



*Society of Professional Engineering  
Employees in Aerospace  
IFPTE Local 2001  
AFL-CIO, CLC*

# Constitution

October 2005

Certified by:     /s/ James Hatfield    2/20/06  
Governing Documents Committee Chairman

Accepted by:     /s/ Dave Patzwald    2/21/06  
SPEEA Secretary

**TABLE OF CONTENTS**

PREAMBLE .....	1
1. Introduction .....	1
1.1. Separability .....	1
1.2. Legal Integrity of SPEEA .....	2
2. General .....	2
2.1. Composition of SPEEA .....	2
2.1.1. Addition of Bargaining Units .....	2
2.1.2. Regions .....	2
2.2. Affiliation, Merger and Association .....	2
2.2.1. Affiliation .....	2
2.2.2. Merger .....	2
2.2.3. Association .....	2
2.2.4. IFPTE Affiliation .....	2
2.2.4.1. Governing Documents Precedence .....	3
2.2.4.2. IFPTE Delegates .....	3
2.2.4.3. IFPTE Vice Presidents .....	3
2.3. Requirements for Holding Office .....	3
2.3.1. Membership .....	3
2.3.2. Requirements .....	3
2.3.3. Training .....	3
2.3.4. Bonding .....	4
2.4. Reimbursement .....	4
2.5. Honorariums .....	4
3. Membership .....	4
3.1. Membership Requirements .....	4
3.1.1. Regular Membership .....	4
3.1.2. Associate Membership .....	4
3.1.3. Reciprocal Membership .....	4
3.2. Membership Meetings .....	4
3.2.1. Regular Membership Meetings .....	4
3.2.2. Informational, Educational, Social Meetings .....	4
3.3. Dues .....	4
3.3.1. Regular Members .....	4
3.3.2. Associate Members .....	5
3.3.3. Delinquency of Dues .....	5
3.4. Rights .....	5
3.4.1. Membership Vote .....	5
3.4.2. Nomination and Election of Representatives .....	5
3.4.3. Nomination and Election of Regional Vice Presidents .....	5
4. Bargaining Unit .....	5
4.1. Composition .....	5
4.2. Meetings .....	5
4.2.1. Bargaining Unit Membership Meeting Quorum .....	6
4.2.2. Notice and Agenda .....	6
4.2.3. Allowable Business .....	6
4.3. Rights .....	6
4.4. Area Representatives .....	6
5. Bargaining Unit Council .....	6
5.1. Composition .....	6
5.1.1. Council Representatives .....	6
5.1.1.1. Delegated Responsibilities .....	6
5.1.1.2. Council Representatives Responsibilities .....	6
5.1.1.3. Alternate Council Representative .....	6
5.1.1.4. Area Representatives .....	7
5.1.1.5. District Residency .....	7
5.1.2. Districts .....	7
5.2. Meetings .....	7
5.2.1. Quorum .....	7
5.2.2. Notice and Agenda .....	7
5.2.3. Allowable Business .....	7
5.3. Election .....	7
5.3.1. Terms of Office .....	7

5.3.2.	Nomination.....	7
5.3.3.	Election Balloting .....	7
5.3.4.	Recall and Replacement.....	7
5.4.	Rights and Duties .....	8
5.4.1.	Bargaining Unit Council Responsibilities .....	8
5.4.2.	Executive Board Actions.....	8
5.4.3.	Bargaining Unit Council Procedures.....	8
6.	Regional Council .....	8
6.1.	Composition.....	8
6.2.	Regional Council Officers.....	8
6.2.1.	Regional Council Chairman .....	8
6.2.2.	Regional Council Treasurer .....	9
6.2.3.	Regional Council Secretary .....	9
6.2.4.	Additional Officers.....	9
6.3.	Meetings .....	9
6.3.1.	Initial.....	9
6.3.2.	Frequency .....	9
6.3.3.	Quorum .....	9
6.3.4.	Notice and Agenda .....	9
6.3.5.	Allowable Business.....	9
6.4.	Rights and Duties .....	9
6.4.1.	Regional Council Responsibilities.....	10
6.4.2.	Executive Board Actions.....	10
6.4.3.	Signatories and Bonding.....	10
6.4.4.	Regional By-Laws.....	10
6.4.5.	Regional Policy .....	10
6.4.6.	Regional Council Committees .....	10
6.4.7.	Recall and Replacement of Regional Council Officers.....	10
6.5.	Committees .....	10
6.6.	Site Assemblies .....	11
6.6.1.	Site Assembly Officers.....	11
7.	SPEEA Council.....	11
7.1.	Composition.....	11
7.2.	SPEEA Council Officers .....	11
7.2.1.	SPEEA Council Chairman .....	11
7.2.2.	SPEEA Council Treasurer .....	11
7.2.3.	SPEEA Council Secretary .....	11
7.2.4.	Election .....	12
7.3.	Meetings .....	12
7.3.1.	Convention.....	12
7.3.1.1.	Frequency.....	12
7.3.1.2.	Quorum.....	12
7.3.1.3.	Notice and Agenda .....	12
7.3.1.4.	Allowable Business.....	12
7.3.1.5.	Voting .....	12
7.3.2.	SPEEA Council Meetings .....	12
7.3.2.1.	Frequency.....	12
7.3.2.2.	Quorum.....	12
7.3.2.3.	Notice and Agenda .....	12
7.3.2.4.	Allowable Business.....	12
7.3.2.5.	Voting .....	12
7.4.	Rights and Duties .....	12
7.4.1.	Responsibilities .....	12
7.4.2.	Executive Board Actions.....	13
7.4.3.	Signatories and Bonding.....	13
7.4.4.	SPEEA By-Laws .....	13
7.4.5.	SPEEA Policy .....	13
7.4.6.	Council Committees.....	13
7.4.7.	Recall and Replacement of Council Officers .....	13
7.5.	Committees .....	13
8.	Executive Board .....	13
8.1.	Composition.....	14
8.2.	Duties and Responsibilities .....	14

8.2.1.	President.....	14
8.2.2.	Treasurer .....	14
8.2.3.	Secretary.....	14
8.2.4.	Regional Vice Presidents.....	14
8.3.	Executive Board Meetings.....	14
8.3.1.	Frequency .....	14
8.3.2.	Quorum .....	15
8.4.	Elections .....	15
8.4.1.	President, Treasurer, Secretary.....	15
8.4.1.1.	Term of Office .....	15
8.4.1.2.	Nominations.....	15
8.4.1.3.	Election Balloting .....	15
8.4.1.4.	Recall and Replacement .....	15
8.4.2.	Regional Vice Presidents.....	15
8.4.2.1.	Term of Office .....	15
8.4.2.2.	Nominations.....	15
8.4.2.3.	Election Balloting .....	16
8.4.2.4.	Recall and Replacement .....	16
8.5.	Rights and Duties .....	16
8.5.1.	Responsibilities.....	16
8.5.2.	SPEEA Budget.....	16
8.5.3.	SPEEA Staff.....	16
8.5.4.	Committees.....	16
8.5.5.	Signatories and Bonding.....	16
8.5.6.	Documents and Publications .....	17
8.5.7.	Collective Bargaining Enforcement.....	17
9.	Tellers.....	17
9.1.	Regional Tellers .....	17
9.1.1.	Composition .....	17
9.1.2.	Meetings .....	17
9.1.3.	Elections .....	17
9.1.4.	Recall and Replacement.....	17
9.1.5.	Rights and Duties.....	17
9.1.5.1.	Charges .....	17
9.1.5.2.	Records .....	17
9.1.5.3.	Districting.....	18
9.2.	SPEEA Tellers.....	18
9.2.1.	Composition .....	18
9.2.2.	Meetings .....	18
9.2.3.	Elections .....	18
9.2.4.	Recall and Replacement.....	18
9.2.5.	Rights and Duties.....	18
9.2.5.1.	Charges .....	18
9.2.5.2.	Records .....	18
9.2.5.3.	Audit.....	19
10.	Judicial Review .....	19
10.1.	Composition .....	19
10.1.1.	Meetings .....	19
10.1.2.	Elections .....	19
10.1.3.	Recall/Replacement.....	19
10.2.	Rights and Duties.....	19
10.2.1.	Constitution and By-Laws Interpretation.....	19
10.2.2.	Hearing of Appeals .....	19
10.2.3.	Records.....	20
11.	Negotiations.....	20
11.1.	Negotiation Team.....	20
11.2.	Selection of Negotiators.....	20
11.3.	Negotiation Team Rights and Obligations .....	20
11.4.	Ratification of Collective Bargaining Agreements .....	20
11.5.	Strike Authorization Vote.....	20
11.6.	Amendments to Collective Bargaining Agreements.....	20
12.	Election.....	21
12.1.	Procedure.....	21

---

12.2. Challenges and Appeals .....	21
13. Charges .....	21
13.1. Charges.....	21
13.2. Hearing Boards .....	21
13.3. Disciplinary Action.....	22
13.4. Appeals .....	22
14. Referendums and Constitutional Amendments.....	22
14.1. Methods.....	22
14.2. Processing.....	22
14.3. Affiliation Referendums from the Membership.....	23
15. By-Laws.....	23
15.1. Existence.....	23
15.2. Amendment Procedures .....	23
15.2.1. Methods .....	23
15.2.2. Processing .....	23
16. Policy .....	24
16.1. Existence .....	24

## PREAMBLE

We, the members of the Society of Professional Engineering Employees in Aerospace, International Federation of Professional and Technical Engineers, Local 2001 AFL-CIO, CLC, in order to insure we are treated with dignity and respect, to protect and improve our benefits and working conditions, to enhance our career and economic interests, and to promote a mutually-beneficial relationship with our employer, agree to the principles of collective bargaining and hereby establish this constitution for the Society of Professional Engineering Employees in Aerospace.

We the members of the Society of Professional Engineering Employees in Aerospace hold these principles to be self evident, that all members are to be treated with dignity and respect, that all members shall be treated equally and with fairness, that there shall be accountability at all levels of SPEEA, that our success depends on openness and honesty and integrity, and that we and our employer have a shared destiny.

We the members of the Society of Professional Engineering Employees in Aerospace elect to be governed by member participation, a representative democracy, an elected executive board to which is granted all executive and administrative powers, and several elected representative councils to which are granted all legislative powers.

