligible to run for regional office. Written consent forms and optional candidate statements must be filed prior to the closing of the nominations period. (BD 79/92/3, BD 85/94/3, BD 66/04/3)

(b) General Council Chapter/DLC Delegates

Any active member in good standing in a chapter/DLC, including any member of the Nominating Committee, is eligible for the office of General Council chapter/DLC delegate. A written consent form and optional candidate statement must be filed with the appropriate division/affiliate prior to the closing of nominations. (BD 25/95/2, BD 66/04/3)

1301.05 Candidate Consent Form

Any time between 9 a.m. on January 1 and 5 p.m. on February 7, any active member within his/her respective region shall file a candidate consent form for regional director positions. Division/affiliate members in good standing shall file an affiliate candidate consent form for any chapter/DLC positions, and for General Council delegate with his/her respective affiliate. (BD 66/04/3)

1301.06 Submission of Consent Form and Optional Candidate Statement

(a) Regional Officers

The signed consent form and optional candidate statement shall be filed between 9 a.m. on January 1 and 5 p.m. on February 7. (BD 138/83/3, BD 66/04/3)

(b) General Council Chapter/DLC Delegates

The signed consent form and optional candidate statement shall be filed with the appropriate division/affiliate election committee. (BD 25/95/2, BD 66/04/3)

(c) Regional Director and Assistant Regional Director

All candidate consent forms and optional candidate statements for regional director and assistant regional director must be received in headquarters office any time between 9 a.m. on January 1 and 5

p.m., on February 7 and may be hand-delivered, sent by U.S. Postal Service, e-mailed or faxed. (BD 66/04/3)

(d) Candidate Consent Form

Members in good standing must complete and sign the following candidate consent form between 9 a.m. on January 1 and 5 p.m. on February 7:

"I \_\_\_\_\_  
(Print Name) (Chapter/DLC) (Region)

hereby consent to be a candidate for the office(s) checked below and will serve if elected."

Regional Officers

Regional Director  Assistant Regional Director

I acknowledge that it shall be my duty and responsibility to submit to my successor to the office, all books, papers and other property of CSEA or its affiliate in my possession at the close of my official term.

Classification \_\_\_\_\_ SS# or member ID \_\_\_\_\_

Address \_\_\_\_\_  
(Street) (City) (Zip)

Phone: Work ( ) \_\_\_\_\_ Home ( ) \_\_\_\_\_

Cell ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail \_\_\_\_\_  
(Work) (Personal)

Signature \_\_\_\_\_ Date \_\_\_\_\_

This consent form and optional candidate statement must be received at CSEA headquarters between 9 a.m. on January 1 and 5 p.m. on February 7.

(BD 66/04/3)

1301.07 Candidate Notification

Headquarters office staff shall notify candidates that their candidate consent form and/or optional candidate statement have been received within five (5) business days of receipt. If no candidate statement is submitted, the

notification will include information regarding candidate statements. (BD 66/04/3)

1301.08 Candidate Statements

(a) Regional Officers

Candidates for regional offices may submit written candidate statements, which may include a telephone number, e-mail and web site address, not to exceed 200 words. Such statement(s) shall be received in headquarters office between 9 a.m. on January 1 and 5 p.m. on February 7. The statement shall accompany the ballots and shall be typed and printed exactly as submitted by the candidate. Words beyond the 200 word limit shall be deleted. (BD 3/98/1, BD 66/04/3)

(b) General Council Chapter/DLC Delegates

Candidates for General Council chapter/DLC delegates may submit written candidate statements, which may include a telephone number, e-mail and web site address, not to exceed 100 words and the statements will be published with the ballots at no cost to the candidates. Such statement(s) shall be received in headquarters office between 9 a.m. on January 1 and 5 p.m. on February 7. Words beyond the 100 word limit shall be deleted. (BD 3/98/1, BD 47/99/2, BD 66/04/3)

1301.09 Regional and Affiliate Chapter/DLC Delegate Election Process

(a) Mailing of Ballots

Ballots shall be mailed by headquarters no later than April 20 to each active member in good standing, by nonprofit or first-class mail to those members with an address within the state, by first-class mail for all others and shall comply with the following rules: (BD 138/83/3, BD 100/98/5)

- (1) The position(s) to be filled by the election shall be shown; (BD 138/83/3)
- (2) The order of the candidates for each position shall be determined by lot; (BD 138/83/3)
- (3) Each candidate shall be identified by name and classification; (BD 138/83/3)



- (4) There shall be no write-in candidates; (BD 138/83/3)
- (5) The number of candidates to be elected for each office shall be shown; (BD 138/83/3)
- (6) First-class return postage shall be used for all elections; (BD 138/83/3)

(b) Voting Instructions

Voting instructions and optional candidate statements shall accompany each ballot. (BD 138/83/3, BD 66/04/3)

- (1) Vote for the number of candidates as indicated on the ballot; (BD 138/83/3, BD 66/04/3)
- (2) Instructions to place signature and print name in the designated location on the envelope; (BD 138/83/3)
- (3) To be valid, ballots must be received in headquarters by 5 p.m., May 20. If May 20 falls on a Saturday or Sunday the deadline will be the first working day following; (BD 138/83/3)
- (4) Election protest must be in writing to the CSEA president and received in Association headquarters by 5 p.m., June 10; (BD 10/86/1, BD 42/02/4)
- (5) A plurality is required to elect, a tie shall be broken by lot. (BD 138/83/3)

(BD 48/06/2)

(c) Election Materials

The executive vice president shall be responsible for retention of all regional and General Council chapter/DLC delegate election materials until the next General Council. (BD 125/00/2)

(d) Computation of Election Results

- (1) Under the direction of the executive vice president,

headquarters office shall verify the validity of all returned ballots according to the following principles: (BD 138/83/3)

- a. Absence of the signature in the designated location voids ballot; (BD 138/83/3)
- b. If the irregularities go to the essence of the entire ballot, the ballot shall be invalidated; (BD 138/83/3)
- c. Where Association policy is silent the executive vice president shall be authorized to take appropriate steps consistent with public election laws in the computer counting of ballots. (BD 138/83/3)

(2) In the event of a tie vote, the executive vice president shall resolve the tie by lot in the presence of witnesses. (BD 133/83/3)

(e) Results and Publication

By May 30 the executive vice president shall cause the election results to be sent to each candidate and the appropriate president and regional director by first class mail. (BD 138/83/3)

General publication of the results shall be released the following working day. (BD 138/83/3)

No results shall be released prior to the candidate notification. (BD 138/83/3)

(f) Recounts

Upon written request from any candidate during the protest period, headquarters office shall cause an immediate recount of ballots for that office to be held. No further recount shall be required unless it is requested through the election protest procedure. (BD 138/83/3)

(g) Regional Election Protest Procedures

- (1) Any active member may protest the election of any regional officer of his/her region. To be valid a protest shall be: (BD 79/92/3)
  - a. In writing specifically setting forth the irregularity and procedure(s) violated; (BD 138/83/3)

- b. Addressed to the Association president at headquarters office; (BD 138/83/3)
  - c. Postmarked by or received at headquarters office no later than June 10. (BD 138/83/3, BD 59/94/2)
- (2) The Association president shall appoint a protest hearing panel. The hearing panel shall: (BD 138/83/3, BD 66/04/3)
- a. Return all election protests judged to be without merit to the protestor within 15 days specifically setting forth why the election protest is without merit; (BD 138/83/3, BD 66/04/3)
  - b. Proceed with scheduling a hearing on election protests judged to have merit, and notify affected parties. (BD 138/83/3, BD 66/04/3)
  - c. Contact persons known to be involved and request all information pertaining to the protested election(s) be assembled for review; (BD 138/83/3, BD 66/04/3)
  - d. Review all material used in the election procedure relevant to the protest; (BD 138/83/3)
  - e. Hold an open meeting within the region for the purpose of hearing the protest. The protestor and all other persons known to be involved shall receive timely notice of the open meeting, and shall be afforded an opportunity to present information in person or in writing; (BD 70/85/5, BD 66/04/3)
  - f. Within ten days of the close of the hearing, the hearing officer(s) shall report its findings and recommendations in writing to the Board of Directors with copies to the affected individuals. (BD 138/83/3)
- (3) The Board of Directors at its first meeting after July 1, or earlier if feasible, shall make a final decision concerning election protests, and shall: (BD 138/83/3, BD 139/00/2)
- a. Review the proposed recommendations under principles of substantial evidence and not treat the matter as a new hearing; (BD 138/83/3)
  - b. Judge all issues involved in the protest and how the

issues may affect all offices and all candidates whether or not specifically set forth in the protest; (BD 138/83/3)

