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# LOCAL 221

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**SEIU Local 221  
Constitution and Bylaws**



# SEIU LOCAL 221 CONSTITUTION & BYLAWS

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**ARTICLE I**  
**PURPOSE & OBJECTIVES**

This document shall be the Constitution and Bylaws of SEIU Local 221. This Local Union and the labor movement will be instrumental in improving the professional status, wages, hours, and working conditions of our members and improving the lives of workers and their families. This Union will be influential in addressing the social, political and economic issues affecting their communities and working families at large.

SEIU Local 221 will be a leader in the labor movement in Southern California. We will accomplish this by engaging in political, legislative, educational, civic, welfare and other activities which further, directly or indirectly, the interests of the membership of this Local Union and all working people. We will partner with other organizations, coalitions, partnerships and unions to accomplish this.

This Local Union shall as an affiliate of the International Union, carry out all the objectives of the International Union and shall represent, protect, maintain, and advance the interests of the workers within its jurisdiction.

This organization is a nonprofit public benefit organization and is not organized for the private gain of any person.

**ARTICLE II**  
**AFFILIATION**

This Local Union shall be affiliated with the Service Employees International Union, the California State Council, the Canadian Labor Congress, CTW, and all other bodies of federation as required by the International Union Constitution and Bylaws.

**ARTICLE III**  
**JURISDICTION**

In order to form a strong and democratic structure in which to organize and represent public sector and publicly-funded workers in the Southern Region of California, this Local Union has been established and chartered in accordance with Article XIV of the Constitution and Bylaws of the Service Employees International Union. This Local Union shall have jurisdiction to organize public sector and publicly-funded workers in the Southern Region of California, including in the counties of San Diego and Imperial, except as it may conflict with such exclusive jurisdiction that has been granted to other SEIU local unions in California.

**ARTICLE IV**  
**MEMBERSHIP**

All persons, without regard to race, creed, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, age, or disability, subject to the exceptions contained in applicable law and these Bylaws, shall be eligible for full membership, affiliate membership, and/or retired member status. Every member, by virtue of her/his membership in this Local Union, is obligated to follow the terms of the International Constitution and Bylaws and those of this Local Union.

A. Terms and Conditions

1. In order for a member to be in good standing, her/his full dues must be paid on/or before the last day of each month in which they fall due.
2. No member shall interfere with the elected officers or agents appointed by the Executive Board in the performance of their duties. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this Local Union of its legal or contractual obligations.

3. No member shall engage in disaffiliation or shall slander or libel this Local Union, its members, or its officers, or be a party to any activity to secure the disestablishment of this Local Union as the collective bargaining agent of any bargaining unit.
4. The fact that a person may be eligible for membership does not require this Local Union to admit her/him to membership. The Executive Board shall resolve any dispute regarding membership or eligibility for membership. Refusing membership to an eligible person shall require a two-thirds majority of the Executive Board.
5. The Executive Board shall issue its findings within ten (10) days of its decision on membership and/or appeals in regards to membership.

#### B. Categories of Membership

1. Member: A member must have an employment relationship with an employer for which Local 221 is recognized as the exclusive bargaining agent on matters relating to wages, hours, and other terms and conditions of employment, or must be a member of the Local 221 staff, and must pay at least the minimum dues for members as established by Local 221. Members shall have the right to vote on all Local Union matters that affect the collective bargaining relationship of their bargaining unit with the employer such as the bargaining team, contract proposals and contract ratification/rejection, and strikes. Members shall be eligible to hold elected office in the Local Union and Chapter Office in the chapter to which they belong, including the positions of chapter officer, executive board member, delegate, negotiating team member, etc., subject to the terms of the International Union Constitution and Bylaws and the Local 221 Constitution and Bylaws.
2. Affiliate: A person having no employment relationship with a bargaining unit represented by Local 221 and who pays at least the minimum dues as established by Local 221 shall be eligible for affiliate status only. Affiliates are not entitled to representation by the Local Union in any grievance, litigation, personnel board, or civil service matter; however,

the Local Union may decide, at the sole discretion of the Executive Board, to represent an affiliate if the Local Union deems it to be in its collective interest to do so. Affiliates shall not be eligible to vote in Local Union or Chapter elections nor hold Local or Chapter Office.

3. Retiree: Upon retirement from employment with a recognized bargaining unit within SEIU, persons may join the Retired Chapter and become a Retired Member, as enumerated below:

a. A retired member shall be defined as a member of the Retired Members' Chapter of Local 221 who pays the minimum dues for membership established by Local 221. Retired members shall not be eligible to vote in Local Union or Chapter elections nor hold Local or Chapter Office other than the Retiree Chapter.

b. Retirees shall have the right to form a Retiree Chapter with the purpose to support these bylaws.

C. Representation: Every member, by virtue of their membership in this Local Union, authorizes this Local Union to act as their bargaining representative. The Local Union may decline to process a grievance, complaint or dispute, if in its judgment such grievance, complaint, or dispute lacks merit under the collective bargaining agreement(s), subject to appeal to the Executive Board.