## 1. INTRODUCTION

The Society of Professional Engineering Employees in Aerospace, International Federation of Professional and Technical Engineers, Local 2001 ("SPEEA") is created by the Members and dedicated to serving the Members. SPEEA is governed by the Members, the Executive Board, the Bargaining Unit Councils, the Regional Councils, and the SPEEA Council.

The purpose of SPEEA shall be to foster unity among engineers, scientists and technical employees who constitute the aerospace community to the end that they can improve their economic, professional and social status through the medium of collective bargaining and all other legal means.

The Members are the source of all SPEEA powers and authority.

The Executive Board has the power to enforce SPEEA's collective bargaining agreements, oversee day-to-day activities, to propose and control SPEEA's budget, to facilitate communication throughout SPEEA and to oversee legislative activities.

Each Bargaining Unit Council has the power to act on matters exclusive to the specific Bargaining Unit represented, including but not limited to electing contract negotiators, establishing negotiation policies and strategies, approving contract amendments and agreements with the employer, and recommending legislative and lobbying action affecting the Bargaining Unit.

Each Regional Council has the power to act on matters exclusive to the specific region represented, including but not limited to establishing policies, proposing and controlling the budget, enforcing contracts, recommending regional legislative and lobbying action, and serving as a delegate on the SPEEA Council.

The SPEEA Council, whose membership includes the members of the Executive Board and the Representatives and Officers of the Regional Councils, has, in the absence of direction by the membership, the power to approve SPEEA's budget, to establish SPEEA policy, and to recommend legislative and lobbying activities affecting SPEEA.

The Constitution of SPEEA, in conjunction with the SPEEA By-Laws and SPEEA Policy, shall be the Governing Documents of SPEEA. In addition, the Regional By-Laws and the Regional Policy are the Governing Documents of the Region. No other documents of SPEEA shall contradict these documents unless otherwise provided in this Constitution. In the event of such conflict, this Constitution, then the SPEEA By-Laws, Regional By-Laws, SPEEA Policy, then the Regional Policy shall take precedence. Governances for a Bargaining Unit shall not conflict with the Regional or SPEEA Governing Documents.

Parallel paragraph numbering is maintained in the Constitution and By-Laws. Sections and paragraphs in the Constitution describe the responsibilities and rights of the various bodies of SPEEA (Membership, Executive Board, Councils, etc.). The By-Laws describe the methods of implementing those rights and responsibilities granted under the Constitution.

Days are calendar days unless otherwise specified. Should a required date fall on a Saturday, Sunday or holiday recognized by the employer, then that Constitutional date shall be considered the first business day following the specified date.

### 1.1. Separability

Should any section, part thereof, or any provision in this Constitution become invalid by reason of existing law, subsequently enacted legislation, decree of any court of competent jurisdiction, or any regulation of any government

agency with proper jurisdiction, the remaining sections, parts and provisions of this Constitution shall remain in full force and effect.

## **1.2. Legal Integrity of SPEEA**

SPEEA is a nonprofit organization. All funds, property and assets of whatever kind or description, or wherever located, presently owned or hereafter acquired by SPEEA are, and shall remain, the sole and separate property of SPEEA and shall be held in trust for the general membership thereof. In the event of a withdrawal of a group or division, there shall be no apportionment of funds, properties, or assets.

## **2. GENERAL**

### **2.1. Composition of SPEEA**

#### **2.1.1. Addition of Bargaining Units**

The addition of new Bargaining Unit(s) to SPEEA or any change in the composition of any Bargaining Unit shall meet the following requirements:

The addition of any Bargaining Unit(s) which contain(s) either Boeing, Boeing wholly-owned subsidiary, Boeing joint venture or Successor employees or a change to the composition of any existing Bargaining Unit(s) shall not require ratification by the Regular Membership of SPEEA.

The addition of any Bargaining Unit(s) employed in the Engineering, Technical & Scientific Community which does not contain either Boeing, Boeing wholly-owned subsidiary, Boeing joint venture or Successor employees shall require ratification by a simple majority vote of the Regular Membership of SPEEA by referendum.

#### **2.1.2. Regions**

Regions are geographic groupings of Bargaining Units as defined in SPEEA By-Laws.

### **2.2. Affiliation, Merger and Association**

#### **2.2.1. Affiliation**

Affiliation is joining with another organization to form a larger labor union, or a federation of unions. This organization is in turn affiliated with other national or international unions. Affiliation allows jurisdictional recognition from the other affiliated unions and under federal labor law. Affiliation provides for autonomy while being a subordinate body to the larger union. Each affiliated union retains its own constitution, by-laws, policy and negotiation authority. In cases of conflicting constitutional wording, federal labor law recognizes precedence of the larger umbrella organization's constitution.

Affiliation shall be determined in accordance with the referendum procedure outlined in this Constitution. An affiliation shall be incorporated into a separate subsection of this Constitution, By-Laws, and Policy.

#### **2.2.2. Merger**

A Merger is the consolidation of two or more unions into one surviving union.

A merger shall be determined in accordance with the referendum procedure outlined in this Constitution.

#### **2.2.3. Association**

Association is a joining of unions or groups for a common purpose.

An Association shall be determined by either a Regional or SPEEA Council.

##### **2.2.3.1 Labor Councils**

SPEEA should seek representation on labor councils per the requirements defined in the SPEEA By-Laws.

#### **2.2.4. IFPTE Affiliation**

The International Federation of Professional and Technical Engineers ("IFPTE") is one of the constituent organizations of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and Canadian Labour Congress (CLC).

SPEEA is affiliated with IFPTE consistent with the joint affiliation agreement.

Solely for the purpose of participating in IFPTE and IFPTE associated activities, SPEEA staff members are eligible for SPEEA regular membership and are not eligible for any SPEEA regular membership rights outside of the IFPTE activities.

#### **2.2.4.1. Governing Documents Precedence**

In the event of a conflict between the SPEEA's Governing Documents and IFPTE's Constitution, the IFPTE Constitution shall take precedence and the conflicting portion of SPEEA's Documents shall be invalid. The remaining portions, parts and provisions of SPEEA's Documents shall remain in force and effect.

#### **2.2.4.2. IFPTE Delegates**

The IFPTE Constitution defines the maximum number of delegate votes that SPEEA is permitted at the IFPTE Convention. The SPEEA Executive Board shall determine the number of delegates that are funded to attend the Convention.

SPEEA's IFPTE delegates will be SPEEA regular members and will be elected by regular members by secret ballot. Those delegates with the highest number of votes will be the funded delegates, except as provided for in SPEEA By-Laws. Delegates who are unable to attend the IFPTE Convention shall have their delegate votes reassigned to the attending delegates by the SPEEA Tellers Committee.

The attending delegates shall have all rights and duties specified in the IFPTE Constitution including the right to cast votes on election of IFPTE officers, and the right to cast votes on IFPTE Constitutional Amendments and any duly authorized business that is presented at the convention.

Such delegates will act and operate in accordance with the instructions of the SPEEA Council.

#### **2.2.4.3. IFPTE Vice Presidents**

The IFPTE Constitution sets forth the roles and responsibilities of the IFPTE Vice Presidents and the number of IFPTE Vice Presidents for the SPEEA Area. Additional responsibilities will be defined in the SPEEA By-Laws.

### **2.3. Requirements for Holding Office**

If the following requirements are not met, the office shall be considered vacant and the position shall be filled in accordance with the applicable Constitutional procedures.

#### **2.3.1. Membership**

No member may concurrently serve on the Tellers Committees, Judicial Review Committee, as an Executive Board Officer, as an Executive Board Vice President, or as a Council Representative.

#### **2.3.2. Requirements**

Only Regular Members represented by a Bargaining Unit of SPEEA shall be eligible to hold any elective position in SPEEA.

Council Representatives must have been Regular Members in good standing of SPEEA continuously for the preceding twelve-month period, Executive Board members must have been regular members in good standing for the preceding twenty-four month period.

Regular Members added to an existing Bargaining Unit during an expansion of the Bargaining Unit, or members of a Bargaining Unit formed within the prior two years are exempt from the twelve-month or twenty-four month continuous membership requirement for Council Representative or Executive Board candidates respectively. Council Representatives and Executive Board candidates with an approved leave of absence during the required period may petition the Regional or SPEEA Council respectively for a waiver for the break in membership during their leaves. Waivers for approved leaves of absence shall be granted individually by the Council per the By-Laws.

Regular Members, represented by a Bargaining Unit may not hold an elected office after termination of active employment. Those on government-activated military or union leave of absence that exceeds ninety-days shall not hold an elected office.

#### **2.3.3. Training**

Each Council Representative and Executive Board Member will hold that position for a term of office if a training course on grievance handling is completed within two months of being seated and annual refresher training is completed within two-months of the anniversary of elections. For adequate cause, the two-month period may be extended to a four-month maximum period provided that interim training has been completed. Such approval for Council Representatives and Regional Vice Presidents shall require a 2/3<sup>rd</sup>-majority vote of a Regional Council. Such approval for the SPEEA President, Treasurer, and Secretary shall require a 2/3<sup>rd</sup> -majority vote of the SPEEA Council.

#### **2.3.4. Bonding**

All officers and union agents who are authorized signatories for checks or otherwise disburse funds shall be bonded for a sum specified by law.

#### **2.4. Reimbursement**

Each elected Officer, Council Representative or representative of SPEEA shall be entitled to reimbursement for any and all authorized expenses incurred on behalf of SPEEA.

#### **2.5. Honorariums**

An honorarium for service to SPEEA may be awarded per the SPEEA By-Laws. The honorarium shall be pro-rated for the member's period of service and shall be paid at the end of the term or the last day of office, whichever is earlier.

### **3. MEMBERSHIP**

#### **3.1. Membership Requirements**

Membership in SPEEA shall be open to those persons in any Bargaining Unit represented by SPEEA, to those who have formerly been represented by SPEEA, to those who hold qualifications similar to those in the Bargaining Units, and to those who share a community of interest with those in the Bargaining Units.

All members agree to be bound by the terms and provisions of this Constitution. An applicant will become a Member in good standing upon receipt at SPEEA Headquarters of a completed and valid application and payment of all dues owing.

##### **3.1.1. Regular Membership**

Any member of a Bargaining Unit represented by SPEEA, including those on union business leave of absence of less than ninety days and government-activated military leave of absence may be a Regular Member.

##### **3.1.2. Associate Membership**

Former SPEEA-represented employees or a person who is employed in an aerospace or equivalent industry may be an Associate Member.