- c. The Board of Directors may order a re-election; it may assess the cost of the election either to the Association or the chapter(s) involved; (BD 138/83/3, BD 66/04/3)
- d. The decision of the Board of Directors shall be final and binding on all parties. (BD 54/99/2)

(h) General Council Delegates, Division/Affiliate Offices and Chapter/DLC Offices

- (1) Nonaffiliate election protests shall follow CSEA's protest procedures. (BD 66/04/3)
- (2) Affiliate election protests shall follow their respective protest procedures. (BD 66/04/3)

1301.10 Re-election Process

- (a) Upon order of the Board of Directors for regional re-election, headquarters office shall within 10 days notify all interested parties in writing of the specific action of the Board of Directors. (BD 138/83/3, BD 66/04/3)
- (b) The executive vice president shall be responsible for carrying out the directive of the Board of Directors for re-election of regional officers and division officers. (BD 86/95/4, BD 66/04/3)
- (c) All re-elections, unless otherwise specified by the Board of Directors' action, shall be completed no later than 60 days after the Board of Directors' decision. (BD 138/83/3)
- (d) The affiliate president shall be responsible for carrying out the directive of their respective council's or affiliate's re-election of their chapter/DLC officers and General Council chapter/DLC delegates. (BD 66/04/3)

1302.00 GENERAL COUNCIL ELECTIONS

1302.01 Eligibility for Association Offices

Any active member in good standing is eligible to run for any Association office. Written consent must be given prior to the closing of all nominations. (BD 66/04/3)

1302.02 Association Consent Form

(a) Prior to General Council

The signed consent form shall be delivered to headquarters office not more than 180 days prior to the convening of the general session of the General Council. Headquarters office shall immediately acknowledge receipt of the consent form to the candidate. (BD 66/04/3)

(b) Consent Form at General Council

Within 24 hours of convening the general session of General Council, the signed consent form shall be delivered to the chairperson of the Nominations Committee. (BD 66/04/3)

(c) At General Council

After the convening of the general session of General Council, but prior to the closing of all nominations, the signed consent form shall be delivered to the presiding officer. (BD 66/04/3)

(d) Candidate Consent Form

Members in good standing must complete and sign the following candidate consent form prior to the closing of nominations.

"I \_\_\_\_\_,  
(Print Name) (Chapter/DLC) (Region)

hereby consent to be a candidate for the office(s) checked below and will serve if elected."

Association Officers

- |   |   |
|---|---|
| <input type="checkbox"/> President      | <input type="checkbox"/> Executive Vice President |
| <input type="checkbox"/> Vice President | <input type="checkbox"/> Secretary-Treasurer      |

I acknowledge that it shall be my duty and responsibility to submit to my successor to the office, all books, papers and other property of CSEA or its affiliate in my possession at the close of my official term.

Classification \_\_\_\_\_ SS# or member ID \_\_\_\_\_

Address \_\_\_\_\_  
 (Street) (City) (Zip)

Phone: Work ( ) \_\_\_\_\_ Home ( ) \_\_\_\_\_  
 Cell ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail \_\_\_\_\_  
 (Work) (Personal)

Signature \_\_\_\_\_ Date \_\_\_\_\_

(BD 66/04/3)

1302.03 Candidate Publicity - Association Officers

In order for the candidate to have material concerning his/her candidacy distributed by headquarters office to the delegates of the General Council, the signed candidate statement shall be received in headquarters office at least 90 days prior to the convening of the general session of General Council. (BD 66/04/3)

(a) Distribution of Candidate Material

Material for distribution in the delegates' folder shall be delivered to headquarters office at least 60 days before the convening of the general session of General Council. The material submitted shall be reproduced by CSEA at no cost to the candidate and shall not exceed one page 8-1/2"x 11" in size; both sides of which may be utilized. Material so submitted shall be mailed with the delegates' folder no less than 30 days prior to General Council. Other than as provided herein, no material concerning candidates shall be mailed or distributed by headquarters office, except as provided in the Policy File. (BD 66/04/3)

1302.04 General Council Nominations Committee

(a) Composition

The General Council Nominations Committee shall be composed of one representative from each affiliate who is a General Council delegate appointed by their respective affiliate president. The Association president shall appoint a past president to chair the committee. In the interest of fairness, no person who is a candidate shall serve on the Nominations Committee. (BD 66/04/3)

(b) General Council

- (1) The Nominations Committee shall hold an open meeting at the opening ceremonies of the general session of General Council. This meeting shall be open to all members. The committee may establish rules of order for candidate presentations. (BD 53/88/2, BD 66/04/3)
- (2) The General Council Nominations Committee shall report to the general session of General Council during the opening ceremonies. The committee shall announce the names of all eligible candidates who have filed a consent statement. Campaign materials may not be distributed to the delegates during the nomination procedure. (BD 79/92/3, BD 66/04/3)

(c) Nominations from the Floor

After the Nominations Committee has completed its report, nominations from the floor are in order. (BD 66/04/3)

1302.05 Election of Unopposed Candidates

After nominations have been closed the presiding officer shall call for a motion to declare elected any unopposed candidates. (BD 138/83/3)

1302.06 Introduction of Candidates at General Council

The nominated candidates shall be excused to a nearby room. The presiding officer shall introduce each of the candidates who have filed consent statements. The Nominations Committee will then conduct interviews of the candidates, consisting of four questions prepared by the committee, one from each affiliate member, which have been kept confidential. The candidates shall be introduced and speak in the sequence in which they were placed in nomination. The candidates will be allowed two minutes to respond to each of the four questions, after which each candidate may speak for not more than five minutes. Presentations by candidates shall be timed by an official timekeeper. A 30-second warning shall be given to the speaker and at the conclusion of the allotted time the speaker's microphone shall be ordered turned off by the time-keeper. Following completion of the statements for each office the candidates for that office may return to the General Council floor. (BD 68/88/3, BD 79/92/, BD 95/98/5, BD 66/04/3)

1302.07 Ballots

(a) Time of Balloting

The president shall set a date and time certain for Association officer elections at General Council. The results shall be announced immediately upon completion of the tabulation. If a runoff is necessary, the election shall be conducted immediately. (BD 55/86/2, BD 66/04/3)

(b) Ballot Counting

The counting of the ballots shall be the responsibility of the Election Tellers Committee. (BD 138/83/3)

(c) Confidentiality of Election Results

It shall be the responsibility of the chair of the Election Tellers Committee to maintain confidentiality of the election results until they are announced to the General Council. (BD 138/83/3)

(d) Sequestering of the Election Tellers Committee

After the ballots are tabulated, members of the Election Tellers Committee, staff and all others with a knowledge of the results shall remain sequestered in the counting room and shall not communicate with anyone outside of the room until the election results are announced to the General Council by the chairperson. (BD 138/83/3)

(e) Disposal of Election Materials

All ballot materials shall be secured and retained until the close of General Council. (BD 138/83/3)

1302.08 Election Protest Procedure of Association Officer

A candidate for Association office may protest an election for that office at the general session of General Council. The protestor shall: (BD 138/83/3)

- (a) (1) Seek recognition of the presiding officer, not later than one hour (excluding breaks) after the election results have been announced, for presentation of the protest; (BD 138/83/3)
- (2) Specifically explain the irregularity or procedure violated. (BD 138/83/3)
- (b) The presiding officer shall immediately rule upon the protest and if the



protestor or any candidate for that office disagrees with the ruling of the presiding officer, he/she may challenge the ruling of the chair. (BD 138/83/3)

The presiding officer shall immediately take appropriate action to enact the decision of General Council. (BD 138/83/3)

1302.09 Installation

(a) Association Officers

The installation of elected Association officers shall be on the last day of the general session of General Council, but they shall not assume their duties until the close of General Council. The outgoing president may designate the installing officer. (BD 138/83/3)

(b) Regional Officers

Regional directors and assistant regional directors, upon presentation of satisfactory evidence of being elected, are installed on the last day of the general session of General Council, but they shall not assume their duties until the close of General Council. (BD 10/86/1)

