

CONSTITUTION & BY-LAWS



OF THE
MENIFEE COUNCIL
OF
CLASSIFIED EMPLOYEES

(MCCE) LOCAL 6109, CFT/AFT, AFL-CIO

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CONSTITUTION

ARTICLE I

NAME

This organization shall be known as the Menifee Council of Classified Employees (MCCE) Local 6109, CFT/AFT, AFL-CIO, here in after referred to as the union or Federation.

ARTICLE II

OBJECTIVES

The purpose of this Union shall be:

- Section 1 To secure full trade union rights, including the rights to exclusive recognition and collective bargaining, for all employees who are eligible for membership.
- Section 2 To advance the economic, social, and political well being of the membership.
- Section 3 To represent the membership of this bargaining unit in their bargaining relationships and responsibilities with the district and to exercise exclusive collective bargaining rights including the right to strike, for all classified employees.
- Section 4 To improve standards for classified employees by promoting better preparations for our jobs, encouraging relevant in-service training and securing the working conditions essential to the best performance of professional service.
- Section 5 To provide all benefits of membership to which members of the Union are entitled. To obtain for all classified employees of the district, through a collectively bargained contract, all the rights and benefits to which they are entitled.
- Section 6 To fight all forms of bias based on race, creed, sex, age, ability, sexual orientation, social, political or economic status or national origin.
- Section 7 To promote democracy, equality, and trade unionism in the society at large.

ARTICLE III

MEMBERSHIP

- Section 1 All persons are eligible for memberships in MENIFEE COUNCIL OF CLASSIFIED EMPLOYEES LOCAL 6109, who are employed as classified employees in the Menifee Union School District. Classified employees that are classed as Manager, Supervisors or Confidential employees are not eligible for this membership.
- Section 2 No person shall be denied membership, nor shall this organization ever discriminate against individual members, or applicants for memberships on the basis of race, creed, sex, sexual orientation, disability, social, political, or economic status, or national origin.
- Section 3 Any eligible classified employee of the Menifee Union School District who joins the Union is a member in good standings as soon as the enrollment card is submitted to the treasurer of the Union, and dues have been deducted from payroll through payroll deduction. An employee will remain a member of the Union until the treasurer is notified, in writing by the employee, of his/her intent to resign.
- Section 4 Eligible members, who wish to maintain membership in the Union during a leave of absence, shall contact the Treasurer and make arrangements to submit monthly membership dues payment directly to the Treasurer. In this situation, a check or money order shall be payment of membership dues.
- Section 5 To be eligible to vote, an employee must be a member in good standing at least thirty (30) days prior to an election or ratification vote to ensure an accurate membership list at the polls.
- Section 6 To be eligible to serve as a committee member on any standing or “as needed” committee, a classified member must be a member in good standing for at least thirty (30) days.

ARTICLE IV

ELECTION OF OFFICERS

- Section 1 Beginning in 2013 the members shall elect the following officers for an interim of 2 years. Officers will be voted on in alternate years at an annual election held each year in May.

In the year of 2013 and every subsequent odd year the following officers will be voted on:

- a. Vice President
- b. Vice President of Grievance
- c. Treasurer

In the year 2014, and every subsequent even year, the following officers will be voted on:

- a. President
- b. Secretary
- c. Site Representatives

Section 2 Elections shall be conducted in accordance with these by-laws and constitution only. Guidance (if necessary) should be sought thru current AFT rep and AFT Constitution.

The Elections Committee shall conduct all general and special elections and referenda of the organization.

The Elections Committee shall consist of three members in good standing appointed by the President with the approval of the Executive Board. The Elections Committee shall elect its chair. Any member of the Elections Committee nominated for or seeking office must vacate their position and be replaced by a member nominated by the President and approved by the Executive Board.

Section 3 Elections will be conducted annually. Each April Nominations will be due the same date as the MCCE Board Meeting. As a courtesy the election committee will email out a reminder notice/nomination form and post it to the MCCE Board at each site.

Section 4 Members will receive a ballot via district mail at their work site approximately one week prior to the May counting of ballots. Members that are out on long term absences and want to vote need to notify the election committee of their desire to receive a ballot mailed to their home address.

Section 5 Ballots for the Election of officers and any other matters members are voting on shall be counted during May's general membership/board meeting. All ballots must be received by 4pm on Election Day. The Nomination/Election Committee shall act as tellers to all elections and shall publicly count the ballots. The candidate receiving fifty (50%) percent plus one (+1) of the votes shall be elected.