##### **3.1.3. Reciprocal Membership**

Any person who is represented by a union or group with a reciprocal membership approved by the SPEEA Council is eligible for reciprocal membership per the requirements of the reciprocal agreement.

#### **3.2. Membership Meetings**

There are two types of membership meetings of SPEEA – regular membership and informational meetings. Membership meetings shall be conducted at a regional level.

##### **3.2.1. Regular Membership Meetings**

Regional regular membership meetings of SPEEA may be held at a time and place set by the Regional Council. A quorum at regular membership meetings shall be defined in the Regional By-Laws based on the official regional membership count of SPEEA as of the last day of the month preceding the month in which the meeting is convened.

##### **3.2.2. Informational, Educational, Social Meetings**

Informational, Educational, and Social meetings of SPEEA may be called as needed. There is no quorum required for these meetings.

#### **3.3. Dues**

The monthly dues of each Regular Member, as defined in Section 3.1.1, shall be identical. On January 5 of each year, the dues obligation for that year will be established. Dues not paid by payroll deduction shall be the responsibility of the member who owes the dues. Such dues are due at the SPEEA office as defined in the By-Laws.

##### **3.3.1. Regular Members**

The average hourly rate used to establish the uniform monthly dues obligation is the average hourly rate for all Bargaining Unit members represented by SPEEA. The dollar amount of the individual monthly dues obligation shall be the average hourly rate multiplied by 0.85, rounded to the nearest cent. In the event of a Bargaining Unit Strike, the dues obligations will not apply, as defined in SPEEA By-Laws.

**3.3.2. Associate Members**

The dues for Associate Members are addressed in the SPEEA By-Laws.

**3.3.3. Delinquency of Dues**

A member who is delinquent in dues shall be notified upon discovery. A member who is delinquent in dues in excess of sixty days shall be suspended from all membership privileges until delinquent dues are paid. A suspended member is not eligible to hold or remain in any elective or appointed position in SPEEA.

Dues that are being deducted by the employer under a valid dues deduction authorization and failure to pay is due to the employer failing to deduct and/or transmit to SPEEA the dues, not because of any action or inaction of the member, such member shall not be suspended. The member is still responsible for the payment of dues, either directly or through payroll deduction.

A member who, ninety days after notification, is delinquent with respect to payment of dues shall be automatically expelled from SPEEA.

**3.4. Rights**

The Regular Membership of SPEEA shall be the supreme governing and policy-making body of SPEEA and its decision shall be final on all issues except those issues specifically reserved for one of the other governing bodies in this Constitution and related By-Laws or by government statute.

The rights of the membership include but are not limited to the following:

Only the Regular Membership can, following the procedures established in this Constitution, approve Constitutional changes or amendments, approve any collective bargaining agreement for their own Bargaining Unit, elect Executive Officers and elect Council Representatives. In the absence of decision of the membership, all other SPEEA affairs may be decided upon by the Executive Board, the Bargaining Unit Council, the Regional Council, the SPEEA Council, Negotiation Teams, the Regional Tellers Committee, the SPEEA Tellers Committee, the Judicial Review Committee or the individual Bargaining Unit, as prescribed by this Constitution.

The Regular Membership may, by referendum procedure, exercise control over, and give direction to, any and all other governing bodies of SPEEA.

**3.4.1. Membership Vote**

Only Regular Members of SPEEA in good standing may vote on issues that affect the membership as a whole. Such issues include but are not limited to affiliation, merger, constitutional and membership referendums, and elections.

Associates Members and Reciprocal Members do not have voting rights.

**3.4.2. Nomination and Election of Representatives**

Regular Members of the Bargaining Unit residing in a district as defined in Section 5.1.2 may elect their Council Representatives in accordance with the provisions of this Constitution.

The Regular Members have the right to nominate, elect and recall or replace representatives, officers or delegates of SPEEA unless otherwise provided in this Constitution.

**3.4.3. Nomination and Election of Regional Vice Presidents**

Regular Members of the region as defined in the SPEEA By-Laws have the right to be nominated, to nominate, elect, recall or replace their Regional Vice Presidents.

**3.4.4. Membership Identification**

Each member will receive a Membership Card.

**4. BARGAINING UNIT****4.1. Composition**

For purposes of this Constitution, any group of employees certified by the National Labor Relations Board, or agreed to by the union and the employer as an appropriate group of employees for collective bargaining shall be considered a separate Bargaining Unit.

**4.2. Meetings**

The Council Officers or their designees shall convene a membership meeting of the Bargaining Unit within thirty days following authorization for the meeting.

**4.2.1. Bargaining Unit Membership Meeting Quorum**

The quorum required at a Bargaining Unit meeting shall be defined in the Regional By-Laws. The quorum count shall consist of the number of SPEEA Regular Members in good standing based on the official count of SPEEA Regular Members belonging to the Bargaining Unit as of the last day of the month preceding the month in which the meeting is convened.

**4.2.2. Notice and Agenda**

The requirements for the notice and agenda for Bargaining Unit Meetings shall be defined in the Regional By-Laws.

**4.2.3. Allowable Business**

The allowable business for a Bargaining Unit Meeting shall be defined in the Regional By-Laws.

**4.3. Rights**

The exclusive rights of the membership of a Bargaining Unit include the following:

- 1) Only the Regular Membership of the Bargaining Unit is authorized to approve or disapprove any collective bargaining agreement being considered by SPEEA for that Bargaining Unit, and only those Regular Members of SPEEA whose employment will be governed by the terms of such an agreement will be entitled to vote with reference to it.
- 2) Each Bargaining Unit has the right to proportional representation on the councils, and in no case shall such representation be less than one Council position.

**4.4. Area Representatives**

A Regular Member may become an Area Representative by submitting a petition endorsed by Regular Members in that district to the Council Representative.

**5. BARGAINING UNIT COUNCIL**

The purpose of the Bargaining Unit Council shall be to act upon matters pertaining exclusively to the specific Bargaining Unit represented.

Bargaining Unit Council procedures must exist if a Bargaining Unit Council elects officers. These Officers shall fulfill the duties assigned to the Regional Council Officers for the Bargaining Unit Council. Regional By-Law requirements will recognize Bargaining Unit Council procedures.

**5.1. Composition**

The Bargaining Unit Council Membership shall be composed of all elected Council Representatives representing the Bargaining Unit and any Executive Board Members from the Bargaining Unit. In the event that there are less than three Council Representatives, then the Area Representatives, Council Representatives, Alternate Council Representatives, and Executive Board Members from that Bargaining Unit become the Bargaining Unit Council and all rules governing the Bargaining Unit Council apply.

**5.1.1. Council Representatives**

Council Representatives may only be removed from their Council positions by successful recall petitions or by disciplinary action.

**5.1.1.1. Delegated Responsibilities**

The Council Representative is a delegate of the Regular Members in the district represented by the Council Representative. Council Representatives shall have the responsibility, subject only to the will of the membership, to determine SPEEA Policy on any question or issue, with such policy becoming a part of the body of rules governing SPEEA and its members.

**5.1.1.2. Council Representatives Responsibilities**

Council Representatives shall be the workplace representatives of SPEEA. They shall at minimum be responsible for grievance handling, problem solving, recruitment, and policing the contract within their district.

**5.1.1.3. Alternate Council Representative**

In the event of the absence of the Council Representative from any Council meeting, the Alternate Council Representative may act as the delegate from that Council district, and shall have all delegate privileges during that meeting or until the Council Representative is in attendance at that meeting.

**5.1.1.4. Area Representative**

Council Representatives may appoint Area Representatives as necessary. The Council may require any Council Representative to designate additional Area Representatives.

**5.1.1.5. District Residency**

In the event of a permanent relocation or transfer into a vacant Council District, the Council Representative shall submit a petition within thirty days for that vacant Council position. Upon election, the Council Representative's previous district position shall be declared vacant.

**5.1.2. Districts**

Each employee in a Bargaining Unit shall be provided, in so far as is possible, Council representation situated close to the employee's work location. Geographic location, skills, or population may define districts for a Bargaining Unit as defined in section 9.1.5.3 and the Regional By-Laws.

**5.2. Meetings**

Meetings of a Bargaining Unit Council may be convened at the call of the Regional Council Chairman or upon written demand submitted to the Regional Council Chairman by at least one-third of the Council Representatives from the Bargaining Unit.

**5.2.1. Quorum**

A quorum for meetings of a Bargaining Unit Council shall consist of a simple majority of the members of the Bargaining Unit Council who have a vote. No more than one-third of the quorum may be Alternate Council Representatives.

**5.2.2. Notice and Agenda**

The requirements for the notice and agenda for a Bargaining Unit Council Meeting shall be defined in the Regional By-Laws.

**5.2.3. Allowable Business**

The requirements for allowable business for a Bargaining Unit Council Meeting shall be defined in the Regional By-Laws. If a Bargaining Unit Council elects Bargaining Unit Council Officers, governances for the Bargaining Unit Council must be created.

**5.3. Election**

Each Council Representative shall be elected by Regular Members within a district that shall include both the Council candidates' primary work location and the primary work location of the members of that district as defined by the Regional Tellers Committee. Elections for Council Representatives will be held every two years.

**5.3.1. Terms of Office**

Council Representatives shall hold their positions for two-year terms unless they resign or are recalled. The term of office will be from the beginning of the first Council meeting following the election to the beginning of the first Council meeting following the next election. Council Representatives elected to office mid-term will hold office for the remainder of that term.

**5.3.2. Nomination**

A nomination for a Council Representative position shall be accomplished by filing a Council Representative petition with the Regional Tellers Committee. The petition shall be endorsed by district Bargaining Unit Regular Members in good standing. The Regional Tellers Committee shall validate the petition.

**5.3.3. Election Balloting**

The Council Representative shall be elected by a secret ballot of all Bargaining Unit Regular Members within the district in which the petition was filed per the election procedures of section 12.

**5.3.4. Recall and Replacement**

A Council Representative may be recalled by a recall petition endorsed by more than fifty percent of the Regular Members in the district. The recall petition shall be presented to the Regional Tellers Committee.

If a vacancy occurs caused by the resignation, incapacity, death, recall, or failure to meet the requirements of a Council Representative during a term of office, the position will be declared vacant. A replacement Council Representative shall be elected per the election procedures and shall hold office for the remainder of the term of office.

