

# CONSTITUTION

FOR

LOCAL 444

## ARTICLE I NAME

The name of this organization shall be East Bay, California Municipal Utility District (EBMUD) Employees, Local 444 of the American Federation of State, County and Municipal Employees, AFL-CIO (hereinafter referred to as "the Local").

## ARTICLE II AFFILIATIONS

This local shall be affiliated with Northern California District Council 57 of the American Federation of State, County and Municipal Employees; the California Labor Federation, AFL-CIO, and the Central Labor Council of Alameda and Contra Costa Counties, AFL-CIO.

## ARTICLE III OBJECTIVES

Section 1. The objectives of this local are:

- A. To promote the organizations of workers in general and public employees in particular.
- B. To promote the welfare of the membership and to provide a voice in determination of terms and conditions of employment. We are committed to the process of collective bargaining as the most desirable, democratic, and effective method to achieve this. Both as union members and as citizens, we also shall employ legislative and political action.
- C. To promote civil service legislation and career service in government.
- D. To provide research and educational services and activities designed to assist members and affiliates.
- E. To foster cooperation among affiliates.
- F. To cooperate with other labor organizations in particular, and other segments of our society in general toward the end that the material riches of American society be more justly distributed as the moral promise of American life be realized.

## ARTICLE IV MEMBERSHIP AND DUES

Section 1. All employees of the East Bay Municipal Utility District in Alameda and Contra Costa Counties, California, except those within the jurisdiction of Local 2019, East Bay Municipal Utility District clerical, technical, and professional employees are eligible for membership in this local, subject to the requirements of the Constitution of the International Union.

Section 2. Application for membership shall be made on a standard application form. Unless such form includes a valid authorization for payroll deduction of dues, the application shall be accompanied by the current month's dues.

Section 3. The monthly membership dues of the local shall be \$65.00 per member.

Section 4. Membership dues shall be payable monthly in advance to the local secretary-treasurer and in any event shall be paid not later than the 15<sup>th</sup> day of the month in which they become due. Any member who fails to pay dues by the 15<sup>th</sup> day of the month in which they become due shall be considered delinquent, and upon failure to pay dues for two successive

months shall stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction shall for so long as such person continues to pay through such deduction method, be considered in good standing.

Section 5. A member suspended under the above section may be reinstated to membership in the local on payment of all arrearages or upon payment of a reinstatement fee of \$7.00 plus the current month's dues.

#### ARTICLE V MEETINGS

Section 1. Regular meetings of this local shall be held on the third Thursday of each month at a time and a place to be fixed by the membership or the local executive board.

Section 2. The executive board of the local shall meet at the first Thursday of each month unless otherwise specified by the president.

Section 3. Special meetings may be called by the local president, the local executive board, or by petition filed with the president and signed by one-fourth of the members of the local. Special meetings may also be called by the International President or by an authorized representative of the International President.

Section 4. The number of members required to conduct a regular meeting is fifteen (15).

#### ARTICLE VI OFFICERS, NOMINATIONS AND ELECTIONS

Section 1. The officers of this local shall be a president, a 1<sup>st</sup> vice-president, a 2<sup>nd</sup> vice-president, a secretary-treasurer, a recording secretary, a sergeant-at-arms, a chief steward, a correspondence secretary, a member relations secretary and four (4) executive board members, and these thirteen shall constitute the local's executive board. All officers shall be elected for two years except in the 1993 election the following officers shall be elected for one year: 1<sup>st</sup> vice-president, secretary-treasurer, member relations secretary, sergeant-at-arms, and two of the executive board members. The two executive board members receiving the highest vote count shall be elected for two years. In addition, there shall be elected three members who shall serve as trustees. The trustees shall be elected to staggered three year terms of office.

Section 2. Nominations of officers shall be made at the regular June meeting. At least fifteen (15) days notice shall be given the membership prior to such meeting.

Section 3. To be eligible for office, a member must be in good standing for a period of not less than one year.

Section 4. Officers shall be elected annually by the following method:

- A. Upon being nominated and having not declined the nomination, the name of the candidate shall be placed on the ballot.
- B. Time of balloting shall be on the day of the regular July meeting between 5 p.m. and 8 p.m., at the regular place of meetings of the local. Ballots shall be composed by an election committee and mailed to all members of the local at their last known address. Each ballot shall be accompanied by a blank envelope and a stamped return envelope. Ballots should be received by members at least twenty (20) days prior to the balloting. Ballots shall be returned in the blank envelope, which shall have been inserted into the signed return envelope for mailing. Ballots not received in the offices of the local by the time of balloting will not be accepted for counting.
- C. The ballots shall be tallied by the election committee. The results of the tally shall be certified by the committee and the membership shall be notified of the results.

- D. The election committee shall consist of at least three (3) members of the local, appointed by the president after nominations have been received and accepted. No member of the election committee may be a candidate for office.

Section 5. All matters concerning nominations and elections in this local shall be subject to the provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

Section 6. Vacancies in office shall be filled for the remainder of the unexpired term by the following:

- a. Nominations of candidates shall be made at the membership meeting following the occurrence of the vacancy, provided, that notice has been mailed to the membership at least fifteen days before such meeting advising them of the existence of the vacancy and that nominations will be held at such meeting.
- b. Candidates will be elected by a majority vote of the membership, at the membership meeting following the nominations.
- c. Members who are scheduled to work while the membership meeting is in session, will be allowed to vote between 10AM and 2PM on the day of the membership meeting. Voting will take place at the Union Hall and will be conducted by the election committee. In addition, the polls will also be open to any other member who wishes to vote between 10AM and 2PM instead of at the meeting regardless of reason, however, members shall vote only once.

