

County Employees Management Association

CEMA

ByLaws

As Amended September 20, 2005

CEMA Bylaws

PREAMBLE:

We, the employees of Santa Clara County, the Santa Clara County Superior Court, and members of **County Employees Management Association (CEMA)**, working as responsible individuals, recognize that the labor movement can be instrumental in improving our professional status; therefore we agree to adopt these bylaws.

Article 1. Vision

It is the purpose of CEMA, County Employees Management Association, to improve the salary, benefits, professional environment, lives of its members and to improve our community, state, nation, and world. To this purpose, we will:

- A. Empower our members to improve the quality of their professional lives.
- B. Work to bring accountable leadership and ethical management to all levels of the organization.
- C. Fight for social justice through community alliances, electoral politics and by promoting solidarity among all working people.

Article 2. Name

This union will be known as the County Employees Management Association (CEMA), affiliated with the International Union of Operating Engineers, AFL-CIO.

Article 3: Jurisdiction

The jurisdiction of CEMA shall be for all employees of Santa Clara County and the Santa Clara County Superior Court within classified and unclassified coded classifications within the Supervisory/Administrative bargaining units.

Article 4: Affiliation

CEMA is an affiliate with the Operating Engineers Local 3 of the International Union of Operating Engineers, AFL-CIO, and shall be subject to all policies adopted pursuant to the affiliation agreement

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Article 5: Membership

Section 1. Eligibility

Any person employed in a bargaining unit represented by CEMA within the above described jurisdiction of this Local Union shall be eligible for membership in accordance with these Bylaws. There shall be no discrimination against any member or applicant for membership for reason of race, color, gender, creed, national origin, disability, religion, ancestry, political opinion, affiliation, or sexual orientation.

Section 2. Members

All members pay dues, which are deducted from each paycheck. Members in good standing are members who are currently paying dues, which are denoted on the pay stub as "CEMA DUES." Members in good standing are eligible to receive CEMA representation for negotiations and grievances, have voting rights, receive all communications, obtain a death gratuity benefit, have union interests represented politically, receive free legal consultation, are eligible to have their children apply for CEMA and OE3 funded scholarships, can join the OE3 credit union, and gain access to the Union Privilege Program. The Union Privilege program includes benefits such as low interest loans, discounted legal services, no fee credit cards, mortgage and real estate programs, savings on car rentals, and discounts at theme parks.

Article 6: Dues

Section 1. Dues and Payment

- A. Dues shall be determined by the Executive Board and approved by a majority vote of the membership, either at a regular meeting or by mail ballot.
- B. Dues will be paid through biweekly payroll deductions.
- C. At the time the annual budget is approved, the Executive Board shall establish an amount to set aside from current biweekly dues deductions not to exceed 25 cents per pay period to be placed in a separate fund and used only for political campaign contributions. Members must notify CEMA if they do not wish any of their dues to be set aside for political

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contributions.

Article 7: Meetings

Section 1. Frequency, Time and Place

A. General Membership Meetings

General Membership meetings for each chapter shall be held annually at such time and place as determined by the Executive Board.

B. Special Meetings

Special meetings shall be called by the President of CEMA, or by majority vote of the Executive Board, or by petition to the Executive Board of at least five percent (5%) of the dues paying members. The agenda of the special meeting shall be limited to the specific purpose for which it is called.

C. Notification of Meetings

The date, time, place and agenda of regular and special general membership meetings (except as otherwise noted in Article 14 and 15) shall be sent by individual notice to all members at least ten (10) calendar days before the meeting.

Article 8: Quorum

Section 1. Membership Meetings

A quorum for conducting business at any general or special membership meetings shall be at least ten percent (10%) of the current dues paying members present at the start of the meeting (this may be cumulative from several meeting times and locations on the same subject matter), with at least one (1) Executive Board member present.

Section 2. Executive Board Meetings

A quorum for an Executive Board meeting shall be fifty percent (50%) of the current number of Executive Board members holding office plus one (1).

