

CONSTITUTION

FOR

LOCAL 127

PREAMBLE

Workers organize labor unions primarily to secure better wages and working conditions.

We hold that they also organize in order to participate in the decisions which affect them at work. One of the fundamental tenets of democratic government is the consent of the governed. Unions are an extension of that idea.

Union members are both workers and citizens.

Collective bargaining is the expression of citizenship in employment. Participation in the political life of the nation is but another aspect of that citizenship.

In the same way that unions are dedicated to improvement of the terms and conditions of employment, we are equally dedicated to exert ourselves, individually and collectively to fulfill the promises of American life. Amidst unparalleled abundance, there should be no want. Surrounded by agricultural surpluses of all descriptions, there should be no hunger. With advance science and medical research, sickness should not go untreated. A country that can shoot rockets to the moon can provide adequate education for all its children.

For unions, the work place and the polling place are inseparable, and the exercise of the awesome rights and responsibilities of citizenship are equally required at both.

Unions are under a solemn obligation to represent members forcefully and effectively in negotiations with management and to conduct internal union affairs according to democratic standards.

Therefore we the members of Local 127 of the American Federation of State, County, and Municipal Employees, Local 127, adopt this constitution and this

**ARTICLE I
NAME**

The name of this organization shall be San Diego Area Municipal Employees Local Number 127 of the American Federation of State, County, and Municipal Employees, AFL-CIO.

**ARTICLE II
AFFILIATIONS**

This local union shall be affiliated with the American Federation of State, County, and Municipal Employees, AFL-CIO; California District Council 36, the California Labor Federation and the San Diego/Imperial Counties Labor Council, AFL-CIO.

ARTICLE III OBJECTIVES

The objectives of this local union shall be to carry out on a local basis the objectives of the American Federation of State, County, and Municipal Employees, and:

- A. To unite public employees in San Diego County, California with the jurisdiction of the AFSCME, for mutual welfare, protection and advancement.
- B. To foster and promote a liberal and progressive public attitude toward public employees.
- C. To work for the establishment and maintenance of fair wages, hours, working conditions and civil service classifications. We are committed to the process of collective bargaining as the most desirable, democratic, and effective method to achieve this.
- D. To foster a better understanding between our public employees and the public.

The methods of obtaining the objectives of this local union shall be faithfully representing employees in all matters relating to their health, safety, wages, hours, benefits, and other terms and conditions of their employment. In addition, this local union shall develop favorable sentiment to public service through a comprehensive education program, and by promoting legislation beneficial to public employment.

ARTICLE IV MEMBERSHIP AND DUES

Section 1. All employees of the following California cities: San Diego, La Mesa, and Coronado and employees of the Port of San Diego are eligible for membership in this local union, subject to the requirements of the Constitution of the International Union.

Section 2. 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 months' dues.

Section 3. The membership dues of the local shall be:

- A. \$16.80 bi-weekly for full time employees.
- B. \$9.27 bi-weekly for part-time employees working 12-20 hours per week.
- C. \$6.88 bi-weekly for part time employees working 12 hours or less per week.
- D. After July 1, 1998, dues shall increase at the rate of the general Salary Increase that is negotiated and ratified by the membership of AFSCME Local 127, plus any per capita tax increase from the International Union or the District Council. Dues Increases shall go into effect on the pay period which the salary increase is effective.

Section 4. To the extent possible, membership dues shall be payable bi-weekly through payroll deduction. Members may make special arrangement to pay monthly dues by cash, check, or electronic debit to the local secretary-treasurer. Members who pay dues in this manner shall be considered

delinquent after failing to pay for two successive months and shall be suspended after failing to pay for three successive months. Members who pay their arrearages before the end of the third month shall be considered a member in good standing without lapse.

If a member has terminated employment within the jurisdiction of the local, he/she is no longer eligible for membership.

Section 5. A member suspended under the above section may be reinstated to membership in the local on payment of all arrearages.