## **ARTICLE V**

### **DIVISIONS**

A. This Local Union shall be composed of Divisions. Such Divisions shall be as follows:

1. Cities
2. Counties (Community Services, General, Health and Human Services, Public Safety)
3. Courts/Special Districts
4. Head Start
5. Registered Nurses
6. Schools

- B. In addition to the seats provided for Officers and Committee Chairs, each Division shall be entitled to the following seats on the Executive Board in accordance with the provisions of Article 8 - Elections:

DIVISION	NUMBER OF SEATS
Cities	1
Counties: Community Services, General, Health and Human Services, and Public Safety	4
Courts/Special Districts	1
Head Start	1
Registered Nurses	1
Schools	1

- C. The representatives for each Division shall be elected by the membership of their Divisions in accordance with Article 8 - Elections of the Bylaws of this Local Union. The Executive Board may create or dissolve new Divisions, which might lead to the addition or subtraction of Executive Board seats. In the event of the Executive Board creating a new Division, the President shall appoint a Division Representative(s) for the new Division, who shall serve until the next election of the Executive Board. The appointed Representative(s) shall have full rights and privileges as a member of the Executive Board during the period of her/his appointment.
- D. Should any of these Division representative positions become vacant due to resignation, death, termination of membership, or for any other reason, including the inability to serve, the President shall appoint a successor; the successor shall be confirmed by the Executive Board at its next meeting.

## **ARTICLE VI**

### **CHAPTERS**

The Overall intent of this Article is to provide uniform guidelines that insure equality in the Chapter creation and maintenance processes for this Local Union.

- A. Any bargaining unit or group of employees represented by this Local Union may request Chapter status to the President which s/he shall present with a recommendation to the Executive Board for final determination. Only Chapters as approved by the Executive Board shall have official Chapter status in this Local Union. SEIU Local 221 will set compliance rules for Chapters operations in order to meet fiduciary and legal standards.
  
- B. A Chapter shall consist of a bargaining unit or group of employees under the jurisdiction of this Local Union based on such criteria as the employer, the job classification(s), a geographical area, or any other criteria the Executive Board may determine. A Chapter may be established at any time by the Executive Board, subject to criteria, rules, and regulations adopted by the Executive Board.
  
- C. Each Chapter shall be responsible for activities representing its members within its jurisdiction. Each Chapter shall have the authority to adopt policies and Bylaws suitable to the needs of its membership. A copy of all Chapter Bylaws and Chapter Bylaws changes and/or amendments shall be submitted to the Executive Board for review so as to insure that there is no conflict with the International Constitution and Bylaws or with the Constitution and Bylaws of this Local Union. Chapter Bylaws shall not become effective until approved by the Executive Board.
  
- D. Chapters must strive to meet the following requirements:
  - 1. Elect officers by secret ballot at least every three (3) years to include the offices of President, Vice President, Secretary, and Treasurer. Additional officers may be elected as deemed necessary by the individual Chapter



- a. All Chapter elections shall take place a year after the election of the Executive Board of this Local Union.
2. Develop and present to the Executive Board a set of Bylaws specific to the needs of that Chapter
3. Review its Bylaws every five (5) years from the date the Executive Board ratification as a means to do the following:
  - a. Provide an opportunity for Chapters to amend/update their Bylaws to enhance best business practices
  - b. Review the actual implementation of these Bylaws in the business practices of the Chapters
4. Hold a membership meeting at least quarterly
5. Maintain accurate financial records (if applicable) and minutes for all Chapter and membership meetings.
  - a. Chapters shall forward copies of the aforementioned documents to the Executive Board on a quarterly basis
6. All Chapter officers must be members within a bargaining unit represented by that Chapter
7. No Chapter shall be bound by the action of another Chapter unless such action has been presented and adopted as an action of the Executive Board.
8. No Chapter shall be empowered to contract financial obligations for which any liability would attach to this Local Union. No Chapter may hire staff to conduct the business of this Local Union.
9. Chapters have the option to raise their own funds for activities determined to be of Chapter interest; however, these activities shall not conflict with this Local Union's mission, policies, and/or goals.

**ARTICLE VII**  
**EXECUTIVE BOARD**

**Section 1 – Composition**

This Local Union’s Executive Board shall consist of sixteen (16) seats as indicated below representing the Officers, Divisions, and Committee Chairs:

Officers

- President
- Vice President
- Secretary
- Treasurer

Committee Chairs

- Politics
- Member Organizing
- Social and Economic Justice

Divisions

- Cities
- Counties: Community Services, General,  
Public Safety, Health and Human Services
- Courts/Special Districts
- Registered Nurses
- Schools
- Head Start

**Section 2 – Governance and Call to Meetings**

The governing body of this Local Union shall be the Executive Board and shall have the authority and duties as set forth in this Constitution. The following applies

- A. A simple majority of the Executive Board shall constitute a quorum for the transaction of official business at any meeting. The action of a simple majority of the Executive Board present at a meeting at which a quorum is present shall be action of the Executive Board.

- B. If any Executive Board member is absent for two (2) consecutive regular meetings without excuse by the President, the office may be declared vacant with the right of appeal to the Executive Board and membership.
- C. If any Executive Board member is absent for four (4) regular meetings in a calendar year, the President shall advise that Executive Board member that her/his seat may be declared vacant unless s/he appears at the next regular Executive Board meeting and justify the absences. Thereafter, the Executive Board shall vote on whether to declare the position vacant.
- D. The Executive Board shall meet at the call of the President, provided however, the Executive Board shall meet at least quarterly, subject to waiver by the International President.
  - 1. These quarterly meetings must be set at a regular time and place. This information shall be made known to the membership.
  - 2. Executive Board members shall have the option to meet more frequently. The time and place of such meetings shall be made known to the membership.