Section 6 To be eligible to run for office a person must be a member in good standing of for a period of one (1) year prior to the date of the election. A member in good standing is described as someone who has paid member union dues for the one year just before the running of office.

Section 7

The nomination of candidates for office shall be conducted as follows:

- To be nominated, you must either be nominated by someone or you can nominate yourself in writing to the nominations/elections committee.
- Nominations may not be made from the floor at the elections meeting.
- Elections will be held each year beginning the 2012- 2013 school year with the following positions: President, Secretary and Site Representatives. The 2013-2014 school year will be Vice President, Vice President of Grievance (2015- currently holding off on filling this position) and Treasurer.
- To be eligible for any position you must be a member in good standing for one year.
- Only those nominated by the April meeting will be on the ballot. No write in candidates will be allowed on ballots.

Section 8

In the event of a resignation or vacancy of any position on the Executive Council (with the exception of the President), the office shall be filled by a vote of the executive board. Nominations may be brought by any member to the next council meeting. After confirming any/all nominations The Board will vote in one of the nominees until such time an election is held.

Section 9

In the event of a vacancy or a resignation in the office of the President, the Nomination/Elections Committee shall conduct a special election of the general membership, conducted at a specific site or sites, as designated by the Executive Board.

Section 10

All Past Presidents shall sit on the Executive Council as advising members.

Section 11

A petition signed by thirty- percent (30%) of the membership, and alleging constitutional violations, fiduciary breaches or acts clearly detrimental to the union, shall be sufficient to require the Executive Board to vote on whether to conduct a recall election of the officer identified in the petition. The officer subject to recall and any Executive Board member signing the petition shall not vote on the question of a recall election, if a majority of the Executive Board approves a recall election, the Elections/Negotiations Committee shall supervise the recall election.

Section 12

Challenges and objections to the election must be submitted in writing, with a statement of supporting reasons that include specific facts as well as any documentation, to the Elections/Nominations within five (5) days of the count. The Elections/Nominations committee shall issue its written opinion regarding the objections no later than ten (10) days after receipt of such objections.

The election results will be published on the MCCE6109.org website and posted at each site within thirty (30) days of the count. All election materials, including the ballots, will be kept in a secure location for one (1) year. Successful candidates shall assume office on August 1, following the election held in June.

Section 13 In the absence of a majority, the Election/Nominations Committee shall conduct a run-off election between the two candidates who have received the most votes for the office in question.

ARTICLE V

DUTIES OF OFFICERS

Section 1 **The President shall:**

- Be the presiding officer at all meeting of the membership, the Executive Board,
- Be an ex-officio member of all standing committees except the Nominations/Elections Committee,
- Appoint, with the approval of the Executive Council, the chairs of all standing and special committees except the Nominations/ Elections Committee,
- Be responsible for ongoing administration of the Union,
- Receive, report and respond to correspondence of the Union or direct such correspondence to the Secretary for response,
- Be one of the responsible financial officers of the Union and shall be authorized to co-sign financial instruments and make regular and usual disbursements of funds,
- Represent the Union before bodies of the employer executive and legislative officials,
- Represent the Union before the public, community organizations and the news media,
- Be a delegate to the San Bernardino/Riverside Labor Council, California Labor Federation, American Federation of Labor/Congress of Industrial Organizations (AFL-CIO),
- Be a delegate to the convention of American Federation of Teachers and California Federation of Teacher's meetings and/or conventions and conferences of its affiliated subordinate bodies,
- Provide a monthly report of Union business conducted for that month to the Membership of the Union,
- Be authorized to delegate the responsibilities of the office except where otherwise specified by the constitution,
- Supervise all employees of the organization,
- Provide a monthly Hudson Report of Union business conducted for that month to the Treasurer for monthly stipend.
- Share all Grievance Duties with the Vice President until such time as the board wishes to fill that position.

Section 2 **The Vice President shall:**

- Assist the President and assume the responsibilities of the President in the event of the President's absence, resignation, death or disability until a successor is elected,

- Oversee the work of and received regular reports from the Organizing and Leadership Committees,
- Perform other duties as delegated by the President or assigned by the Executive Council,
- Co-sign financial instruments in the absence of the President or Treasurer,
- Provide a monthly report of Union business conducted for that month to the Membership of the Union.
- Provide a monthly Hudson report of Union business conducted for that month to the Treasurer for monthly stipend.
- Share all Grievance Duties with the President until such time as the board wishes to fill that position.

Section 3

The Vice President of Grievance shall:- Beginning in 2015 this position will be on hold until a time when the board wishes to reinstate the position. Duties for Vice President of Grievance shall be shared by the President and Vice President.

