

**SEIU Arizona Local 48
Draft Constitution 2012**

Article I. Name

The name of this organization shall be SEIU Arizona Local 48, CTW, CLC.

Article II. Mission

We, SEIU Arizona Local 48, are united to improve the lives of workers and families of Arizona and to create a more just and humane society for ourselves and future generations. We believe the strength of our collective power will ensure high quality public services and the dignity and worth of working people.

Article III. Jurisdiction

This Local Union shall have such jurisdiction as granted and approved by the Service Employees International Union under its constitution and by-laws.

Article IV. Membership

Section 1. General

Membership of this Local Union shall consist of regular, associate, retired and honorary members. All workers within this Union's jurisdiction shall be eligible for regular or associate membership.

Section 2. Discrimination

There shall be no discrimination against any member by reason of race, creed, color, religion, sex, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age or disability. Members of organizations that advocate such discrimination shall be ineligible for membership.

Section 3. Regular Members

Any person employed in a bargaining unit represented by SEIU Arizona or employed within the jurisdiction of this Union or a paid official or agent of SEIU Arizona is eligible for regular membership. A member in good standing is current on his/her dues obligation.

The regular membership shall be the supreme authority of the Union in the following areas:

1. It shall have the power and authority to adopt and/or amend the Constitution, By-Laws, Rules and Regulations of the Union.
2. It shall elect all officers of the Union.

3. It shall have the power and authority to set dues for the members of SEIU Arizona subject to the applicable provisions of the International Union Constitution.
4. It shall receive and act upon reports of the President of the Union.

Any decision of the membership shall require a majority of regular members voting, except as otherwise provided for in this Constitution.

Section 4. Associate Members

Any member whose employment has terminated or vacated a position in a represented bargaining unit or left employment of the Union and was a member in good standing at such time may become an associate member. International and affiliated union employees, individuals employed outside of the Local's jurisdiction and individuals unemployed but in a Local training or certification program are eligible for associate membership. The Executive Board may create additional categories of associate membership. All associate memberships are subject to Executive Board approval.

Associate members may serve on Union committees and participate in Local meetings. Such associate members will not be entitled to run for Local office nor vote in Local elections or agreement ratifications.

Section 5. Retired Members

A regular or associate member or retired member of another SEIU Local residing in Arizona who has been a member in good standing before retirement is eligible for membership in the Local 48 Retired Members Chapter. Such membership entitles the member to participate fully within that Chapter including running for Retired Members Chapter office, to serve on Union committees and participate in Local meetings.

Such affiliated members will not be entitled to run for Local office, except as Executive Board Member for the Retired Member Chapter, nor vote in Local elections or agreement ratifications.

Section 6. Honorary Members

The Executive Board or Annual General Membership Meeting shall be empowered to issue honorary memberships in the union. Such honorary members will not be eligible to hold office or to participate or vote in union affairs.

Section 7. Membership Rights

Regular members in good standing shall have the right to:

1. Nominate candidates and vote in Local and their respective Chapter elections.
2. Attend membership meetings and to participate in the deliberations and voting of Union business in those meetings.
3. Meet and assemble freely with other members and to express views, arguments or opinions.

4. Pertinent information concerning the Local, Chapters and Union business.
5. Due Process, as set out in the SEIU Constitution and Bylaws, for any charges or allegations.

Section 8. Membership Obligations

Every member by virtue of membership in this Local is obligated to:

1. Abide by this Constitution and Bylaws and the International Constitution and Bylaws with respect to rights, duties and privileges conferred to them.
2. Not interfere with the rights of fellow members.
3. Not interfere with elected officers and representatives of this organization in the performance of their duties.
4. Recognize the Local as the exclusive bargaining representative with full and exclusive power to execute agreements with employers subject to member ratification.
5. Refuse to engage in or espouse dual unionism within the Local's jurisdiction, decertification of the Local or disaffiliation from the International Union.
6. Notify the Local of any change of address and contact information.

Article V. Officers and Duties

Section 1. Officers

The officers of this Local shall consist of President, Vice President, Treasurer, Secretary, Chapter Chairpersons and Executive Board Members.

Section 2. President

The President shall be the principal executive officer of this organization and, subject to the oversight of the Executive Board, shall supervise, conduct and control all of the business and affairs of this organization and its officers and employees and shall carry out the policies set by the Executive Board or Annual General Membership Meeting.