### **Section 3 – Powers and Duties of this Body**

Except as may be otherwise provided by this Local Union Bylaws, the Executive Board is authorized and empowered to conduct and manage the affairs of this organization including investing, expending, contributing, using, and acquiring Union funds and property in pursuit and accomplishment of the objectives set forth in the Constitution of the International Union and this Local Union Bylaws and resolutions adopted in furtherance thereof. The Executive Board is hereby empowered, in addition to such other general powers conferred by this Local Union Bylaws to:

- A. Make or change, subject to disapproval by the membership, rules and regulations consistent with this Local Union’s Bylaws or the International Constitution for the management and conduct of the affairs of this Local Union.

- B. Employ such personnel as may be needed by this Local Union for orderly transaction of its business and shall, through the budget process, set the salaries of all personnel.
- C. Employ attorneys, accountants, and other special or expert services as may be required and to secure a financial audit by a certified public accountant at least once a year.
- D. Initiate, defend, negotiate, settle arbitrate, release of pay the expenses and costs of any legal proceedings or actions of any nature, if in its judgment, it shall be necessary or desirable to protect, preserve, or advance the interests of the organization. The Executive Board shall have the right to refuse to process any alleged grievance.
- E. Ratify all appointments to vacancies of elected offices.
- F. Transact all business and manage and direct the affairs of this Local Union between membership meetings, and may delegate any of the above powers to any officer for specific and temporary purposes on the condition that the action of such officer or representative be ratified by the Executive Board; designate an alternate for the President, Treasurer, Vice President, or Secretary for the purpose of signing checks to pay bills in the event that the President, Treasurer, Vice President, or Secretary become ill, incapacitated or otherwise unable to serve.
- G. Lease, purchase, or otherwise acquire in any lawful manner on behalf of the organization any and all real estate or other property, rights and privileges, whatsoever deemed necessary for conducting its affairs and which the organization is authorized to acquire at such price of consideration and generally on such terms and conditions as it thinks fit, and as its discretion pay thereof either wholly or partly in money or otherwise.

- H. Sell or dispose of any real or personal estate, property, rights or privileges belonging to the organization whenever in its opinion this Local Union's interests would thereby be promoted.
- I. Create, issue and make deeds, mortgages, trust agreements, contracts, and negotiable instruments secured by mortgages as provided by resolution to the membership.
- J. Create trusts, the primary purpose of which is to provide benefits for the members or their beneficiaries, and terminate and effectuate the same all subject to approval (except as to form) by the membership.
- K. Determine the membership which shall vote on agreements and strikes and the composition of other membership meetings and adopt rules and regulations concerning the conduct thereof.
- L. Determine the manner in which referendums shall be held.
- M. Affiliate this Local Union with other organizations.
- N. Review all resolutions to be voted on prior to a membership vote at a regular or special membership meetings or referendum.
- O. Actively engage to enhance the reputation of this Local Union.
  - 1. Shall not conduct activities that would discredit this Local Union.
  - 2. Shall maintain confidentiality regarding those matters that demand it.
- P. Evaluate and develop the office of the President.
- Q. Self-evaluate and develop the Executive Board as a whole.

R. Fulfill its fiduciary duty, putting the members' interests as the foremost priority.

S. Fulfill its duty of loyalty, putting the members' interests as the foremost priority.

#### **Section 4 – Powers and Duties of Officers**

Executive Board members shall attend all meetings of the Executive Board, unless excused by the President.

##### A. President – Officer

1. Shall be the presiding officer of this Local Union and shall preside over all Executive Board and general membership meetings of this Local Union.
2. Shall be the principal executive officer of this Local Union and subject to the direction of the Executive Board, shall supervise, conduct and control all of the business and affairs of this organization, including its staff.
3. Shall supervise all employees of this organization and shall have power to hire, suspend, discharge, or take other disciplinary action. The President may recommend to the Executive Board the appointment and/or removal of Trustees to any welfare or Pension Funds negotiated by this Local Union.
4. Shall be one of four (4) persons authorized to countersign all orders on funds, financial contracts, and agreements concerning this Local Union after such expenditures of funds, financial contracts, and agreements have been approved by the Executive Board.
5. Shall, on behalf of this Local Union, receive all official communications and correspondence, except that addressed to the Secretary.
6. Shall report at each Executive Board meeting the workings and progress of this Local Union.
7. Shall by virtue of the office be a delegate to all conventions and meetings where this Local Union is entitled to representation or a delegate.
8. Shall establish and be an ex-officio member of all committees.

9. Shall develop and propose policy questions for the Executive Board's consideration.
10. Shall be responsible for developing and implementing programs.
11. Shall perform all the duties imposed upon Local Union Presidents by the International Constitution and by this Local Union's Bylaws and, in general, shall perform all duties incident to the office and such other duties as may be assigned by the International Executive Board.