(c) General Council Chapter/DLC Delegates

General Council chapter/DLC delegates, upon presentation of satisfactory evidence of being elected, are installed as the first order of business on the first day of General Council. (BD 25/95/2)

1302.10 Filling of Vacancies

(a) Association Officers

The filling of vacancies among the Association officers shall be in accordance with Bylaws Article IV, Section 8. (BD 138/83/3, BD 59/94/2)

(b) Regional Officers

(1) In accordance with Bylaws Article IV, Section 9, Filling of Vacancies, when it is necessary to fill a vacancy for assistant regional director or assistant regional director-elect, chapter/DLC presidents or their designated representatives shall meet in an open regional meeting called for such purpose by the remaining regional officer, or the executive vice president in the case of election of both regional officers; at

such open regional meeting chapter/DLC presidents or their designated representatives shall vote to fill the vacant regional officer position(s); the presiding officer will: (BD 5/91/1, BD 59/94/2, BD 54/01/2)

- a. Provide for nominations from the floor; (BD 138/83/3)
- b. Provide for a secret ballot of the chapter/DLC presidents or their designated representatives only; (BD 5/91/1, BD 54/01/2)
- c. Provide that in case no candidate receives a majority, there shall be a new ballot limited to the candidates receiving the highest vote, or the candidate receiving the highest vote and the one or more candidates receiving the second highest vote; (BD 5/91/1)
- d. In the event of a tie vote, the executive vice president or the presiding officer shall resolve the tie by lot in the presence of witnesses; (BD 59/94/2)
- e. Immediately notify the Association president of the results of the election. (BD 138/83/3)

- (2) The Association president shall declare the candidate(s) who received the majority vote, or were declared the winner by lot following a tie vote, to be elected. (BD 95/84/3, BD 54/01/2)

(c) General Council Chapter/DLC Delegates

A chapter/DLC with a vacancy in a chapter/DLC delegation of General Council chapter/DLC delegates shall fill the vacancy with an elected chapter/DLC alternate in order of the number of votes received by each alternate, and certify such alternate to the secretary-treasurer of the Association. (BD 25/95/2, BD 66/04/3)

1303.00 RECALL OF REGIONAL OFFICERS

Regional officers may be recalled for cause. (BD 25/95/2)

1303.01 Recall Electorate

Proponents for recall of regional officers must be active members of the chapter/DLC within that region. (BD 86/95/4)

1303.02 Notice of Intent to Recall

Before recall proponents may obtain signatures on a petition, they must send notice of intent to recall to the Association president and to the regional officer being recalled. Within 14 days after the notice is postmarked, the officer may respond in writing to the proponents with a copy to the president. The reasons for recall and the response shall be limited to 200 words each. Any words in excess of 200 in the reasons for recall or the response shall be deleted. (BD 25/95/2, BD 85/98/5)

- (a) A recall may also be initiated by the Board of Directors when a disciplinary action results in a recommendation for removal from office. When so initiated, no petition is necessary and the matter will proceed directly to a vote. (BD 25/95/2)

1303.03 Petition for Recall

Members in the respective regions may petition the Association president at headquarters office to request a recall election for a regional officer. A separate petition, containing valid signatures of at least 25 percent of the members in the region, no more than 30 percent being from any one chapter/DLC, is required for recall of each regional officer being recalled. (BD 25/95/2)

1303.04 Mailing of Petition to Proponent

Within 30 days from the date of receipt of the notice of intent to recall a regional officer, headquarters office shall send the petition form to the proponent for the recall. (BD 25/95/2)

1303.05 Timeliness of Petition

In order to be timely the petition for recall of a regional officer must be received in Association headquarters within 60 days from the date the petition was mailed from Association headquarters pursuant to Section 1303.04. (BD 25/95/2)

1303.06 Content of Petition

The top portion of the petition shall contain the name and office of the regional officer being recalled, a statement of the reasons for recall, and the response of the regional officer being recalled. If no response is made, the petition shall so indicate. The name of each signatory must be printed as well as signed. (BD 25/95/2)

1303.07 Validation of Petition

Within 30 days of receipt of the petition in Association headquarters, the signatures shall be validated by headquarters office staff. (BD 25/95/2)

1303.08 Recall Election Order

Immediately upon validation of the necessary signatures, the president shall order a recall election and the executive vice president shall monitor the election process. (BD 25/95/2, BD 86/95/4)

1303.09 Balloting Process

- (a) No later than 30 days after the recall election order pursuant to Section 1303.08 above, ballots shall be mailed from Association headquarters to all members in the affected region using balloting procedures for regional elections. (BD 25/95/2, BD 86/98/5)
- (b) To be timely the ballots must be received in Association headquarters no later than 30 days from the date of mailing of the ballots from Association headquarters. (BD 25/95/2)
- (c) Ballots shall be counted no later than five days after the deadline for receipt of ballots. The executive vice president shall supervise the counting of the ballots and certify the results. (BD 25/95/52)

1303.10 Vote

An affirmative vote of the majority of valid ballots cast shall be required to recall a regional officer, provided at least 25 percent of the members cast ballots. (BD 84/98/5)

1303.11 Notification

The executive vice president shall be assigned to monitor the election and shall, by registered letter, transmit the results of the recall election to the Association president, the chapter/DLC presidents in the regions, the recall proponent and all of the regional officers. (BD 25/95/2, BD 87/98/5)

1303.12 Filling of Vacancy

Any vacancy created by a valid recall election shall be filled in accordance with Bylaws Article IV, Section 8 (e). (BD 25/95/2)

1304.00 RECALL OF ASSOCIATION OFFICERS

Association officers may be recalled pursuant to Bylaws Article V, Section 1 (d). (BD 49/94/2)

1304.01 Recall Electorate

Proponents for recall of Association officers are limited to General Council delegates or the Board of Directors. (BD 10/93/1)

1304.02 Notice of Intent to Recall

Before recall proponents may obtain signatures on a petition, they must send notice of intent to recall to the Association president, or the executive vice president if the recall is for the president, and to the officer being recalled. Within 14 days after the notice is postmarked, the officer may respond in writing to the proponents with a copy to the president, or the executive vice president if the recall is for the president. The reasons for recall and the response shall be limited to 200 words each. Any words in excess of 200 in the reasons for recall or the response shall be deleted. (BD 10/93/1, BD 82/98/5)

- (a) A recall may also be initiated by the Board of Directors when a disciplinary action results in a recommendation for removal from office. When so initiated, no petition is necessary and the matter will proceed directly to a vote. (BD 10/93/1)

1304.03 Petition for Recall

The General Council delegates may petition the Association president, or the executive vice president if the recall is for the president, at headquarters office to request a recall election for an Association officer. A separate petition, containing at least 300 General Council delegates' signatures, no more than 30 percent being from any one region, is required for recall of each officer. (BD 10/93/2, BD 70/01/2, BD 66/04/3)

1304.04 Mailing of Petition to Proponent

Within 30 days from the date of receipt of the notice of intent to recall an Association officer, headquarters office shall send the petition form to the proponent for the recall. (BD 10/93/2)

1304.05 Timeliness of Petition

In order to be timely the petition for recall of an Association officer must be received in Association headquarters within 60 days from the date the

petition was mailed from Association headquarters pursuant to Section 1302.04. (BD 10/93/1, BD 59/94/2)

1304.06 Content of Petition

The top portion of the petition shall contain the name and office of the officer being recalled, a statement of the reasons for recall, and the response of the officer being recalled. If no response is made, the petition shall so indicate. The name of each signatory must be printed as well as signed. (BD 10/93/1)

1304.07 Validation of Petition

Within 30 days of receipt of the petition in Association headquarters, the signatures shall be validated by headquarters office. (BD 10/93/1, BD 59/94/2)

1304.08 Recall Election Order

Immediately upon validation of the necessary signatures, the president or the executive vice president if the recall is for the president, shall order a recall election and assign an officer to monitor the election process. (BD 10/93/1, BD 36/96/2)

1304.09 Balloting Process

- (a) No later than 30 days after the recall election order pursuant to Section 1304.08 above, ballots shall be mailed from Association headquarters to all General Council delegates using balloting procedures for regional elections. (BD 10/93/1, BD 59/94/2)
- (b) All ballots must be received in Association headquarters no later than 30 days from the date of mailing of the ballots from Association headquarters. (BD 10/93/1, BD 59/94/2)
- (c) Ballots shall be counted no later than five days after the deadline for receipt of ballots. The officer assigned shall supervise the counting of the ballots and certify the results. (BD 10/93/1)

1304.10 Vote

An affirmative vote of the majority of valid ballots cast shall be required to recall an elected Association officer, provided a quorum of General Council delegate votes are cast (which affirmative votes also constitute a majority of the required quorum). The quorum required is that required at a regular session of the General Council. (BD 10/93/1)

1304.11 Notification

The officer assigned to monitor the election shall, by registered letter, transmit the results of the recall election to the Association president, or the executive vice president if the recall is for the president, the recall proponent, and the officer who is the subject of the recall election. (BD 10/93/1)

1304.12 Filling of Vacancy

Any vacancy created by a valid recall election shall be filled in accordance with Bylaws Article IV, Section 9. (BD 10/93/1, BD 59/94/2)

1305.00 RECALL OF GENERAL COUNCIL CHAPTER/DLC DELEGATES

General Council chapter/DLC delegates may be recalled as provided by the division/affiliate policies and procedures. (BD 25/95/2, BD 40/98/3, BD 66/04/3)

1305.01 Recall Electorate

Proponents for recall of General Council chapter/DLC delegates must be active members of their respective division/affiliate, and must comply with division/affiliate policies and procedures regarding recall process. (BD 40/98/3, BD 66/04/3)

1305.02 Notice of Intent of Recall of Affiliate Delegate to General Council

Before recall proponents may obtain signatures on a petition, they must send notice of intent to recall to the affiliate president, chapter/DLC president and the delegate being recalled. Within 14 days after the notice is postmarked, the delegate may respond in writing to the proponents with a copy to the affiliate president and the chapter/DLC president. The reasons for recall and the response, if any, shall be limited to 200 words each and shall be mailed with the ballot. All words in excess of 200 shall be deleted. (BD 40/98/3, BD 74/00/2, BD 66/04/3)

- (a) A recall may also be initiated by the affiliate board when a disciplinary action results in a recommendation for removal from office. When so initiated, no petition is necessary and the matter will proceed directly to a vote. (BD 40/98/3, BD 66/04/3)

1305.03 Balloting Process

The balloting process must be in compliance with affiliate policies and procedures. (BD 66/04/3)

1305.04 Votes

Voting must be in compliance with affiliate election policies and procedures. (BD 66/04/3)

1305.05 Notification

Notification must be in compliance with affiliate policies and procedures. (BD 66/04/3)

1305.06 Filling of Vacancy

Any vacancy created by a valid recall election shall be filled in accordance with Bylaws Article X, Section 5. (BD 40/98/3)

1306.00 REMOVAL OF GENERAL COUNCIL CHAPTER/DLC DELEGATES

The removal of General Council chapter/DLC delegates must be in compliance with affiliate policies and procedures. (BD 66/04/3)

1307.00 ELECTION CONDUCT FOR CSEA GENERAL ELECTION

1307.01 Prohibited Activities and Conduct

The following code of conduct and prohibited activities shall apply to elections for all Association offices. (BD 155/85/5, BD 72/00/2, BD 66/04/3)

- (a) Candidates and members are prohibited from using obscene or untrue statements. (BD 155/85/5, BD 72/00/2, BD 66/04/3)
- (b) Candidates and members shall not encourage Association voters to base their judgments on considerations of race, color, sex, religion, occupation, national origin, sexual orientation, ancestry, disability or age. (BD 155/85/5, BD 72/00/2, BD 66/04/3)
- (c) The Association, divisions/affiliates and chapters/DLCs may not use members' dues to contribute to or support a candidate for any Association, division, affiliate or chapter/DLC office. (BD 23/00/1, BD 72/00/2, BD 66/04/3)
- (d) The Association, divisions/affiliates, chapters/DLCs and members shall not use Association, division/affiliate or chapter/DLC equipment such as, but not limited to, telephones, fax machines, and computers for the purpose of supporting or opposing a candidate for an elected position in the Association. (BD 55/01/2, BD 66/04/3)



1307.02 Violations

- (a) A candidate for an Association office may file a protest for that office with the Association's president or designee concerning violations of prohibited activities and conduct. Such protests shall be immediately referred by the president to a hearing panel selected from a hearing panel pool. The hearing panel shall immediately review the protest, and upon a finding by the hearing panel upholding the protest, the following actions shall take place: (BD 155/85/5, BD 89/94/3, BD 88/98/5, BD 72/00/2, BD 66/04/3)
  - (1) If the protest concerns the conduct of a candidate, the candidacy of the member may be terminated. (BD 155/85/5, BD 89/94/3, BD 72/00/2)
  - (2) Charges shall be filed under Division 10 of the Policy File seeking disciplinary action. (BD 155/85/5, BD 72/00/2)
- (b) If the activities continue after being notified of the hearing panel's findings, the Board of Directors may suspend the member from the Association, pursuant to Division 10 of the Policy File. (BD 59/94/2, BD 72/00/2, BD 66/04/3)

1308.00 ELECTIONS FOR DELEGATES AND ALTERNATES TO SEIU INTERNATIONAL CONVENTION

Rank-and-file affiliates shall elect their delegates to the Service Employees International Union convention. (BD 41/96/2, BD 72/00/2, BD 66/04/3)

1308.01 Establishment of Rules

Elections for delegates to the SEIU convention shall be held in accordance with the affiliate election policies and procedures. (BD 41/96/2, BD 20/97/2, BD 62/99/2, BD 72/00/2, BD 66/04/3)

1308.02 Computation of Time

When the last day for performance of any act required by this election code falls upon a Saturday, Sunday or holiday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed. (BD 41/96/2, BD 72/00/2)

1308.03 Electorate

The electorate is all of the members in the rank-and-file affiliates. (BD 41/96/2, BD 72/00/2, BD 66/04/3)

1308.04 Time of Election

The election shall be held at least 90 days prior to the date of the Service Employees International Union convention and western conference. (BD 41/96/2, BD 20/97/2, BD 72/00/2)

1308.05 Eligibility for Office

Eligibility for office must be in compliance with affiliate policy and the SEIU constitution and bylaws. (BD 66/04/3)

1308.06 Candidate Consent Form

A signed consent form must be in compliance with affiliate policies and procedures. (BD 41/96/2, BD 72/00/2, BD 66/04/3)

1308.07 Prohibited Activities by CSEA Staff

CSEA staff are prohibited from advocating for or against candidates for any Association or affiliate elective office. No employee shall be required to render service in support or opposition of any particular candidate for any Association or affiliate elective office. (BD 66/04/3)

## DIVISION 14: ASSOCIATION LIABILITY

### 1401.00 INDEMNIFICATION FROM LIABILITY

#### 1401.01 Indemnification

Consistent with corporate law, the Association shall indemnify and defend the officers, directors, members and staff when acting as agents of the corporation (California State Employees Association, a nonprofit corporation) from any and all claims and liabilities arising from acts or omissions that are in full accord with the stated principles and policies of the Association. The payment of any claim or liability under the Policy File section shall require authorization of the Board of Directors and is subject to the availability of funds except, however, that the indemnification of directors under this section shall satisfy the requirements of corporate law. Indemnification and defense by the Association of members of affiliates shall be secondary to that provided by the affiliate. (BD 195/80/5, BD 123/00/2, BD 12/05/1)

## DIVISION 15: MEMBER BENEFIT PROGRAMS

### 1501.00 PROGRAM OBJECTIVES

#### 1501.01 Benefit Programs for Association Members

The Association may provide, sponsor or endorse benefit programs for its members which are not directly related to their employment. These are referred to as member benefit programs. The object of such programs is to provide members (through the members, their families) tangible benefits at a reduced cost which results from the purchasing advantage of the Association. (BD 265/69/4, BD 251/74/3, BD 59/94/2)