#### **5.4. Rights and Duties**

The Bargaining Unit Council shall have the same rights and duties as the Regional Council, except such rights and duties shall be limited to matters pertaining solely to that specific Bargaining Unit, and the members thereof.

##### **5.4.1. Bargaining Unit Council Responsibilities**

The Bargaining Unit Council shall have the right and duty, subject only to the will of the Bargaining Unit membership, to determine Bargaining Unit policy on any question or issue, with such policy becoming a part of the body of rules governing the Bargaining Unit and its members. Their delegated responsibilities include but are not limited to: election of the Bargaining Unit Negotiation Team, determining negotiation policy and general direction of the negotiation team, approval of contract amendments and agreements with the employer, recommending legislative and lobbying action and serving as a delegate on both the Regional and SPEEA Councils. The Bargaining Unit Council may direct and review all actions of the Bargaining Unit Council members.

##### **5.4.2. Executive Board Actions**

Except where exclusive authority has been given to the Executive Board by this Constitution, all Board actions are subject to review and subsequent direction by the Bargaining Unit Council on matters pertaining exclusively to the Bargaining Unit. The Bargaining Unit Council may reverse action taken by the Executive Board on such matters by a 2/3<sup>rd</sup> majority vote, but no less than a majority vote of the entire number of Council Representatives. This vote must be taken within forty-five days of the Board action.

On any vote by the Bargaining Unit Council to overturn previous Board action, Executive Board members shall be excluded from the vote and the quorum requirements for the vote.

##### **5.4.3. Bargaining Unit Council Procedures**

Any Bargaining Unit Council procedures shall be determined by the Regional Council subject to the SPEEA Constitution, SPEEA By-Laws, SPEEA Policy, Regional By-Laws, and Regional Policy.

### **6. REGIONAL COUNCIL**

The Regional Council shall be the policy-determining body for the Region of SPEEA subject to the will of the Regional Regular Membership. In the absence of decision of the membership, the decision of the Regional Council shall constitute final authority.

All Regional Policies shall be in accordance with this Constitution, SPEEA By-Laws, SPEEA Policy, and Regional By-Laws.

All Regional By-Laws shall be in accordance with this Constitution and the SPEEA By-Laws.

In the event that Council Representatives are unable to attend Regional Council Meetings, their Designated Alternates shall have full voting rights in their absence.

#### **6.1. Composition**

The Regional Council Membership shall be composed of the members of the Bargaining Unit Council(s) within the region.

#### **6.2. Regional Council Officers**

At the first meeting following the Council Representative elections in May of odd years, the Regional Council shall elect from the Regional Council Representatives a Chairman, Secretary, and Treasurer, each to serve a two-year term unless otherwise recalled or replaced. The Regional Vice President is not eligible to be a Council Officer. If a Council Officer loses his/her Council Representative position, the office will be declared vacant.

These Regional Council Officers shall also serve as officers of the Bargaining Unit Council Meetings if Bargaining Unit Officers are not elected.

The Regional Council Officers shall be responsible for approving Executive Board appointments to outside organizations and Union/Employer committees for the Region.

##### **6.2.1. Regional Council Chairman**

The presiding officer of a meeting is called the Chairman. The Chairman's purpose is to serve the will of the assembly rather than to restrain it, to facilitate the expression of their deliberative sense. The Chairman should set an example of courtesy, and shall be impartial on any issue before the assembly. The Chairman is entitled to vote only when the vote is by ballot (but not after the ballots have commenced to be counted), and in all other cases where the Chairman's vote would change the result.

The Council Chairman shall preside over the Council. The Council Chairman or designee shall be permitted to act as an observer at all Executive Board meetings, and negotiation meetings within the Region.

The Chairman is an Ex-Officio member of all committees under the jurisdiction of the Regional Council.

#### **6.2.2. Regional Council Treasurer**

The Treasurer is responsible to the Regional Council for all Regional funds. The Treasurer shall be accountable to the SPEEA Treasurer for all funds within the Treasurer's responsibility. The Treasurer will ensure that funds are deposited and withdrawn from the appropriate accounts, review submissions for accuracy and ensure that all withdrawals are in compliance with the governing documents, policy and administrative procedures. The Treasurer is responsible for providing periodic and annual reports.

The Treasurer shall perform the duties of the Chairman and/or Secretary in the absence of either of these officers.

#### **6.2.3. Regional Council Secretary**

The Secretary is the recording officer of the Regional Council and the custodian of its records except such as are specifically assigned to others. It is the duty of the Secretary to keep a register, or roll, of the members of the Regional Council, to notify officers and delegates of their appointment, and to furnish committees with all papers referred to them.

In addition to the above duties, it is the Secretary's duty to send out proper notices of all called meetings, and of other meetings when necessary, and to conduct the correspondence of the assembly, except as otherwise provided.

Prior to each meeting, the Secretary should make out an order of business for the use of the Chairman showing in order what is necessary to come before the assembly.

The Secretary shall keep and make available minutes of all meetings of the Regional Council and committees under its jurisdiction.

The Secretary shall perform the duties of the Treasurer in the absence of the Treasurer.

#### **6.2.4. Additional Officers**

The Regional Council may elect other officers, as the body deems appropriate.

### **6.3. Meetings**

The Regional Council may adopt its own rules of operation except as otherwise specified in this Constitution and By-Laws.

#### **6.3.1. Initial**

See By-Laws for information.

#### **6.3.2. Frequency**

Regular meetings of the Regional Council shall be convened periodically as defined in the By-Laws. Bargaining Unit Council Meetings may be substituted for a Regional Council Meeting as defined in Regional By-Laws. Special meetings of the Regional Council may be convened at the call of the SPEEA President, the Regional Council Chairman, or on the written demand of any fifteen Regional Council members or twenty percent of the Regional Council, whichever is less, submitted to the Regional Council Chairman.

#### **6.3.3. Quorum**

A quorum for meetings of the Regional Council shall consist of a simple majority or more of the members of the Regional Council who have a vote. Not more than one-third of the quorum count may consist of Alternate Council Representatives.

#### **6.3.4. Notice and Agenda**

See By-Laws for information.

#### **6.3.5. Allowable Business**

See By-Laws for information.

### **6.4. Rights and Duties**

The Regional Council shall have the exclusive rights and duties including, but not limited to, those described in Section 6.4, except as defined elsewhere within the Constitution, and subject only to the will of the Regional Membership.

The purpose of the Regional Council shall be to act upon matters exclusive to the specific Region represented.

**6.4.1. Regional Council Responsibilities**

The Council Representatives are the elected delegates of the Regular Members in the district represented by the Council Representative. The Regional Council shall have the right and duty, subject only to the will of the members of the Region, to determine Regional policy on any question or issue, with such policy becoming part of the body of rules governing the Region and its members. The delegated responsibilities include but are not limited to recommending regional legislative and lobbying action and serving as a delegate on the SPEEA Council. The Regional Council may direct and review all actions of the Regional Council members.

**6.4.2. Executive Board Actions**

Except where exclusive authority has been given to the Executive Board by this Constitution, all Board actions are subject to review and subsequent direction of the Regional Council on matters pertaining exclusively to the Region. The Regional Council may reverse action taken by the Executive Board on such matters by a 2/3<sup>rd</sup> majority vote, but no less than a majority vote of the entire number of Council Representatives. This vote must be taken within forty-five days of the Board action.

On any vote by the Regional Council to overturn previous Board action, Executive Board members shall be excluded from the vote and the quorum requirements for the vote.

**6.4.3. Signatories and Bonding**

Each of the Regional Council Officers shall be authorized to be one of the signatories with reference to any and all Regional Council banking, checking or financial accounts; two signatures will be required with reference to any such accounts. The Executive Board may authorize one or more staff employees to be one of the signatories with reference to such accounts. Of the two authorized signatures required on any Regional Council check, banking or checking account, or safety deposit box, a minimum of one signature shall be that of a Regional Council Officer.

**6.4.4. Regional By-Laws**

Regional By-Laws shall be determined by the Regional Council subject to the SPEEA Constitution and By-Laws.

**6.4.5. Regional Policy**

The Regional Council shall determine Regional Policy on any question or issue, with such policy becoming a part of the body of rule governing the Region and its members. The Regional Council shall not delegate any of its policy-making duties.

**6.4.6. Regional Council Committees**

The Regional Council will be responsible for all committees under its jurisdiction, shall review all actions and findings of such committees, and may direct all actions of such committees consistent with this Constitution.

**6.4.7. Recall and Replacement of Regional Council Officers**

The Regional Council may, by 2/3<sup>rd</sup> majority vote, recall and/or replace a Regional Council Officer. Replacement Officers immediately assume the duties and responsibilities of the office and their term of office shall be the remaining term.

If a vacancy occurs caused by the resignation, incapacity, death, or recall of a Council Officer during a term of office, the position will be declared vacant. A replacement Council Officer shall be elected and shall hold office for the remainder of the term of office.

**6.5. Committees**

Preliminary work for consideration of the assembly should be done by means of committees. The committee may be either a standing committee, a special committee appointed for a special purpose with a specified time period, or a committee of the whole consisting of the entire assembly.

It is the duty of the committee chairman to call the committee together, but, if the chairman is absent or neglects or declines to call a meeting of the committee, it is the duty of the committee to meet on the call of any twenty-percent of its members.

Regular Members of the region have a right to appear at regional council committee meetings and present their views on the subject before it.

A committee, except a committee of the whole, can authorize a sub-committee, which reports to the committee. This sub-committee is chartered within the charter of the originating committee.

A special committee is appointed for a specific purpose and exists until the duty assigned it by the Regional Council is accomplished or its charter expires. A special committee ceases to exist as soon as the assembly receives its report.

## **6.6. Site Assemblies**

To maintain two-way communications between Represented Employees and SPEEA, a Site Assembly may be created as an informal network of represented employees to identify site specific issues, provide common voice, and facilitate recruitment and involvement.

### **6.6.1. Site Assembly Officers**

The Site Chairman is elected by the Regular Members of the Assembly. The Chairman may be elected at the first meeting of the Assembly or the first meeting after May of each year.

## **7. SPEEA COUNCIL**

The SPEEA Council shall be the supreme policy-determining body of SPEEA, subject only to the will of the SPEEA Regular Membership. In the absence of decision of the membership, the decision of the SPEEA Council, if in accord with this Constitution, shall constitute final authority.