#### B. Vice President – Officer

1. Shall assist the President in the performance of the President's duties and conduct the meetings in the President's absence.
2. Shall be one of four (4) persons authorized to countersign all orders on funds, financial contracts, and agreements concerning this Local Union after such expenditures of funds, financial contracts, and agreements have been approved by the Executive Board.
3. Shall perform all the duties imposed upon Local Union Vice Presidents by the International Constitution and by this Local Union's Bylaws and, in general, shall perform all duties incident to the office and such other duties as may be assigned by the President and/or the Executive Board.

#### C. Secretary – Officer

1. Shall keep, or cause to be kept, a correct and impartial account of the proceedings of each membership and Executive Board meeting.
2. Shall be one of four (4) persons authorized to countersign all orders on funds, financial contracts, and agreements concerning this Local Union after such expenditures of funds, financial contracts, and agreements have been approved by the Executive Board.
3. Shall provide copies of the minutes of all Executive Board meetings within fifteen (15) days after each Executive Board meeting.

4. Shall furnish the chairperson of each committee a copy of such resolutions as may be adopted by this Local Union, applicable to its respective duties.
5. Shall notify the Secretary-Treasurer of the International Union of the names and full addresses of all officers elected to office within fifteen (15) days after the election.
6. Shall have custody of the Union seal and the records of the proceedings of all meetings of the Union and the Executive Board, as prepared by the Secretary or by such person authorized to record such proceedings. Shall keep important documents, papers, and correspondence, as well as files on contracts and agreements with employers.
7. Shall perform all the duties imposed upon Local Union Secretaries by the International Constitution and by this Local Union's Bylaws and, in general, shall perform all duties incident to the office and such other duties as may be assigned by the President and/or the Executive Board.

#### D. Treasurer – Officer

1. Shall be responsible for all financial records and transactions.
2. Shall be one of four (4) persons authorized to countersign all orders on funds, financial contracts, and agreements concerning this Local Union after such expenditures of funds, financial contracts, and agreements have been approved by the Executive Board.
3. Shall be responsible for the preparation and submission of all financial reports. Financial reports shall be presented at every Executive Board meeting.
4. Shall oversee the collection of all dues and other revenues of this Local Union and issuance of official receipts for same and notification to all suspended members two (2) months in arrears of the amount of their indebtedness.
5. Shall oversee all financial transactions, a correct record of all dues payments and all other money received and expended, payment of all bills ordered by this Local Union. At the expiration of the official term of officer, the



Treasurer shall turn over to the successor all monies and property of this Local Union that may be in her/his possession.

6. Shall send, or cause to be sent, to the International Union an accurate record of all dues payments, other revenue and the names, addresses, and assigned identification numbers of all members.
7. Shall insure that all records pertaining to income, disbursements and financial transactions of any kind whatsoever must be kept for a period of at least six (6) years, or longer if required by law.
8. Shall perform all the duties imposed upon Local Union Treasurers by the International Constitution and by this Local Union Bylaws and, in general, shall perform all duties incident to the office and such other duties as may be assigned by the President and/or the Executive Board.

#### **Section 5 – Powers and Duties of Executive Board Seats**

A. Politics – Committee Chair

B. Member Organizing – Committee Chair

C. Social and Economic Justice – Committee Chair

D. Cities– Division

E. Counties – Division: (Community Services, General, Health and Human Services, Public Safety)

F. Courts/Special Districts – Division

G. Registered Nurses – Division

H. Schools – Division

I. Head Start - Division

**Section 6 – Succession**

A. In the event of a vacancy by reason of death, resignation or otherwise in the office of:

1. The President, it shall be the duty of the Vice President, in addition to his or her duties, to assume the duties of President. The Vice President shall serve in this capacity temporarily as Interim President until a permanent President is elected by the membership.
2. If the Vice President can not fulfill the duties of the President then the Vice President, Secretary, and Treasurer will meet and divide those duties among themselves until a permanent President is elected by the membership. The Vice President, Secretary, and Treasurer may relinquish their temporary Presidential duties and a temporary Interim President may be hired by the Board until a permanent President is elected by the membership.
3. The Vice President shall call a special meeting of the Executive Board within thirty (30) days of the loss of the President, to develop a plan to expeditiously fill the President's position in a permanent manner. The Interim President shall remain in such position until the President's position is filled permanently. At this special meeting, the Executive Board shall appoint an Interim President until a permanent President can be elected by the membership. The Vice President shall remain the Interim President until such time as the appointed Interim President is able to take over the duties.

B. In the event of a vacancy among the Executive Board by reason of death, resignation or otherwise, the Executive Board may in its discretion fill such vacancy for the unexpired term by majority vote.

### **Section 7 – Term of Office**

The term of office for all elected Executive Board members shall be three (3) years, with a possible re-election for additional consecutive terms. Executive Board members shall assume office upon taking oath of office at the next Executive Board meeting.

### **Section 8 – Termination**

The termination of an officer of the Board will take place according to the following:

- A. At the end of term of the seat.
- B. Upon submitting a letter of resignation to the President.
- C. Pursuant to Section 2(B) and (C) of this article.
- D. Upon a finding of one or more violations as specified in the Local Union’s Bylaws, notice shall be posted at designated areas accessible to members including this Local Union’s website within thirty (30) days of a hearing when the prospect of office removal is possible for an elected Executive Board member.