Article 9: Organization

Section 1. Executive Board

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The Executive Board is the regulatory body of CEMA. It shall develop policy and be responsible for all administrative functions of CEMA, with the exception of amending Bylaws or electing officers. It shall hold scheduled meetings at least once per month. Its duties shall include:

- A. To plan the meetings of CEMA.
- B. To develop and promote activities that will upgrade the well being and professionalism of the membership.
- C. To establish financial procedures for the President and Treasurer to facilitate effective operations and protect CEMA. To organize and coordinate with the At-Large-Executive Board members and CEMA Committees special projects helpful to the CEMA membership.

Section 2. Superior Court Chapter Advisory Committee

Superior Court Chapter members will elect the Superior Court Chapter Advisory Committee annually.

- A. The Superior Court Chapter Advisory Committee shall meet at least quarterly.
- B. The Chairperson of the Superior Court Chapter Advisory Committee will represent the Chapter on the CEMA Executive Board as a member-at-large.
- C. The Superior Court Chapter Advisory Committee will appoint its own negotiating committee and the Superior Court Chapter membership will ratify its own Chapter Memorandum of Understanding.

Section 3. Membership Committee

The membership Committee is responsible to oversee all membership recruitment efforts undertaken by CEMA. The committee shall set annual goals for membership growth and provide oversight for the membership recruitment plans that are undertaken by the CEMA liaisons and Executive Board and Business Representatives.

Section 4. CEMA Liaison Committee

The CEMA Liaison Committee will be composed of individuals from various sites to assist CEMA in communicating information and help with membership recruitment.

A. Duties

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The CEMA liaison is responsible to communicate CEMA information with members, recruit new members of their work area, and promote professional development activities. CEMA liaisons may act as a resource person for members but do not act as a 'steward' and are not expected to file grievances or handle disciplinary issues. Such matters must be forwarded to the CEMA Business Representative for action. CEMA liaisons must agree to sign and follow the CEMA Liaison Job Description provided at the time of appointment.

B. Selection Process

The CEMA liaison must be elected from the members at their work site. If there is more than one member interested in becoming a CEMA liaison then a secret ballot election will be conducted by a member of the CEMA Executive Board.

If there is no opposition to a member volunteering to be a CEMA liaison then the CEMA liaison must submit to the Secretary of CEMA a petition (provided by CEMA) that has signatures of a majority of members at their work site.

C. Reselection Process

If the CEMA liaison wishes to serve an additional term(s), he/she must submit a petition as outlined in Section 2 above in support of his/her reselection.

D. Term

The term of the CEMA liaison is two calendar years.

The CEMA Executive Board may remove a CEMA liaison for non-compliance of job duties as outlined in the CEMA Liaison Job Description.

Section 5. Political Action Committee

The Political Action Committee will be responsible for political advocacy and action on behalf of CEMA. The Political Action Committee chairperson shall present a monthly report to the CEMA Executive Board.

Section 6. Scholarship Committee

The Scholarship Committee will be responsible to:

- A. Update the General Rules and Instructions for CEMA Scholarships
- B. Update all standardized correspondence, including applications.
- C. Solicit applications in the CEMAGRAM. This is done as an article.

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- D. Respond to questions raised by applicants.
- E. Solicit CEMA members as volunteers to serve as application evaluators on the committee.
- F. Impartially and consistently evaluate applications and select winners.
- G. Communicate results of evaluations with applicants, CEMA Executive Board and CEMA membership.
- H. Have Executive Board prepare scholarship checks.
- I. Transmit scholarship checks.

Article 10: Officers and Duties

Section 1. Officers

- A. Elected officers of CEMA shall consist of a President, a First Vice President, a Second Vice President, a Secretary, a Treasurer, and (4) four members-at-large. One of the 4 (four) members-at-large will be elected only by the members of the Superior Court Chapter. The other three members-at-large will be elected by all County CEMA members only. The County and the Superior Court Chapter members will elect all other officers.
- B. The Executive Board shall consist of the elected officers of CEMA, and the immediate past president.

Section 2. Duties

- A. **President:** The President shall officiate at all meetings and shall be responsible for directing the implementation of directives voted on by the CEMA membership. The President shall appoint all committee chairs and members and be an ex-officio member of all committees. The President shall be one of three (3) executive officers authorized to sign checks or withdraw funds from a CEMA account, after the Executive Board and/or General Membership have approved such expenditures. The President shall present the Executive Board with an annual budget and statement of CEMA goals and objectives.
- B. **First Vice President:** The First Vice President shall act as President in the absence of the President and shall serve the remainder of the President's term should the President resign or be incapable to server out his/her full term. The First Vice President shall assist the President in

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matters regarding classifications, salaries, grievances, and working conditions.