- Be trained by state and national Union representatives in the proper handling of grievances,
- Assist the Executive Council and Site Representatives and employee filing grievance in working towards the resolution of contractual and non-contractual disputes in the workplace, with the concurrence of the President;
- Maintain records of grievances and their disposition,
- Be responsible for the processing of grievances and disputes beyond the immediate work locations with the concurrence of the President,
- Turn over all completed grievance information and files to the President for future reference and storage,
- Hold all grievances in strict confidence,
- Provide a monthly report of Union business conducted for that month to the Membership of the Union,
- Provide a monthly Hudson Report of Union business conducted for that month to the Treasurer for monthly stipend,

Section 4

The Treasurer shall:

- Receive, record and deposit all dues monies and other income in the name of the organization,
- Maintain accurate membership records,
- Issue membership cards and notices of delinquency,,
- Be one of the responsible financial officers of the organization and be authorized to co-sign financial instruments and make regular and usual disbursements of funds,
- Maintain all financial records of the organization,
- Arrange for an independent audit of the finances of the organization annually and make same available to the Executive Board and membership,
- Transmit per-capita payments on a regular basis to the Secretary-Treasurer of the American Federation of Teachers and similar officers of all other bodies with which the organization is affiliated,
- Oversee the work of and receive reports from the Finance Committee;
- Perform other duties as delegated by the President or assigned by the Executive Board,

- Perform duties of the office as required by the Labor-Management Reporting and Disclosure Act, and the guidelines developed by the AFT,
- Provide a monthly Hudson Report of Union business conducted for that month to the Treasurer for monthly stipend.

Section 5

The Secretary shall:

- Maintain the non-financial files and records of the organization,
- Be the custodian of the seal and charter of the organization,
- Record and keep accurate minutes of meetings of the membership and Executive Board,
- Assist the President in handling the correspondence of the organization;
- Oversee the work of, and receive and certify the reports of, the Election Committee,
- Perform other duties as delegated by the President, or assigned by the Executive Board,
- Perform duties of the office as required by the Labor-Management Reporting and Disclosure Act,
- Where appropriate, a local may merge the offices and duties of the Secretary and Treasurer,
- Update Site and Site Representative books,
- Maintain New Member packets and distribute them accordingly.,
- Provide a monthly Hudson Report of Union business conducted for that month to the Treasurer for monthly stipend.

Section 6

All officers elected by the general membership of the organization shall serve as members of the Executive Board.

DUTIES OF SITE REPRESENTATIVES

Section 1

Welcome new employee to the Department and District

Section 2

Attend all regular and special membership meetings.

Section 3

Hold regular monthly meetings at the worksite, or talk with fellow workers, for the purpose of making reports, discussing workplace and organization concerns, receiving instructions from the membership, and other activities as may be required.

Section 4

Recruit eligible persons for Union membership.

Section 5

Conduct elections and referenda when so instructed by the Nominations/Elections Committee.

Section 6

Attempt to resolve issues on an informal level, all first level of grievances.

Section 7

Notify the Vice President of Grievances of potential grievances, and upon request, assist the Vice President of Grievances.

ARTICLE VI

EXECUTIVE COUNCIL

- Section 1 Shall consist of the President, Vice-President, Vice-President of Grievance, Treasurer, Secretary and may include Site Representatives.
- Section 2 The Executive Board shall determine the agenda for all Membership Meetings.
- Section 3 The Executive Board shall employ all professional, technical, clerical, and support staff of the organization.
- Section 4 The chairperson of the Executive Council shall be the President of the Menifee Council of Classified Employees.
- Section 5 The Executive Board shall be empowered to make contracts and incur liabilities including the purchase of services, equipment, and real property, to borrow money, to secure such obligations by mortgage or other instrument, and to otherwise engage in financial transactions to the extent permitted by applicable laws or statute. The Executive Board shall have the power to sue, complain and defend on behalf of the membership.
- Section 6 The Executive Board shall be responsible for adherence to and enforcement of the Constitution and By-Laws of the organization.
- Section 7 The Executive Board shall issue regular reports, including an annual report, to the membership.
- Section 8 Three unexcused absences from an Executive Board meeting within a year, counted from the date of assumption of office, shall be grounds for an Executive Board member's suspension and/or replacement.
- Section 9 The Executive Council shall establish salary, benefits, and expense guidelines for any general officer that is employed by the local; except that no such person shall suffer loss of economic status as a result of such action.
- Section 10 Discipline of members:
- A member may be disciplined by the organization for actions contrary to this Constitution or to its membership. Such action may only be initiated by the bringing of written and signed charges to the Executive Board by two or more members of the local; these charges must include a specific and detailed account, including any documentation, of the allegations against the member.
 - Upon the receipt of such charges, the Executive Board shall cause a preliminary investigation to be conducted in order to determine whether the

charges against the member have merit. In addition, at this time, the executive board shall give a copy of the charges to the accused member.