### 1502.00 PROGRAM SELECTION GUIDELINES

#### 1502.01 Review of Programs

- (a) Member benefit programs shall not be sponsored or endorsed by the Association unless reviewed and approved by the Board of Directors when in session or by the Executive Committee. (BD 84/82/3, BD 59/94/2)
- (b) Any division/affiliate seeking benefits for its members must refer the program to the Member Benefits Committee for review prior to seeking approval of the Board of Directors or the Executive Committee. (BD 4/88/1, BD 59/94/2)
- (c) Input from the members on the insurance programs shall be solicited and reviewed by the Member Benefits Committee prior to seeking approval of the program by the Board of Directors or the Executive Committee. The Member Benefits Committee may seek this input by holding its committee meetings in four different areas of the state. The committee may, at its discretion, adopt other methods of seeking member input in addition to the four meetings. (BD 101/03/5)

#### 1502.02 Program Development Services

In the absence of programs offered cooperatively, the Association may sponsor or endorse such programs. The Association may be reimbursed for services rendered in the development and maintenance of such programs. No Association member or staff shall accept or receive bonuses, rebates or gratuities of any kind or value. (BD 84/82/3, BD 99/03/5)

#### 1502.03 Membership Recruitment

Association membership must be a prerequisite for participation in any member benefit program sponsored or endorsed by the Association. There

must be a provision for at least annual verification of those participating to determine membership. (BD 276/69/4, BD 251/74/3)

- (a) The Association shall actively pursue the termination of any benefit being received by a nonmember where membership is required. (BD 50/92/2)

1502.04 Liability Protection

The Association must be absolutely protected from any liability as the result of sponsorship or any membership benefits program and as the result of any services that the Association might render in connection with that sponsorship or endorsement. (BD 84/82/3)

1502.05 Profits

- (a) Nonprofit Status

The nonprofit corporate status of the Association must be preserved. (BD 84/82/3, BD 42/06/2)

- (b) Staff or Member Profits

Association members and staff are prohibited from profiting in any way from a member benefit program. (BD 10/86/1)

1502.06 Services by Headquarters

Services of any type furnished by headquarters office are to be paid for at the current rate for time and use of facilities. (BD 225/66, BD 251/74/3)

1502.07 Quality Goods and Services

Goods and services offered must be name brands or of comparable quality. (BD 255/66, BD 251/74/3)

1502.08 Records of Operating Firms

Records of the operating firms relating to the Association must be available for periodic review by qualified accounting firms authorized by the Board of Directors. (BD 84/82/3)

1502.09 Programs as Incentives

Member benefits which are developed for the purpose of providing

incentives to join the Association and which require establishment of contractual relationships between the Association and the vendors or providers of such member benefits, are in the area of member benefits. (BD 84/82/3)

1502.10 Competitive Bidding Guidelines

Upon the adoption of a new program, and at other times as the Board of Directors deems appropriate, Association-sponsored member benefit programs shall be subject to competitive bidding under guidelines established by the Board of Directors. The programs shall meet the following criteria: (BD 84/82/3)

(a) Needs

- (1) Ascertain that the program would serve to attract members into the Association and would help to preserve membership volume; (BD 209/76/4)
- (2) Ascertain that the program meets a need consistent with the Association's overall philosophy. (BD 84/82/3)

(b) Qualifications of Bidders

- (1) Must be licensed to do business by the proper governmental jurisdiction; (BD 185/73/3, BD 251/74/3)
- (2) Must have the ability, resources and facilities to provide adequate service; (BD 185/73/3, BD 251/74/3)
- (3) Must have been in business and providing allied services or merchandise for not less than three years; (BD 185/73/3, BD 251/74/3)
- (4) Must furnish satisfactory evidence of current financial stability and be willing to provide a performance bond, if selected, naming Association as obligee; (BD 84/82/3)
- (5) Must maintain good labor relations. (BD 85/85/4)

(c) Solicitation of Bids

- (1) Send a promotional letter and "Questionnaire for Dealers" to at least three dealers whenever possible; (BD 10/86/1)
- (2) Request a Better Business Bureau Report upon receipt of the completed questionnaire and proposal. (BD 10/86/1)

(d) Procedure for Ranking and Awarding Bids

Staff shall use the following procedures: (BD 10/86/1)

- (1) Review all proposals and completed questionnaires for completeness and compliance with qualifications and specifications; (BD 185/73/3, BD 251/74/3)
- (2) Evaluate reports from the Better Business Bureau to check stability and good customer relations of acceptable bidders; (BD 209/76/4)
- (3) Submit recommendations to the Member Benefits Committee for review; (BD 10/86/1)
- (4) The Member Benefits Committee, after consideration of all bids and the recommendations of headquarters, submit its recommendations to the Board of Directors with specific reasons for their choice; (BD 10/86/1)
- (5) The Board of Directors designate the winning bids with justification for its choice. (BD 10/86/1, BD 56/01/2)

(e) Merchandising Program

- (1) Once established, the program shall be actively promoted and endorsed by the Association, its officials and staff; (BD 10/86/1, BD 56/01/2)
- (2) A directory lists all participating dealers statewide; (BD 10/86/1)
- (3) Dealers advertise in Association publications to the maximum degree consistent with sales potential; (BD 10/86/1)
- (4) Dealers merchandise their products or services via direct mail through Association mailing list and facilities, at the dealers' expense. (BD 10/86/1)

(f) Grievance Procedures

- (1) The Association maintains contact with all contracting dealers to ensure that service is satisfactory; (BD 10/86/1, BD 18/05/1)
- (2) Members to be advised that all grievances should be in writing to the dealer with a copy to the Association; (BD 10/86/1, BD 18/05/1)

- (3) The dealer handles or settles all complaints within a reasonable time and will notify the Association of their action. (BD 10/86/1, BD 18/05/1)
- (4) The benefits manager will review quarterly with the Member Benefits Committee, all grievance/complaint resolutions. (BD 18/05/1)

1503.00 PROGRAM PLANS AND ADMINISTRATION

1503.01 Proposed Changes in Insurance and Benefit Plan Contracts

Any proposed change in a contract by any carrier or plan provider must be presented to the Member Benefits Committee for analysis and recommendation to the Board of Directors. (BD 180/75/4)

1503.02 Notification of Change in Insurance Contract

When there is a negotiated change in any insurance contract affecting coverage, participants shall be notified prior to the effective date. Such notification shall be first reviewed by headquarters office to make certain that the wording meets the intent of the Board of Directors. (BD 180/75/4)

1503.03 Excess Reserve

If, upon annual review of all Association-sponsored insurance or related benefit plans by the headquarters staff and the Member Benefits Committee, excess reserves are determined to have accumulated in any plan, such excess shall be returned to the subscribers in a plan so identified within the following contract year in a manner to be determined by the Board of Directors. (BD 50/92/2)

1503.04 Disability Income Protection Plans

- (a) Any contract signed for disability income protection plan which includes different waiting periods, shall be rated on the different waiting periods. (BD 50/92/2)
- (b) The Association shall establish and maintain disability income protection plans in accordance with standards set by the Board of Directors. (BD 50/92/2)
- (c) Until the state pays all or substantially all of the cost of disability income protection plans, such plans shall not consider sick leave when designating the elimination periods. (BD 50/92/2)



1503.05 Member Benefit Review Board

(a) Composition of Board

It is recommended that the Member Benefits Committee chairperson, the vice president and the president should constitute the review board. (BD 10/86/1)

(b) Inquiries and Grievances

Members are urged to channel unresolved problems and complaints to headquarters office. (BD 202/74/3, BD 209/76/4, BD 18/05/1)

(c) Contract Disputes

Headquarters office is the clearing house for disputed claims or underwriting problems arising out of Association contracts excepting those health benefits plans for which a procedure has been established under the Meyers-Geddes Act. (BD 84/82/3)

(d) Subject Matter for Review

Matters referred to the review board shall include, but not be limited to:

- (1) Those matters the headquarters office finds appropriate; (BD 383/67, BD 209/76/4)
- (2) Those matters in which the claimant desires to appeal the decision of headquarters office and makes the request in writing. (BD 84/82/3)

(e) Conflict of Interest

Any member of the review board who may have a conflict of interest shall be excused from participation on the review board. (BD 209/76/4)

(f) Aggrieved Member

The aggrieved member has the option of appearing before the review board. (BD 209/76/4)

(g) Board Decisions

Decisions of the review board shall be controlling on headquarters office and the member, subject to the right of appeal to the Board of Directors. (BD 209/76/4)

1503.06 Unsolicited Member Benefit Proposals

Unsolicited proposals for member benefits received from outside insurance companies or service organizations shall be evaluated by headquarters office; those proposals of significant merit shall be forwarded to the Member Benefits Committee for review and report to the Board of Directors. (BD 50/92/2)

1503.07 Actuarial Evaluation

The Association consulting actuary shall review all benefit plans and report on each with recommendations; these reports shall be submitted to headquarters office for review by the appropriate committee at its meeting prior to, but in sufficient time to report to, the last Board of Directors meeting each year. (BD 2/91/1)

- (a) Actuarial evaluations of Association-sponsored life insurance plans shall be based on experience by age groups disregarding status of employment (active vs retired). (BD 84/82/3)

1504.00 DIVISION/AFFILIATE PLANS

1504.01 Guidelines

Divisions/affiliates may not offer member benefit programs to their members and families unless first reviewed by the Member Benefits Committee with final approval by the CSEA Board of Directors. No plan may be offered which is in competition with programs sponsored or endorsed by the Association. If the Association subsequently offers a similar program, the division/affiliate program shall be discontinued. The Member Benefits Committee will make every effort to transition members on the division/affiliate plan to the Association plan. (BD 103/03/5)

- (a) Approved division/affiliate member benefit programs may only have mailings made to their members through headquarters office, subject to the following requirements: (BD 103/03/5)
- (1) Reviewed by Member Benefits administrator and approved by the vice president. (BD 103/03/5)
  - (2) Division/affiliate-sponsored programs must have the written

approval of the division director/affiliate president; (BD 103/03/5)

- (3) The notice to the members shall be printed on Association letterhead (without headquarters address or board members' names) and, shall identify the respective division/affiliate in the letterhead; (BD 103/03/5)
- (4) The notice shall include the following statement:  
  
All costs associated with this mailing are borne by the advertiser and Association membership lists or labels have not been released to the company; (BD 84/82/3)
- (5) The material must be received by headquarters at least ten working days prior to the proposed mailing date; (BD 45/75/2, BD 111/76/3)
- (6) All mailings should comply with Division 2 of Part III of the Policy File. (BD 84/82/3, BD 59/94/2, BD 57/01/2)

(b) Sponsored member benefit plans should, as a minimum, meet the following requirements: (BD 215/76/4)

- (1) The vendor must be licensed to do business in the state of California; (BD 215/76/4, BD 18/05/1)
- (2) The product or service must be anticipated to be used by a significant number of the members; (BD 216/76/4)
- (3) The vendor must have been in this business for at least three years; (BD 215/76/4)
- (4) There must be no significant complaints filed with the Better Business Bureau or the "bunco" unit of the local law enforcement agency; i.e., the vendor's "track record" for service must be good; (BD 215/76/4)
- (5) The service or product must be of better quality and/or price than that generally available to the public. (BD 215/76/4)

(c) A disclaimer must be included with every such offer indicating that the product and/or service quality is the sole responsibility of the vendor. (BD 103/03/5)

1505.00 DISCOUNTS AND GROUP PURCHASE OFFERS

1505.01 Dissemination to Members

Proposals for entertainment, merchandise, lodging, auto rentals or other offers to Association members at a discount shall, after review by headquarters staff and approval by the vice president that the offer appears to be of merit, be disseminated to members by: (BD 84/82/3)

- (a) Distribution of information to regional directors and chapter presidents; (BD 121/80/4)
- (b) Listing of the information in the supplement to the member benefits booklet; (BD 121/80/4)
- (c) Other methods as determined by staff. (BD 121/80/4)

Other than staff time required in review of the programs, costs of advertising the programs are to be borne by the sponsoring organization. (BD 121/80/4)

## DIVISION 16: REPRESENTATION AND AFFIRMATIVE ACTION

### 1601.00 REPRESENTATION POLICY

#### 1601.01 Scope of Representation

Representation is the means by which the Association, through its divisions/affiliates, makes its respective resources available in order to ensure a fair and full review of any infringement of state employees' rights and to obtain for them the realization of benefits to which they may be entitled by reason of being a state employee. (BD 56/80/2, BD 13/05/1)

#### 1601.02 Attorney-Client Relationship

The Association does not practice law nor solicit matters requiring legal services. It does employ staff attorneys whose services are made available in accordance with the representation policies of the divisions/affiliates. (BD 56/80/2, BD 13/05/1)

### 1602.00 AFFIRMATIVE ACTION

#### 1602.01 Policy

- (a) The Association shall support affirmative action and as such prohibit discrimination in its employment based on race, color, sex, religion, national origin, sexual orientation, gender identity, ancestry, disability or age. (BD 50/92/2, BD 13/05/1)
- (b) The Association shall enforce and pursue the development of affirmative action programs and laws to strengthen the implementation and enforcement of existing civil rights and affirmative action legislation. (BD 50/92/2)
- (c) The Association shall maintain compliance with the letter and intent of appropriate federal and state laws. (BD 50/92/2, BD 13/05/1)
- (d) The duties of the affirmative action coordinator, if employed by the Association, shall include but not be limited to the following: (BD 50/92/2, BD 13/05/1)
  - (1) Receive copies of all cases of discrimination that the Association is involved with and to ensure that members receive full representation; (BD 50/92/2, BD 59/94/2)
  - (2) Review all state affirmative action programs and monitor the state in its compliance with them as mandated by law; (BD 50/92/2)

- (3) Monitor the Association in its compliance with affirmative action policy as set forth in this section; (BD 50/92/2)
- (4) Develop and implement a program to instill sensitivity and understanding in the Association's staff, stewards and representatives who are assigned to represent members in discrimination matters; and (BD 50/92/2)
- (5) Make quarterly reports to the Board of Directors on the Association's performance of representation and to make recommendations consistent with the findings in view of the performance. (BD 50/92/2)

## DIVISION 17: RELATIONS WITH OTHER ORGANIZATIONS

### 1701.00 RELATIONSHIPS WITH OTHER ORGANIZATIONS

#### 1701.01 Coalitions

The Association believes that the unity of state employees in their common interest in improving the conditions of their working lives greatly outweighs any organizational differences between them. The Association will extend the hand of fellowship to other organizations of state employees who wish to join in an effort to win maximum bargaining gains for all employees. The Association will seek to establish relationships with other organizations which will provide a maximum of self-determination in respect to all matters within the scope of negotiations. (BD 16/88/1, BD 50/88/2, BD 59/94/2)

#### 1701.02 Joint Certification

The Association may join together with other employee organizations to form joint councils for the purpose of joint certification of bargaining units, formation of collective bargaining programs, coordination of collective bargaining between different bargaining units, negotiation of statewide agreements, pooling of resources, strengthening the bargaining position of members with the state, organizing the unorganized and for such purposes that may be consistent with the objectives of the Association. (BD 163/78/5, BD 59/94/2)

### 1702.00 STATE OR LOCAL LABOR ACTIVITIES

Support or endorsement of labor actions of a widespread or statewide nature by any labor organization must be approved by the Board of Directors, or Executive Committee between meetings of the Board of Directors, and support or endorsement of labor actions of a regional or local nature by any labor organization must be approved by the regional director and the chapter presidents. (BD 157/85/5, BD 59/94/2)

### 1703.00 CENTRAL LABOR COUNCILS

#### 1703.01 Chapters

Chapters may negotiate to join an area Central Labor Council and shall pay any per capita tax agreed upon directly, except as provided in Policy File Section 1704.00. (BD 83/94/3)

### 1704.00 MONETARY CONTRIBUTIONS

The president, with the concurrence of the secretary-treasurer, may make

monetary contributions, within the limits of the budgetary allocation for such contributions, to organizations with a relationship to organized labor, senior advocacy organizations or to California state employee organizations not in competition with the Association. Contributions in excess of \$500 to any organization in a calendar year require the advance approval of the Board of Directors. (BD 46/88/2, BD 59/94/2)



DIVISION 18: LEGISLATION AND POLITICAL ACTION

1801.00 LEGISLATIVE AND POLITICAL PROGRAM

1801.01 Legislative and Political Activities

The Association's legislative and political activities are carried out in accordance with rules and standards adopted by the Board of Directors. In carrying out each activity, the Board of Directors, Executive Committee and Governmental Affairs Committee have responsibilities as set forth in the Bylaws and Policy File. (BD 79/03/2, BD 32/04/2).

