

BYLAWS

**Employees Association, Santa Clara Valley Water District
(As Adopted August 31, 2005)
(As Amended June 22, 2005)
(As Amended and Adopted March 2006)**

Article I Name

This organization shall be known as the Employees Association, Santa Clara Valley Water District, hereinafter called the Association. The Association is a member of Local 101 of the American Federation of State, County, and Municipal Employees, herein after called as AFSCME.

Article II Objective

The objective of this organization shall be to improve the wages, hours, working conditions, and the health and safety of its members, promote their intellectual, social and economic welfare, and represent its membership in disputes between its members and the Santa Clara Valley Water District, hereinafter called the District.

Article III Jurisdiction

The jurisdiction of this organization shall be all employees who are eligible for membership according to this constitution and the AFSCME international constitution, and who the District Board of Directors recognizes as being formally represented by the Association.

Article IV Membership

Section 1. There shall be no discrimination against any member, or applicant for membership, for reason of race, color, sex, creed, national origin, sexual orientation or age.

Section 2. This organization shall be composed of the following members:

Regular members shall be those employees who have applied for membership and shall pay dues as prescribed by this constitution. Only regular members in good standing shall be eligible to vote on matters of contract negotiations, strikes, and the adoption of bargaining demands.

A. A member in good standing is any member who has paid their current dues obligations.

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Section 3. Application for membership shall be made on an AFSCME Local 101 dues deduction form that can be obtained from the Vice-President of Membership or the President.

Section 4. Every regular member, by virtue of membership in this organization, authorizes this organization to act as the exclusive bargaining representative with full and exclusive power to execute agreements with the District. Further, every regular member authorizes this organization to act for members and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of his or her employment with the District, in such manners as this organization determines.

Section 5. Each member shall adhere to the terms and conditions of applicable collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this organization of its legal or contractual obligations.

Section 6. Members of the Association may resign from the Association during the 20-day window from 90 days to 70 days prior to the expiration of the current MOU or contract by submitting a request on Form FC 671. The form must be submitted to the District and the Vice President for Membership of the Association during the 20 day window if they no longer wish to have dues deducted from their paycheck. However, a fair share will be deducted.

Section 7. Member Code of Conduct

Pursuant to Article X of the International Constitution of the American Federation of State, County and Municipal Employees, charges may be filed by any member against another member for actions taken while a member of the Association. The basis for filing charges, the procedure, the rights of the individual and the penalties are set forth in Article X of the AFSCME International Constitution. (Refer to AFSCME International Constitution).

Article V Structure

Section 1. The structure of this organization shall consist of the General Membership, an Executive Board, a Stewards Council, and a Negotiating Team.

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Section 2. The General Membership (members in good standing) is the final authority of this organization and is authorized to take lawful action, consistent with these bylaws and to act on behalf of the organization at a general membership meeting.

Section 3. The General Membership shall elect the Executive Board, consisting of the following:

- President
- Vice-President/Management Relations
- Vice-President/Grievance (Chief Steward)
- Vice-President/Membership
- Vice-President/Benefits
- Vice-President/Outreach
- Secretary/Treasurer

Section 4. The affairs of this organization shall be conducted through the authority vested in the Executive Board. The Executive Board shall ensure that the policies and directives of the Membership are followed.

Section 5. The Executive Board shall report on all matters that, in its judgment, require consideration by this organization or which may have been committed to the Executive Board by the Membership.

Section 6. The General Membership shall have the authority to ratify or reject its negotiated contract, to strike, to elect its officers, all in accordance with the appropriate procedures set down in these bylaws.

Article VI Stewards and Stewards Council

Section 1. Stewards shall be appointed by the Vice-President/Grievance with approval of the Executive Board to investigate and process grievances.

Section 2. The Stewards Council shall consist of all stewards and the Vice-President/Grievances (Chief Steward) and the Assistant Chief Steward.

Section 3. The Assistant Chief Steward is appointed by the Vice-President/Grievances (Chief Steward).

Section 4. The Stewards Council:

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- shall serve as the ongoing supportive training body and in the handling of grievances.
- shall serve as an information channel between the membership and the Executive Board.
- shall meet as necessary.
- shall determine the number and location of steward representation areas throughout the District and shall make such structure known to the membership at least once each calendar year. Every effort will be made to provide stewardship in each representation area.