## **ARTICLE VIII ELECTIONS**

### **Section 1 – Election Committee**

- A. The Executive Board shall make provisions for time, and place, and conduct of elections.
- B. The Election Committee, composed of not less than three (3) nor more than five (5) members, shall be appointed by the President with the approval of the Executive

Board at least ninety (90) days prior to the elections. Only members in good standing shall be eligible for appointment to the election committee.

1. The Executive Board shall have the option to contract with a neutral, third party (Contractor) to conduct an election(s) as deemed necessary.
  2. In case of a Contractor-run election, the Election Committee shall establish elections parameters and regulations that do not conflict with this Local Union Bylaws and the International Union Constitution and Bylaws.
- C. Nominations and elections shall be conducted and governed by the Election Committee in accordance with the rules and regulations as determined by the Executive Board, in accordance with this Local Union Bylaws and the International Union Constitution and Bylaws to ensure a fair and honest election.
- D. The Election Committee may request from the President to obtain assistance as necessary to conduct the election and count the ballots.
- E. No member running for office shall be a member of the Election Committee.

## **Section 2 – Election Procedure**

The Election Procedure shall be as follows:

- A. The Executive Board shall advise the Election Committee or Contractor of the voting Divisions from which the Executive Board members are to be elected.
- a) A report shall be submitted to the Executive Board and it shall include the election rules, procedures and schedules.
  - b) The Election Committee or Contractor shall advise any nominee not eligible for election as to the reason.

B. The Executive Board, composed of sixteen (16) seats, shall be elected by the membership of this Local Union in the following manner:

1. The entire membership shall have the opportunity to vote in the election of the seats for:
  - a. President
  - b. Vice President
  - c. Secretary
  - d. Treasurer
  - e. Politics
  - f. Member Organizing
  - g. Social and Economic Justice

2. Only members based in a particular voting Division may nominate or vote for a nominee for Executive Board seat representing that particular Division.

The Executive Board Division seats are:

DIVISION	NUMBER OF SEATS
Cities	1
Counties: Community Services, General, Health and Human Services, and Public Safety	4
Courts/Special Districts	1
Head Start	1
Registered Nurses	1
Schools	1

C. A notice will be sent to all members at least 60 days prior to the election of a description of the available seats, their area of responsibility and nomination procedure. Such notice will be directed to the member's last known address as listed in the union records.

D. Nominations for officers of this Local Union shall be made by means of a petition signed by no less than twenty-five (25) members in good standing. Nominating petitions shall be filed with the Chair of the Election Committee or Contractor of this Local Union no later than forty (40) days prior to the date set by the Executive Board for the mailing of ballots and/or announcement of the election date. To be eligible to be a candidate for office of this Local Union:

- a) The nominee must have been a member in continuous good standing of this Local Union for at least two (2) years immediately preceding the nomination.
- b) When a candidate for office of this Local Union is a member of a Chapter which has been affiliated with this Local Union for less than two (2) years, the candidate shall be eligible if s/he has been a member in continuous good standing for at least one-half (1/2) the length of time the Chapter has been in existence.
- c) All eligibility requirements must be complied with in accordance with the Constitution and Bylaws of the International Union and the Constitution and Bylaws of this Local Union and may only be waived by the International President.

E. The Election Committee or Contractor shall prepare one (1) ballot listing the nominees for President, Vice President, Secretary, Treasurer, Politics, Member Organizing, and Social and Economic Justice and one (1) ballot listing the nominees for Executive Board division seats. Both ballots and voting instructions shall be mailed by the Election Committee or Contractor to the eligible members last known home address. Instructions shall include marking, mailing, voting deadline, counting place, time and date. A post office box may be rented for receiving these ballots as necessary.

- a) The Election Committee or Contractor shall have the option to set-up a poll location(s) in lieu of mailing ballots as deemed necessary if a cost-prohibited factor exists. Even though election itself does not have to be conducted by mailing, the notice of process must be mailed to members.
- F. A secret ballot envelope and self-addressed envelope shall be furnished to each eligible member as necessary. The marked ballot to be placed in the envelope, marked “Secret Ballot”, sealed and placed in the mailing or poll envelope which shall be signed and printed by the member for checking purposes. The secret ballot shall be removed by the Election Committee or Contractor and placed in the ballot box and the mailing enveloped filed before the secret ballot envelopes are opened and counted.
- G. As part of the ballot mailing, each candidate shall be entitled to submit the following: 1) a statement not to exceed two hundred (200) words, and 2) a picture to be reproduced at expense of this Local Union. The Election Committee or Contractor shall determine the rules governing such mailing.
- H. Proxy voting is prohibited. A proxy is authorization by a member to allow another member to cast her/his vote.
- I. Any eligible voter may witness the opening and counting of ballots.
- J. The candidate receiving the greatest number of the total votes cast for each office shall be declared elected. If more than one nominee ties for the highest number, all these nominees shall be placed on the run-off ballot. The nominee receiving the greatest number of votes shall be declared elected. When a Division is entitled to more than one Executive Board seat, the remaining seats shall be filled by the candidates receiving the greatest number of votes.

