



SEIU LOCAL 5 CONSTITUTION AND BYLAWS

Article I – Purpose

In order to form a structure in which to organize and represent workers in the south and southwest, this Local Union has been established by order of the International President and chartered in accordance with Article XIV of the Constitution of the Service Employees International Union. This local shall have jurisdiction to organize public and private sector employees in the South/Southwest Region of SEIU, except as may otherwise conflict with such exclusive jurisdiction that has been granted to other SEIU local unions in those states.

Local 5 will operate as a transitional, organizing local. Its primary responsibility is to act as a vehicle for organizing and empowering new units of workers in the South/Southwest Region. Local 5 will foster the creation and growth of new, self-sufficient locals in the Region. Once a density is reached in a given state or industry such that the unit in that state or industry generates sufficient resources to carry out its organizing, political and member engagement programs, Local 5 will consider recommending that the unit be reformed as an independent local of SEIU.

Article II – Name

This organization shall be known as the Service Employees International Union, SEIU Local 5, CTW, CLC (Change to Win, Canadian Labour Congress).

Article III – Membership

Membership in SEIU Local 5 is open to public and private sector workers in the South/Southwest Region of SEIU, including local union staff, and to employees of the International Union. In addition, SEIU Local 5 may create an associate membership category for Local staff or other appropriate persons and/or a retiree member category for retired members.

There shall be regular meetings of the membership, on a general, state, chapter, worksite or other basis.

Article IV – Chapters

SEIU Local 5 may maintain chapters for particular units or groups of units that will be organized.

Article V – Dues

All members shall pay dues under a dues structure established in accordance with applicable law. No dues structure shall be changed except as permitted by applicable law and the SEIU Constitution.

Article VI – Local Union Officers

Section 1. The officers of this Local Union shall consist of a President, Secretary-Treasurer, and State Directors. For the initial officer elections (occurring in 2008) there shall be three State Directors, one elected from each of the states of Texas, Arizona and Virginia. For all subsequent elections, there shall be a State Director elected from each state in which Local 5 has more than 1,000 members on December 31 of the year prior to the election.

Section 2. The Executive Board shall appoint an Election Committee which shall be responsible for running Local officer elections and hearing any election protests.

Section 3. Nominations for officers may be done by meeting, mail or any other manner consistent with applicable law. The term of office of the newly elected officers shall begin with their installation thirty (30) days after certification of the election results. The term of office for the officers of this Local Union shall be three years and the officers elected and qualified shall hold office until their successors are duly elected and installed. If any office receives only one nomination, that person shall be deemed to be elected.

Section 4. No member shall be eligible for nomination or election as an officer, member of the Executive Board, delegate or any other office in this Local Union, unless he or she has been a member in continuous good standing in the Local Union for at least two years immediately preceding the nomination and has during all of that time paid the full dues required for working members of the Local Union within each month when due. The International President may waive the foregoing requirements in his or her discretion for good cause shown.

Section 5. Retired members, life members and associate members paying less than the full dues required for working members of the Local Union shall not be eligible for nomination as an officer, member of the Executive Board, delegate, or any other office in the Local Union.

Section 6. No person who has been convicted of a felony as defined in Section 504 of the Landrum-Griffin Act (or an indictable offense in Canada) shall in accordance with the provisions of applicable law be eligible for nomination under the terms of this section.

Section 7. No candidate (including a prospective candidate) for any office in this Local Union or affiliated body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the International Union.

Section 8. Elections shall be by secret ballot when required by the provisions of applicable law. Mail ballots may be used at the discretion of the Election Committee. Write-in candidates and proxy voting shall not be permitted.

Section 9. The election shall be decided for the candidate receiving the most votes. In the event of a tie vote for any office, the winner shall be determined by coin toss or other method of random selection.

Section 10. Before a vote is taken, it shall be the duty of the Election Committee to appoint tellers to collect and count the ballots. The Election Committee or its designee shall announce the results of the ballot.

Section 11. In the event of a vacancy in the office of President, the Secretary-Treasurer shall succeed to the presidency and serve out the remaining term.

In the event of a vacancy in any office other than President, the President of the Local Union shall appoint a replacement who may serve out the remaining term. The President may, at his or her discretion, direct the Executive Board to call a special election to fill such vacancy after or in lieu of any such appointment.

Section 12. All officers and employees handling any moneys of this Local Union shall be bonded in the amounts and the form required by applicable statutes, said bond or bonds to be procured immediately upon assuming office or employment, the premiums to be paid for by this Local Union. The International 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 and may direct bonding of any Local Union not required by statute to obtain a bond.

Section 13. The President, Secretary-Treasurer and State Directors of the Local shall constitute the Local Executive Board.

