

CONSTITUTION

ENGINEERS AND SCIENTISTS OF CALIFORNIA

LOCAL 20, IFPTE (AFL-CIO & CLC)

As Amended to March 22, 1996

ARTICLE I - NAME

The name of this organization shall be Engineers and Scientists of California, hereinafter referred to in this Constitution as the Union, affiliated as Local 20 of the International Federation of Professional and Technical Engineers, AFL-CIO & CLC, hereinafter referred to as the Federation.

ARTICLE II - OBJECTS AND POLICIES

Section 1. The objects of the Union shall be:

- a) To promote the general welfare of professional and technical employees, and of functionally associated employees with substantial identity of interest and working conditions;
- b) To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through legal and economic means, and other lawful methods;
- c) To safeguard, advance, and promote the principle of free collective bargaining, and the security and welfare of the members by political, educational, and other community activity;
- d) To provide assistance to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization;
- e) To support the principle of equal opportunity for all without regard to color, race, sex, marital status, ancestry, national origin, creed, age, or handicap;
- f) To provide educational advancement and training for employees, members, and officers;
- g) To protect and preserve the Union as an institution and to perform its legal and contractual obligations.

Section 2. It is recognized that the problems with which this labor organization is accustomed to dealing with are not limited to unionism or to organization and collective bargaining alone, but encompass a broad spectrum of economic and social objectives as set forth above and as the Union may determine from time to time; we, therefore, determine and assert that the participation

of this labor organization, individually and with other organizations, in the pursuit and attainment of the objectives set forth herein are for the benefit of the organization and its members.

Section 3. In pursuit of the objectives and policies as set forth herein above, the Union shall be governed by its Constitution and By-laws, and the Constitution of the Federation.

ARTICLE III-MEMBERSHIP

Section 1. Definition of Membership: Membership in the Union shall be confined to Professional and Technical and functionally related employees with substantial community of interests.

Section 2. Applicants for admission in the Union must state in writing, on the form provided, that it is their desire to have membership in the Union, that they have a community of interest with the members of the Union, that they agree that so long as they may be members they will abide by and be governed by the Constitution, By-laws and other lawful regulations of the Union and that they authorize the Union to represent them in all collective bargaining procedures affecting them.

Section 3. With the consent of the Executive Board, a member of this Union may be a member of another Union.

Section 4. A member in good standing shall be one who is not in arrears of dues or assessments. A member whose dues or assessments are not -paid within 60 days after they become due shall be deemed in arrears, and shall automatically be suspended. Such member shall lose the privilege of voting or in any manner participating in the activities of the Union. He or she may be restored to good standing under regulations which may be promulgated pursuant to this Constitution.

Section 5. After due notice, members may be expelled by the Executive Board for non-payment of dues and/or assessments aggregating not less than the amount of six months dues.

Section 6. Members may also be disciplined by the Executive Board for willful violation of the provisions of the Constitution, By-laws, or lawful regulations of the Union, or for acting in any manner or engaging in any practice which will tend to bring discredit on the honor or dignity of the Union or the Engineering, Architectural, Scientific or other Professional professions. Such offenses shall include the crossing of a sanctioned picket line. The Executive Board shall not act upon such disciplinary proceedings until a period of thirty (30) days has elapsed after notice of such intended proceedings giving the purported grounds for disciplinary action has been mailed to the last known address of the member by registered return receipt requested mail, during which period the member shall have the right to present his defense to the Board in person or in writing, and to present evidence and witnesses.

Section 7. A member in good standing may file charges against another member by submitting such charges in writing to the President. The President shall forthwith notify the accused that charges

have been preferred against him/her and shall convene a special meeting of the Executive Board to hear the charges and the defense of the accused member in accordance with the provisions of Section 6.

The Executive Board shall hear all relevant testimony and evidence and reach a determination as to the guilt or innocence of the accused member. A guilty verdict shall require a two-third vote of the Board Members present.

Should the Board determine that a member is guilty of an offense, it may levy a fine not to exceed \$150.00 for each separate offense, or it may suspend or expel the offending member. The penalty shall be determined by a majority vote.

ARTICLE IV - OFFICERS

Section 1. The officers of the Union shall be a President, Secretary/Treasurer and the Vice Presidents as defined in Section 2 of this Article.

Section 2. There shall be one (1) Vice President for each Unit within the Union. In 1979, all Vice Presidents will run for election. Fifty percent of the Vice Presidents receiving the highest number of votes in the election will serve for a two-year term. The fifty percent of the Vice Presidents receiving the lowest number of votes in the election will serve for a one-year term. Thereafter the term of Vice Presidents shall be two years. The President and Secretary/Treasurer shall serve for a term of two years.

Section 3. Candidates for office must be members in good standing, and officers shall continue in office only so long as they remain in good standing.

Section 4. The elected officers shall be installed and shall assume their new positions at the next regular scheduled Executive Board meeting after the election.

Section 5. Any officer is subject to recall. To initiate recall procedure, a written petition stating the charges purporting to justify recall, signed by at least ten percent (10%) of the members in good standing of the Union or by at least two-thirds of the members of the Executive Board, must be submitted to the Executive Board which shall forthwith order a recall election. Recall election shall be by letter ballot and a majority of the valid votes cast shall be necessary for recall. The officer shall be informed in writing of the charges, and shall have the right of rebuttal. The ballot shall be accompanied by a statement of the charges upon which the recall petition is based, and by any rebuttal of these charges which may be offered. The Executive Board may by motion suspend the accused from the performance of the duties of his office pending the outcome of the election.

Section 6. The Secretary/Treasurer of the Union and the Secretary/Treasurer and/or Treasurer of

each Unit shall be bonded. The amount of the bond shall be determined by the Executive Board. The expense of bonding shall be borne by the Union.

Section 7. In the event that the office of the President becomes vacant during the term of office, the Secretary/Treasurer shall fill this position until the next regular election.

In the event that the office of the Secretary/Treasurer becomes vacant during the term of office, the Executive Board shall by ballot, appoint one of the Unit Vice Presidents to the office of Secretary/Treasurer.

The vacant position of the Vice President from a Unit shall be filled by a vote of the Executive Board with the advice and consent of the Unit's Executive Board. Each Unit shall have one Vice President on the Executive Board. Such Vice President shall be nominated by and from among the members of each respective Unit and shall be elected by the members of the Union.

ARTICLE V - DUTIES OF OFFICERS

Section 1. The President shall preside at all meetings of the Executive Board and the General membership. He may be a member of each committee ex officio, except the nominating committee. His signature shall validate all agreements or contracts entered into by the Union.

He shall attend to the Executive Business and is responsible for implementing the decisions of the Executive Board.

Section 2. The Secretary/Treasurer shall provide accurate records of the Executive Board and General Membership meetings. He shall give notice to the Executive Officers of all Executive Board and General Membership meetings. He shall be responsible for maintaining accurate and adequate financial records of the Union funds, including receipts and disbursements of funds and the billing and payment of dues and assessments by each member in the manner prescribed by the Executive Board.

He shall perform the duties of the President during his absence or inability to serve. He may, under the supervision of the Executive Board assign routine functional duties to the appropriate Union Staff.

Section 3. Vice Presidents shall be required to attend the Executive Board, General Membership and their respective Unit Executive Board meetings. The Vice Presidents shall submit a report of their Unit at the Executive Board and General Membership meetings.

The Vice Presidents may be required to serve on various committees on behalf of the Union as assigned by the Executive Board.

ARTICLE V1 - ELECTION OF OFFICERS

Section 1. Election shall be by mail ballot.

Section 2. Ballots shall be sent to all members of the Union in good standing not later than October 31.

Section 3. To be valid, ballots must be received on or before 5:00 p.m. on the last Tuesday in the month of November.

Section 4. Ballots shall be opened and counted by the Election Committee following the close of balloting under supervision of a neutral arbitrator.

Section 5. A plurality of the valid votes cast shall be required for election. Write in votes shall not be permitted.

Section 6. In case of a tie, a run off election will be held.

Section 7. Nominations may be submitted by letter signed by not less than members in good standing of the Union, filed with the Secretary/Treasurer not later than October 15. The membership of the Union as a whole shall vote for each and every officer of the Union, however the Vice President from each Unit shall be a member of his/her respective Unit and the members nominating the Vice President must be members of said Unit. Notice to this effect shall be mailed to each member either separately or by suitable display in a regular Union publication, not later than October 1.

ARTICLE V11 - MEETINGS

Section 1. An Annual Membership meeting of the Union shall be held in the first quarter of each calendar year. The officers of the Union and Units shall have their expenses, including pay loss if any for attendance paid by their respective Union or Unit. The date, time and place of this meeting shall be established by the Executive Board.

Section 2. Special Meetings of the Union membership may be called at the discretion of the Executive Board but must be called by the Board within thirty (30) days of the receipt by said Board of a petition for such meeting signed by not less than twenty percent (20%) of the members in good standing. Expenses including pay loss, if any, for attendance at such Special Meetings by officers of the Union and Units shall be paid by the Union or the Unit. A quorum for the transaction of business at the meeting shall be ten percent (10%) of the members in good standing.

Section 3. Notice in the Union publication of the date, time, place and general purpose of the Annual Meeting or Special Meeting shall be provided not less than ten (10) days before the date thereof. Unless such notice is given concerning each Annual or Special Meeting, notification of the meeting shall be effective and binding upon the Union.

ARTICLE VIII - EMPLOYEE UNITS

Section 1. An Employee Group may be organized by two or more employees in the employ of one employer, or of a group of employers when said employees have common interests because their employers are in the same field of work or are in different fields of work in a more or less isolated geographical area. Members of such employee groups shall be members of the Union. Such employees or employee groups may petition the Executive Board for recognition as a Unit. The Executive Board may designate an employee group or groups as a Unit. Upon approval and recognition of a Unit by the Board, all employees in said group shall also be members of the Unit. The term employer shall include an association of employers which acts in matters of employer-employee relations, including the execution of collective bargaining agreements.

Section 2. An Employee group or a Unit shall be represented in its dealings with the Union by its officers or by a committee of its members as it may elect.

Section 3. A Unit may establish such Constitution and/or By-laws and carry on such functions as it desires, subject to the approval of the Union Executive Board. A copy of such Constitutions and/or By-laws and Amendments thereto shall be filed with the Executive Board of the Union.

Section 4. A Group or Unit must designate the Union as the sole bargaining agent in negotiations between the Group or Unit and the Employer. A Unit may if it so elects conduct its negotiations with the Employer, subject to ratification of the resulting agreement by the Union's Executive Board. No contract shall be approved by the Executive Board unless it has been ratified by the members of the Unit or Group.

Section 5. No strike or other work stoppage shall occur except after authorization by a majority of the affected members voting of the Group or Unit involved and after such action has been sanctioned by the ESC Executive Board.

Section 6. Each Unit shall file with the Secretary/Treasurer of the Union a copy of the minutes of each Unit meeting and the year-end bank statement, cancelled checks, and any other financial records which may be required by the Union to conduct an audit.

ARTICLE IX - COMMITTEES

Section 1. The Executive board shall consist of the President, the Secretary/Treasurer, and one Vice President from each Employee Unit. At meetings of the Executive Board, the President shall preside, and the Secretary/Treasurer shall record the business transacted by the Board.

The duties and powers of the Executive Board shall be as follows:

(a) The Board shall be the governing body of the Union and shall carry on the general business of the Union. It may enact By-laws or other regulations, create committees, and take other measures for these purposes subject to the provisions of the Constitution.