### **7.1. Composition**

The SPEEA Council membership shall be composed of the SPEEA President, SPEEA Secretary, SPEEA Treasurer, and the members of all Regional Councils.

In the event that Council Representatives are unable to attend SPEEA Council Meetings, their Designated Alternates shall have full voting rights in their absence.

### **7.2. SPEEA Council Officers**

At the first meeting following Bargaining Unit Council Representative elections in May of odd years, the SPEEA Council shall elect a Chairman, Secretary, and Treasurer each to serve a term of two years, unless otherwise recalled or replaced. Executive Board members are not eligible to be SPEEA Council Officers.

#### **7.2.1. SPEEA Council Chairman**

The presiding officer of a meeting is called the Chairman. The Chairman's purpose is to serve the will of the assembly rather than to restrain it, to facilitate the expression of its deliberative sense. The Chairman should set an example of courtesy, and shall be impartial on any issue before the assembly. The Chairman is entitled to vote only when the vote is by ballot (but not after the ballots have commenced to be counted), and in all other cases where the Chairman's vote would change the result.

The Chairman shall preside over the SPEEA Council and the Council Chairman or designee shall be permitted to act as an observer at all Executive Board Meetings.

The SPEEA Council Chairman is an Ex-Officio member of all committees under the jurisdiction of this assembly and shall ensure coordination between Council Committees.

#### **7.2.2. SPEEA Council Treasurer**

The Treasurer is responsible to the SPEEA Council for all SPEEA Council funds. The Treasurer shall be accountable to the SPEEA Council for all funds within his/her responsibility. The Treasurer will ensure that funds are deposited and withdrawn from the appropriate accounts, review submissions for accuracy, and ensure that all withdrawals are in compliance with the governing documents, administrative policy, and administrative procedures. The Treasurer is responsible for providing reports at all meetings of the SPEEA Council.

The Treasurer shall perform the duties of the Chairman and/or Secretary in the absence of either or both of these officers.

#### **7.2.3. SPEEA Council Secretary**

The Secretary is the recording officer of the SPEEA Council and the custodian of its records except such as are specifically assigned to others. It is the duty of the Secretary to keep a register or roll of the delegates, to notify officers and delegates of their appointments, and to furnish committees with all papers referred to them.

In addition to the above duties, it is the Secretary's duty to send out proper notices of all called meetings, and of other meetings when necessary, and to conduct the correspondence of the assembly, except as otherwise provided.

Prior to each meeting, the Secretary should make out an order of business for the use of the Chairman showing in order what is necessary to come before the assembly.

The Secretary shall keep minutes of all meetings of the SPEEA Council and committees under its jurisdiction.

The Secretary shall perform the duties of the Treasurer in the absence of the Treasurer.

#### **7.2.4. Election**

At the first meeting following Council Representative Elections in May of odd years, the SPEEA Council shall elect Council Officers from the Regional Council Representatives by the Council Members in attendance.

### **7.3. Meetings**

#### **7.3.1. Convention**

##### **7.3.1.1. Frequency**

A convention of the SPEEA Council shall be convened at least once every year.

##### **7.3.1.2. Quorum**

A quorum for the convention of the SPEEA Council shall consist of sixty percent of the seated delegates.

##### **7.3.1.3. Notice and Agenda**

The notice and agenda for the convention shall be set by the SPEEA Council Chairman and distributed to all delegates of the convention no less than twelve days prior to the opening of the convention.

##### **7.3.1.4. Allowable Business**

The business conducted at the convention is limited to the items on the published agenda. An item may be added to the agenda only by a 2/3<sup>rd</sup> -majority vote of the delegates present at the convention.

##### **7.3.1.5. Voting**

All items on the published agenda will be approved by simple majority unless required otherwise by the SPEEA Governing Documents.

#### **7.3.2. SPEEA Council Meetings**

Meetings of the SPEEA Council may be held at one or in multiple locations. Council votes from more than one location or votes cast between meetings will be collected by the Council Officers and the results announced.

##### **7.3.2.1. Frequency**

Meetings of the SPEEA Council may be convened at the call of the SPEEA Council Chairman, or on the written demand of any twenty-percent of the SPEEA Council delegates submitted to the SPEEA Council Chairman.

##### **7.3.2.2. Quorum**

A quorum for the meeting of the SPEEA Council shall consist of sixty percent of the seated delegates.

##### **7.3.2.3. Notice and Agenda**

The notice and agenda for the meeting shall be set by the SPEEA Council Chairman and shall be available to all SPEEA Council delegates no less than one week prior to the meeting.

##### **7.3.2.4. Allowable Business**

The business conducted at the meeting is limited to the items on the published agenda. An item may be added to the agenda only by a 2/3<sup>rd</sup> majority vote of the delegates present at the meeting.

##### **7.3.2.5. Voting**

All items on the published agenda will be approved by simple majority unless required otherwise by the governing documents.

### **7.4. Rights and Duties**

The SPEEA Council Members are the elected delegates of the Regular Members. Except as defined elsewhere in this constitution, their exclusive rights and duties include, but are not limited to, those described in Section 7.4.

#### **7.4.1. Responsibilities**

The Council shall have the right and duty, subject only to the will of the membership, to determine SPEEA policy on any question or issue, with such policy becoming a part of the body of rules governing SPEEA and its members.

The SPEEA Council may direct and review all actions of the SPEEA Council Members. The SPEEA Council is authorized to approve expansion transition plans requiring constitution exemptions for a maximum of two-years. The SPEEA Council shall identify the Regions in the SPEEA By-Laws.

#### **7.4.2. Executive Board Actions**

Except where exclusive authority has been given to the Executive Board, all actions of the Executive Board are subject to review and subsequent direction by the SPEEA Council unless otherwise provided in this Constitution.

The SPEEA Council may reverse an action of the Executive Board by 2/3<sup>rd</sup> -majority vote, but no less than a majority vote of the entire number of SPEEA Council Representatives; this vote must be taken within sixty days of the Board action. On any vote by the SPEEA Council to overturn a previous Board action, Executive Board Members shall not be allowed a vote and shall not be included in the quorum requirements for that vote.

The SPEEA annual budget, as a whole, is subject to SPEEA Council overturn. The SPEEA Council may overturn specific items within that budget with a 2/3<sup>rd</sup> majority vote of the Council.

#### **7.4.3. Signatories and Bonding**

Each of the SPEEA Council Officers shall be authorized to be one of the signatories with reference to any and all SPEEA Council banking, checking or financial accounts; two signatures will be required with reference to any such accounts. The Executive Board may designate one or more staff employees as one of the signatories with reference to such accounts. Of the two signatures required on any SPEEA Council check, banking or checking account, or safety deposit box, a minimum of one signature shall be that of a SPEEA Council Officer.

#### **7.4.4. SPEEA By-Laws**

SPEEA By-Laws shall be maintained by the SPEEA Council, subject to the Constitution.

#### **7.4.5. SPEEA Policy**

The SPEEA Council shall determine SPEEA Policy on any question or issue, with such policy becoming a part of the body of rules governing SPEEA and its members. The SPEEA Council shall not delegate any of its policy-making duties.

#### **7.4.6. Council Committees**

The SPEEA Council will be responsible for all committees under its jurisdiction, shall review all actions and findings of such committees, and may direct all actions of such committees consistent with this Constitution.

#### **7.4.7. Recall and Replacement of Council Officers**

The SPEEA Council may, by a 2/3<sup>rd</sup> majority vote but no less than a majority vote of the entire number of SPEEA Council Representatives, recall a SPEEA Council Officer.

A replacement SPEEA Council Officer elected by a simple majority of the Council, immediately assumes the duties and responsibilities of the office for the remainder of the term of office.

### **7.5. Committees**

Preliminary work for consideration of the assembly should be done by means of committees. The committee may be either a standing committee, which is a continuous committee appointed; or a special committee, which is appointed for limited time; or a committee of the whole consisting of the entire assembly.

It is the duty of the committee Chairman to call the committee together, but, if the Chairman is absent, or neglects or declines to call a meeting of the committee, it is the duty of the committee to meet on the call of a majority of its members.

Regular Members of SPEEA have a right to appear at council committee meetings and present their views on the subject before it.

A committee, except a committee of the whole, can authorize a sub-committee that reports to the committee. This sub-committee is chartered within the charter of the originating committee.

A special committee is appointed for a specific purpose, and exists until the duty assigned it by the SPEEA Council is accomplished or its charter expires. A special committee ceases to exist as soon as the SPEEA Council receives its report.

## **8. EXECUTIVE BOARD**

The Executive Board shall have executive control and administrative responsibility for SPEEA. The Executive Board shall administer the affairs of SPEEA according to this Constitution, By-Laws, and Policies established by the Regular Membership of SPEEA and the Councils.

The Executive Officers of SPEEA are the President, Treasurer, and Secretary.

## **8.1. Composition**

The Executive Board shall consist of the Executive Officers of SPEEA and all Regional Vice Presidents. These officers shall be elected as defined in this Constitution.

There shall be at least four Regional Vice Presidents on the Executive Board. There shall be at least one Regional Vice President per Region, with additional allocations proportional to the number of represented employees in the Regions as defined in the SPEEA By-Laws.

## **8.2. Duties and Responsibilities**

### **8.2.1. President**

The President is the chief executive of SPEEA and shall be responsible for coordinating all activities of SPEEA; presiding at SPEEA meetings, except where otherwise specified by this Constitution; presiding as Chairman of the Executive Board; and recommending appointments and removals from all Executive Board committees, subject to Executive Board approval. The President is an ex-officio member of all Executive Board and SPEEA Council committees. In addition, the President, or the President's designee, may serve as an observer on all Negotiation Teams.

As Chairman of the Executive Board, the president's purpose is to serve the will of the assembly rather than to restrain it, to facilitate the expression of its deliberative sense. The Chairman should set an example of courtesy and shall be impartial on any issue before the assembly. The Chairman is entitled to vote only when the vote is by ballot (but not after the ballots have commenced to be counted), and in all other cases where the Chairman's vote would change the result.

### **8.2.2. Treasurer**

The Treasurer shall be responsible for insuring that all funds paid to SPEEA from all sources are received and disbursements made as authorized, shall supervise the collection and records of membership dues, and shall report the current financial condition of SPEEA at regular meetings of the SPEEA Council and provide a report for regular meetings of the membership.