The President shall have the following duties:

1. To serve as the chief representative of SEIU Arizona in any dealings with employers, other unions, including other SEIU Local Unions, the federal, state and local governments and agencies, and the public.
2. To hire, fire, supervise, direct, and determine compensation and benefits of the staff employed by the Union and to assign additional duties to the Local Vice President, Treasurer and Secretary as he/she may deem necessary.
3. To employ or retain counsel, accountants, or such other assistants or personnel as a President may require to assist in the operation and administration of the Local Union.
4. The President shall have general supervision and direction over the organizing, political, education, training and community activities of the Local Union.

5. The President shall direct and be in charge of collective bargaining on behalf of the Local and shall sign all collective bargaining agreements on behalf of the Local after ratification of the affected members.
6. To authorize strikes subject to the approval of the members directly involved.
7. To sign all agreements and co-sign checks on behalf of the Union with the Local Treasurer.
8. To call meetings of the members of the Union, including general membership meetings, and to preside over all such meetings.
9. To appoint trial bodies to hear internal union charges against SEIU Arizona members.
10. To enlist members in the work of building the Union, including creating committees and naming members to such committees.
11. To serve as the Local's first delegate to all conferences, conventions and any other bodies for which the Local is eligible to participate and for which no election of delegates is required. The Local President shall appoint all other delegates where, and only where, elections of delegates to such conventions, conferences and other bodies are not required.
12. The Local President shall have such other authority and responsibility as his/her office requires and as are consistent with the Constitution and By-Laws of the Local.

Section 2. Vice President

The Vice President shall be the second executive officer of this organization and shall assume the Presidency if the President is unable to complete his/her term.

The Vice President shall have the following duties:

1. To report and assist the President in the operation of the Local.
2. To supervise staff under the direction of the President and perform other executive level leadership responsibilities that are necessary to move the Union forward in its work and mission.
3. To perform such other duties as assigned by the Local President.
4. To serve in the place of the President in his/her absence.

Section 3. Treasurer

The Local Treasurer shall be the chief financial officer of the Local Union with responsibilities for maintaining the books and financial records of the Union.

The Treasurer shall have the following duties:

1. The Local Treasurer shall be authorized to counter-sign checks. No check shall be issued from the Local unless properly authorized.
2. The Treasurer shall ensure an accurate accounting of receipts and disbursements of all monies of the Local Union.

3. The Treasurer shall forward to the International Union copies of any and all annual audit reports, or other financial statements and other required filings to the International Union.
4. The Treasurer shall be responsible for notifying the International Union of all financial activities and actions of the Local Union which are required to be reported to the International Union.
5. The Treasurer shall chair the Local Board of Trustees.
6. He/she shall perform such other duties as assigned by the Local President.

Section 4. Secretary

The Local Secretary shall be the chief records keeper for all non-financial matters of the Local. The Local Secretary may concurrently serve as a Chapter Chairperson or Executive Board Member but shall meet the membership requirements for Local office and shall have only one vote on the Executive Board.

The Secretary shall have the following duties:

1. Keep a correct and impartial record of meetings of the Executive Board and General Membership.
2. The Secretary shall maintain accurate membership records of the Local Union.
3. The Secretary shall be responsible for notifying the International Union of all activities and actions of the Local Union, other than those reported by the President or Treasurer, which are required to be reported to the International Union.
4. He/she shall perform such other duties as assigned by the Local President.

Section 5. Chapter Chairpersons

The Chapter Chairperson is the highest elected Union member within a Chapter and serves as a Local Executive Board Member by virtue of his/her office.

The Chapter Chairperson has the following duties:

1. Is a member of all Chapter standing committees including the bargaining, labor-management and organizing committees.
2. Appoints all members and chairpersons of all Chapter standing and special committees.
3. Appoints all members of labor-management committees and task forces.
3. Appoints stewards in all work areas without an elected steward.
4. Appoints the Chapter Chief Steward.
5. Chairs the monthly Chapter membership meeting.
7. Represents the interests of members at informal meetings with management.
8. Works with the Chapter Vice Chairpersons and members to build a stronger Union.
9. Co-signs on Chapter documents with the Local President or his/her delegate where authorized by the Local President.

Section 6. Bonding

All officers of the Local and employees handling any monies of the Local shall be bonded in the amounts and in the form required by applicable statutes and the International Constitution. The bond shall be procured immediately upon assuming office or employment, the premiums of which shall be paid for by the Local Union.

Article VI. Executive Board Members and Duties

Section 1. Members by Virtue of Office.

The Local President, Vice President, Treasurer, Secretary and Chapter Chairperson shall be members of the Local Executive Board by virtue of their office. Trustees shall be non-voting members of the Local Executive Board by virtue of their office.