1802.00 GOVERNMENTAL AFFAIRS COMMITTEE DUTIES ON LEGISLATION

Under authority delegated by the Board of Directors, the committee determines relative priorities of Association legislation and the position action on other legislation in the interest of the Association. (BD 79/03/2, BD 32/04/2)

The committee shall meet 90 days prior to the beginning of each new legislative session to allow the Governmental Affairs Committee and staff ample time to review division/affiliate legislative proposals and locate legislative sponsors. The committee shall meet at other times to establish the legislative program for Board of Directors approval. The program shall include items as mandated under the Bylaws and other items as the committee finds to be politically and economically productive. These items shall come from those recommended by the General Council, Board of Directors and divisions/affiliates. (BD 79/03/2, BD 32/04/2)

1802.01 Political Endorsements

Candidates for political office may be endorsed by the General Council when in session, or by the Board of Directors. The Governmental Affairs Committee may recommend such endorsements if it determines such a position is in the best interest of the Association. Political office shall be defined as, but not limited to: County Central Committee, City Council, County Supervisor, elected school boards, CalPERS Board of Administration, state Assembly, state Senate, state constitutional office, United States Senate, House of Representatives, the Vice President, and President of the United States of America. (BD 32/04/2)

- (a) The following standards shall govern the process for endorsement by the Association. Exceptions may be made for candidates seeking federal office or for candidates based on previous Association endorsement or voting record. (BD 32/04/2)

Candidates seeking Association endorsement shall: (BD 32/04/2)

- (1) Fill out a candidate questionnaire prepared by Governmental Affairs staff and submit their responses before a candidate interview may be scheduled. (BD 32/04/2)
- (2) Candidates seeking Association endorsement shall participate in a candidate interview with a panel comprised of Association members from each division/affiliate. (BD 32/04/2)

1802.02 Position on State and Local Ballot Measures

The Governmental Affairs Committee may recommend endorsements on state and local ballot measures if it determines such positions are in the best interest of the Association. (BD 32/04/2)

(a) Association Position on Ballot Measures

The following standards shall govern action by the Board of Directors in considering the establishment of an Association position in regard to state and local ballot measures: (BD 158/74/2, BD 50/95/3, BD 32/04/2)

- (1) An Association position may be considered on state and local ballot propositions before, during or after qualification of such a ballot measure; (BD 32/04/2)
- (2) Ballot propositions shall be studied by the Governmental Affairs Committee staff which shall evaluate and prepare recommendations for consideration by the Governmental Affairs Committee and Board of Directors. The Board of Directors may consider ballot propositions without prior recommendation of the Governmental Affairs Committee. (BD 32/04/2)
- (3) Subject to the definitions contained in Division 1 of the Policy File, the following positions may be taken: (BD 158/74/2, BD 59/94/2, BD 50/95/3, BD 32/04/2)

No position  
 Sponsor  
 Endorse  
 Oppose  
 Oppose publicly

(b) Limitation on Ballot Measures

No officer, region, chapter/DLC, committee, group, division, affiliate,

member or employee by act or intent shall take a position in an official or unofficial capacity as a representative of the Association on a state ballot measure which implies support or opposition by the Association to the state ballot measure unless approval be first obtained from the General Council when in session or from the Board of Directors if General Council is not in session. (BD 10/00/1)

1802.03 Financial Support

(a) Authorization of Yearly Expenditures

Annually the Board of Directors in executive session shall authorize maximum political contributions and independent expenditures based on, but not limited to, the following categories: state constitutional offices, legislative office, ballot propositions and local government offices as defined above. (BD 32/04/2)

(b) Independent Expenditures

The Executive Committee may authorize additional independent expenditures or contributions on behalf of Association-endorsed candidates. Determinations of financial support shall comply with all applicable state, local and federal campaign finance laws. (BD 32/04/2)

(c) Recruitment for CMAC Membership

All Association members and new members shall be encouraged to join CMAC and other division/affiliate specific political activity funds, e.g., SEIU COPE. (BD 32/04/2)

The form used to authorize payroll deduction for CMAC, as required by state law, shall read substantially as follows: (BD 94/98/5, BD 32/04/2)

CMAC POLITICAL ACTION PAYROLL DEDUCTION  
AUTHORIZATION

I, (employee name), hereby authorize and direct the state controller (or CalPERS) to deduct out of each paycheck (or retirement check) the sum of \$\_\_\_\_\_, and forward this amount monthly to the California State Employees Association political action fund (CMAC). (BD 94/98/5, BD 32/04/2)

I understand that this political activity amount will be added to my present dues deduction. This authorization will remain in effect until cancelled by me or CSEA, and I understand cancellation of my CSEA

membership will terminate both my political activity and dues deductions. (BD 32/04/2)

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(Employee's Signature)

(Date)

1802.04 Procedures for Candidate Interviews

(a) Interview Procedures for Local Government and Legislative Office

- (1) The Governmental Affairs Committee and staff will coordinate with divisions/affiliates on developing a candidate questionnaire and assist in conducting candidate interviews. (BD 32/04/2)
- (2) The Governmental Affairs Committee and staff shall coordinate with each regional director and division/affiliate director to assist in the process of appointing one representative per division/affiliate to sit on candidate interview panels. Each panel should be composed of 5 members: one from each division/affiliate if possible, and the regional director or assistant regional director from that region. Each panel member will have one vote in determining endorsement recommendations for the Governmental Affairs Committee. (BD 32/04/2)
- (3) The regional director and division/affiliate representatives should invite area chapter/DLC presidents and area CMAC members to observe the interview process. (BD 32/04/2)

(b) Interview Procedures of Candidates for Constitutional Office

The Governmental Affairs Committee and the Executive Committee may jointly conduct interviews of candidates for constitutional offices and make recommendations to the Board of Directors. (BD 50/95/3)

1803.00 POLITICAL ACTIVITY FUND

1803.01 Use of Funds

The CMAC political activity fund shall be used for, but not limited to the following: (BD 32/04/2)

- (a) Campaign contributions made in accordance with all applicable state and local campaign finance laws; (BD 32/04/2)
- (b) Political action training; (BD 32/04/2)

- (c) Activities in connection with the accounting and reporting requirements of the Fair Political Practices Commission (FPPC) and the Office of the Secretary of State; (BD 207/80/5, BD 32/04/2)
- (d) Printing and mailing costs associated with the campaigns of endorsed candidates or ballot propositions; (BD 32/04/2)
- (e) Authorized expenses incurred by campaign volunteers consistent with Association policy. (BD 32/04/2)

1803.02 Improper Use of CMAC Fund

The political activity fund shall not be used for:

- (a) The support of the normal activities of Association staff; (BD 103/82/3, BD 50/95/3, BD 32/04/2)
- (b) Operations of the Governmental Affairs Committee in carrying out duties described in Policy File Section 1801.01. (BD 119/83/3, BD 50/95/3, BD 40/96/2)

1803.03 Accounting

A quarterly accounting shall be given to the Board of Directors and an accounting shall be submitted to each regular session of the General Council. (BD 77/87/4, BD 12/90/1, BD 50/95/3, BD 33/96/2, BD 79/03/2, BD 32/04/2)

1803.04 Political Events

The president, chairperson of the Governmental Affairs Committee and the Governmental Affairs staff shall coordinate with regional directors and division/affiliate officers to select members to participate at political events. Local member activists and campaign volunteers shall be given priority in selection. (BD 32/04/2)

1804.00 POLITICAL ACTION TRAINING

The Governmental Affairs Committee and staff shall coordinate with division/affiliate leadership on needs for political action training. Regional directors and chapter/DLC presidents may request training be provided at their regular meetings during an election year. (BD 32/04/2)

1805.00 ASSOCIATION MEDIA

1805.01 Publicity of Endorsed Candidates and Ballot Measures

Association media shall be used to promote the election of a candidate or passage of a ballot measure endorsed by the Association. (BD 32/04/2)

## DIVISION 19: RELATIONS WITH FEDERAL GOVERNMENT

### 1901.00 RELATIONS WITH FEDERAL LEGISLATORS

#### 1901.01 Liaison with Federal Legislators

The Association shall establish liaison with appropriate federal legislators and provide a copy of Association and division/affiliate publications to members of Congress representing the State of California. Chapter/DLCs and regions shall be provided with mailing lists which include home and Washington, D.C. addresses of members of Congress upon request. (BD 51/94/2, BD 72/03/2)