Section 14. The President, Secretary-Treasurer and State Directors of the Local Union elected in conformity with applicable statutes shall by virtue of such election be considered to be eligible delegates to any International, intermediate body, conference convention or convention or conference of any affiliated organization which may take place during their term of office. If at the time of the receipt of the convention call it shall appear that such number of elected officers is less than the number of delegates which the Local Union will be entitled and intends to send to an International convention, then arrangements shall be made for nomination and secret ballot election, if required, of an additional number of eligible members as convention delegates. Nominees for such position, if unopposed, shall be deemed elected without necessity for further procedures. The Executive Board of the Local Union shall determine the number of delegates and alternates which shall represent it at the convention.

Article VII – Local Union Officers Duties

President

The President shall have the following duties:

1. To create an organization program and operational principles which shall be implemented by the local officers and to approve local campaigns.
2. To direct and oversee the State Directors in their management of campaigns, negotiations, political dealings and all other functions.
3. To authorize strikes subject to the approval of the members directly involved.
4. To sign all agreements and co-sign checks on behalf of the Union with the Secretary-Treasurer.
5. To appoint trial bodies to hear internal union charges against SEIU Local 5 members.

6. To enlist members in the work of building the Union, including creating committees and naming members to such committees.

7. 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 President shall appoint all other delegates where elections of delegates to such conventions, conferences and other bodies are not required or, in the case of the International Union convention, where there are more Local Union elected officers than delegates.

8. The 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.

Secretary-Treasurer

The duties of the Secretary-Treasurer shall include the following:

1. The Secretary-Treasurer shall be the chief Secretary-Treasurer of the Local Union with responsibilities for maintaining the books and records of the Union.

2. He/She shall perform such other duties as assigned by the President.

3. The Secretary-Treasurer shall be authorized to counter-sign checks. No check shall be issued from the Local unless properly authorized.

4. The Secretary-Treasurer shall ensure an accurate accounting of receipts and disbursements of all monies of the Local Union. The Secretary-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.

5. The Secretary-Treasurer shall maintain accurate membership records of the Local Union.

6. The Secretary-Treasurer shall be responsible for notifying the International Union of all activities and actions of the Local Union which are required to be reported to the International Union.

7. The Secretary-Treasurer shall perform the duties of the President in the absence of that officer, and in the case of the resignation or death of the President, shall perform the duties of the President until such vacancy is filled by an election as provided for by this Constitution.

State Directors

The duties of the State Directors shall include the following:

1. In consultation with the President, to serve as the chief representative of SEIU Local 5 in any dealings with employers, other unions, including other SEIU Local Unions, the federal, state and local governments and agencies, and the public in his/her state.

2. To hire, fire, supervise, direct, and determine compensation and benefits of the staff employed by the Union in their state.

3. To employ or retain counsel, accountants, or such other assistants or personnel as may be required to assist in the operation and administration of the Local Union in their state.

4. The State Director shall have general supervision and direction over the organizing, political, education, training and community activities of the Local Union in their state.

5. In their state, the State Directors shall direct and be in charge of collective bargaining and other labor/management relations on behalf of the Local and shall sign all collective bargaining agreements on behalf of the Local after ratification of the affected members.

6. The State Directors shall have the power to authorize strikes in their state subject to the approval of the members directly involved and the President.

7. To call meetings of the members of the Union in his/her state and to preside over all such meetings.

8. To enlist members in the work of building the Union in his/her state, including creating committees and naming members to such committees.

9. To co-sign checks regarding funds for his/her state on behalf of the Union with the Secretary-Treasurer.

10. To perform such other duties as assigned by the President.

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 VIII – Trials and Appeals

Members of SEIU Local 5 may be charged with offenses set forth in Article XVII of the SEIU Constitution and Bylaws. The procedures for trials and appeals shall be those set forth in Article XVII of the SEIU Constitution and Bylaws.

Article IX – Amendment

1. The Constitution and Bylaws of this Local Union may be amended by a two-thirds vote of the Executive Board. No amendment shall be valid or become effective until approved by the International Union.

2. The Constitution and Bylaws of this Local Union shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended. If any conflict should arise between the Constitution and Bylaws of this Local Union, or any amendments thereto, and the International Constitution and Bylaws, or any amendments thereto, the provisions of the International Constitution and Bylaws shall control.

Article X – Compliance with Texas State Law

SEIU Local 5 does not claim the right to strike when it is not permissible under the laws governing the represented members.

SEIU members who are Texas public employees prohibited by law from striking may not strike or engage in an organized work stoppage against the state or a political subdivision of the state.

The right of an individual to cease work may not be abridged if the individual is not acting in concert with others in an organized work stoppage.