Section 2. Other Executive Board Members

Each Chapter shall be entitled to additional elected Executive Board members with one additional member for the first 100 Chapter members, one additional member for 101 to 300 Chapter members, one additional member for 301 to 500 Chapter members, one additional member for 501 to 1,000 Chapter members and one additional member for each additional 1,000 Chapter members or fraction thereof, except that no single Chapter may constitute a majority of these members of the Executive Board.

The Retired Members Chapter shall be entitled to one additional non-voting Executive Board Member.

Section 3. Authority and Power of Executive Board.

Except as may be otherwise provided by this Constitution and Bylaws, the Executive Board is authorized and empowered to set the general policies of the Local. The Executive Board is hereby empowered, in addition to such other general powers conferred by these Bylaws to:

1. Make or change, subject to disapproval by the membership, rules and regulations not inconsistent with this Constitution and Bylaws or the International Constitution and Bylaws for the management and conduct of the affairs of this Local.
2. Confirm appointments of the President to fill all vacancies in elected offices which occur during the term of such office in accordance with this Constitution.
3. Authorize the President to transact all business and manage and direct the affairs of the Local except as may otherwise be herein provided; delegate, when necessary, any of the above powers to any officer for specific and temporary purposes and on condition that the action of such officer or representative be ratified by the Executive Board.
4. Authorize the President to lease, purchase, or otherwise acquire in any lawful manner for and on behalf of the organization any and all real estate or other property, rights and privileges whatsoever deemed necessary for the prosecution of its affairs and which the organization is authorized to acquire at such price or consideration and generally on such

terms and conditions as it thinks fit, and at its discretion pay thereof either wholly or partly in money or otherwise, subject to specific authorization at the Annual General Membership Meeting for such expenditures, excepting for routine expenditures not of a substantial nature.

5. Authorize the President to sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization whenever in its opinion the Union's interests would thereby be promoted, subject to approval (except as to form) at the Annual General Membership Meeting.

6. Authorize the President to create trusts, the primary purpose of which is to provide benefits for the members or their beneficiaries, and terminate and effectuate the same, all subject to approval (except as to form) by the membership.

7. Determine the membership eligible to vote on agreements and strikes and the composition of other membership meetings and adopt rules and regulations concerning the conduct thereof not inconsistent with the International Constitution or these Bylaws;

8. Determine the manner in which referendums and elections shall be held.

9. Affiliate this Local with other bodies or organizations as it shall be required to do or which it believes to be in the interest of this Local.

10. Do all acts, not expressly authorized herein, which are necessary or proper in implementation of the above duties for the protection of the property of the Local for the benefit of the organization and members.

11. Review and approve all resolutions and constitutional changes to be voted on by the members prior to membership vote at the Annual General Membership Meeting or special membership meeting; provided, however, constitutional amendments endorsed by thirty per cent (30%) members in good standing need no approval of the Executive Board prior to membership vote at the Annual General Membership Meeting or special membership meetings.

Section 4. Investigation of Breach of Fiduciary Duty.

The Executive Board shall have the duty to investigate any alleged breach of fiduciary duty when circumstances so warrant and to take appropriate action if the investigation so merits.

Section 5. Executive Board Meetings.

The Executive Board shall hold regular meetings at least quarterly at such regular times as shall be designated by resolution of the Executive Board and may hold other meetings at such time and place as shall be determined by the President.

Section 6. Executive Board Quorum.

A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board. The action of a majority of the Board present at a meeting at which a quorum is present shall be the action of the Board. In the event of a tie vote, the President shall cast the deciding vote.

Section 7. Board Meetings Open to Members.

Meetings of the Executive Board are open to Union members as observers, except when an executive session of the Board is warranted. Executive sessions shall be limited to those matters which are confidential or privileged.

Section 8. Payment of Expenses for Board Members.

By action of the Board, members of the Board who are not full-time paid officers or employees of the organization may be paid their expenses, including wages lost, if any, for attendance at each meeting of the board.

Article VII. Board of Trustees and Duties

Section 1. Composition and Duties of Board of Trustees.

The Board of Trustees shall be chaired by the Local Treasurer and consist of the Local Treasurer and one Trustee elected from each Chapter. It shall be the duty of the Trustees to examine and audit the books of the Local and at least annually take inventory of and verify the securities, investments, bank accounts, and cash funds then on hand. The Board of Trustees may perform such duties or tasks as assigned by the President or Executive Board.

Section 2. Access to Information and Responsibilities.