Article VII Executive Board

Section 1. The Executive Board shall consist of the President, five Vice-Presidents, and Secretary/Treasurer to be elected as prescribed in Article XIV.

Section 2. The Executive Board shall have all the authority granted to it by these bylaws including, but not limited to, the following:

- a) authorizing expenditure of chapter funds up to \$500 per year,
- b) initiation of policy subject to approval of the general membership at the general membership meetings.
- c) making decisions concerning the affairs of this organization and directed by the Membership by way of approved motions at membership meetings,
- d) establishing of a negotiating team, for the purpose of negotiating the Memorandum of Understanding (MOU), consisting of the President, a minimum of two additional members of the Executive Board, and an appropriate number of members, to accomplish the goals set forth by the Membership. The negotiations team shall survey the membership for priorities, and research economic and personnel issues pertaining to the meet and confer process.

Section 3. The Executive Board shall have the authority to make recommendations to the Local 101 Board regarding selecting, employing, evaluating, or terminating the Business Agent assigned to the Association.

Section 4. The Executive Board shall be responsible for ensuring that all tax

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filings are accomplished.

Section 5. The President shall vote only in the case of a tie vote of the Board.

Article VIII General Membership Meeting

Section 1. The General Membership Meeting shall meet at least once in each month at a regularly scheduled time and place known to the membership. Special meetings may be called by the President, or upon written request of three members of the Board. Reasonable notice of all General Membership meetings shall be given except in the case of emergency. Minutes of regular and special General Membership meetings shall be kept.

Section 2. The General Membership shall have all the authority granted to it by these bylaws including, but not limited to, the following:

- a) authorizing expenditure of chapter funds (see Article VII, Sec. 2a.),
- b) establishment of any new standing committees.

Section 3. The quorum for general membership meetings shall be 20 of the regular members in good standing. The President shall cause an agenda to be prepared for each meeting.²

Section 4. All elected officers and stewards shall make every effort to attend all Membership meetings. Any member of the Executive Board who cannot appear at a meeting, shall notify the President or appointed agent, that the officer will be absent and state a bona fide reason for such absence. The President may excuse the member subject to the approval of the Executive Board. In the event any member of the Executive Board fails to attend three consecutive Membership meetings without approved excuse, the President may declare that member's seat vacant subject to the approval of the Executive Board.

Section 5. General membership meetings shall be known to all members prior to such meetings. Notices shall be mailed, posted, electronic, or distributed no later than 10 calendar days prior to the meeting date.

Section 6. A copy of the minutes containing all actions shall be posted in conspicuous places within 20 calendar days of the day of the vote.

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Article IX Officers

Section 1. Duties of the President:

- shall be the presiding officer of this organization and shall preside over all Executive Board and all General Membership meetings.
- shall have general supervision of the affairs of this organization in accordance with these bylaws.
- shall appoint the chair, co-chair and members for all standing committees and special committees subject to the approval of the Executive Board.
- shall serve as an ex-officio member of all committees.
- shall give a full report of all activities at each regular Executive Board and Membership meetings.
- shall represent this organization before boards, committees, departments, and other such official bodies as may be designated by the Executive Board.

Section 2. Duties of the Vice-President/Management Relations:

- shall assume the duties of the President when the President is unable, for any reason, to perform those duties.
- shall assist the President in the operation of all the affairs of this organization.
- shall succeed the President if the President is unable to complete the term of office.

Section 3. Vice-President/Grievance/Chief Steward:

- shall receive all complaints and grievances and seek appropriate resolutions.
- shall preside over the meeting of the Stewards Council and be responsible for their training.
- shall preside over the selection process for departmental stewards and assistant chief stewards.
- shall recommend to the Executive Board the removal of stewards who have failed to fulfill their duties as union stewards.
- shall report on the activities at each regular Executive Board and General Membership meeting.

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Section 4. Vice-President/Membership:

- shall represent the Association in classification and compensation studies.
- shall formulate and actively support programs to recruit members to the union; draw up, assemble and distribute organizing materials.
- shall be responsible for the orientation of new employees.
- shall maintain the membership list and inform Local 101 of new members.