- Following the preliminary investigation, the Executive Board shall vote on the question whether a discipline hearing shall be held. If a majority of the Executive Board votes to hold a hearing, the member shall be given at least ten (10) days written notice of the hearing.
- At a discipline hearing the accused member shall have the right to be represented by a person of his or her choice, and shall have the right to question the charges and present evidence and witnesses to support their defense. At the conclusion of the hearing, a two-thirds (2/3) vote of the Executive Board shall be required for discipline. If a member of the Executive Board has brought the charges against the member, that Board member shall recuse him/herself from the vote.
- A disciplined member may appeal the decision of the Executive Board to the membership by requesting a vote at the next regular meeting. A simple majority of the members voting shall be sufficient to overrule the decision of the Executive Board to discipline.

ARTICLE VII

REMOVAL OF OFFICER BY EXECUTIVE COUNCIL

- Section 1 An officer may be removed by a majority vote of the Executive Council for the following reasons:
- Three (3) unexcused absences in a year.
 - An excused absence is defined as notification to the President, or designee, prior to the Executive Council meeting.
 - The Executive Council shall notify an officer in writing, when they have accumulated two (2) unexcused absences.
 - Failure to fulfill those duties and responsibilities for which they were elected.

ARTICLE VIII

COMMITTEES

- Section 1 The President with the approval of the Executive Council shall appoint the chairperson of each committee.
- Section 2 The chairperson shall select a committee of two or more volunteers.
- Section 3 The following standing committees shall be active in this Union:
- Bargaining/Negotiations
 - Membership
 - Leadership

- Nomination/Election
- Communication Committee
- Committee on Political Education (COPE)

- Section 4 The President, with the approval of the Executive Council, when deemed necessary, may appoint special committees.
- Section 5 Within one month of formation, each committee shall present its annual program of action to the Executive Council.
- Section 6 The Bargaining/Negotiation Committee shall conduct research, surveys, hearings, and other activities, which shall assist the Union in collective bargaining or similar programs.
- Section 7 Leadership meets with the District once a month to communicate and work on issues that could not be resolved at the site level. All information at the leadership meeting is to be held in a confidential manner.
- Section 8 The Membership Committee shall coordinate annual membership recruitment phone banking, one-on-one programs, and shall assist the Department Representatives in developing programs and activities which shall cause all eligible persons to join and participate in the Union.
- Section 9 The Nomination/Election Committee shall conduct all general and special elections of the Union.
- Section 10 The Communication Committee assists in the design, and distribution of printed material for the organization as needed.
- Section 11 The COPE (Committee on Political Education) shall make reports the Executive Council and the general membership concerning legislative bills and the positions of the AFT and CFT. Committee members may attend both state and local political functions as the representative of the Union and recruit, interview, and make recommendations to the Executive Council and General Membership regarding candidates running for national, state, or local elections.

ARTICLE IX

AFFILIATIONS

- Section 1 The Union shall maintain affiliation with the following organizations:
- The American Federation of Teachers, AFL-CIO,
 - The California Federation of Teachers, AFL-CIO,
 - The California Labor Federation, American Federation of Labor/Congress of Industrial Organizations (AFL-CIO)
 - The Riverside/San Bernardino Labor Council of the AFL-CIO

Section 2 Whenever possible, send delegates to the affiliates conferences and conventions. The delegates will be elected by procedure consistent with Article IV of this Constitution.

ARTICLE X

AMENDMENTS

Section 1 This constitution may be amended as follows:
Thirty percent (30%) of the membership may present, by petition, a proposed amendment to this Constitution to the Secretary, who shall notify the membership of the proposed amendment no later than fifteen (15) days prior to the next Membership Meeting. Alternatively, a majority of the Executive Board may vote to present a proposed amendment to the members at the next Membership Meeting. A copy of the proposed amendment, along with an explanation of said amendment, shall be distributed to all members in a reasonable time prior to the Membership Meeting at which time the amendment will be introduced and discussed.

Section 2 A quorum for any meeting at which constitutional amendments are to be considered and adopted shall consist of two-thirds (2/3%) percent of members present.

Section 3 The membership shall vote on all amendments to the Constitution..