The trustees shall have full and free access to all documents, books and other records necessary to conduct their examination. The trustees shall insure that each officer, employee or representative of the Local required to be bonded is at all times bonded in accordance with applicable law. The Secretary/Treasurer of the International Union may direct the increase or decrease in the amount of the bond when he or she deems it advisable.

Section 3. Reporting.

The Board of Trustees shall report to the President and Executive Board as they may direct and shall report annually to the Annual General Membership Meeting.

Article VIII. Nominations and Elections

Section 1. Nominations of Officers.

Nominations of elected positions shall be by nominating petition. Nominations shall require the signatures of 2% of the members eligible to vote.

Section 2. Eligibility for Office.

No person is eligible to run for Local President, Vice President, Treasurer, Secretary, Chapter Chairperson, Executive Board Member or Trustee who has not been a member in continuous good standing of this Local for at least two years preceding the date nominations close.

Section 3. Election Process.

Nomination petitions shall be presented to the Local Elections Committee between August 1st and August 31st in the election year. Elections shall be held every three years in the month of September starting with the year of the ratification of this Constitution and its approval by the International Union. Elected officers shall assume office on October 1st of the election year.

Elections shall be by secret ballot among members in good standing. Members shall receive no less than thirty (30) days notice of the election. There shall be no write-in candidates or proxy voting. Elections shall be held at the Union Halls, Chapter worksites and/or through mail ballots as determined by the Executive Board.

The Elections Committee may extend the deadlines above if they deem it necessary. In no case, may the timeline extensions exceed 30 days.

Section 4. Local Elections Committee.

The President shall appoint an Elections Committee, subject to the approval of the Executive Board, of members who are not candidates for office to oversee the election. The Elections Committee shall be composed of members from all Chapters and shall be responsible for the administration of all aspects of the election, which shall include the following responsibilities:

1. Verify nominating petition signatures.
2. Oversee the distribution of ballots.
3. Maintain the integrity of the ballots and ballot boxes, if used.
4. Count the ballots in a manner that is open to all members and provides sufficient notice of when and where the votes are to be counted.
5. Report the election results in writing to the Local President and Secretary with candidates receiving the highest number of votes being declared elected. For Executive Board offices with more than one Chapter representative, the winners shall be the highest vote getters in descending order.

In the event of a tie vote for any office, the Elections Committee shall schedule a run-off election of the two highest vote recipients for that office consistent with the election provisions of this Constitution.

Section 5. Position Vacancies.

In the event one of the offices, other than President, becomes vacant, the President shall nominate a member to fill such vacant office for the remainder of the original term. The Executive Board shall vote to confirm the nomination prior to the nominee assuming office. In the event of a vacancy in the office of the President, the Vice President shall assume the position of the President for the remainder of the original term.

Section 6. Officers as Delegates to Conventions.

Any officers of the Local elected in conformity with applicable statutes shall be considered eligible delegates to any convention to which the Local is entitled to delegates. If the number of elected officers is less than the number of delegates, then arrangements shall be made for nominations and secret ballot election in a manner determined by the Executive Board. If the total number of officers is greater than the number of delegates allowed, then officers shall attend as delegates in the order listed: President, Vice President, Treasurer, Secretary and Chapter Chairpersons in decreasing order of Chapter membership.

Article IX. Dues

Section 1. Revenue.

The revenues of the Local shall be derived from monthly dues and other fees or sources as may be approved by the Executive Board.

Section 2. Changes in Dues

Any change in the rate of dues or initiation fees or the levying of any general or special assessments that has not been mandated by the International Union Constitution and Bylaws, shall, when required by applicable law, be determined by the Executive Board, subject to the approval of the membership by a secret ballot vote after reasonable notice.

Section 3. Mandatory Per Capita Tax.

This Local shall pay per capita tax to the International Union for any person from whom the Local received revenue. The per capita rate shall be set by the International Union.

Section 4. Consequences of Failure to Pay Dues.

Any member failing to pay required dues of the Local for 90 days shall stand automatically suspended from membership and from all rights and privileges of such membership in the Local and in the International union.

Section 5. Member responsibility to Pay Dues.

The entire responsibility for the payment of dues to the Local within the time required by the provisions of this article is the sole obligation of each member individually and cannot be delegated to the Local or any of its representatives or any person.

Section 6. Dues for Regular, Associate, Retired and Honorary Members

Dues for members of this Local shall be set by the membership subject to the approval of the International Union and are as follows:

1. Membership dues for Regular Members are as posted on the Annual Dues Schedule.
2. Membership dues for Associate Members shall be set by the Executive Board.
3. Membership dues for Retired Members shall be set by the Executive Board.