Section 5. Vice-President Benefits:

- shall maintain references, and track the benefits provided by the District and AFSCME, and communicate such information to the membership of the association.
- shall have a seat on the PERS board.

Section 6. Vice-President/Outreach:

- shall conduct outreach functions that inform non-members of the benefits of union membership and encourage them to join.
- shall coordinate all social activities as directed by the executive board subject to the approval of the membership.
- shall oversee the management of the organization's communications.
- shall provide for a program of political education to the membership:
 - by advising of federal, state and local legislative initiatives that may have either beneficial or adverse effects on the membership.
 - encouraging members to register, support and vote for those candidates and legislative actions that would promote the best interest of the EA general membership. (This does not mean that the EA proposes this as a collective endorsement of a particular party, candidate, or legislative action.)

Section 7: Duties of the Secretary/Treasurer

- shall keep an accurate record of the proceeding of the executive board meetings and general membership meetings of this organization.
- shall distribute minutes, resolutions and agendas.
- shall maintain all records and files of the association.
- shall assist in the official correspondence of the chapter.
- shall have custody of all funds of the association

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- shall maintain at all times a full and complete record of all accounts, assets, liabilities and financial condition.
- shall ensure all expenditures are properly authorized.
- Reports are subject to verification by the membership of this organization.
- shall provide supportive data if requested.
- shall chair the chapter's finance committee and prepare the annual report.
- shall administer the chapter rebate account.
- shall provide the Executive Board and the membership an accurate statement of chapter rebate expenditures.
- shall notify the Local 101 treasurer of approved expenditure.
- shall perform such duties as the executive board requires.

Article X Negotiations

Section 1. The Negotiations Team shall;

- form subcommittees from the membership to prepare for negotiations;
- review, select, and draft proposals;
- meet with the membership concerning proposals;
- periodically inform the membership about the progress of negotiations.

Section 2. The Negotiations Team shall;

- negotiate tentative collective bargaining agreements;
- vote to either recommend or not recommend such agreements, which are subject to ratification by the membership.

Section 3. The Memorandum of Understanding:

- shall be ratified by a majority vote of members in attendance at a general membership meeting held for that purpose. .
- The President is responsible for ensuring that the general membership meeting is held and during the meeting all proposed contract changes are explained to those members in attendance.

Article XI Candidacy and Elections

Section 1. Any regular member in good standing for a period of not less than 6 months shall be eligible to run for or hold any office in this organization.

Section 2. The President and Vice-Presidents shall be elected to serve 2-year terms. The

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President, Vice-President/Grievance, and Vice-President/ Benefits shall be elected in odd-numbered years. The Vice-Presidents of Management Relations, Membership, Outreach, and Secretary/Treasurer shall be elected in even-numbered years, except that the Secretary/Treasurer shall be elected for the first time in 2005 and in the even-numbered years thereafter.

Section 3. It shall be the responsibility of the Association to hold its elections and to notify Local 101 of the results.

Section 4. No person shall hold more than one office or be nominated for more than one office, among the following: President, Vice-Presidents, or Secretary/Treasurer. A member may, however, hold one office and seek election to another, but upon election to such office the candidate shall resign from their current position.

Section 5. It is permissible that chapter and local officers hold offices at higher and lower levels.

Section 6. At the September membership meeting an Election Committee of at least three members shall be chosen by the Membership. Such committee shall:

- rule on the qualifications of nominees,
- conduct the election and certify the results,
- provide adequate safeguards to ensure a fair election,
- be responsible for the tabulation of the results of the election,
- permit the right of any candidate to have an observer at the counting of the ballots,
- act as final judge in all matters arising from the election procedures.

Section 7. Nominations of officers:

- shall be in October, and the election shall be held in November. The Election Committee shall prepare the ballots and the balloting shall be by secret. All ballots shall be retained in a safe place for one year.
- The candidate receiving a majority of the votes cast for that office shall be declared elected.
- All elected officers shall assume office immediately upon certification of the election.

Section 8. This organization:

- shall refrain from discrimination in favor of or against any candidate.
- Union funds, resources or mailing lists will not be used to assist any member's candidacy.

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- However, all candidates shall be allowed access to any issue of the newsletter for campaign statements provided, however, uniform and reasonable standards as adopted by the Executive Board are applied to all candidates.