Section 6. Upon request, a member in good standing shall receive a withdrawal card from the local union under the following circumstances:

- A. If he/she is separated from service with the employing agency.
- B. If he/she becomes ineligible for membership in the local union as a result of promotion, demotion, or transfer.
- C. If he/she retires or is demoted.
- D. Upon entering the military service.

Section 7. Hardship

Donations of union funds to help members who are experiencing a financial hardship must follow the following process. Such donations shall be limited to members in good standing. The request for such donation must be submitted to the President in writing at least two calendar days before the next scheduled membership or executive board meeting in order to receive consideration. Donations shall be limited to \$300 per member in a calendar year except in limited circumstances. In order to exceed the \$300 limit such a request must first obtain an affirmative vote of the membership to forward the issue to the Executive Board, who will consider the merits of the request and make a report and recommendation for action to the membership.

ARTICLE V CHARGES, TRIALS, DISCIPLINARY ACTION PENALTIES APPEALS

Procedures on charges, trials, disciplinary action, penalties, and appeals shall be in accordance with Article X of the International Union Constitution. Members may receive copies of Article X upon request at the union hall.

ARTICLE VI MEETINGS

Section 1. Regular meetings of this local shall be held at least monthly, at a time and place to be fixed by the membership or the local executive board.

Section 2. Special meetings may be called by the local president, the local executive board, or by petition filed with the president and signed by twenty-two members of the local. Special meetings must be held within thirty (30) days upon receipt of the signed petition. Special meetings may also be called by the International President or by an authorized representative of the International President.

Section 3. The local executive board shall meet at least once a month at a time and place to be fixed by the members of the executive board.

Section 4. Special meetings of the local executive board may be called by the president, or by a majority of the executive board. A special meeting of the executive board may also be called by the International President or his authorized representatives.

Section 5. Forty (40) members shall constitute a quorum at any general or special meeting of the local.

ARTICLE VII OFFICERS, EXECUTIVE BOARD, COMMITTEES, AND DELEGATES

Section 1. The officers of this local shall be president, a vice president, a recording secretary, a secretary-treasurer, and one executive board member from each of the groups as organized by the City of San Diego in June 2006: Coronado, Environmental Services, Park and Recreation, Water Department, Metropolitan wastewater Department, Streets, Equipment Division, Police Fire, Stadium, Facility Maintenance and the City of Coronado shall have one executive board member. Any of these groups may qualify for an additional board member for each 300 bargaining unit members, or fraction thereof in their group. The executive board shall vote to realign employee groups, (such as print shop, airport, and library employees) to the most appropriate executive board group. Employees who have not been assigned by the executive board to a group shall be assigned to the facility maintenance group. These officers shall be elected for a three-year term starting 2007. There shall also be elected three members who shall serve as trustees. The trustees shall be elected to three-year terms of office, except that in the initial election, one shall be elected for a one (1) year term, one for a two (2) year term, and one for a three (3) year term.

Section 2. Nominations and elections of officers of this local shall be held every three (3) years, except that an election shall be held annually for the trustee whose term is expiring. Nominations of officers of this local shall be conducted at the general membership meeting held at the 1st general membership meeting in January. At least fifteen days advance notice shall be given to the membership that nominations and elections shall be conducted. Newly elected officers shall be installed at the next general membership meeting.

Section 3. A nominating committee may be appointed by the president prior to the nominations meeting. Whether or not such a nomination committee is used, nominations shall be permitted from the floor.

Election and installation of Local 127 officers.

- A. All officers shall be elected by secret ballot.

- B. A majority of those voting shall determine those elected to the offices of president, vice-president, secretary-treasurer, recording secretary, executive board members, and trustees.
- C. The local membership shall determine how elections will be held by voting on one of the following methods:
 - (1) Mail ballot
 - (2) Job- site voting
 - (3) Local union meeting

All elections shall be in accordance with the AFSCME Local Union Election Manual and the provisions of Appendix D, entitled Elections Code of the International Constitution.