- C. Second Vice President:** The Second Vice President shall act as First Vice President should the First Vice President ascend to the Presidency or vacate his/her office for any other reason. The Second Vice President shall facilitate and coordinate Professional Development programs for CEMA and serve as the chair of the Professional Development Committee.
- D. Secretary:** The Secretary shall keep accurate and timely records of the proceedings of all Executive Board and General Membership meetings. The Secretary shall receive all correspondence and communications on behalf of CEMA and ensure the preparation and dissemination of all routine CEMA correspondence. The Secretary shall ensure that all notices required by the Bylaws are served timely. The Secretary shall be one of three (3) executive officers authorized to sign checks or withdraw funds from a CEMA account, after the Executive Board and/or General Membership have approved such expenditures.
- E. Treasurer:** The Treasurer shall be responsible for bank deposits and disbursements and for carrying out the duties described in Article 12. The Treasurer shall be one of three (3) executive offices authorized to sign checks or withdraw funds from a CEMA account, after the Executive Board and/or General Membership have approved such expenditures. The Treasurer shall present a monthly financial statement to the Executive Board and ensure that an annual financial summary is prepared for the review and approval of the Audit Committee and the Executive Board. The Treasurer shall ensure that annual federal and state tax returns for CEMA are prepared and filed timely. The Treasurer shall prepare the annual budget for the President to present to the Executive Board.
- F. Immediate Past President:** The Immediate Past President shall serve as a voting member of the Executive Board and as the chair of the Election Committee unless he/she is running for office in which case an alternate chair will be appointed.
- G. Members-at-Large:** Each Member-at-Large shall serve as chairperson of a committee as appointed by the President. The committees include the Membership Committee, Communications Committee, the CEMA Liaison Committee, and the Scholarship Committee.

Section 3. Conditions of Office

- A. Officers of CEMA shall be paid up members who have had dues deducted for at least six months (6) immediately prior to nominations.

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- B. The term of the office for elected and appointed committee members shall be for two years or a fraction of the balance of the year.
- C. The Superior Court Chapter member-at-large will also serve as the Chair of the Superior Court Chapter Advisory Committee.
- D. Officers of CEMA shall attend regularly scheduled board meetings. Lack of regular attendance at regular Executive Board meetings could result in removal from office by the Executive Board. Regular attendance is defined as attending three fourths ($\frac{3}{4}$) of the Executive Board meetings.

Section 4. Line of Succession

- A. In the case of the resignation, incapacity or death of an Executive Board officer of CEMA, the line of succession shall automatically be First Vice President to President, Second Vice President to First Vice President, Secretary to Second Vice President, Treasurer to Secretary and immediate Past President to Treasurer.
- B. Should a person decline the next office in the line of succession; the Executive Board shall appoint a CEMA member to fill the unexpired term of the vacant office.
- C. Should a vacancy occur of any or all of the four (4) at-large members of the Executive Board, the Executive Board shall appoint a person from the affected Chapter or County to fill the unexpired vacancy.

Article 11: Elections

Section 1. Election Schedule

Elections shall be held biennially in even numbered years and must be completed before the first Executive Board meeting of odd-numbered years.

Section 2. Election Committee

The Executive Board (or Executive Board President) shall appoint three (3) members to an Election Committee. The chairperson of which shall be the immediate Past President unless he/she is running for office in which case an alternate chairperson will be appointed. Members of the Election Committee may not be candidates for office in the election. The committee shall adopt all rules and regulations necessary to assure a fair and honest election and nominations procedure and shall provide each candidate with a copy of the same. The committee will also hear challenges to the conduct of the election.

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The Election Committee shall submit a written report to the Executive Board and Executive Board president within three business (3) days following the ballot count.

The report shall include the election rules, procedures, schedule, candidate/issue vote totals, any challenges filed, and names and phone numbers of Election Committee members. Election results shall be provided to the membership following the election.

Section 3. Eligibility

In order to run for and serve as an Executive Board member, candidates shall be members in good standing and employed within a bargaining unit represented by CEMA.