The Treasurer shall ensure coordination with the Regional Council Treasurers and SPEEA Council Treasurer and provide periodic reports on the current financial condition of SPEEA to all Regional Council Treasurers and the SPEEA Council Treasurer.

The Treasurer shall perform the duties of the President and/or Secretary in the absence of either of these officers.

### **8.2.3. Secretary**

The Secretary is the recording officer of SPEEA and the custodian of its records, except for those specifically assigned to others. It is the duty of the Secretary to keep a register, or roll, of the members of SPEEA, to notify officers of their appointment, and to furnish committees with all papers referred to them.

The Secretary shall be responsible for the records of all correspondence in the name of SPEEA.

The Secretary shall perform the duties of the Treasurer in the absence of the Treasurer. The Secretary shall perform the duties of both the President and Treasurer in the absence of both of these officers.

The Secretary shall have the responsibility to ensure that accurate and accessible files are maintained which will contain a record of all SPEEA referendums and Constitutional amendments. A separate file containing the decisions of the Judicial Review Committee shall also be maintained.

Prior to each meeting, the Secretary should make out an order of business for the Chairman's use showing in order what is necessary to come before the assembly.

### **8.2.4. Regional Vice Presidents**

Duties and responsibilities of the Regional Vice Presidents are to represent their Regions, coordinate between the Executive Board and the Regional Council, oversee legislative actions, assist the Regional Council in interacting with the employer and assist in coordination and communications between the Members, Executive Board and Negotiations Teams within their Regions. Additional duties may be assigned at the direction of the President subject to Board review.

## **8.3. Executive Board Meetings**

The Executive Board shall convene when called by the President or by a majority of the total Executive Board.

### **8.3.1. Frequency**

The Executive Board shall meet at least monthly.

### **8.3.2. Quorum**

A quorum for Executive Board meetings shall consist of a simple majority of the Board.

## **8.4. Elections**

### **8.4.1. President, Treasurer, Secretary**

The President, Treasurer, and Secretary shall be elected by Regular Members of SPEEA and these elections shall occur every two years on even numbered years. The positions shall be published in the official publication of SPEEA.

#### **8.4.1.1. Term of Office**

The President, Treasurer, and Secretary shall hold the position for a two-year term unless they resign or are recalled. The term of office will be from the beginning of the fourth Wednesday of March following the election to the beginning of the fourth Wednesday of March following the next election. A member elected to office mid-term will hold office for the remainder of that term.

The Executive Officers may be elected to the Executive Board for an unlimited number of terms, provided that no more than two full consecutive terms may be served in the same office.

#### **8.4.1.2. Nominations**

A nomination for the position of President, Treasurer, or Secretary shall be accomplished by filing a petition with the SPEEA Tellers Committee. The petition shall be endorsed by Regular Members of SPEEA in good standing. The SPEEA Tellers Committee shall validate the petition.

#### **8.4.1.3. Election Balloting**

The President, Treasurer, and Secretary shall be elected by secret ballot of all SPEEA Regular Members. The ballots shall be sent to each member prior to the last Wednesday in February. The counting of the ballots shall occur on the second Wednesday in March.

#### **8.4.1.4. Recall and Replacement**

The President, Treasurer, and Secretary may be recalled through the referendum procedure.

In the event of a removal, resignation, incapacity, or death of the President, Treasurer, and/or Secretary during a term of office, the SPEEA Tellers Committee will certify the vacancy and the position will be declared vacant.

Should the office of President become vacant during a term of office, the Treasurer shall succeed to that office. Should a vacancy occur in the office of Treasurer, the Secretary shall succeed to that office. Should a vacancy occur in the office of Secretary, the entire Executive Board shall be notified and the Executive Board will fill the position with a Regional Vice President within three weeks. The resulting vacant Regional Vice President position shall be filled by a secret ballot election of the Regional Council.

The new Executive Officer(s) shall take office immediately and shall serve the remainder of the original term.

In the event of a vacancy in the President, Treasurer, and Secretary positions, the Regional Vice Presidents will perform the duties of these offices.

### **8.4.2. Regional Vice Presidents**

The Regional Vice-Presidents shall be elected by the Regional Regular Membership every two years on odd numbered years.

#### **8.4.2.1. Term of Office**

The Regional Vice Presidents shall hold the position for two-year terms unless they resign or are recalled. The term of office will be from the beginning of the fourth Wednesday of March following the election to the beginning of the fourth Wednesday of March following the next election. A member elected to office mid-term will hold office for the remainder of that term.

#### **8.4.2.2. Nominations**

A nomination for the position of Regional Vice President shall be accomplished by filing a petition with the Regional Tellers Committee. The petition shall be endorsed by Regular Members of the region in good standing. The Regional Tellers Committee shall validate the petition.

#### **8.4.2.3. Election Balloting**

The Regional Vice President(s) shall be elected by secret ballot of the Regional Membership. The ballots shall be sent to each member prior to the last Wednesday in February. The counting of the ballots shall occur on the second Wednesday in March.

#### **8.4.2.4. Recall and Replacement**

The Regional Vice President may be recalled through a referendum of the Region.

In the event of a removal, resignation, incapacity, or death of a Regional Vice President during a term of office, the position will be declared vacant, and the Regional Tellers will certify the vacancy. An announcement of the vacancy shall be published in the next official publication in that region. The Regional Council shall elect a Regional Vice President to fill this vacancy. The new Regional Vice President shall take office immediately and shall serve the remainder of the original term.

### **8.5. Rights and Duties**

#### **8.5.1. Responsibilities**

The Executive Board responsibilities include, but are not limited to the following: representing the entire membership, overseeing of staff, being the high-level interface between SPEEA and the Employer, and being the high-level interface between SPEEA and other unions, overseeing legislative action, managing SPEEA assets, funds and liabilities.

The Executive Board may direct and review all actions of the Executive Board Members.

#### **8.5.2. SPEEA Budget**

The Executive Board will establish the annual budget of SPEEA. The annual budget, as a whole, is subject to SPEEA Council overturn. The Council may overturn specific items within the budget.

The Executive Board shall provide adequate funds for the Tellers Committees, Negotiation Teams, and the Judicial Review Committee to properly discharge their duties under law and SPEEA requirements. If the Executive Board has disapproved a Tellers Committee, Negotiation Team or a Judicial Review Committee budget item, that decision may be appealed by the affected committee as a body, to the SPEEA Council. The Council's decision (by majority vote) on said budget item shall be final and binding upon SPEEA.

#### **8.5.3. SPEEA Staff**

The Executive Board will have exclusive authority over SPEEA employees and shall set personnel policies for the entire staff of SPEEA. The Executive Board actions taken relative to the staff shall not be subject to Council overturn.

The Executive Board is authorized to hire and remove an Executive Director. The Executive Director shall manage the SPEEA Staff.

The President, with Executive Board concurrence, may designate himself or another member of the Board to serve SPEEA as a full-time staff employee for no more than thirty days each year and while on leave of absence from the employer, will maintain Regular Membership status.

The Executive Board may delegate to the Executive Director, or another staff person, the necessary authority to administer such affairs of SPEEA as the Board sees fit, but under no circumstances shall the Executive Board delegate all or any part of its administrative authority or policy-making functions.

#### **8.5.4. Committees**

The Executive Board will approve all committees under its jurisdiction, shall review all actions and findings of such committees, and may direct all actions of such committees.

#### **8.5.5. Signatories and Bonding**

Each member of the Executive Board shall be authorized to be one of the signatories with reference to any and all SPEEA banking, checking or financial accounts; two signatures will be required with reference to any such accounts. The Executive Board may designate the Executive Director and/or the Comptroller, or another staff person in place of the Executive Director, as one of the authorized signatures with reference to such accounts. Of the two signatures required on any SPEEA check, banking or checking account, or safety deposit box, a minimum of one signature shall be that of an Executive Board Member.

### **8.5.6. Documents and Publications**

The Executive Board has the responsibility for all SPEEA correspondence, legal documents, news releases, and publications of SPEEA. The Executive Board may delegate responsibility for Regional and Local publications to the Regional Council Officers.

### **8.5.7. Collective Bargaining Enforcement**

The Executive Board has the responsibility of enforcing and policing all Collective Bargaining Agreements between SPEEA and the employer(s). To enforce the Collective Bargaining Agreements the Executive Board may authorize appropriate legal action.

## **9. TELLERS**

The Tellers Committees will have the responsibility of supervising all SPEEA balloting at all levels of SPEEA and of hearing charges related to the conduct of that balloting as defined in this Constitution.

### **9.1. Regional Tellers**

#### **9.1.1. Composition**

The Regional Tellers Committee shall be composed of Regular Members. The minimum number of Regional Tellers shall equal the number of Bargaining Units in the Region. Each Bargaining Unit should, if possible, have a member on the Regional Tellers Committee.

The Regional Tellers Committee shall elect its own Chairman, Secretary, and whatever other officers it deems necessary following each election.

#### **9.1.2. Meetings**

The Regional Tellers Committee shall convene when called by the Committee Chairman, or by a majority of the Committee. The conduct of the Tellers Committee meetings shall be determined within the Committee and the Governing Documents.

#### **9.1.3. Elections**

Positions on the Regional Tellers Committee, as defined in SPEEA By-Laws, shall be filled for each Bargaining Unit by open nomination from and election by, the Bargaining Unit Members. These elections shall occur every two years on even numbered years in March. Terms of office for members of the Regional Tellers Committee will be from the first day of April following the election to the last day of March following the next election. The Regional Teller receiving the most votes shall be considered the Regional Tellers Chairman until such time as officers are elected at the first meeting following said election.

#### **9.1.4. Recall and Replacement**

In the event of the resignation, death, or incapacity of any Bargaining Unit member of the Regional Tellers Committee, the remaining committee members shall notify both the Regional and Bargaining Unit Councils that a vacancy exists. The Bargaining Unit Council may fill a vacant position by election, with the person elected holding the position for the remainder of the un-expired term of office.

For just cause, the Bargaining Unit Council may initiate the recall of a Bargaining Unit teller. The recall motion for a Bargaining Unit referendum or a Bargaining Unit meeting must be approved by a 2/3<sup>rd</sup> majority but not less than a majority vote of the entire number of Bargaining Unit Council Members.

#### **9.1.5. Rights and Duties**

The Regional Tellers are responsible for teller activities of the Region. The Tellers from a Bargaining Unit may perform the activities of a Bargaining Unit separate from the Region but shall be overseen and/or assisted by the Regional Tellers Committee. The Regional Tellers are also responsible for the installation of the Regional Council and its members.