- D. All matters concerning nominations and elections in this local, with the exception of San Diego Labor Council Delegates, shall be subject to provisions of Appendix D, entitled Elections Code, of the International Union Constitution.

Section 4. No member shall be eligible for office unless he/she is employed in an agency within the jurisdiction of his local as provided in Article IV, Section 1 of the local union constitution, and unless he/she has been a member in good standing of this local union for at least one year immediately preceding his/her election. He/she must continue in good standing to remain in office.

Section 5. Removal from office.

- A. Any officer may have charges preferred against him and be tried for removal from office provided in Article X of the International Constitution.
- B. Unexcused absence of an officer from three consecutive meetings shall automatically vacate his/her office.

Section 6. Filing of vacancies. Vacancies in office, except in the office of the president, shall be filled for the remainder of the unexpired term by a majority vote of the membership at the first regular meeting following the occurrence of the vacancy. In case of a vacancy in the office of the president, the vice-president shall assume that office for the remainder of the unexpired term by a majority vote of the membership at the first regular meeting following occurrence of the vacancy.

Section 7. In the event that an executive board member is elected pursuant to the provisions of Section 6 of this article to fill a vacancy in the office of vice president , recording secretary, or secretary-treasurer and accepts such election, he/she shall resign as executive board member and such vacated office shall be filled by a majority vote of the membership.

Section 8. All officers shall subscribe to the Obligation of an Officer as provided in Appendix B of the International Constitution.

Section 9. All officers and employees shall be bonded as provided in Article IX of the International Constitution.

ARTICLE VIII DUTIES OF THE EXECUTIVE BOARD

Section 1. The president shall:

- a) Act at all times in a manner which will maintain the organization and benefit its members.

- b) Preside at all meetings of the local union and of the executive board.
- c) Be an ex-officio member of all committees except election committees.
- d) Countersign all checks drawn against the funds of the local.
- e) Appoint all standing committees and all special committees of the local, subject to the approval of the executive board.
- f) Report periodically to the membership regarding the progress and standing of the local and regarding the president's official acts.

Section 2. The 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 funds in place of either the president or the secretary- treasurer.

Section 3. The recording secretary shall:

- a) Keep a record of the proceedings at all membership meetings and of all executive board meetings.
- b) Carry on the official correspondence of the local, except as the executive board may direct otherwise.
- c) Perform such other duties as the executive board may require.

Section 4. The secretary-treasurer shall:

- a) Receive and receipt for all the monies of the local union.
- b) Deposit all money so received in the name of the local union in a bank or banks selected by the executive board, and money so deposited shall be withdrawn only by check 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 union.
- 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.
- h) See that any financial reports required by the International Union Constitution to be submitted to the International Union are submitted in accordance with the International Union Constitution.

Section 5. The trustees shall make or cause to be made at least semi-annually an audit of the finances of the local, including the finances concerning any health and welfare, pension, insurance or other benefit programs covering members of such local, and shall report to the membership on the result of such audit.

Section 6. The executive board shall be the governing body of the local union except when meetings of the local union 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 of 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. Expenditures of funds for the local by the executive board shall not exceed seven hundred and fifty (\$750.00) dollars plus an increase according to the CPI (Consumer Price Index) per year per executive board meeting without prior approval of the membership. The executive board shall see to it that the regular membership and financial reports to the local are submitted to the International Office as provided in the constitution of AFSCME.
- B. The funds or property of this local cannot be divided gratuitously among the members, but shall remain intact for the use of the local for its legitimate purpose while ten or more members remain therein. When there are less than ten or more members, or when the local disbands or discontinues its affiliation, it shall be the duty and responsibility of the local union officers to transmit all monies and books and other properties of the local to the International Secretary-Treasurer of the AFSCME.

Section 7. Committees and Delegates. The executive board shall appoint delegates to the San Diego-Imperial Counties Labor Council and standing committees of the local for terms not to exceed two (2) years.

Duties of Delegates.