Section 4. Election Notice

Notice of the election shall be given to each CEMA member in good standing at least thirty (30) calendar days prior to the date set for the election by written notice and/or newsletter. The notice must include method of nomination, deadline for nominations, deadline for submission of candidates' petitions and statements, method of election (meeting, mail ballot, etc.), date, time, and place of voting, and challenge procedure. All official election materials and communications must be reviewed by the Election Committee and staff prior to publication.

Section 5. Nomination for Office

Nominations will be made by petition signed by at least five (5) members in good standing (dues paying members). The nominating petition must be filed with the Chairperson of the Election Committee no later than ten (10) calendar days prior to such election or the mailing of the ballot. A statement from the nominated person indicating their willingness to serve if elected must accompany any petition. Should no one submit a petition by the deadline, the Election Committee may nominate a candidate(s) without a petition.

Section 6. Voting

Elections must be conducted by secured mail ballot. Only members in good standing are eligible to vote. Proxy voting is prohibited. A plurality of valid ballots cast shall determine the elected candidates. In the event of a tie vote, a run-off election shall be conducted. The elected officers shall assume office on the first calendar day of the new year or in the case of a run-off, at the first Executive Board meeting following the run-off election.

Section 7. Challenges

Challenges to or disputes arising from an election must be submitted to the Election Committee within three (3) business days of the submission of the

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committee's election report to the Executive Board. Challenges must be submitted in writing and must cite specific violation(s) of the election rules and procedures. Challenges to the election will be considered valid only if they cite specific violations of election rules and procedures or if the alleged violation may have affected the outcome of the election. The Election Committee shall investigate and resolve challenges within ten (10) business days of receipt of the challenge. The Election Committee may order a rerun of all or part of the election.

Section 8. Appeals

Challenges or disputes, which are denied or cannot be resolved by the Election Committee, may be appealed in writing to the Executive Board within five (5) business days of receipt of the Election Committee's decision. The Executive Board shall investigate and respond within ten (10) business days of receipt of the challenge. Challenges to the election will be considered valid only if they cite specific violations of the elections rules, procedures, and bylaws and if the alleged violation may have affected the outcome of the election.

Article 12: Recall Process

Section 1. Recall

All elected officers of CEMA are subject to recall for cause by a recall election.

Section 2. Recall Petition

Recall of an Executive Board Officer may be originated by a petition that presents the facts in writing and signed by at least ten (10%) of the membership to the President or the Executive Board. The petition must be headed "Recall Petition" and must specify on each page for signature, the person to be recalled and the charge that is the basis for the recall.

Section 3. Election Committee

The Executive Board will select an Election Committee who will conduct a secret ballot election of the General Membership.

Section 4. Recall Meeting

A notice of a Recall Meeting shall be mailed by the Executive Secretary, stating the time and place of the Recall Meeting, and must be mailed at least ten (10) calendar days prior to the meeting. No business other than the recall shall be conducted at this meeting

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At the Recall Meeting the Executive Board member will have the opportunity to respond to the allegations of the recall petition.

Section 5. Vote

The recall vote shall be by secret ballot and requires a 2/3 majority of those voting to remove the elected official from office.

The Election Committee will count the votes and respond to the membership regarding the final decision.

Section 6. Surrender of Office

Upon being relieved of office, the Executive Board member will immediately surrender all office related materials.

Article 13: Finances

Section 1. Fiscal Year

The fiscal year of CEMA shall be from January 1 to December 31.

Section 2. Annual Budget

The Executive Board shall approve the annual budget. The approved budget shall be presented at the first regular general membership meeting of the calendar year.

Section 3. Funds

All funds shall be kept in a financial institution (e.g. bank, credit union, savings and loan) in the official name of the County Employees Management Association (CEMA). The officers authorized to sign checks shall be the President, the Secretary, and the Treasurer. All checks shall be signed by two officers.

Section 4. Expenditures

The Secretary and/or President shall have the power to authorize any expenditure up to one hundred dollars \$100.00. These expenditures, however, must be documented and have the subsequent approval of the Executive Board. Any expenditures in excess of one hundred dollars \$100.00 must have the prior approval of the Executive Board. Any expenditure exceeding ten dollars (\$10) shall be paid only by checks of CEMA. No person or persons shall obligate CEMA for an amount in excess of the total current funds in the treasury.