- Following the membership meeting at which the proposed amendment was introduced, the Election Committee will hold a (secret ballot) vote on the amendment at the next Membership Meeting.
- In the alternative, following the membership meeting at which the proposed amendment was introduced, a special membership meeting for the purpose of voting on the proposed amendment may be called by the Executive Board. The special meeting shall be conducted in accordance with the terms of VIII, Section 4.
- The Election Committee will tally the results. Two-thirds (2/3) of the membership present at the meeting shall be required for passage of the amendment.

ARTICLE XI

AVAILABILITY OF THE CONSTITUTION

- Section 1 Three (3) copies of this Constitution and all subsequent amendments shall be submitted to the national office of the Secretary/Treasurer of the American Federation of Teachers. One (1) copy shall be submitted to the state office of the Secretary/Treasurer of the California Federation of Teachers.
- Section 2 Copies shall be made available to other affiliated organizations upon request.
- Section 3 The Secretary shall make available upon request a copy to any member of the Menifee Council of Classified Employees.

BY-LAWS

ARTICLE I

MEMBERSHIP MEETINGS

- Section 1 The legislative power of the organization shall be vested in the Membership Meeting. Unless otherwise stipulated in the Constitution, action items and elections shall require a simple majority of votes cast in the Membership Meeting. The Membership Meeting shall approve the annual budget, shall receive and approve committee reports, including the required annual financial report or audit: and shall develop and vote on resolutions to guide the policy of the organization.

The Membership Meeting shall meet quarterly at during the months of September, January, March and May at a predetermined time and place, or more or less often as approved by the majority vote of the assembled members in the regularly constituted Membership Meeting.

Quorum for the Membership Meeting shall be three (3) elected officers of the organization.

Special meeting may be called by the President (or designee), by a majority of the Executive Board or by petition to the Executive Board of fifteen percent (15%) of the members in good standing. The notice of the special meeting and the agenda shall be circulated to all members at least seven (7) days in advance of the meeting. Items not included on the agenda for the special meeting will not be addressed. All special meetings shall be adequately advertised and conducted according to the provisions of this Constitution.

ARTICLE II

REVENUES

Section 1 Effective January 2013 the annual dues of this organization shall be made in monthly payments, in the following amounts:

monthly dues	Full	Half	Quarter	Eighth
total member dues for 10 month pay frequency	82.57	45.35	26.75	17.45
total member dues 11 month pay frequency	68.57	37.38	21.48	13.97
total member dues 12 month pay frequency	68.17	36.98	21.08	13.57

which include the current prevailing per capita amounts for the AFT, CFT, the AFL-CIO Local and states affiliates, and insurance premiums. Whenever the dues of a required affiliate increases, the dues of the local shall automatically and simultaneously increase by the same amount.

Section 2 The local union will be responsible for collecting agency fee and shall adopt procedures consistent with local, state and federal laws.

Section 3 When a member attends a conference or training the member may not pay more than \$50.00 per day for food and must provide receipts.

ARTICLE III

AMENDEMENTS TO THE BY-LAWS

- Section 1 The by-laws may be amended as follows:
- Proposed amendments to the by-laws shall be submitted in writing to the Secretary at the request of the Executive Council, or by a petition signed by 30% of the membership.
 - The Executive Council shall notify the membership of the proposed amendment no later than fifteen (15) days prior to the next membership meeting.
 - A two-thirds vote of those members present and voting at the general membership meeting shall be required for passage of the amendment.

ARTICLE IV

RULES OF ORDER

Section 1 Robert's Rule of Order, Revised, shall govern this Union in all cases to which they are applicable and in which they are not inconsistent with rules regularly adopted by the Constitution or By-Laws of this Union.

ARTICLE V

ORDER OF BUSINESS

- Call meeting to order
- Roll Call of Executive Council Members
- Reading of Minutes from previous meeting
- Leadership Committee
- Approval of Financial Report
- Reports of Standing Committees
- Officer Reports
- Old Business
- New Business
- Good and Welfare
- Adjournment

ARTICLE VI

AVAILABILITY OF THE BY-LAWS

- Section 1 Three (3) copies of these By-Laws and all subsequent amendments shall be submitted to the national office of the Secretary/Treasurer of the American Federation of Teachers. One (1) copy shall be submitted to the state office of the Secretary/Treasurer of the California Federation of Teachers.
- Section 2 Copies shall be made available to other affiliated organizations upon request.
- Section 3 The Secretary shall make available upon request a copy to any member of the Menifee Council of Classified Employees.

This constitution was adopted by the membership on

December 19, 2012

Date

Menifee Council of Classified Employees Signed:

President

(Seal)

Attest:

Secretary