Section 7. Every officer shall, upon assuming office, subscribe to the Obligation of an Officer contained in Appendix B of the International Union Constitution.

Section 8. All monies expended by the local must be authorized and approved by the membership of the local at a regular meeting. The executive board shall be authorized to defray incidental expenses subject to the approval of the membership.

## ARTICLE VII DUTIES OF OFFICERS AND EXECUTIVE BOARD

Section 1. The President shall:

- A. Preside at all meetings of the local and of the executive board.
- B. Be a member of all committees except election committees.
- C. Countersign all checks drawn against the funds of the local.
- D. Appoint all standing committees and all special committees of the local, subject to the approval of the executive board.
- E. Report periodically to the membership regarding the progress and standing of the local and regarding the president's official acts.

Section 2. The 1<sup>st</sup> Vice-President shall:

- A. Assist the president in the work of the president's office.
- B. In the absence of the president or in the president's inability to serve, preside at all meetings and perform all duties otherwise performed by the president.
- C. Upon approval by the local executive board, be authorized to act as co-signer of checks drawn on the local's funds in place of either the president or the secretary-treasurer.

Section 3. The 2<sup>nd</sup> Vice-President shall assist in general work among the members to keep the organization active and shall assist the president in giving the local tone and direction.

Section 4. The Secretary-Treasurer shall:

- A. Receive and receipt for all monies of the local.
- B. Deposit all money so received in the name of the local in a bank or banks selected by the executive board, and money so deposited shall be withdrawn only by checks signed by the president and the secretary-treasurer.
- C. Prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or the executive board.
- D. Prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary-Treasurer.
- E. Keep an accurate record of receipts and disbursements and shall, once each month, submit to the membership a monthly operating statement of the financial transactions of the local for the previous month.
- F. Act as custodian of all properties of the local.
- G. Give a surety bond for an amount to be fixed by the executive board of the local union, at the expense of the local union and through the International Union.

Section 5. The Recording Secretary shall:

- A. Keep a record of the proceedings of all membership meetings and all executive board meetings.
- B. Keep a record of all decisions made by the executive board.
- C. Perform such other duties as the executive board may require.

Section 6. The Correspondence Secretary shall:

- A. Carry on the official correspondence of the local, except as the executive board may direct otherwise.
- B. Keep the local's membership mailing list current.
- C. Perform such other duties as the executive board may require.

Section 7. The Member Relations Secretary shall:

- A. Be responsible for communications with the membership.
- B. Make sure that proper notices are prepared and distributed for all meetings of the local.
- C. Coordinate the Newsletter Committee and see to it that a newsletter is published on a regular basis.
- D. Perform such other duties as the executive board may require.

Section 8. The trustees shall make or cause to be made at least semi-annually, an audit of the finances of the local and shall report to the membership on the results of such audit.

Section 9. The executive board shall be the governing body of the local except when meetings of the local are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the local not specifically provided for in this constitution or by action of the membership at a regular or special meeting shall be decided by the executive board. The board shall meet at the call of the president, or a majority of the members of the board. A report on all actions taken by the executive board shall be made to the membership at the next following meeting. A majority of the members of the executive board shall be required for a quorum. All officers and executive board members of the local shall be regular in attendance at meetings of the executive board. If an officer or executive board member misses

three (3) consecutive regularly scheduled executive board meetings without the approval of the executive board such member shall be automatically removed from office and an election shall be held to fill the vacancy, as provided in Article VI, Section 6.

ARTICLE VIII  
MISCELLANEOUS PROVISIONS

Section 1. This local shall at all times be subject to the provisions of the constitution of the American Federation of State, County and Municipal Employees.

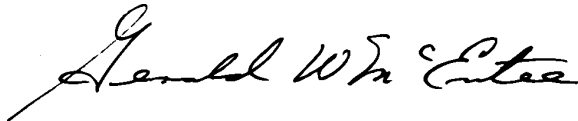
Section 2. Except to the extent specified in this constitution, no officer of the local union shall have the power to act on behalf of or otherwise bind the local except to the extent specifically authorized in writing by the president of the local union or by the executive board of the local union.

Section 3. The negotiation of any changes, deletions or additions to, or the opening of the Memorandum of Understanding between AFSCME Local 444 and EBMUD, prior to the agreed upon expiration date shall require a specially called meeting and vote, in accordance with article V, Section 3 of this constitution.

ARTICLE IX  
AMENDMENTS

This constitution may be amended, revised or otherwise changed, only by a vote of two-thirds of the members voting on such proposed change, and such change shall take effect only upon written approval of the International President. Proposed amendments to this constitution must be made at a regular or special meeting of the local and read and voted on at a subsequent meeting of the local, adequate and proper notice having been given to the membership prior to the date on which the vote is taken. A written copy of the proposed amendment shall be furnished to every eligible vote at the meeting at which the vote is taken.

APPROVED BY:



GERALD W. McENTEE  
International President  
Approval Date: 05/13/2009