Section 5. Audit Committee

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The President shall annually appoint an Audit Committee to perform or contract for an in-depth review of the Treasurer's annual Financial Summary. The Audit Committee shall consist of three (3) members. Officers of CEMA and the immediate past Treasurer are specially excluded from membership on the Audit Committee. The Audit Committee will prepare a report for presentation to the Executive Board by July 31 of each year.

Section 6. Reserve Amount

A reserve account shall be maintained for the purpose of meeting the expenditure requirements of CEMA. The amount held in reserve shall be at least the equivalent to the sum of the highest four (4) pay periods of dues collected in the previous twenty-six (26) pay periods.

Article 14. Contract Negotiations:

Section 1. Negotiations Committee Composition

At a minimum, the contract Negotiations Committee shall be composed of members of the CEMA Executive Board and member representatives from the affected CEMA chapter(s). The Executive Board shall select among dues-paying members that are nominated for the Negotiations Committee, and attempt to ensure in the Negotiation Committee selection process that the Committee fairly represents membership organizational structure (i.e., major departments and major classifications).

Section 2. Negotiations Committee Nominations

CEMA members may be nominated or nominate themselves to serve on the contract Negotiations Committee. For the Executive Board to consider a nominee for Negotiations Committee membership, the nominee must submit a petition. On each page, the petition must be headed "Negotiations Committee Nomination Petition" and specify the name and organizational unit of the nominee. The petition must include signatures of members who support the nomination (including the supporting member's name, organization, signature, and signature date).

Section 3. Open Negotiations

Contract negotiation meetings between the County and the CEMA Negotiation Committee shall be open to attendance by any member. The Negotiation Committee shall provide timely and adequate notification to the members in good standing of meeting schedules and the on-going status of negotiations, through CEMA liaisons, contract negotiation status meetings and other common means of member communication such as the CEMA website, email, broadcasts, etc.

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Article 15. Contract Ratification:

Ratification or rejection of a tentative agreement shall be referred to the General Membership at a membership meeting(s) called for that purpose or through a mail ballot. The ratification vote shall be by written, secret ballot. At least five (5) business days notice must be given prior to a contract ratification vote.

Article 16. Work Actions:

No CEMA Chapter may initiate a strike without a majority concurrence vote of the total membership of said chapter by secret ballot. The strike vote may be conducted at a membership meeting or through a mail ballot. Proxy voting shall not be allowed. At least five (5) business days written notice shall be given prior to a meeting at which a strike vote is in order. Strike sanction shall be received from the Operating Engineers Local 3, the International Union, and the Central Labor Council prior to a strike.

Other forms of work action may be authorized by a majority of those participating in a properly noticed vote or contract ratification.

Article 17. Procedure and Debate:

Membership meetings shall be governed by Robert's Rules of Order. Every member shall follow and be subject to such rules governing debate at all meetings.

Article 18. Membership Appeal Process:

CEMA represented employees must contact the CEMA Business Representative with work related problems. The CEMA Business Representative will discuss the problem with the CEMA represented employee. A grievance, appeal, or other appropriate action may be filed by the CEMA Business Representative on behalf of the CEMA represented employee if it is deemed appropriate. An appeal to the CEMA Business Representative's decision can be filed with the CEMA Executive Board (consisting of the CEMA Executive Board or a designate of the Executive Board) in writing within ten (10) business days of receipt of the Business Representative's decision. At the appeal with the CEMA Executive Board (or designate of the Executive Board) the CEMA represented member is free to bring a support person, but not an attorney.

Article 19. Amendment:

Amendments to these bylaws may be originated by a majority vote of the Executive Board or by petition signed by at least ten percent (10%) of the membership. Amendments to these bylaws shall be submitted to the CEMA office to be reviewed for conformity to the existing bylaws and to be kept on file.

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No amendment shall be valid or become effective until approved by the Executive Board.

These bylaws may be amended by majority vote of the General Membership (dues paying members) at a membership meeting or a mail ballot. Members must be notified at least thirty (30) days prior to the consideration of any amendment and provided with the proposed amendments and the original sections of the bylaws. Amendments required to bring these bylaws into compliance with the Constitution or guidelines of Operating Engineers Local 3 may be made by vote of the Executive Board without submission to the General Membership.