##### **9.1.5.1. Charges**

The Regional Tellers Committee shall serve as a hearing body for all charges related to all votes on Regional and Bargaining Unit elections, referendums, and ratification and shall have the authority for resolving such charges. However, all its rulings may be appealed to the SPEEA Tellers Committee and to the Judicial Review Committee.

##### **9.1.5.2. Records**

The Regional Tellers Committee shall keep ballots, reports, and related materials for a period of time and in a manner consistent with its legal responsibility.

### **9.1.5.3. Districting**

The Regional Tellers Committee shall have the responsibility and authority for censusing, districting, and conducting the nominations and elections. The Committee shall have responsibility for considering and recommending Council membership expansion. The Committee shall have the authority to expand, combine or create new districts between the Bargaining Unit Council elections. Such actions shall not result in the removal of an existing Council Representative. The Regional Tellers may elect to combine some Bargaining Unit members into combined districts within a region where there is a geographic or a community of interest consideration.

Each employee in a Bargaining Unit shall be provided, insofar, as is possible, Council representation situated close to the employee's work location. The established districting plan shall meet the following minimum criteria:

- 1) Each Bargaining Unit shall have a minimum of one Council seat for every two hundred employees (or major portion thereof) represented by that Bargaining Unit. Regardless of size, each Bargaining Unit shall have at least one Council seat.
- 2) The Tellers Committee may identify additional Bargaining Unit Council positions for any Bargaining Unit in a geographical area when Bargaining Unit Members are assigned outside the area defined by the majority of the Bargaining Unit.

## **9.2. SPEEA Tellers**

### **9.2.1. Composition**

The SPEEA Tellers Committee shall be composed of three to seven Regular Members. The SPEEA Tellers Committee Members shall be elected from the Regional Tellers Committee Members by the regional tellers as defined in the SPEEA By-Laws. There shall be no less than one SPEEA Teller per Region, and no more than three SPEEA Tellers from a single Bargaining Unit. The SPEEA Tellers Committee shall elect its own Chairman, Secretary, and whatever other officers it deems necessary. The SPEEA Tellers shall serve until replaced.

### **9.2.2. Meetings**

The SPEEA Tellers Committee shall convene when called by the Committee Chairman, or by a majority of the Committee. The conduct of the Tellers Committee meetings shall be determined within the Committee and the Governing Documents.

### **9.2.3. Elections**

Positions on the SPEEA Tellers Committee shall be filled by open nomination from and election by, the Regional Tellers Committees. These elections shall occur every two years on even numbered years following the Regional Tellers elections. Terms of office shall commence on the day following the election. The SPEEA Teller receiving the most votes shall be considered the SPEEA Tellers Chairman until such time as officers are elected at the first meeting following said election.

### **9.2.4. Recall and Replacement**

In the event of the resignation, death, or incapacity of any member of the SPEEA Tellers Committee, the remaining committee members shall notify the Regional Tellers that a vacancy exists. The Regional Tellers may fill such a vacant position by election, with the electee holding the position for the remainder of the un-expired term of office.

### **9.2.5. Rights and Duties**

The SPEEA Tellers Committee shall have the responsibility and authority for the conduct of all SPEEA elections, Constitutional amendments, and referendums and shall notify the membership of its findings; and shall oversee the activities of the Regional Teller Committees.

#### **9.2.5.1. Charges**

The SPEEA Tellers Committee shall serve as a hearing body for all charges related to SPEEA elections, Constitutional amendments, referendums, and ratifications and shall have the authority for resolving such charges. However, all of its rulings may be appealed to the Judicial Review Committee.

#### **9.2.5.2. Records**

The SPEEA Tellers Committee shall keep ballots, reports, and related materials for a period of time and in a manner consistent with its legal responsibility.

### **9.2.5.3. Audit**

Annually, no more than thirty days after completion of the fiscal year of SPEEA, the Committee shall appoint an auditor(s) who shall be a Certified Public Accountant. The auditor(s) shall conduct an audit of the preceding fiscal year of SPEEA and its Regions and make a report thereof. The SPEEA Tellers Committee shall assure that the report of the auditor(s) is published to the entire membership.

As a result of the audit, the SPEEA Tellers Committee may recommend or initiate charges against individuals who appear to be responsible for misuse or mishandling of SPEEA funds, in accordance with this Constitution. This shall not preclude any Regular Member of SPEEA from initiating charges.

## **10. JUDICIAL REVIEW**

The Judicial Review Committee shall have the responsibility of interpreting this Constitution and the By-Laws, and of acting as a final hearing body for charges within SPEEA as defined in this Constitution.

### **10.1. Composition**

The Judicial Review Committee shall consist of three Regular Members of SPEEA. Each member of the Committee shall have served as a member, within the past five years, of the Executive Board, the Council(s), Tellers Committee(s), the Judicial Review Committee, Council Committees, or any combination thereof, for at least two years.

#### **10.1.1. Meetings**

The Judicial Review Committee shall convene when called upon by any member of the Committee. The Judicial Review Committee may determine its own operating rules not defined elsewhere within this Constitution and By-Laws.

#### **10.1.2. Elections**

The members of the Judicial Review Committee shall be elected by the SPEEA Council. The term of office for members of the Judicial Review Committee shall be three years or until successors are elected, and the terms of office shall be staggered such that the term of office of one member shall expire each year.

The Executive Board shall have the responsibility of submitting at least three names of qualified members for a vacancy on the Judicial Review Committee to the SPEEA Council.

#### **10.1.3. Recall/Replacement**

A member of the Judicial Review Committee may be removed from the office prior to the end of the member's term only upon a 2/3<sup>rd</sup> majority vote of the SPEEA Council but no less than a majority vote of the entire number of SPEEA Council Members and a 2/3<sup>rd</sup> majority vote of the SPEEA Executive Board but no less than a majority vote of the entire Executive Board.

Replacement Judicial Review Committee Members shall be elected to fill any un-expired term of office caused by the removal, resignation, incapacity, or death of a Committee member. The SPEEA Council will elect the replacement Judicial Review Committee Member. The replacement shall take office immediately and will hold office for the remainder of that term.

### **10.2. Rights and Duties**

The Judicial Review Committee shall have the duty of providing Constitution and By-Laws interpretation. The Judicial Review Committee also acts as the final appellate body, within SPEEA, for all voting charges appealed from Tellers Committee Hearings and all charges appealed from a Hearing Board.

#### **10.2.1. Constitution and By-Laws Interpretation**

The Judicial Review Committee shall have the responsibility and authority to provide interpretation of the SPEEA Constitution and By-Laws, and review of SPEEA and Regional Policy for conflict with the Constitution and/or By-Laws, but only when specifically called upon to do so by the SPEEA Council, a Regional Council or the Executive Board.

On any request for interpretation of the Constitution and By-Laws, or review of Policy, the Executive Board, the Councils and the Governing Documents Committee shall be given the opportunity, subject to the time limits as defined in SPEEA By-Laws to submit its petition, interpretation and justification to the Judicial Review Committee prior to the Committee ruling.

#### **10.2.2. Hearing of Appeals**

The Judicial Review Committee shall act as an appeals body for final internal appeal of all votes on elections, charges, Constitutional amendments, referendums, and ratifications.

Any Regular Member of SPEEA in good standing may appeal an election, Constitutional amendment, referendum, and ratification. The appeal by a member may be considered by the Judicial Review Committee only if the member has exhausted all other avenues of appeal as outlined in this Constitution prior to appealing to the Judicial Review Committee.

Any charges or charging party may appeal a hearing board finding to the Judicial Review Committee.

Decisions of the Judicial Review Committee shall be final and binding within SPEEA. All decisions of the Committee shall be made by majority vote of a Committee quorum. The Committee quorum shall consist of all three Committee members.

### **10.2.3. Records**

The Judicial Review Committee shall have full and unrestricted access to all records of SPEEA and of its internal bodies when performing its interpretive or hearing duties.

## **11. NEGOTIATIONS**

Any procedure for negotiation and ratification of collective bargaining agreements shall be determined by and conform to this Constitution, SPEEA By-Laws, SPEEA Policy, Regional By-Laws and Regional Policy. In the absence of specific determination of such procedure, the Bargaining Unit Council shall make such determination.

### **11.1. Negotiation Team**

Each Bargaining Unit shall have a Negotiation Team and this team shall have full authority for negotiation for that Bargaining Unit subject to the Governing Documents and the will of the Bargaining Unit membership. General and overall negotiation policy shall be provided by the Bargaining Unit Council. When possible the collaboration of the Negotiation Teams is recommended.

### **11.2. Selection of Negotiators**

The Bargaining Unit Council shall determine the means of selecting all persons to serve on their Negotiation Team. The Bargaining Unit Council, by a 2/3<sup>rd</sup> majority vote, may remove any member of the Negotiation Team.

### **11.3. Negotiation Team Rights and Obligations**

The Negotiation Team will determine its own internal operating procedures. Only the Negotiation Team has the authority to reject all or any part of the collective bargaining agreement offered for its consideration, or to pass on any offer to the membership.

The Negotiation Team shall report to the Bargaining Unit Council, the Regional Council Officers and the Regional Vice President on the Team's progress. Prior to presentation of a contract offer to the membership, the Bargaining Unit Council shall be informed of its details.

### **11.4. Ratification of Collective Bargaining Agreements**

When a collective bargaining agreement has been offered by the Bargaining Unit Negotiation Team, a vote by the Bargaining Unit membership shall be by secret ballot except for Bargaining Unit Meetings in accordance with the Regional By-Laws. The Bargaining Unit Council has the right to include with the proposal a statement of its position.

### **11.5. Strike Authorization Vote**

Only the Bargaining Unit Council may authorize a strike authorization vote by the Bargaining Unit membership on a collective bargaining agreement.