- K. If any voter desires to question the nomination process or the election, s/he shall notify the Election Committee or Contractor in writing within five (5) working days of the election certification, challenging a nomination, demanding a recount or another election, and stating her/his reasons. The Election Committee, or current Executive Board in the case of a Contractor-run election, shall decide on the action to be taken, subject to the appellate process of this Local Union.
  
- L. The Election Committee or Contractor shall submit a written report to the current Executive Board the next business day following the election certification. The report shall include candidate/issue vote totals, any challenges filed, and names and phone numbers of the Election Committee members.

### **Section 3 – Rules and Dates**

- A. The term of office for elected officers and Executive Board members shall be three (3) years, or until their successors have been duly elected and qualified.
  
- B. No member shall hold more than one (1) Executive Board position.
  
- C. No member shall be eligible to run for more than one Executive Board seat during each election.
  
- D. All elected officers and Executive Board members shall assume office upon taking oath of office at the next Executive Board meeting.
  
- E. Nominees who are unopposed shall be deemed elected.
  
- F. No candidate (including a prospective candidate) for any office in this Local Union or affiliated body or supporter of a candidate may solicit or accept financial support



or any other direct or indirect support of any kind from any non-member of the International Union.

- G. Retired and Associate members of this Local Union shall not be eligible for nomination as an officer, member of the Executive Board, delegate, or any other office in this Local Union. Exception to this rule could occur if a particular committee allows a Retired and/or Associate member to hold a position within that committee.

## **ARTICLE IX MEMBERSHIP MEETINGS**

General membership meeting shall be held once per year at a date, time, and place designated by the Executive Board. All such meetings must be Noticed.

Special meetings of this Local Union shall be called by the President and Executive Board. Only such business as is specified in the call of a special meeting shall be considered at such meeting. Notices shall be mailed to all members prior to such meeting directed to their addresses as they appear in the records of this Local Union.

## **ARTICLE X PROCEDURE AND DEBATE**

The meetings of this Local Union shall be governed by Roberts Rules of Order.

**ARTICLE XI**  
**STEWARDS**

The position of Union Steward for Local 221 is established and Members in Good Standing who have the support of their peers as defined by the local union's policies and guidelines, may be nominated and elected by their bargaining unit for a term not to exceed three (3) years, and may be reelected for additional terms of three (3) years. The Local Executive Board will enforce, through policies and written guidelines, the requirements for the term of office for Local 221 Union Steward. Stewards represent members under the collective bargaining agreement with employers and may serve, as appropriate, on committees and special assignments requested by the Local President.

Notwithstanding the above provisions, the Local Union President may remove a Steward when s/he deems it necessary for the welfare of this Local Union. The removal of a Steward shall be subject to the Executive Board.

**ARTICLE XII**  
**RIGHTS OF MEMBERS**

Subject to reasonable application, no provision of these Bylaws, rule of parliamentary procedure, or action by the Union or its officers shall be administered in such a way as to deprive individual members of the following rights:

- A. The right to nominate candidates or vote in elections or referendums of the Local Union.
  
- B. The right to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings.

- C. The right to appear and be heard by the Executive Board of the Local Union.
- D. The right to receive, in a timely manner, information concerning the conduct of Union business.
- E. The right to institute an action in any court or in a proceeding before any administrative agency, irrespective of whether the Union or its officers are defendants in the action, or appear as a witness in a judicial, administrative, or legislative proceeding, or to petition any legislator, subject to and following the exhaustion of intra-union remedies as required by the International Constitution and Bylaws and applicable laws.

**ARTICLE XIII**  
**MEMBER DUES**

For the purposes of this section, the term “member” shall include agency fee payer and comparable fee payer, and the term “dues” shall include agency service fees and comparable fees.

Dues of members are due and payable on or before the last day of the current month, and in order for a member to be in good standing his or her dues must be paid on or before the last day of each month. All other financial obligations of the Local Union must likewise be paid on or before the last day of the month in which they fall due.

All records of the Local pertaining to income, disbursements and financial transactions of any kind whatsoever must be kept for a period of at least six years, or longer if required by applicable law.

## Categories of Membership:

The Local may establish different categories of membership and rates of dues for retired members and associate members:

**Regular Members:** Members employed in a bargaining unit represented by the Local Union or employed by the local Union and paying the prescribed regular dues.

**Associate Member:** Persons not working under a collective bargaining agreement but electing to pay the associate member fee, shall be eligible for associate membership status in the Local. Such members shall not have the right to vote or to hold office in the Local Union.

**Retired Member:** Any person retired from any employment of which this Local Union has jurisdiction and who elects to pay the retiree fees. Retired members must have been members in good standing of the Local Union continuously for a period of one year prior to retirement. Such members shall not have the right to vote or to hold office in this Local Union.

**Organizing Member:** Persons working in a recently organized bargaining unit that has not signed a collective bargaining agreement and has not yet started paying regular dues. Such members shall not have the right to vote or hold office in this Local Union.

Except as noted above, Members of the Local Union shall be entitled to all the rights and privileges of membership accorded by the International Union bylaws.

#### Minimum Dues:

Effective January 1, 2009, for all members who have annual earnings of less than \$5,500.00, the minimum dues shall be equal to \$20.00 per month.