4. There shall be no membership dues for Honorary Members.

Article X. Chapter Structure and Chapter Membership Meetings

Section 1. Establishment of Chapters.

This Local shall consist of Chapters that shall be established with at least 100 members within the jurisdiction of the Local as approved by the Executive Board. Existing Chapters at the time of the ratification of this Constitution and Bylaws shall be recognized as Chapters regardless of current membership.

Section 2. Chapter Positions.

Each Chapter shall have a Chapter Chairperson, Local Executive Board Members, Vice Chairperson(s) and Stewards as provided for in this Constitution. Vice Chairperson(s), stewards and other positions within each Chapter shall not be considered officers of the Local.

Section 3. Chapter Meetings.

Each Chapter shall have a monthly membership meeting at a time and place determined by the Chapter membership. The Local Executive Board may establish Chapter meeting guidelines and may waive the Chapter membership meeting requirement if warranted by the Executive Board. The Local President may call for Special Chapter membership meetings.

Section 4. Ratifications of Agreements

Ratification of any collective bargaining agreement or memorandum of understanding affecting members of a Chapter shall be made by a majority of Chapter members voting by secret ballot in such a manner as may be determined by the Chapter membership with approval of the Local Executive Board. Upon ratification, an agreement shall be signed by the Chapter Chairperson and the Local President or his/her delegate.

Article XI. Annual General and Special Membership Meetings

Section 1. Annual General Membership Meeting.

There shall be an annual general meeting of the Local Membership in October of each year. The President shall chair the Annual General Membership Meeting.

Section 2. Authority of the Annual General Membership Meeting.

The Annual General Membership Meeting shall be the supreme authority of this Local for:

1. Receiving and acting on reports of the President, Treasurer, Secretary and Board of Trustees.
2. Setting the dues of this Local subject to approval of the International Union.

The membership at the Annual General Membership Meeting may propose amendments to the Constitution and Bylaws by majority vote. Such proposed amendments shall be presented to the membership for consideration as provided for in Article XIII and are not subject to Executive Board approval.

Section 3. Special Membership Meetings.

The President with the approval of the Executive Board or the Executive Board may call for Special Membership Meetings at a time and place as deemed necessary. The President shall chair the Special Membership Meeting.

Section 4. Reasonable Notice of Membership Meetings.

Reasonable notice of membership meetings shall be sent to each members of the Local. Only such business as is specified in the call for the special meeting shall be considered at the meeting.

Article XII. Due Process, Trials and Appeals

Section 1. Basis for Charges and Remedies.

Members of this Local may be charged with offenses set forth in Article XVII of the International Constitution. The procedures for trials and appeals shall be those set forth in Article XVII of the International constitution.

Section 2. Right to Representation.

Any member who has been charged with an offense may have an attorney or another member of this Local act as counsel, to represent him/her in the presentation of his/her defense.

Article XIII. Amendments

The Constitution and Bylaws of this Local may be amended only by mail ballot. Proposed amendments shall be submitted in writing either by the Executive Board or by a petition signed by 30% of members and submitted to the Executive Board or Annual General Membership Meeting. The proposed amendment shall be submitted to the membership at least 60 days prior to the mailing of the amendment(s) ballots and must receive a two-thirds vote for adoption. To be counted, amendment ballots must be received no later than 20 days from the date of the initial mailing of the ballots. If the 20th day is a Sunday or postal holiday, the ballots must be received by the next business day following the 20th day. No amendment shall be valid or become effective until approved by the International Union.

Article XIV. Affiliations

This Local may affiliate with the state and local labor federations as approved by the Executive Board.

Article XV. Dissolution and Property Rights

Section 1. Dissolution.

This Local cannot dissolve, secede or disaffiliate while there are seven (7) dissenting members. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of this Local shall become the property of the International Union. Under no circumstances shall this Local distribute its funds, assets or properties individually among its membership.

Section 2. Property Titles.

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

Section 3. No Member Interest in Property.

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

Article XVI. Savings Clause and Subordination

Section 1. Savings Clause.

If any provisions of this Constitution and Bylaws shall be modified or declared invalid or inoperative by any competent authority of the executive, judicial, or administrative branch of federal or state government, the Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity or modification and to substitute in its place a provision that will meet the objections to its validity and that will be in accord with the intent and purposed of the invalid or modified provisions. If any article or section of this Constitution and Bylaws should be modified or held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this this Constitution and Bylaws or the application of such article or section to persons or circumstances, other than those as to which is has been held invalid or modified, shall not be affected thereby.

Section 2. Subordination.

The Constitution and Bylaws of this Local shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended.