

SEIU Local 521

Approved Constitutional Bylaws

Adopted 11/20/2009



San Jose, California

Table of Contents

| | |
|--|----|
| PREAMBLE | 3 |
| MISSION STATEMENT | 3 |
| Article I: Name of Union | 4 |
| Article II: Jurisdiction | 4 |
| Article III: Purpose | 4 |
| Article IV: Member Bill of Rights / Responsibilities / Code of Ethics | 5 |
| Article V: Local Convention | 5 |
| Article VI: Membership and Member Rights | 5 |
| Article VII: Dues | 7 |
| Article VIII: Election of Localwide Officers, Delegates and Trustees | 7 |
| Article IX: Officers | 10 |
| Article X: Executive Board | 12 |
| Article XI: Trustees | 18 |
| Article XII: Guidelines for Chapter Governance | 19 |
| Article XIII: Strikes | 20 |
| Article XIV: Good and Welfare Fund | 20 |
| Article XV: Adoption, Amendments and Compliance | 21 |
| Article XVI: Financial Assets of the Union | 21 |
| APPENDIX #1: SEIU Member Bill of Rights and Responsibilities | 23 |
| APPENDIX #2: Debate – From SEIU International Bylaws | 24 |

Constitution and Bylaws

PREAMBLE

We the people of the Service Employees International Union Local 521, in order to form a more perfect union, establish justice for our members, ensure employment tranquility, provide for the common defense from unjust labor practices, promote the general welfare of our service and professional members and ensure prosperity for ourselves, our families and all working men and women, do ordain and establish this Constitution of SEIU Local 521 in the State of California, United States of America.

The purpose of this member-driven union is to organize and represent workers in the Central Northern Region of the State of California.

MISSION STATEMENT

The Mission of SEIU Local 521 is to provide our members with a voice in the workplace, in their Union and in the larger community. Through our actions, we intend to create a more just and humane society. We are committed to protecting and improving the lives of workers and their families. We will work to improve and protect the services we provide to our communities. We believe that by working together as a united front, we can win better contracts and build industry power in our region.

In so doing, we affirm that our members shall be treated and accepted equally with dignity and respect. All members will be welcomed into our Union, encouraged to participate and shall not be discriminated against regardless of race, ethnicity, religion, age, physical ability, gender, gender expression and sexual orientation, marital status, creed, color, ancestry, disability, immigration status, or national origin.

All SEIU 521 members shall share equal responsibilities and rights both within the Union Local and on the job, at a minimum as stated in our International Bylaws.

We pledge to demonstrate our respect equally to our staff as we do to our members so that all may thrive in an atmosphere of solidarity and brother/sisterhood.

We concur with the SEIU International vision of a society:

- Where all workers have a meaningful voice in decisions that affect them.
- Where workers have the opportunity to develop their talents and skills
- Where the collective voice and power of workers is realized in a democratic and progressive union.
- Where union solidarity stands firm against the forces of discrimination and hate and the unfair employment practices of exploitative employers.
- Where government plays an active role in improving the lives of working people.

In fulfilling this vision, we acknowledge our responsibility to strengthen all of our Chapters. We affirm that every member has a voice. We will not be content until all of our members have achieved dignity, respect and self worth in our workplaces and in society.

Article I

Name of Union

This organization shall be known as Service Employees International Union Local 521. It shall consist of an unlimited number of members within our regional boundaries.

Article II

Jurisdiction

1. This Local Union shall have jurisdiction over all public, publicly funded and/or private non-profit workers except as it may conflict with such exclusive jurisdiction that has been granted to other SEIU Locals in California.
2. Our geographical boundaries of the Local are comprised of workers in these 17 counties: Alpine, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Mono, Monterey, San Benito, San Mateo, Santa Clara, Santa Cruz, Stanislaus, Tulare and Tuolumne.

Article III

Purpose

The purpose of this Union is to improve the lives of workers and their families by:

- Advocating for improvements in wages, hours and working conditions
- Organizing unorganized workers into our union
- Representing workers in negotiations, meetings, conferences, grievances, discussions, disputes, and disciplinary actions
- Engaging our members in legislative and political action at the local, county, state and national level
- Engaging in all such civic, social, legal, economic, cultural, educational, charitable, and other activities, as will advance this Union's standing in the community and in the labor movement and further all interests of our Local and further the interests of this organization and its membership, directly or indirectly.
- Ensuring a dignified and secure retirement for later years.

Article IV

Member Bill of Rights and Responsibilities in the Union and the Workplace

SEIU Local 521 will adhere to the International Union's statements (see Appendix #1)

Code of Ethics

SEIU Local 521 will abide by the International Union's Code of Ethics as approved by the International Union Executive Board, June 13, 2009.

Article V

Local Convention

Section 1: Convention - A convention of Local 521 will be held every second year, in odd numbered years, beginning in 2011. The purpose of the convention will be to review the progress of the union since the last convention and to develop goals and priorities for the coming years, using a group process which allows for input from all delegates.

Section 2: Convention Delegates - Elected by members in good standing, delegates will come from every chapter of the local according to the proportional formula developed for the 2009 Constitutional Convention ensuring that each chapter, regardless of size, will have an opportunity to be represented. That formula is as follows:

1. Chapters with 1 to 25 get one DELEGATE, Then for
2. 26 to 200 members the chapter gets a second DELEGATE
3. For members 201 to 10,000 in any chapter a proportional number of delegates will be added to the first two delegates that chapter has received from above.

All members in good standing will be eligible to run for delegate seats. Officers will be included with delegates as representatives at the local-wide convention.

The Executive Board will approve; a process for nomination by petition; implementation of the formula above for proportional representation, and certification of chapter election or affirmation of delegates.

Article VI

Membership and Member Rights

Section 1: Regular Member – A member must have an employment relationship with a bargaining unit for which SEIU Local 521 is recognized as the exclusive bargaining agent. Members shall have the right to vote in all Local Union elections. Members shall be eligible to hold any elected Local Union office, including positions of Officers, Executive Board Delegates and Trustees.

Section 2: Staff Member – Staff, whether they are represented or unrepresented by a bargaining agent, wishing to be members of the Local Union shall pay full dues to the Local Union. A staff member who pays full dues may only run for the positions of Chief Elected Officer and Delegate to regional, national and international conventions and may vote in any local wide election.

Section 3: Retired Member – A member, who has retired in good standing from a jurisdiction represented by Local 521 may join the Retiree Chapter of the Local Union and pay the established retiree dues rate. This qualifies the member for voting in any Retiree Chapter or local wide election. Retired members may choose to retain full membership by paying the minimum level of full dues of an active, regular member. Any retiree paying full dues shall be eligible for nomination and election to any office of the Local Union for which s/he is eligible, according to his/her region of domicile including the Executive Board Delegate of the Retiree Chapter. Retired members paying less than full dues required for working members of the Local Union shall not be eligible for nomination for any office of the Local Union.

Section 4: Organizing Chapter Member - From time to time, the Executive Board may authorize an Organizing Member Chapter as part of an organizing program. A person who belongs to an organizing chapter of the Local Union and pays at least the minimum dues for working members as established by the Local Union, may be considered an organizing member. Organizing chapter members are eligible to vote in Local Union elections but may not run for office. Organizing chapter members may remain organizing members until the first contract is bargained and will become regular members when they have an enforceable collective bargaining agreement.

Section 5: Associate Members –

Laid-Off Members: Members shall remain eligible for membership after having been laid-off for as long as they are on a valid re-employment list, in a bargaining unit represented by Local 521. The dues, for members who are laid-off, as established by the Local Union will be paid by Local 521, on behalf of the member, for the first six (6) months that they are in layoff status. They are eligible to vote in local wide elections and attend meetings of their chapters.

Section 6: Life Member – A Life Member is a retired member who is 75 years of age or older, and who has been paying dues continuously to the Local Union, either as a Regular Member or a Retired Member, for at least ten (10) years. Life Members shall have no continuing dues obligations, but Life Members shall nonetheless be eligible to enjoy all the benefits and privileges of Retired Members in the Local Union and the International Union.

Section 7: Authorization of Additional Categories – The Executive Board may authorize other categories of membership as allowed by the International Union.

Article VII

Dues

Section 1: Members in Good Standing - It is the members' responsibility to pay dues. In order to be a member in good standing, dues must be current and paid on time. Dues are due and payable on or before the last day of the current month. If a member is on lost time, working on a temporary basis for the Union, dues will be deducted by the Union to ensure continual membership in good standing.

Section 2: Right to Vote on Dues - All members in good standing shall have the right to vote on the adoption of a uniform dues rate for Union members and fee-payers, and on any changes in the uniform dues rate adopted. Notification of members prior to a dues election shall be not less than ninety (90) days.

Section 3: Financial Transparency – The Treasurer and Local Union Staff will produce an annual report summarizing income and expenditures as well as programs and activities of affiliated bodies, to which the Local Union pays per capita taxes.

Article VIII

Election of Local Wide Officers, Executive Board Delegates and Trustees

Section 1: Nominations and Elections - All nominations for Local 521 Officers, Executive Board Delegates and Trustees may be made in a scheduled meeting(s) of the voting body held for that purpose and properly announced, or by a petition signed by twenty-five (25) members of the Local Union who are eligible to vote for the nominated position

Section 2: Acceptance of Nomination – A candidate must submit a written acceptance of nomination according to election rules, following a nomination, in order to have his/her name placed on the ballot.

Section 3: Qualification of Candidates – A person is eligible to be a candidate for office of the Local Union if s/he has been a member in good standing of the Local Union for at least two continuous years immediately prior to nomination, paying full membership dues. The two-year requirement is waived if s/he has been a full dues-paying member in good standing since the time of affiliation of their chapter. No person will be eligible to be a candidate for more than one office of the Local Union simultaneously. For purposes of this section, Chapter officers shall not be considered Local officers.

In accordance with International Union Bylaws, a member who wishes to be a candidate for any office of the Local Union shall not have been convicted of an applicable felony

(see Section 504, Labor Management Reporting and Disclosure Act - LMRDA).

Eligibility of Local Union employees to be candidates for office shall be limited to the positions of Chief Elected Officer and Delegate to regional, national and international conventions. If a member of the union has previously been an employee, time spent as an employee shall be counted toward the two year membership requirement if the person was a member of the Local Union when employed by the Local Union and was paying full dues.

Section 4: Notification of Election - All members shall be notified of an election not less than ninety (90) days prior to the commencement of voting and notified of nominations no less than thirty (30) days before their close. For the 2010 election, this requirement will be for thirty (30) days.

Section 5: Candidate Statements – Each candidate shall be allowed to make a statement of his/her qualifications for office, to be included with election materials and otherwise to be made available to the members. The Election Committee shall establish reasonable rules regarding the length and format of candidate statements as well as establishing deadlines for submission of election materials.

Section 6: Exclusions – Write-in candidates and proxy voting shall not be permitted in any Local Union or Chapter election.

Section 7: Balloting – Balloting for Local Union Offices may be by mail ballot, at Local Union offices and/or worksite polling stations, by safe and secure electronic means, or by a combination of these methods, in such a manner that facilitates the widest practicable participation by members. Cost shall be a factor when deciding which method(s) to use.

Section 8: Campaigning – The Local Union shall not discriminate in favor of or against any candidate in any Local or Chapter election. Union staff shall not be involved in campaigning in any chapter elections.

To balance the rights of Union staff who are Local Union members, to run for office and participate in local wide elections with the potentially unfair advantage they may have by virtue of their temporary or permanent role as staff in the union, there must be strict adherence to the Department of Labor Rules. The appearance of violations must be avoided. Therefore, the local union will establish strict rules and policies to monitor and to implement the Department of Labor laws as they pertain to staff participation in Local wide elections. Staff must be on pre-authorized time off for campaigning and will be required to sign a document stating that they understand the rules and will abide by them or will be terminated or disciplined. Any activities they perform on behalf of themselves or another candidate must be clearly understood as their own position, not that of the Local Union. During the Election period, Trustees will make themselves available to answer questions, complaints and concerns about any such possible infractions and will take immediate action where necessary. For the 2010 election only, board approved regional volunteers will serve in this capacity.

The Local Union shall comply with reasonable requests to assist candidates in mailing campaign materials to members at the candidate's expense and shall not release members' personal information in doing so. All candidates will be given access to assistance from the Local Union equally, at the candidate's expense. No candidate may solicit, accept or receive a material or in-kind contribution for his/her campaign from any person who is not a member in good standing of SEIU.

Section 9: Election Committee – A three-member committee shall be appointed by the President and approved by the Executive Board, no later than the October Executive Board meeting preceding an election year, or no less than sixty (60) days before a special or recall election. They shall not be candidates for, nor actively campaign for any Local or Chapter elected position during the term of their appointment. They shall establish rules and procedures for fair and democratic elections in accordance with the local bylaws, the bylaws of the International Union and labor law, including method of balloting, overseeing tabulation of results and certifying of election results.

Section 10: Trustees - Election Oversight for Elections and Appeals – The Trustees of the Local Union shall act as judge in all matters arising from the election procedures of the Local Union and shall hear all protests of an election. Members not satisfied with a ruling of the Trustees on an election matter may appeal such ruling to the International President within fifteen (15) days of the ruling. For the 2010 election of officers, a committee of regional volunteers, approved by the Executive Board will serve in lieu of trustees.

Section 11: Recall of Local Officers – An officer, delegate, or any other elected official of the Local Union may be removed from office in a recall election by majority vote of the proper constituents of that office.

Recall Petition: A recall election will be held within sixty (60) days of the validation of signatures on a recall petition signed by twenty percent (20%) of the members eligible to vote for the office. To be valid, signatures must be collected within six (6) months prior to submission of the petition. Validation of petition signatures will be completed within thirty (30) days of submission to the Local President, or if the recall is for the President, submission to the Local Secretary. The recall petition shall specify the name and position of the person to be recalled and the cause for recall, on each page. The recall petition shall include name, signature, date and sufficient identifying information as specified by the Local Secretary to validate signatures. A separate recall petition must be circulated for each officer subject to recall.

Article IX

Officers

Section 1: Titles - The officers of this union shall be the Chief Elected Officer, President, 1st Vice President, Treasurer, Secretary, and six (6) Regional Vice Presidents. The Chief Elected Officer, President, 1st Vice President, Treasurer and Secretary shall be elected at large by members in good standing. The Regional Vice Presidents will be elected by members in good standing from their designated regions.

Section 2: Term of Office - The term of office will be three (3) years and there will be no term limits. The term of office will commence on March 1.

Section 3: Duties of the Chief Elected Officer - The Chief Elected Officer shall work full time for SEIU Local 521 and act as the Union's chief administrative officer, subject to the authority of the Executive Board. S/he does not have a vote on the Local Union's Executive Board.

The Chief Elected Officer shall represent the Union before all boards, committees, departments and such official bodies as may be designated by the Executive Board, including, but not limited to, serving as a delegate to all committees, boards, divisions, conventions and conferences of the Service Employees International Union and its affiliated bodies. S/he shall receive all complaints and grievances and delegate authority to seek solutions of same to the appropriate staff or member group. S/he shall report his/her activities to the Executive Board, leadership meetings, membership meeting and other special meetings.

With the aid of his/her staff, it shall be the duty of the Chief Elected Officer to maintain an accurate record of the members of the Union, showing their classification, address and phone number; Regular, Associate, Retired and Life Members, Laid-off members and Service and Charity Fee-payers; and the names of the chapters and bargaining units in which the members are employed; all initiations, expulsions, suspensions and rejections. S/he shall receive all dues or other monies due and payable to the Union, giving his/her receipts as required, and thereafter s/he shall deposit all such monies under the direction of the Treasurer. The Chief Elected Officer shall maintain records which show the receipts and disbursements pertaining to each fund of the Union and said receipts shall be open for inspection and verification at any time as authorized by the Executive Board.

The Chief Elected Officer shall send to the International Secretary-Treasurer of the International Union copies of all annual financial reports and LM-2 reports, and the correct names, addresses, and the last 4 digits of social security numbers or identification number of all members initiated or readmitted, and of all other persons from whom income is derived, and of those suspended for non-payment of dues or for any other cause, and a correct list of those who take transfer or withdrawal cards. The proper zip codes shall be included for each address. S/he shall notify the International Union in writing when any collective bargaining negotiations or memoranda of understanding have been concluded and the number of employees covered, and send copies of collective

bargaining agreements and contracts entered into by the Local Union to the Research Department of the International Union. The Chief Elected Officer shall notify the International Union of the newly elected officers within fifteen (15) days of their taking office.

All salaries and expense allowance to be paid the Chief Elected Officer shall be determined by the Executive Board. The Executive Board will approve a wage and benefit package commensurate with the responsibilities and reasonably aligned with other full-time staff for the Chief Elected Officer, governing his/her salary and benefits for a period not to exceed his/her three-year term of office, but renewable subject to his/her re-election and the terms of such agreement.

While operating within an Executive Board approved budget and program, the Chief Elected Officer has the sole authority to arrange his/her staff, including hiring, firing, supervising and directing staff in whatever manner s/he deems efficient for the administration of this Local Union. The Chief Elected Officer shall have the authority to employ or retain legal counsel, accountants, or such other assistants or personnel as required in order to assist in the operation and administration of the Local Union. In the hiring of staff, the Chief Elected Officer shall provide for the Executive Board's input prior to the effective date of such actions. Any other staffing items shall be subject to the appropriate contracts.

Section 4: President - The President shall be the presiding officer of the Local Union and shall preside over all Executive Board meetings and the Local Union Convention. S/he shall have general oversight and input into all programs, finances and committees of the union in accordance with these bylaws. S/he shall be a non voting participant (ex officio) in any committees as s/he requests. S/he is a non-voting member of the Executive Board, unless breaking a tie. S/he is one of the co-signer's of checks. S/he appoints committees and committee chairs with concurrence of the Executive Board. The President, in collaboration with the Chief Elected Officer, shall cause an agenda to be prepared for each meeting of the Executive Board prior to that meeting and, whenever possible, a copy of the agenda shall be presented together with the notice of the meeting to all board members.

Section 5: First Vice President - The First Vice President shall perform the duties of the President in his or her absence and shall assist the President in the operation of all affairs of the Local Union and perform such duties as may be assigned to him/her by the Executive Board and President. The First VP will give a full report of his/her activities at each regularly scheduled officer's meeting and at each regular Executive Board meeting. S/he shall succeed the President if the President is unable to complete his or her term. The 1st Vice President may countersign checks. S/he is a voting member on the Executive Board (only as tiebreaker if acting as President).

Section 6: Treasurer - The Treasurer shall be responsible for all financial affairs of this Local Union. S/he shall counter-sign all checks, whenever possible. In coordination with local union staff, s/he shall submit at least quarterly appropriate financial statements of expenditures and income to the Executive Board and General Membership. His/her report

shall be subject to verification by the Trustees of this Local Union and supportive data shall be supplied if requested. S/he shall make sure that all records and monthly budget reports are posted on the Local Union website. S/he is a voting member on the Executive Board.

Section 7: Secretary - The Secretary shall keep a correct and accurate record of attendance and proceedings (minutes) of all regular and special Executive Board, Officer meetings and the Convention of the Local Union, in coordination with the local union staff. S/he shall make sure that minutes and documents of these meetings are posted on the Local Union website for member access. The Secretary shall furnish the chairperson of each committee a copy of such resolutions as may be adopted by the Local Union, applicable to its respective duties. The Secretary may sign checks in the absence of two (2) signers from among the President, 1st Vice President or Treasurer. S/he is a voting member on the Executive Board.

Section 8: Regional Vice Presidents - There shall be 6 (six) Regional Vice Presidents. The following are the designated regions:

Region 1: Santa Clara, San Mateo

Region 2: Santa Cruz, Monterey Counties, San Benito Counties

Region 3: Stanislaus, Merced, Tuolumne, Mariposa, Mono, Alpine Counties

Region 4: Madera and Fresno Counties

Region 5: Tulare, Kings, Kern, Inyo Counties

Region 6: Homecare – Santa Clara, San Mateo Counties

The Regional Vice Presidents shall assist the President in affairs of the Local Union and perform such duties as may be assigned to them by the Executive Board and President from time to time. The Regional Vice Presidents shall, advocate on behalf of the Chapters, Industry Councils and Caucuses in their geographical area and may convene appropriate meetings of those groups. The Regional Vice President for Homecare will serve as the head rank and file member of the SEIU Local 521 delegation to state or nation-wide meetings/conventions of homecare/long term care. Each Regional Vice President shall give a full, written report of his/her activities at each regular Executive Board meeting, at his/her regional leadership and/or regional membership meetings and the Local Union Convention. S/he is a voting member on the Executive Board.

Article X

Executive Board

Section 1: Composition - The Executive Board shall consist of the elected Chief Elected Officer, Officers, Chapter Delegates, Industry Delegates and Caucus Delegates as outlined in these bylaws. All Executive Board members shall be elected in accordance with the appropriate procedures set down in these Bylaws.

Section 2: Term of Office - The term of office shall be 3 (three) years with no term limits. The term of office will commence March 1.

Section 3: Large Chapter Executive Board Delegates - Chapters with 250 or more members are designated as large chapters. For these chapters, the chapter members in good standing will elect their Executive Board delegates and the following scale will determine how many Executive Board Delegates a single chapter with 250 or more members will receive:

- 250-599 members 1 delegate
- 600-1499 members 2 delegates
- 1500-2499 members 3 delegates
- 2500-4999 members 4 delegates
- 5000-7499 members 5 delegates
- 7500-9999 members 6 delegates
- 10000-14999 members 7 delegates
- 15000-20000 members 8 delegates

Each Chapter shall have the right to elect an Alternate Delegate(s) according to the following formula: for chapters with less than 2500 members, one Alternate Delegate will be elected; for chapters with more than 2499 members, two Alternate Delegates will be elected. In the absence of a Chapter Delegate the Alternate Delegate(s) will have one vote on the Executive Board. The Alternate Delegate(s) will be the next highest vote-getter(s) in the Delegate election.

In the event of a permanent vacancy, an Alternate Delegate will be the permanent replacement, taken in order, according to the number of votes received in the original Delegate election.

Section 4: Small Chapter Executive Board Delegates “Composite Jurisdictions” - Chapters with fewer than 250 members are designated as small chapters and shall be grouped into regions for the sole purpose of electing Delegates to the Executive Board. They shall be grouped based on the Local Union Office Location from which they receive services:

- Bakersfield Office: Covering the Kern County and Inyo County region;
- Fresno Office: Covering Fresno County, Stanislaus County, Tulare County, Tuolumne County, Mariposa County, Mono County, Alpine County, Madera County, and Merced County region;
- Hanford Office: Covering the Kings County region;
- Salinas Office: Covering the Monterey County and San Benito County region;
- San Carlos Office: Covering the San Mateo County region;
- San Jose Office: Covering the Santa Clara County region;
- Santa Cruz Office: Covering the Santa Cruz County region;
- Visalia Office: Covering the Tulare County region

As Local 521 grows, regional offices may be moved or new regional offices may be opened and the Executive Board will have the authority to re-group small chapters into the appropriate regional office. However, those currently serving as Executive Board Delegates will continue to serve out their 3 (three) year term.

Composite Jurisdictions shall have monthly meetings/correspondences to inform members in their representative areas on issues to be addressed to the Executive Board.

The following scale will determine how many Executive Board Delegates Composite Jurisdictions will receive based on total members from the small chapters in that region:

- 1-599 members 1 delegate
- 600-1499 members 2 delegates
- 1500-2499 members 3 delegates
- 2500-4999 members 4 delegates
- 5000-7499 members 5 delegates
- 7500-9999 members 6 delegates
- 10000-14999 members 7 delegates
- 15000-20000 members 8 delegates

Each Composite Jurisdiction shall have the right to elect an Alternate Delegate(s) according to the following formula: for Composite Jurisdictions with fewer than 2500 members, one Alternate Delegate will be elected; for Compositied Jurisdictions with more than 2499 members, two Alternate Delegates will be elected. In the absence of a Composite Jurisdiction Delegate, the Alternate Delegate(s) will have one vote on the Executive Board. The Alternate Delegate(s) will be the next highest vote-getter(s) in the Delegate election.

In the event of a permanent vacancy, an Alternate Delegate will be the permanent replacement, taken in order, according to the number of votes received in the original Delegate election.

Section 5: Homecare Chapters - For the purpose of selecting delegates to the Executive Board, Santa Clara and San Mateo counties' IHSS workers, including any private Healthcare agencies in each of these counties, will be grouped together under the Large Chapters formula.

Section 6: Industry Councils - The Industry Councils are formed along industry lines within the jurisdiction of the Local Union to bring economic justice, respect and a voice in the workplace and are open to all Local Union members within a particular industry. The Industry Councils promote contract standards, union organizing, and educational programs within their industries. They are also politically active, lobbying on behalf of their industry. Each recognized Industry Council shall submit a written or oral report to the regularly scheduled Officers meeting and Executive Board meetings.

Section 7: Threshold for Industry Council Executive Board Delegates - Once an Industry Council is active and functioning in five (5) or more of the counties or two (2) Vice Presidential regions that make up the Local Union, they may apply to the Executive Board for Delegate status. The application must include a two-year plan, proof of at least four (4) regular meetings with a total of 25 members in attendance.

If the Industry Council qualification for a delegate seat occurs between regularly scheduled elections, an Industry Council delegate will be appointed by the President of the Local Union, with the recommendation of the Industry Council and that delegate will be seated on the Executive Board until the next local wide election occurs and a candidate for that seat can be elected.

Each Industry Council that qualifies for an Executive Board seat shall have the right to elect an Alternate Delegate and in the absence of a Delegate, the Alternate shall have one vote. The Alternate Delegate will be the next highest vote-getter in the Delegate election.

Section 8: SEIU International Mandated Committees - Per the SEIU International Constitution & Bylaws, a committee is required for each of the following: Member Organizing Committee (MOC); Committee on Political Education (COPE); Social Economic Justice (SEJ) and Retirees' Committee. The President, with concurrence of the Executive Board will appoint a chair for the committee from the seated Executive Board delegates. All committees shall make reports, in writing, and shall confine their activities to the business for which they were formed.

Section 9: Member Organizing Committee (MOC) – The Local Union MOC shall meet regularly with the Local Union's Organizing Director and staff to recommend potential new units and strategies and shall assist in the formulation and implementation of programs for organizing. The Committee shall recommend to the Executive Board a two-year plan and yearly budget; plan activities; participate actively and encourage the work of MOC regional committees and prepare report/requests to be presented at Executive Board meetings for action. A local wide Chair of the MOC will be appointed from seated Executive Board to represent the interests of the MOC.

Section 10: Retirees' Committee – The Retired Members' Committee shall assist the Executive Board in developing a program for senior and retired members. The Committee is comprised of former members of the Local Union who pay the prescribed dues. The committee shall recommend to the Executive Board a two-year plan and yearly budget; plan activities; participate actively and encourage the work of Retiree regional committees; prepare reports/requests to be presented at Executive Board meetings for action. A local wide Chair of the Retirees' committee will be appointed from seated Executive Board delegates to represent the interests of the Retiree committee.

Section 11: Committee on Political Education (COPE) – COPE Committees are created in order to promote and support political candidates and issues on the local and state level that support and further the purposes and objectives of the Local Union and its members. Each COPE committee within SEIU will be based on boundaries delineated by

Central Labor Councils (CLC) and approved by the Executive Board. Each Committee may create caucuses, PAC or PACE committees based on community of interest with approval of the Executive Board. Each CLC COPE committee will have a Chair, Vice-Chair and a Recorder, elected every two-years (February), by the members of that designated area, who contribute to COPE. Any vacancies shall be filled after proper notice of thirty (30) days and seated by the next regularly scheduled meeting following an election. There will be quarterly meetings of chairs and/or vice-chairs for all CLC COPE Committees. From these officers, there will be two (2) regional Chairs of COPE elected every two (2) years to represent each region of the Local Union; the Coastal region, consisting of San Mateo, Santa Clara, Santa Cruz, San Benito and Monterey counties; and the Valley region, consisting of the remaining counties of the Local Union. These regional Chairs will report COPE plans and activities to the Executive Board following each quarterly COPE meeting. The quarterly meetings will map out state races and state-wide issues, plan and review campaigns and distribute information from each of the CLC COPE committees. The Regional Chairs shall recommend to the Executive Board on behalf of the CLC COPE committees, a two-year plan and budget; recommend endorsements and activities. As required by law, neither the Local Union, nor the COPE, shall establish its own registered federal political committee nor make contributions in connection with federal elections. A local wide COPE Chair shall be appointed by the President, with approval of the Executive Board, from seated Executive Board delegates to represent the interests of the COPE Committee.

Section 12: Social Economic Justice (SEJ) Committee - The Local Union SEJ Committee is responsible for the development and implementation of the Social Economic Justice Agenda of the Local Union using the International's guidelines. It analyzes current social, economic, political and cultural issues and their impact on the working class, society, oppressed communities and women and makes recommendations to the Local Union for positive action. It sponsors educational programs for members and the community at large on a variety of social, political and civil and worker rights issues. The SEJ Committee shall recommend to the Executive Board a two-year plan and yearly budget for review and approval; recommend endorsements and activities; participate actively and encourage the work of regional SEJ committees; prepare reports/requests to be presented to the Executive Board meetings for action. A local wide Chair of the SEJ committee will be appointed by the President, with approval of the Executive Board from seated Executive Board delegates to represent the interests of the SEJ committee.

Section 13: Other Committees - There will be other standing committees of the Local Union, including Budget and Finance, whose chair will be the Treasurer (see Treasurer's Duties for details), the Communications Committee, Education and Training Committee as well as other committees which will be formed with the approval of the Executive Board.

Section 14: SEJ Caucuses - SEIU recognizes the following SEJ Caucuses: African American (AFRAM); Asian Pacific Islander/APALA (Asian Pacific American Labor Alliance); Disabilities; Latino; Lavender; Native American; Retirees; and Women's. The Caucuses shall strive to increase participation in the Local Union, identify and develop

leadership, promote Unionism, advocate for social economic justice, serve as a bridge between the Labor movement and their communities and promote understanding within the diverse Membership of the local.

Section 15: Executive Board Delegate Threshold for SEJ Caucuses - Once a Caucus is active/functioning in 2 (two) of the 5 (five) Vice President regions (excluding the Homecare region for this purpose) or in 5 (five) counties that make up the Local Union, and have at least four (4) regularly scheduled caucus meetings with a total of at least twenty-five (25) members in attendance, they shall present an application for a delegate seat on the Executive Board with a two-year plan and a proposal for a yearly budget. The caucus delegate will be elected at-large in a regularly scheduled local wide election. If the caucus qualification for a delegate seat occurs between regularly scheduled elections, a delegate will be appointed by the President of the Local Union and with concurrence of the Executive Board, and recommendation of the caucus, and that delegate will be seated on the Executive Board until the next local wide election.

Each Caucus that qualifies for a board seat shall have the right to elect an Alternate Delegate and in the absence of a Delegate, the Alternate shall have one vote on the Executive Board. The Alternate Delegate shall be the next highest vote-getter in the Delegate Election.

Section 16: Meetings -

Executive Board: The Executive Board shall have at least one regularly scheduled meeting each quarter, at a time and place(s) known to the membership, well publicized and open to all members. The frequency of regularly scheduled meetings shall be determined by the Executive Board, but must be adequate to handle the business of the Local. Meetings of the Executive Board may be held by telephone or video conference at the discretion of the President.

Attendance - All elected officers and delegates shall make every effort to attend all Executive Board meetings. Any member of the Executive Board who cannot attend an Executive Board meeting shall notify the President or the Secretary that s/he will be absent and will arrange for an Alternate Delegate to attend in his/her place.

In the event any member of the Executive Board fails to attend two consecutive meetings, without excuse, s/he may be subject to charges and removal from office pursuant to Article XVII of the International Union Constitution and Bylaws.

Special Meetings - Special meetings of the Executive Board may be called by the President or upon written request to the President, of one-third (1/3) of the Executive Board members. Such meetings shall be announced widely with at least fifteen (15) days notice, except in emergency situations.

Officers: The officers of the Local Union will meet on a regularly scheduled monthly basis to review the finances and address issues that need to be addressed

in a timely manner. These regularly scheduled meetings will be open to all members.

Executive Session: On a case-by-case basis, a small group of Executive Board members, Local Officers and non-voting Staff Directors may meet to monitor and make decisions on personnel and litigation issues. This sub-group will take action and report back to the Executive Board at the next regularly scheduled meeting.

Section 17: Powers and Authority - The Executive Board shall set policies, develop and approve annual or multi-year budget; review the annual audits; and supervise the handling of all funds. From committee recommendations they will, approve expenditures, develop and take positions of the Local Union in respect to Central Labor Councils, International Union and State affiliates; endorsements, etc.; determine when a group of members is considered a functioning chapter, industry council, or caucus of the Local for the purpose of representation on the Executive Board and determine when a chapter, industry council or caucus has gained or lost eligibility for Executive Board delegates due to qualifying requirements. The Chapters within each Regional Vice President's region shall also be determined by the Executive Board.

The Executive Board may authorize sub-groups to act on behalf of the Union in special matters.

The Executive Board shall appoint an interim replacement in the permanent vacancy of officers not otherwise specified. For a vacancy of the Chief Elected Officer position, a special election shall be held if the vacancy will be greater than one year.

Section 18: Quorums –

Executive Board: A majority (more than fifty percent) of the filled seats on the Executive Board shall comprise a quorum provided that at least two (2) of those present are Local Union Officers.

Officers: A majority of the officers shall comprise a quorum for officer meetings.

Article XI

Trustees

Section 1: Composition - There shall be seven (7) Trustees elected, whose primary function is to act as guardians of the welfare of the Local Union through their oversight duties. They are not officers or voting members of the Executive Board. They are an independent local wide body.

Section 2: Eligibility and Term – The Trustees shall be members in good standing, elected at the same time as the Local Union Officers and shall serve a term equal to that of the Officers.

Section 3: Election of Trustees - Five (5) Trustees shall be elected by Chapter members of the same regions described for regional Vice-Presidents, with the exception of the Homecare Regional Vice-President. Two (2) Trustees shall be elected at-large from the general membership.

Section 4: Duties of Trustees - Trustees shall see that the officers fulfill their duties and obligations, that the Local Union's bylaws are followed, and that meetings are run in a respectful and orderly manner consistent with the International Union's Manual of Common Procedures governing debate (see Appendix #2).

They will ensure proper fiscal procedures are followed, perform spot audits of financial transactions, hiring practices, capital expenditures, expense reports according to a program/policy which will be developed by the Executive Board and themselves. They will review the annual audit and may require other audits, if serious necessity demands it.

They will report to the Membership and to the Executive Board on their activities and findings at least twice a year.

Trustees may be requested, by a Chapter or the President of the Local Union, to assist chapter leadership with voting and elections, or to help them understand and adhere to Local Union bylaws and policies.

The Trustees of the Local Union shall act as judge in all matters arising from the election procedures of the Local Union and shall hear all protests of an election. Members not satisfied with a ruling of the Trustees on an election matter may appeal such ruling to the International President within fifteen (15) days of the ruling.

Article XII

Guidelines for Chapter Governance

Section 1: Establishment of Chapters – The Executive Board of the SEIU Local 521 may establish chapters for particular units or groups of units that will be organized.

Section 2: Chapter/Employer - The Local Union has adopted, “one employer, one chapter,” as its policy for creating unity and increasing the bargaining strength of each jurisdiction and of the Local. Chapters will comply with this policy by March of 2012. For the initial election, groups not already in compliance shall be considered one for purposes of Executive Board Delegate election only.

Section 3: Chapter Bylaws - Chapters may adopt and amend their own bylaws, subject to the approval of SEIU Local 521's Executive Board and the International President.

Chapter bylaws will be reviewed by a sub-committee of the Executive Board. All Chapter Bylaws are autonomous but they may not conflict with and are subordinate to these SEIU Local 521 Constitution and Bylaws. All Chapter Bylaws must declare this subordination and must meet all requirements of the Local's and International's governing documents.

Any Chapter willfully neglecting to enforce the provisions of the Constitution and Bylaws shall be subject to suspension or revocation of its charter or such other sanctions as may be determined by SEIU Local 521's Executive Board.

Section 4: Membership Meeting Requirements - Meetings of the membership in a division, chapter or worksite must occur at least once every two months, except during the months of July and August.

Article XIII

Strikes

Members in good standing will have the right to vote on a strike recommendation. Chapter bylaws must include how these votes are to be taken.

No chapter of this Local Union shall strike without previous notification of the International President, or, where prior notice is not practicable, without notification as soon as possible after commencement of the strike, in which this Union has stated that it has complied with all applicable notice requirements. If this Union fails to give such notice, the International Union President may withhold sanction for any strike called by the Local Union.

Article XIV

Good and Welfare Fund

Section 1: Mission/Purpose – The mission of the Local 521 Good and Welfare Fund is to identify, cultivate and provide resources that will aid or improve the quality of life of the membership and the communities we live in.

Section 2: Goals of the Good and Welfare Fund – To make a difference in the community by contributing time, talents or monetary resources.

1. Encourage community among ourselves and those we serve
2. Educate and increase the awareness of local community needs
3. Encourage self-sufficiency and well-being among those in need
4. Promote volunteerism and effective Union philanthropy
5. Build a network in the community that is a catalyst for positive change
6. Provide funds to members in need

7. Provide contributions to members or their immediate family in times of undue hardship

Section 3: Good and Welfare Committee – The purpose of the Good and Welfare Committee shall be to accomplish the stated goals of the Good and Welfare Fund. The Good and Welfare Committee shall be comprised of at least three (3), but no more than ten (10) volunteer members, approved by the Executive Board. Each committee member shall be from a different chapter of the Local with the goal of including all Local 521 jurisdictional Vice Presidential regions on the committee.

Article XV

Adoption, Amendments and Compliance

Section 1: Adoption – The Constitution and Bylaws of SEIU Local 521 may be ratified by a majority of those voting in a regular or special membership election of this Local Union, provided that proper notification to all members has been given at least thirty (30) days prior to the commencement of balloting.

Section 2: Amendment – A vote on a proposed amendment to these bylaws will be scheduled by the Executive Board for the next feasible regular or special membership election, after such proposed amendment is recommended by a two-thirds (2/3) vote of the Executive Board or a petition in favor of a proposed amendment with valid signatures of ten percent (10%) of Local members is submitted to the President. Validation of petition signatures will be completed within thirty (30) days of submission.

Section 3: Subordination of Bylaws and Amendments – No provision of or amendment to these bylaws shall be valid or become effective until approved by the International Union. The Constitution and Bylaws of this Local Union shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended. If any conflict should arise between the Constitution and Bylaws of this Local Union or any amendments thereto, and the International Constitution and Bylaws or any amendments thereto, the provisions of the International Constitution and Bylaws shall control.

Section 4: Compliance with Federal and State Laws and Regulations - This Local shall comply with all governing Federal and State laws and regulations.

Article XVI

Financial Assets of the Union

Section 1: Required Records - Records pertaining to Union income, disbursements and financial transactions shall be kept for a period of at least six (6) years or longer if required by applicable law. SEIU Local 521 shall pay per capita tax to the International

Union for any person from whom the Union receives revenue, whether called dues or otherwise. SEIU Local 521 shall likewise pay any other obligations due to the International Union and it shall have no right to pay any bills until it pays its full obligations to the International Union for each month.

Section 2: Audit Requirement - There shall be an independent annual audit by a Certified Public Accountant and the report shall be submitted to the Executive Board.

Section 3: Transfer of Property - All officers shall deliver to their respective successors at the conclusion of their term of office, all property in their possession belonging to SEIU Local 521. All the funds and property of SEIU Local 521 shall be deemed held in trust for the benefit of the members to be used in accordance with the direction of the membership and the Executive Board.

Section 4: Bonding - SEIU Local 521 shall secure and maintain surety bonds in the amounts and form required by applicable statutes.

APPENDIX #1

SEIU MEMBER BILL OF RIGHTS AND RESPONSIBILITIES IN THE UNION

- The right to have opinions heard and respected, to be informed of union activity, to be educated in union values and union skills.
- The right to choose the leaders of the union in a fair and democratic manner.
- The right to a full accounting of union dues and the proper stewardship over union resources.
- The right to participate in the union's bargaining efforts and to approve union contracts.
- The right to have members' concerns resolved in a fair and expeditious manner.
- The responsibility to help build a strong and more effective labor movement, to support the organizing of unorganized workers, to help build a political voice for working people, and to stand up for one's co-workers and all workers.
- The responsibility to be informed about the internal governance of the union and to participate in the conduct of the union's affairs.
- The responsibility to contribute to the support of the union.
- The responsibility to treat all workers and members fairly.
- The responsibility to offer constructive criticism of the union.

SEIU MEMBER BILL OF RIGHTS AND RESPONSIBILITIES ON THE JOB

- The right to have work that is worthwhile to society, personally satisfying to the worker, and which provides a decent standard of living, a healthy and safe workplace, and the maximum possible employment security.
- The right to have a meaningful and protected voice in the design and execution of one's work and in the long-term planning by one's employer as well as the training necessary to take part in such planning.
- The right to fair and equitable treatment on the job.
- The right to share fairly in the gains of the employer.
- The right to participate fully in the work of the union on the scope, content and structure of one's job.
- The responsibility to participate in the union's efforts to establish and uphold collective principles and values for effective workplace participation.
- The responsibility to recognize and respect the interests of all union members when making decisions about union goals.
- The responsibility to be informed about the industry in which one works and about the forces that will affect the condition of workers in the industry.
- The responsibility to participate fully in the union's efforts to expand the voice of workers on the job.
- The responsibility to give fully and fairly of one's talents and efforts on the job and to recognize the legitimate goals of one's employer.

APPENDIX #2

DEBATE – from SEIU International Bylaws

The following rules shall be used to govern debate unless the Local Union has adopted its own rules or regulations:

Rule 1. The regular order of business may be suspended by a vote of the meeting at any time to dispose of urgent business.

Rule 2. All motions (if required by the chair) or resignations must be submitted in writing.

Rule 3. Any conversation, by whispering or otherwise, or any other activity which is calculated to disturb or may have the effect of disturbing a member while speaking or disturb the conduct of the meeting or hinder the transaction of business shall be deemed a violation of order.

Rule 4. Sectarian discussion shall not be permitted in the meetings.

Rule 5. A motion to be entertained by the presiding officer must be seconded, and the mover as well as seconder must rise and be recognized by the chair.

Rule 6. Any member having made a motion can withdraw it with consent of the seconder, but a motion once debated cannot be withdrawn except by a majority vote.

Rule 7. A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

Rule 8. A motion shall not be subject to debate until it has been stated by the chair.

Rule 9. A member wishing to speak shall rise and respectfully address the chair, and if recognized by the chair, he or she shall be entitled to proceed.

Rule 10. If two or more members rise to speak, the chair shall decide which is entitled to the floor.

Rule 11. Any member speaking shall be confined to the question under debate and avoid all personal, indecorous or sarcastic language.

Rule 12. Attending meetings under the influence of liquor or any controlled substance not lawfully prescribed is basis for removal.

Rule 13. No member shall interrupt another while speaking, except to a point of order, and the member shall definitely state the point, and the chair shall decide the same without debate.

Rule 14. Any member who is called to order while speaking shall be seated until the point of order is decided, after which, if decided in order, such member may proceed.

Rule 15. Any member who feels personally aggrieved by a decision of the chair may appeal such decision to the body.

Rule 16. When an appeal is made from the decision of the chair, the Vice President shall act as chairperson; the appeal shall be stated by the chair to the meeting in these words: "Shall the decision of the chair be sustained as the decision of this Union?" The member will then have the right to state the grounds of appeal and the chair will give reasons for its decision; thereupon the members will proceed to vote on the appeal without further debate, and it shall require a majority vote to overrule the chair.

Rule 17. No member shall speak more than once on the same subject until all who wish to speak have spoken, nor more than twice without unanimous consent, nor more than five minutes at any one time without consent of a two-thirds vote of all members present.

Rule 18. The presiding officer shall not speak on any subject unless such officer retires from the chair, except on a point of order or to make an official report or give such advice and counsel as the interests of the organization warrant. In case of a tie the presiding officer shall have the deciding vote.

Rule 19. When a question is before the meeting, no motion shall be in order except:

1. To adjourn;
2. To lay the question on the table;
3. For the previous question;
4. To postpone to a given time;
5. To refer or commit;
6. To amend.

These motions shall have precedence in the above order.

The first three of these motions are not debatable.

Rule 20. If a question has been amended, the question on the amendment shall be put first; if more than one amendment has been offered, the question shall be put as follows:

1. Amendment to the amendment.
2. Amendment.
3. Original proposition.

Rule 21. When a question is postponed indefinitely, it shall not come up again except by a two-thirds vote.

Rule 22. A motion to adjourn shall always be in order, except:

1. When a member has the floor;
2. When members are voting.

Rule 23. Before putting a question to vote, the presiding officer shall ask, "Are you ready for the question?" Then it shall be open for debate. If no member rises to speak or the

debate is concluded, the presiding officer shall then put the question in this form: "All in favor of this motion say `aye'" ; and after the affirmative vote is expressed, "Those of the contrary opinion, say `no' ." After the vote is taken, the presiding officer shall announce the result in this manner: "It is carried [or lost] and so ordered."

Rule 24. Before the presiding officer declares the vote on a question, any member may ask for a division of the house. The chair is required to comply with this request. A standing vote shall thereupon be taken.

Rule 25. When a question has been decided it can be reconsidered only by two-thirds vote of those present.

Rule 26. A motion to reconsider must be made and seconded by two members who voted with the majority.

Rule 27. A member ordered to be seated three times by the chair without complying shall be debarred from participating in any further business at that session.

Rule 28. All questions, unless otherwise provided, shall be decided by a majority vote.

Rule 29. The presiding officer of the meeting shall enforce these rules and regulations and may direct that members be removed from the meeting for violation of these rules.

ORDER OF BUSINESS

1. Opening.
2. Roll call of officers.
3. Reading of minutes of the previous meeting.
4. Applications for membership.
5. Initiation of new members.
6. Communications and bills.
7. Reports of officers, executive board and committees.
8. Unfinished business.
9. New business.
10. Good and welfare.
11. Adjournment.