Section 9. All matters concerning nominations and elections of this chapter shall be governed by the elections code contained in Appendix “D” of the AFSCME International Constitution.

Section 10. Any officer can be removed from office in accordance with the constitution of the American Federation of State, County and Municipal Employees.

Section 11. Pursuant to Article X of the International Constitution of the American Federation of State, County and Municipal Employees, charges may be filed by any member against any member for actions taken while a member of the Association. The basis for the filing of charges, the procedure, the rights of the individuals, and the penalties are set forth in Article X of the AFSCME International Constitution. (Refer to AFSCME International Constitution.)

Section 12. Vacant offices other than President shall be filled for the remainder of the unexpired term by vote of the Executive Board, with confirmation by the general membership.

Article XII Standing Committees

Pursuant to these bylaws, the Executive Board may establish standing committees. The standing committees of this organization shall include, but not be limited to:

Section 1. Finance Committee

- Shall study revenues and expenditures, draw up a preliminary budget and recommend action on the financial condition of the Association to the Executive Board.
- Shall be comprised of the Secretary/Treasurer and a minimum of three members appointed by the President, subject to the approval of the Executive Board.

Section 2. Outreach Committee

- Shall, in accordance with the duties of the Vice-President/Outreach, assist the Vice-President in carrying out a program of social and political outreach to the membership.

Section 3. Membership and Organizing Committee

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- Shall, in accordance with the duties of the Vice-President/Membership, assist the Vice-President in carrying out a program of recruitment of new members, and orientation and ongoing training of the membership.

Section 4. Bylaws Committee

- Shall periodically review the bylaws of this organization and submit proposed amendments to the Executive Board for approval and then to the General Membership for ratification.

Section 5. Negotiations Committee

- Shall collect data and proposals from the Executive Board, Stewards, and Membership in preparation for contract negotiations.
- Shall assist the Executive Board and Negotiating Team in surveying, reviewing, and drafting contract proposals.
- Shall assist the Negotiating Team in communicating with the Membership during the bargaining process.

Section 6. Local 101 Delegates

- Appointed by the President, subject to the approval of the Executive Board, shall represent the interests of the Chapter at the AFSCME Local 101 Executive Board.

Article XIII Revenues and Properties

Section 1. The monthly dues shall be the per capita dues required by the International and Council 57.

Section 2. All officers shall deliver to their respective successors, at the conclusion of their term of office, all property in their possession belonging to the Association. All the funds and property of the Association shall be deemed held in trust for the benefit of the members to be used in accordance with these bylaws subject to the supervision, and in accordance with the direction of the membership and the Executive Board.

Section 3. The title of all property, funds, and other assets of the organization shall at all times be vested in the Executive Board for joint use of the membership of the Association, but no member shall have any severable proprietary right, title or interest therein. Membership in this organization shall not vest any member with any right, title or interest in or to the funds, property or other assets of the Association now owned or possessed or that may hereafter by acquired, and each member hereby expressly waives

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any right, title or interest in or the property of the Association, including the funds of the Association.

Article XIV Non-profit Status

Section 1. No part of the net earnings of this Association shall inure to or be distributable to its members, trustees, officers, or other private persons, except that the Association shall be empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the exempt purposes for which it was formed.

Section 2. Notwithstanding any other provisions of these bylaws the Association shall not carry on any other activities not permitted to be carried on by an association exempt from the Federal income tax under Section 501 (c) (5) of the Internal Revenue Code of 1954.

Article XV Amendments and Contravention

Section 1. Bylaws of this organization may be amended with two-thirds (2/3) of the members voting at a regular or special General Membership Meeting of the Association provided that the members receive 10 days written notification prior to the meeting.

Section 2. If any article or part of these Bylaws is judged as null and void by act of law, conflict with the International Constitution or for any other reason, then all remaining parts will continue to be valid and in effect.

Article XVI Rules of Order

Section 1. Robert's Rules of Order, Revised, except as amended by these Bylaws shall govern all meetings of this organization.

Section 2. The officers shall keep in their possession Robert's Rules of Order, Revised, for their use as parliamentarians.

^[1] Amended June 22, 2005

^[2] Amended March 2006