Effective January 1, 2009, for all members who have annual earnings between \$5,500.00 and \$16,000.00, the minimum dues shall be equal to \$24.00 per month. Effective January 1, 2010 through January 1, 2012, the minimum monthly dues for all members with annual earnings between \$5,500 and \$16,000.00 shall be increased by \$1.00 annually, effective January 1 of each year.

#### Maximum Dues Cap:

Subject to a waiver granted under Article XV, Section 6(b) of the SEIU 2008 Constitution and Bylaws, as adopted at the SEIU 2008 Convention, the maximum limitation on the dues amount per member shall be \$27.04 per biweekly pay period, or equivalent, effective January 1, 2009. Effective January 1, 2010 through January 1, 2012, the maximum limitation on the dues amount per member shall be increased by \$1.00 per pay period on an annual basis, effective January 1 of each year.

If the inflation rate, as measured by the Consumer Price Index, exceeds the \$1.00 per pay period annual adjustment rate, the annual per pay period adjustment may be based upon the average monthly Consumer Price Index for the preceding 12 month period.

#### Per Pay Period Dues Calculation:

Effective January 1, 2009, for all members who have base annual earnings greater than \$16,000.00 per year, dues shall be calculated under the Local Union's dues standard formula, to a maximum of \$702.94 per year, as follows:

#### Biweekly Deduction:

Full Time	\$6.67	base rate + (.85 x hourly rate)
Part Time	\$6.67	base rate + (.65 x hourly rate)
Retirees	\$6.00	per month flat rate

Semi Monthly and Monthly dues formulas, and dues formulas for Chapters and Cities that are below the standard rate will remain unchanged, with the exception of the mandated annual increases for 2010, 2011, and 2012.

**ARTICLE XIV**  
**CHARGES, TRIALS AND PENALTIES**

In order to ensure members' protection from the filing of frivolous charges, the following procedures shall apply:

- A. This Local Union and its officers or members may be charged with:
1. Violation of any specific provision of these Bylaws or of the Constitution and Bylaws of the International Union
  2. Violation of an oath of office
  3. Gross disloyalty or conduct unbecoming a member
  4. If an officer, gross inefficiency which might hinder and impair the interests of the International Union or this Local Union
  5. Financial malpractice
  6. Engaging in corrupt or unethical practices or racketeering
  7. Advocating or engaging in dual unionism or secession
  8. Violation of democratically and lawfully established rules, regulations, policies or practices of the International Union or of this Local Union
  9. The wrongful taking or retaining of any money, books, papers or any other property belonging to the International Union or this Local Union; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers, or other property of the International Union or this Local Union
  10. Working as a strikebreaker or violating wage or work standards established by the International Union or this Local Union
  11. The bringing of false charges against a member or officer without good faith or with malicious intent
- B. Charges must be specific and in writing.
1. Charges against any member or officer of this Local Union shall be filed in duplicate with the Secretary of this Local Union, who shall serve a copy thereof on the accused either personally or by registered or certified mail,

directed to the last known address of the accused, at least ten (10) days before the hearing upon the charges. The charges must specify the events or acts which the charging party believes constitute a basis for charges and must state which subsection(s) of Section 1 of this Article the charging party believes has been violated. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to refile more detailed charges which comply with this Section. No charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the bases of the charges.

2. The Executive Board of this Local Union shall act as or appoint the trial body, unless the Constitution and Bylaws of the Local Union provide for another trial procedure. The accused may appear in person and with witnesses to answer the charges against him or her and shall be afforded a full and fair hearing. The accused may select a member of his or her Local Union, or an attorney if the Constitution and Bylaws of this Local Union so permit, to represent the accused in the presentation of a defense.
3. If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose disciplinary action as provided for in this Constitution and Bylaws. If the charges are not sustained, the same shall be dismissed and the accused restored to full rights of membership or office in this Local Union.
4. If the Constitution and Bylaws of this Local Union so provides, the decision of the trial body shall be reported to the next regular membership meeting of this Local Union for such action as is provided for in the Constitution and Bylaws of this Local Union.
5. If the International President believes that charges filed against an officer of this Local Union involve a situation which may seriously jeopardize the interests of this Local Union or the International Union, the International President may suspend such officer from office in this Local Union until a decision has been reached.

6. The International President may assume original jurisdiction:
  - a. If this Local Union, the Local Union Executive Board, a Local Union officer or a Local Union member, or members, believe that the charges filed against a member or officer of this Local Union involve a situation which may seriously jeopardize the interests of this Local Union or the International Union or that the hearing procedure of this Local Union will not completely protect the interests of a member, officer or Local Union and such party requests that the International President assume original jurisdiction.
  - b. If the International President as a result of an investigation believes that the charges filed against a member or officer involve a situation which may seriously jeopardize the interests of this Local Union or the International Union, the International President may assume original jurisdiction over the matter. Upon the International President assuming original jurisdiction, the International President may remove the proceedings from the trial body of this Local Union and, upon at least ten (10) days notice, hold a hearing on the charges either personally or before a hearing officer or officers (who need not be a member or members of this organization) designated by the International President. The International President shall make the decision upon the record taken at the hearing and the report of the hearing officer or officers.
  