The Executive Board may appoint an Executive Director to manage the daily affairs of the Union. The duties of the Executive Director shall be to direct and supervise the activities of the staff, to act as liaison to the Federation, and to conduct the business of the Union in accordance with the policies established by the Executive Board.

(b) Notice of regularly scheduled meetings of the Executive Board shall be published in advance.

(c) Notice of the date, time and place of each special meeting must be mailed to all members of the Board not less than five (5) days before the date thereof; unless such notice is given or all members attend, no action of said meeting shall be effective and binding.

(d) Report the business transacted to the membership at the next meeting of the Union and publish a summary of its meeting in the Union publication.

(e) Any act of the Board except those involving admission, suspension, or expulsion of a member or members or transfer of status of membership shall be subject to review by the membership of the Union, by presentation of a petition to the Executive Board, signed by twenty-five percent (25%) of the members, within thirty (30) days after said act has been reported to the Union. The Board shall, not later than thirty (30) days after presentation of the petition, submit the matter in question to all members by letter ballot to determine whether or not the membership sustains or repeals the action.

(f) The quorum required to transact business shall be one-half (1/2) of the members of the Board, or the whole number next to less than one-half in the case of an odd number of Board members.

(g) The Executive Board shall be empowered, whenever in its judgment it is in the best interest of the Union to do so, to submit any action of an Annual or Special meeting of the Union to a

referendum of the members by letter ballot. A majority of the valid votes cast in such letter ballot shall sustain or void such action of the meeting.

Section 2. The Election Committee shall consist of five (5) members, four appointed by the Executive Board, the fifth to be the Secretary/Treasurer.

It shall be the duty of the Election Committee to administer all elections and other letter ballots of the Union and to ensure that at least one candidate for each elective office to be filled in that year is nominated. Letter ballots shall be mailed to all members; ballots received from members in arrears, as defined in Article III, Section 6, shall be invalid. Each ballot shall state the closing date of the poll, which, except as specified in Article VI for election of officers, shall be not less than fifteen (15) days after the ballots are mailed.

Only those ballots returned not later than the closing date shall be counted. Unless otherwise provided in this Constitution, each issue on the ballot shall be determined by a majority of the valid votes cast thereon. The Election Committee shall count the ballots and certify the result to the Executive Board which shall incorporate said certification in the minutes of its next meeting. Mail ballots shall be so administered as to ensure the validity of the votes cast and the secrecy of the ballot.

ARTICLE X - FINANCES AND PROPERTY

Section 1. Dues shall be payable to the Union in advance on the first day of each semi-annual period beginning March first and September first of each year; except that they may be paid by monthly payroll deductions authorized by the member under an agreement with the employer.

Section 2. The amount of dues to be collected from each member shall be equivalent to one and one-half (1 1/2) hour's base pay per month for members working twenty (20) hours or more per week, and one (1) hour's base pay per month for members working less than twenty (20) hours per week. The Executive Board may establish and adjust from time to time a special dues rate for members employed by the United States Government.

Section 3. The Executive Board may rebate a portion of the dues to a Unit for the miscellaneous expenses of that Unit. The amount of such Unit dues rebates shall be determined by the Union Executive Board through consultation with the officers of the Unit.

ARTICLE XI - DUES AND ASSESSMENTS

Section 1. Assessments for the Union shall be determined by three-fourths (3/4) of the valid votes cast in a letter ballot, such ballot requires prior authorization of the Union Executive Board. The ballot shall clearly state the amount of the proposed assessment and shall be accompanied by a complete statement of the reasons necessitating such assessment and the specific purpose for which it shall be used.

Section 2. The aggregate of such assessments in any calendar year shall not exceed twenty-five dollars (\$25.00) per member. The amount, collected from each assessment shall be expended only for said stated purpose unless and until other disposition is authorized by letter ballot. No assessments shall apply retroactively to new members of the Union.