### **11.6. Amendments to Collective Bargaining Agreements**

The Executive Board shall have the responsibility and authority for conducting any interim negotiations that may occur between a specific Bargaining Unit of SPEEA and the employer(s) while an existing Collective Bargaining Agreement that has been accepted by the membership is in force. Such amendment negotiation authority and responsibility shall permit the Executive Board to approve Collective Bargaining Agreement additions or modifications provided that:

- 1) The appropriate Council Officers are informed of the proposal as early as possible in the negotiation process and have been given the chance to provide appropriate input and involvement of appropriate individuals (e.g. local Bargaining Unit Negotiation Teams or joint team members); and
- 2) The Executive Board does not give final approval to such collective bargaining agreement proposals until concurrence is given by a majority of the appropriate Council Officers. Amendment negotiation authority is dependent upon a majority of the Council Officers communicating with the Executive Board to review and discuss the Collective Bargaining Agreement additions or modifications. If it is the intent of the Executive Board to give final approval to such additions or modifications, the majority of the Council Officers shall, within a maximum of fourteen (14) calendar days following notification of the Board's intent, either concur or convene a regular or special meeting of the Council to review the issue. The Bargaining Unit Council may overturn the

Executive Board action of intent to approve such additions or modifications affecting only the Bargaining Unit. The Regional Council may overturn amendments affecting only the Region. The SPEEA Council may overturn amendments affecting all of SPEEA. In the event the Council overturns the action or intent of the Executive Board to approve such additions or modifications, the Executive Board may submit such additions or modifications to the appropriate membership for approval.

If the Council does not overturn the Executive Board action of intent to approve the additions or modifications, the Executive Board may proceed with ratification. When ratified by the Executive Board under the above conditions, such agreements are not subject to subsequent Council overturn.

## **12. ELECTION**

### **12.1. Procedure**

All elections shall be conducted in accordance with this Constitution and applicable statutes. Balloting by the membership shall be by secret ballot unless specifically addressed in the By-Laws.

Absentee ballots shall be provided by a member of the Tellers Committee when a member signs a statement that one is required for reasons beyond that person's control.

If a tie occurs between two or more candidates (after a recount to verify such tie), a coin flip or equivalent method may be used to determine the winner of the election. The Tellers Committee Chairman or designee shall be responsible for flipping the coin in the presence of the candidates or their designees, and the Tellers shall then certify the results of the coin flip as the results of the election.

Unopposed positions may be considered elected upon validation of their petition by the Tellers Committee.

### **12.2. Challenges and Appeals**

In the event any Regular Member of SPEEA has a complaint or protest concerning the conduct of any election, referendum, or ratification, the member may file a petition with the appropriate Tellers Committee, setting forth the grounds for the challenge. The Tellers Committee shall rule upon the merits of the petition, and if the challenge is found to have merit, the Tellers Committee shall take appropriate action to satisfy the complaint.

If the election challenge is not upheld by the Tellers Committee(s), then such decision may be appealed to and decided by the Judicial Review Committee. The decision of the Judicial Review Committee will be the final authority in SPEEA.

## **13. CHARGES**

### **13.1. Charges**

The following, hereby known as charges, shall constitute offenses the commission of which shall, but not exclusively, subject any body, officer or member of SPEEA to disciplinary action as set forth in this Section.

- a. Knowingly and willingly violating any provision of the Governing Documents or failure to perform duties or functions specified or required therein.
- b. Affiliate with or assisting any other group or organization that, within the knowledge of the member, seeks to act as a bargaining agent for a group of employees for whom SPEEA has or is seeking jurisdiction.

All charges shall be in writing, signed by the charging party, and must be set forth a specific act or acts by the charged party upon which any disciplinary proceeding would be based. All charges shall be submitted to the appropriate officials, as set forth below.

- a. Charges against an Executive Board Member shall be submitted to their respective Regional Council Secretary.
- b. Charges against a Council Member, excluding Executive Board members, shall be submitted to the SPEEA Secretary.
- c. Charges against a Regular SPEEA Member shall be submitted to their respective Regional Council Secretary.

Submitted charges will be delivered to the hearing board within three days. All charges related to the conduct of balloting as defined in this Constitution will be submitted to the appropriate Tellers Committee.

### **13.2. Hearing Boards**

It is the primary responsibility of the hearing board to ensure that parties are provided the opportunity for a full and fair hearing. Hearing board members shall be impartial.

The hearing board shall be comprised of representatives from the Regional Vice Presidents, the Regional Council Officers and the Regional Tellers and shall be established as set forth in the By-Laws.

The hearing board shall commence to hear the charges within thirty days of the date of the receipt of the charges but not sooner than fifteen days after the charges have been served upon the charged party. The charged party has the right of self-representation or to have another member be a representative to examine and cross-examine all witness and to present evidence on the party's behalf.

In all cases, persons who are charged or charging parties or witnesses in an internal union hearing shall recuse themselves from serving as a hearing board participant.

Once an individual is designated as a hearing board member for a particular internal union proceeding, they should avoid ex parte contact with the parties except to resolve administrative matters regarding the hearing. If parties seek such contracts, hearing board members should postpone the discussion until the hearing or schedule a conference where all parties and hearing board members can participate.

### **13.3. Disciplinary Action**

A member may be suspended, expelled and/or subject to other appropriate disciplinary action, including the suspension or limitation on the right to attend and participate in meetings or the right to run for any union office, if found guilty of the charges.

No member shall be disciplined for any offenses until: (a) Charges have been proffered in writing; (b) a hearing has been conducted; (c) the board appropriately assigned to hear the charges has found the charged party guilty of charges; and (d) all Constitutional appeals have been exhausted or waived.

### **13.4. Appeals**

In the event that the hearing board elects not to proceed on the charges, the charging party may appeal the decision to the Judicial Review Committee.

In the event that the hearing board finds against the charged party, the charged party may appeal the decision to the Judicial Review Committee.

The Judicial Review Committee shall commence to hear the appeal within fifteen days of the date of the receipt of the appeal.

## **14. REFERENDUMS AND CONSTITUTIONAL AMENDMENTS**

The Referendum procedure as outlined herein may be used to effect membership control, or to amend this Constitution.

Each Bargaining Unit has the authority to act on matters pertaining exclusively to the specific Bargaining Unit. Each Region has the authority to act on matters pertaining exclusively to their region. All SPEEA Regular Members have the authority to act on matters that pertain to their region or the entire organization.

Constitutional changes may only be accomplished by a vote of the entire SPEEA membership.

### **14.1. Methods**

A referendum may be approved for submission to the Regular Membership by:

- 1) A petition submitted to the Secretary of SPEEA bearing the signatures of ten percent (10%) of the Regular Membership in good standing.
- 2) A resolution adopted by a 2/3<sup>rd</sup> majority vote of a Regional or SPEEA Council; or
- 3) A resolution adopted by a 3/4<sup>th</sup> vote of the full Executive Board.

### **14.2. Processing**

Referendum processing shall be initiated by the presentation of an initiating document to the SPEEA Secretary. It shall be the responsibility of the SPEEA Secretary to validate the document and to oversee the conduct of the referendum balloting procedure as follows:

- 1) The date of receipt of the initiating document by the Secretary shall be shown on the document and each copy thereof.
- 2) The Secretary shall validate and review the initiating document for clarity and legality. Any changes shall be made in a manner acceptable to the proposers, and a copy of the document shall be sent to the Council, Executive Board, and Tellers Committee within thirty days after the date of receipt.
- 3) No more than forty-five days after the receipt of the initiating document, the Tellers Committee shall transmit to each Regular Member of SPEEA a copy of the initiating document with a secret ballot.
- 4) The Tellers Committee shall set the day for counting the ballots. This day shall be a Wednesday that is not less than fifteen days, nor more than twenty-one days after the ballot package was sent.

- 5) A referendum that shall amend this Constitution must be approved by sixty percent (60%) of the legal votes cast in the referendum ballot by SPEEA Regular Members.

A referendum that does not amend this Constitution must be approved by a simple majority of the legal votes cast in the referendum ballot.

The referendum measures shall become effective immediately unless otherwise specified in the initiating document.

- 6) Where the referendum is used in an attempt to recall the SPEEA Secretary, all of the above procedures prescribed for the Secretary will be the responsibility of the SPEEA President.

Where the referendum is used in an attempt to recall the SPEEA President and Secretary, all of the above procedures prescribed for the Secretary will be the responsibility of the SPEEA Treasurer.

Where the referendum is used in an attempt to recall the SPEEA President, Treasurer, and Secretary, the SPEEA Council Officers will then be responsible for all the procedures prescribed for the Secretary.

### **14.3 Affiliation Referendums from the Membership**

Any referendum from the Membership proposing affiliation or disaffiliation shall require the signatures of thirty percent (30%) of the Regular Members in good standing.

## **15. BY-LAWS**

### **15.1. Existence**

By-Laws shall exist for SPEEA and for each Region. The Judicial Review Committee has the authority to interpret the By-Laws as provided for in Section 10.

### **15.2. Amendment Procedures**

A section or numbered paragraph of the By-Laws cannot be added or eliminated without an approved Constitutional amendment making the same change to the Constitution, thereby maintaining parallel paragraph numbering in both the Constitution and the By-Laws. Except for adding or eliminating sections or paragraphs, the Council shall have the sole authority to change the By-Laws.

#### **15.2.1. Methods**

A proposed change to the By-Laws may be submitted to the Council for action by:

- 1) A petition submitted to the Council Secretary bearing the signatures of ten percent (10%) of the Regular Membership in good standing; or
- 2) A resolution adopted by a simple majority of a legally constituted meeting of the responsible Council; or
- 3) A resolution adopted by a 3/4 vote of the full Executive Board.

#### **15.2.2. Processing**

All proposed amendments to the By-Laws shall be handled by the Council as follows:

- 1) Date of receipt of the initiating document by the Council Secretary shall be shown on the document and each copy thereof.
- 2) All proposed amendments shall be presented by the Council Secretary at the next available Council meeting and a copy shall be sent to each member of the Council, and shall be presented in the Newsletter or equivalent publication at least twice before being acted upon by the Council.
- 3) All proposed amendments properly presented at a legal Council meeting can be accepted or rejected no sooner than the next Council Meeting.
- 4) A 2/3<sup>d</sup> majority vote of those eligible to vote at a legally constituted meeting of the Council is required to pass an amendment.
- 5) An amendment will be effective at the next Council meeting at which there must be a copy of the amendment to the By-Laws available for all Council Members.

---

## 16. POLICY

### 16.1. Existence

Policy shall be created and maintained for SPEEA and each Region of SPEEA. In the event of a conflict between Policy and the provisions as stated in Section 1, this Constitution shall take precedence. The Judicial Review Committee has the authority to review Policy for conflicts with the By-Laws or Constitution as provided for in Section 10.

#####