- a) Delegates may attend all meetings of the body or bodies to which they are delegated and express the will of Local 127 therein.
- b) A report of all activities of any convention or council to which the local sends a delegate must be submitted to the local.
- c) Delegates must submit a report of expenses incurred together with receipts covering same and a bill for time lost from regular employment, if any, to the local. The local shall authorize payment of same after approval by the membership.
- d) Delegates to the International and California District Council 36 shall be elected in accordance with the International and Council 36 Constitutions.

Section 8. Duties of the Sergeant-at-Arms. The sergeant-at-arms shall see that all persons desiring admittance to meetings of the local or executive board are properly qualified, introduce visitors and conduct guest speakers to the rostrum. He/she shall assist the president by maintaining order in the assembly hall. He/she shall conduct applicants for the membership through the initiation ceremony. The sergeant-at-arms shall be appointed by the president with the approval of the executive board.

ARTICLE IX DUTIES OF SHOP STEWARDS

Section 1.

- A. A shop steward must be a member in good standing and shall be elected by the local union members within the shop which he or she serves in each shop or division wherein we have members in the public service. They shall serve a minimum term of one year.
- B. The duties of the shop stewards shall be to attend meetings regularly, inform members of union activities, report sickness, accidents, or deaths of members in his group, report and handle grievances, collect dues where required, and recruit new members into our organization.
- C. A shop steward election will be held when 30% of the members of a shop petition the chief steward to hold an election notwithstanding the provisions of article IX, Section 1 A. Time and place of a recall vote must be posted in the department for ten (10) working days prior to the date of the election. A steward may also be removed if upon the determination of the executive board, the steward has not fulfilled the duties and obligations of the office. In such a case, the executive board shall notify the steward of its intentions and the steward shall be entitled to a hearing before a quorum of the executive board prior to removal from office. Each shop represented by this Local union shall be entitled to elect one shop steward. A shop steward must be a member in good standing. To establish accurate records; Upon adoption of these amendments elections will be held in a timely manner at each shop that currently has an elected shop steward. The results of each shop steward election shall be maintained by the Chief Steward and the office manager. The name and contact information of the Shop Steward and the Chief Steward shall be posted on the union bulletin board in each shop.
- D. The president, with the approval of the executive board shall appoint a chief steward and an assistant chief steward. To be eligible, the chief steward and assistant chief steward shall be a member in good standing of this local union for at least one year. The executive board shall attempt to conduct an election in a timely manner for any vacant steward positions. The chief steward shall guide, train, and organize the local's stewards. The chief steward shall regularly attend all membership and executive board meetings. The chief steward (or the assistant chief steward as assigned by the chief steward) shall be responsible for conducting the elections for shop stewards. The chief steward shall serve at the pleasure of the executive board and shall have no fixed term of office. As deemed necessary, the President with the approval of the Executive Board may appoint (an) additional shop steward(s) to a shop.

ARTICLE X
DUTIES OF BUSINESS REPRESENTATIVES

The business representative shall be hired by the executive board with the approval of the membership after due notification at the next regular membership meeting or special meeting. They shall devote full time to Local 127. They shall be instructed by the local or the executive board on matters affecting the policy, aims or means of accomplishing the purpose of this local, and shall perform the duties assigned to them faithfully and satisfactorily. They shall attend all regular and executive board meetings of the local union.

The business representative shall have a voice on the executive board, but will not be entitled to a vote. Business representatives provided by AFSCME California Council 36 shall provide services to this local as directed by the executive director of Council 36.

**ARTICLE XI
AMENDMENTS**

This constitution may be amended, revised, or otherwise changed 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 read at a regular or special meeting of the local union and read and voted on at a subsequent meeting of the local union or by mail ballot referendum as designated by 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 voter at the meeting at which the vote is taken.

**ARTICLE XII
MISCELLANEOUS PROVISIONS**

Section 1. This local union 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 as an agent for or otherwise bind the local union in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local union 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. Robert's Rules of Order, Revised, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees.

(Date last approved by International President 4/23/07)