- C. In all hearings or trials provided for herein, if the member filing charges is a member of the trial body, he or she may appear and be heard in support of the charges, but shall be ineligible to participate in the consideration of or the decision on such charges. If the accused is unable or unwilling to be present at any hearing provided for herein, a defense may be presented in writing. In default of appearance or defense, the trial body shall proceed with the hearing regardless of the absence of the accused.



- D. The trial body, after requisite due process has been afforded, may impose such penalty as it deems appropriate and as the case requires.
  
- E. An appeal to the International Executive Board may be taken by either the accused or the member filing the charges from any decision of this Local Union with respect to such charges, provided such decision is a final decision under the terms of the Constitution and Bylaws of this Local Union; or from a decision of the International President. Any such appeal shall be filed in writing with the International Secretary-Treasurer, by registered or certified mail, within fifteen (15) days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision appealed from shall remain in full force, unless it is stayed by the International Executive Board. The International Executive Board may decide the appeal on the record made by the trial body or may in its discretion, upon at least ten (10) days notice, hear argument or hold a rehearing either itself or before a hearing officer or officers designated by it. The International Executive Board may affirm, reverse or modify the decision appealed from.
  
- F. Appeals from any decision of the International Executive Board with respect to charges may be taken to the next Convention. Any such appeal shall be filed in the same manner and within the same time as appeals to the International Executive Board. During the pendency of such appeal, the decision appealed from shall remain in full force. The appellant shall have the right to appear before an appeals committee of the Convention and, if the appellant is this Local Union or a member appealing an expulsion from membership, shall have the right to appear before the Convention itself under such conditions and for the period of time fixed by the Convention. The action of the Convention on all appeals shall be final and binding.
  
- G. Subject to the provisions of applicable statutes, this Local Union or any member against whom charges have been preferred and disciplinary action taken as a result thereof or who claims to be aggrieved as a result of adverse rulings or decisions

rendered, agrees, as a condition of membership or affiliation and the continuation of membership or affiliation, to exhaust all remedies provided for in the Constitution and Bylaws of the International Union and this Local Union and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

H. The SEIU Member Bill of Rights and Responsibilities in the Union shall be enforced exclusively through the procedures provided in this Article and any decision rendered pursuant to the procedures provided for herein, including any appeals, shall be final and binding on all parties and not subject to judicial review.

## **ARTICLE XV AMENDMENTS**

An amendment may be originated by the Executive Board of this Local Union or by a petition signed by not less than ten percent (10%) of members of this Local Union. Any proposed amendment shall not conflict with the International Constitution and Bylaws. All members shall be notified at least thirty (30) days prior to the final consideration of an amendment. All proposed amendments shall be referred to the membership of the Local Union for a vote at regular or specially called Membership Meeting with a recommendation from the Executive Board. This Constitution and Bylaws can only be amended by two-thirds (2/3) vote of all members present at the time of voting. No amendment shall be valid or become effective until approved by the International Union.

## **ARTICLE XVI STRIKES**

No strike against any employer shall be called until strike sanction is secured from the Service Employees International Union and the Executive Board of this Local Union.

**ARTICLE XVII**  
**UNION FUNDS AND PROPERTY**

The membership by majority vote at a regular or special meeting called for the purpose may authorize disbursement of Local Union funds for any purpose which aids or serves the objectives of this Local Union or the general labor movement.

This Local Union shall pay per capita tax to the International Union for any person from whom the Local Union receives revenues, whether called dues or otherwise. This Local Union shall have no right to pay any bills before it pays its full obligation to the International Union each month.

All records pertaining to revenues of this Local Union must be kept for a period of at least six (6) years or longer if required by applicable law.

Membership in this Local Union shall not vest any member any right, title, or interest in or to the funds, property, or other assets of this Local Union, now owned and possessed, or that may hereafter be acquired, and each members hereby expressly waives any rights, title, or interest in or to the property of this Local Union, including the funds of this Local Union.

**ARTICLE XVIII**  
**DISSOLUTION**

- A. The International Union shall be notified by registered or certified mail of any meeting scheduled by this Local Union or affiliated body for the purpose of taking a vote on disaffiliation from the International Union at least sixty (60) days prior to the date of such scheduled meeting and a representative of the International Union shall

be afforded an opportunity to speak at such meeting. The International President shall direct whether the membership vote shall be conducted by secret ballot at a membership meeting and/or by mail referendum, and, if appropriate, a separate method by which dissenting Local Unions or members may assert their dissent. The vote shall be counted by an independent neutral party.

- B. This Local Union cannot dissolve, secede, or disaffiliate while there are seven (7) dissenting members. In the event of secession, dissolution, or disaffiliation, all properties, funds, and assets, both real and personal, of this Local Union, shall become the property of the International Union. Under no circumstances shall this Local Union distribute its funds, assets, or properties individually among its members.

## **ARTICLE XIX AGREEMENTS**

The International Union shall be notified in writing when any collective bargaining negotiations or memoranda of understanding have been concluded, including the number of employees subject thereto. A true copy of all collective bargaining agreements and memoranda of understanding entered into by this Local Union shall, immediately upon execution, be filed with the International Union Department of Research.

## **ARTICLE XX INTERNATIONAL CONSTITUTION AND BYLAWS**

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.