Insofar as possible, the Association will conduct its advocacy with the federal government through its affiliation with SEIU and COPE. (BD 51/94/2)

#### 1901.02 Political Action with Federal Legislators

- (a) The Association shall take aggressive action on programs and activities that affect state employees due to federal funding of certain state departments. (BD 50/92/2)
- (b) The Association shall monitor and take such action as is necessary on national legislation that could affect state employees. (BD 50/92/2)
- (c) All units and individuals within the Association are encouraged to use their individual and collective abilities in support of the Association's activities at the federal level. (BD 50/92/2)

#### 1901.03 Authorization of Expenditures of Funds

A budget shall be established with sufficient funds to carry out the programs and activities that relate to federal legislation and federal legislators. (BD 50/92/2)

## DIVISION 20: CALIFORNIA STATE EMPLOYEES' BUILDING CORPORATION

### 2001.00 BOARD OF DIRECTORS

#### 2001.01 Candidates

Each year the president shall appoint from the active membership of the Association a candidate for election to the State Employees' Building Corporation Board of Directors. Representatives shall serve three-year overlapping terms. (BD 50/92/2, BD 59/94/2)

#### 2001.02 Vacancy

An unscheduled vacancy of an Association representative on the Board of Directors of the State Employees' Building Corporation shall be filled by an appointment by the president from among the active membership of the Association to serve the unexpired term subject to disaffirmation by the Board of Directors of the Association. (BD 35/77/2, BD 73/03/2)

### 2002.00 REPORTS

The Association's senior member on the Building Corporation Board of Directors shall report semi-annually to the president and the Board of Directors; and annually to the Fiscal Committee, prior to the preparation of the annual budget; and to General Council members prior to each General Council. (BD 50/92/2, BD 73/03/2)

### 2003.00 DUTIES

The Association representatives on the State Employees' Building Corporation shall act for the Association on all matters before the corporation. The representatives shall make recommendations to the Board of Directors regarding space needs and the methods for acquiring the space. Real property transactions shall not be made without approval of the Board of Directors. (BD 50/92/2, BD 59/94/2)



## DIVISION 21: ASSOCIATION COMMUNICATIONS

### 2101.00 AGENDAS

#### 2101.01 Board of Directors Meetings

Headquarters office shall mail by first class mail to each chapter president, free of charge, one copy of the board agenda at the same time and in the same manner they are sent to the Board of Directors. The agenda, with all available background material, shall be placed in the mail, or other delivery service, at least 14 days prior to the meeting. A copy of the agenda shall be posted on the CalCSEA website at the same time as the agenda is mailed to chapter presidents and board members. (BD 50/92/2, BD 59/94/2, BD 96/02/5)

#### 2101.02 Executive Committee Meetings

All members of the Board of Directors, assistant regional directors, deputy division directors, committee chairs, chapter presidents and council chairs shall receive a printed agenda at least seven days prior to meetings of the Executive Committee except for emergency meetings. Only directors need to be informed, by any means practical, of emergency meetings. (BD 110/82/3, BD 59/94/2)

#### 2101.03 Committee and Other Statewide Meetings

Copies of agendas for all statewide Association meetings shall be sent by first class mail or its equivalent to all members of the Board of Directors, assistant regional directors, deputy division directors, chapter presidents, committee chairs, council chairs and past state presidents at least 15 calendar days prior to the date of each meeting. Backup material to agenda items will be available to any member of the Association prior to a statewide meeting providing the member has requested same, in writing, at least 15, but not more than 30 days prior to such meeting. (BD 50/92/2, BD 59/94/2, BD 41/98/3, BD 138/00/2)

All matters to be presented for consideration at regular meetings shall be placed on the agenda without undue delay. The agenda and necessary backup material shall be mailed first class to each elected or appointed member at least 15 days prior to such regular meeting. Members will be notified of the meeting and the agenda items to be discussed via regular publications. Matters which have not been placed on the agenda shall not be considered except by majority vote of the committee. Action on an unscheduled item unless determined by a majority vote to be of an emergency nature, shall be held until the next regular or special meeting. (BD 145/77/5, BD 59/94/2)

2102.00 MINUTES

2102.01 Executive Committee

A summary list of motions considered at all Executive Committee meetings shall be mailed to members of the Board of Directors within ten working days following the meeting. The minutes of Executive Committee meetings, sufficiently comprehensive to justify recommendations to the Board of Directors shall be furnished to members of the Board of Directors, assistant regional directors, committee members, chapter presidents and council chairs. Any member may upon written request receive a copy of the minutes of the last previous Executive Committee meeting. The minutes shall reflect the maker and second of all motions. (BD 52/94/2)

2102.02 Committees and Other Statewide Meetings

Minutes of committee meetings, except for the Board Agenda Committee, shall be published and distributed as follows: (BD 59/94/2, BD 14/05/1)

- (a) Within ten working days after the meeting the minutes shall be sent in rough draft to the chair of the committee; (BD 53/94/2)
- (b) Within 15 working days after the meeting the chair of the committee shall have corrected and approved the rough draft and returned it to headquarters; (BD 54/94/2)
- (c) Within 30 working days after the meeting the minutes shall be distributed to the members of the committee and Board of Directors and made available upon request to all other individuals receiving agendas under Division 21 of the Policy File; (BD 55/94/2)
- (d) Any exception to this procedure must be approved by the president. (BD 145/77/5)

2103.00 MISCELLANEOUS COMMUNICATIONS

2103.01 (a) Press Releases

All press releases to be submitted to Association members or to the public that may have an impact on more than one division and/or affiliate shall be reviewed and have written approval of the president. (BD 12/00/1)

(b) Press Conferences

All press conferences that affect more than one division and/or

affiliate of the Association shall require prior written approval of the president. (BD 12/00/1)

(c) Notification of Resolutions Proponent

When the General Council resolutions, including those that are combined in the words of others, are referred to the Board of Directors, the proponents shall be sent all pertinent backup material and shall be notified of the time and place of the Board of Directors or committee meetings at which the resolution will be considered in order that they may be fully informed and may appear in person and/or submit in writing their support or opposition. (BD 50/92/2, BD 12/00/1)

- (1) When an item is scheduled for time certain, it shall be honored within one-half hour of the stated time. (BD 145/77/5, BD 12/00/1)

2104.00 INTRA-ASSOCIATION COMMUNICATIONS

2104.01 Guidelines for Intra-Association Communications

To assure an efficient exchange of information within the Association, the following guidelines shall be used, as appropriate, to establish and maintain communications:

(a) Regions are responsible for:

- (1) Publishing a regional newsletter; (BD 59/94/2)
- (2) Establishing telephone trees with chapter/DLC presidents; (BD 189/80/5)
- (3) Assessing and reporting member and chapter concerns and wishes to Association leadership and staff; (BD 189/80/5)
- (4) Improving regional meetings through greater frequency, better agendas and the use of alternatives when chapter/DLC presidents cannot attend. (BD 189/80/5)

(b) The officers are responsible for: (BD 189/80/5)

- (1) Keeping assigned regional officers informed on the key issues; (BD 189/80/5)
- (2) Maintaining good media relationships; (BD 189/80/5)

- (3) Maintaining good public relations. (BD 189/80/5)
- (c) Headquarters staff is responsible for: (BD 189/80/5)
  - (1) Providing an information clearinghouse staffed with an information officer; (BD 189/80/5)
  - (2) Distributing pre-edited material for flyer follow-up to chapter/DLC presidents and bargaining unit council chairs; (BD 59/94/2, BD 90/98/5)
  - (3) Expanding the distribution of news releases to chapter/DLC presidents and bargaining unit council chairs; (BD 59/94/2, BD 90/98/5)
  - (4) Establishing capability to obtain mailing labels overnight without duplication; (BD 189/80/5)
  - (5) Providing training in effective writing and communications techniques. (BD 189/80/5)

2105.00 TELEMARKETING SOLICITATION OF MEMBERS

Division/affiliate members shall not be subjected to telemarketing or a similar type of telephone solicitation by action of the Association unless approved by the respective division/affiliate. (BD 64/90/2, BD 59/94/2)

2106.00 RECORDING OF MEETINGS

Proceedings of Association meetings may not be recorded by audio or visual devices without the express consent of the presiding officer. (BD 82/92/3)

## DIVISION 22: FAIR SHARE FEE PROVISIONS

Entire division deleted by BD 15/05/1.