Section 3. The dues collection period of each Unit shall coincide with that of the Union. The Union Secretary/Treasurer shall bill and collect Union dues and transmit Unit dues rebates to the Unit with suitable accounting, when and as received from the members, at not less than quarterly intervals.

Section 4. Each officer and each member of a committee shall be responsible for all property and records of the Union in his possession, and upon termination of his service as an officer of the Union or as a member of any committee he shall deliver to his successor or to whomever else the Executive Board designates all property and records of the Union in his possession.

Section 5. The Executive Board shall engage the services of a public accountant to audit the financial records of the Union, Unit and employee groups for each fiscal year and submit a report thereof to the Board as soon as possible after the end of said year. The Board may require additional audits as it deems necessary.

ARTICLE XII - AMENDMENT

Section 1. This Constitution may be amended after due notice has been given to all members of the Union, by affirmative vote by letter ballot of two-thirds (2/3) of the members voting. An amendment shall be declared adopted and become effective when a true copy thereof, together with a record of the count of votes, shall have been certified by the Election Committee to the Executive Board in meeting and include in the minutes of said meeting.

ARTICLE XIII - TRANSFER OF PROPERTY

Section 1. At the expiration of their terms of office, the officers and all committee members of the Union or any Unit shall deliver all records and property in their possession.

ARTICLE XIV - UNION OR UNIT FUNDS

Section 1.

(a) The funds and other property shall remain with the Unit for its legitimate use so long as there are five (5) members.

(b) On dissolution of the Unit, all funds and other property shall become the property of the Union, provided that the Executive Board of the Union will accept them.

Section 2. A Unit shall not without prior consent of the Union hold the Union in any manner liable for any debt or expense incurred by the Unit.

Section 3. A yearly audit of each Unit's books and accounts shall be made by a Certified Public Accountant on behalf of the Union.

ARTICLE XV - RULES OF ORDER

Section 1. The Parliamentary procedure of meetings of the Union and its committees shall be guided by Roberts Rules of Order to the extent practicable except that in any conflict with this Constitution, the Constitution shall take precedence.

ARTICLE XVI - INTERNAL COMPLAINT PROCEDURE

Any member in good standing of the Union may file a complaint concerning the actions of officers or staff members of the Union or any Unit by reducing the complaint to writing and transmitting to the Secretary of the Unit or to the Secretary/Treasurer of the Union as appropriate within 60 days of the action.

Section 1. Complaints against Unit officers shall be considered at the next regular Unit Executive Board meeting after receipt of the complaint. The Secretary shall notify the complainant of the meeting and he shall have the right to appear and present the case before the Board. The Executive Board shall make its determination of the disposition of the complaint and notify the complainant of its decision within ninety days of the meeting at which the complaint was first considered. The complainant shall have the right to appeal the Unit Executive Board's decision to the Union Executive Board within 30 days of the receipt of the decision by written notification to the Secretary/Treasurer of the Union.

Section 2. Complaints against officers or Staff of the Union, and appeals from Unit Executive

Board decisions shall be considered by the Union Executive Board within sixty (60) days of their receipt by the Secretary/Treasurer. Complainants or appellants shall be notified of the meeting date and shall have the right to appear and produce witnesses and evidence. The Executive Board shall issue its decision within ninety (90) days of the meeting at which the matter was heard. The decision of the Union Executive Board shall be final and binding unless a written request is submitted within thirty (30) days of such decision to the Union Executive Director for review by the Executive Council of the Federation.

Section 3. In the interest of harmony and to promote just and efficient final resolution of complaints, decisions of the Union Executive Board pursuant to Section 1 and 2 above, may be reviewed by the Executive Council of the Federation which will hear and decide the dispute as neutral arbitrator. The decision of the Executive Council shall be governed by the applicable provisions of the Union and/or Unit Constitution and By-laws and by the Constitution of the Federation and shall be final and binding on all persons and parties.

ibt-856-kom
j:\data2\esc\ESC Constitution as Amended 1996