

BYLAWS
Municipal Employees Federation,
a Chapter of Local 101,
of the American Federation of State, County, and Municipal Employees

PREAMBLE

The purposes of labor unions are rooted in the lives of the people, and are founded upon those democratic and fundamental freedoms, which responsible citizens proclaim and esteem in these United States. The interdependent areas of securing better wages and securing better working conditions fall within the framework of the democratic process and are conceived as making significant and unique contributions to the achievement of the purposes and goals of a labor union.

We, the members of the Municipal Employees Federation, a Chapter of Local 101, of the American Federation of State, County, and Municipal Employees, believe that a labor union must be a strong and flexible institution, balancing between serving the varying needs of its membership, while respecting the rights of other members. Additionally, labor unions should provide for unity of purpose, cooperative and concerted action, intelligent direction and control, and to make the greatest contribution to the goals of this union.

Believing that all persons have a natural right to the full enjoyment of the wealth created by their labor, and believing that such cannot be fully realized except through the united, free and democratic union of working men and women, we, the members of the Municipal Employees Federation, have joined, and do hereby unit ourselves and affiliate our Chapter with the American Federation of State, County, and Municipal Employees, Local 101. To this end, the Municipal Employees Federation adopts the following Bylaws:

ARTICLE I

NAME

Section 1. This union shall be known as Municipal Employees Federation (MEF), of Local 101 of the American Federation of State, County, and Municipal Employees (AFSCME).

ARTICLE II

OBJECTIVE

Section 1. The objective of this union shall be: to improve the wages, hours, working conditions of its members; to promote their intellectual, social, and economic welfare; and to represent its membership in all disputes between its members and their employers.

ARTICLE III

JURISDICTION

Section 1. The jurisdiction of this union shall be public employees of the City of San Jose who are employed in classifications represented by MEF.

ARTICLE IV

MEMBERSHIP

Section 1. There shall be no discrimination against any member or applicant for membership on the basis of race, color, sex, gender, creed, national origin, sexual orientation, age, religion, medical condition, disability or political belief.

Section 2. This union is composed of City of San Jose employees. Members who have applied for membership shall pay dues as determined by Local 101. Members are eligible to vote on matters of contract ratification, strikes, the adoption of bargaining demands and leadership positions.

Section 3. A member in good standing is any member who has paid their current dues obligation.

Section 4. Every member, by virtue of membership in this union, authorizes this union to act as the exclusive bargaining representative with full and exclusive power to execute agreements with the member's employer. Further, every member authorizes this union to act for members and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of their employment with such employer, in such a manner as this union determines.

Section 5. Each member shall adhere to the terms and conditions of applicable collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this union of its legal or contractual obligations.

Section 6. No member shall be a party to any activity to secure the decertification of this union as the collective bargaining agent for any employee.

ARTICLE V

STRUCTURE

Section 1. The structure of this union shall consist of the General Membership, Executive Board (Board), a Stewards' Council, and a Negotiations Team.

Section 2. The General Membership is the final authority of this union and is authorized to take lawful action, consistent with these Bylaws, Council 57 Constitution, the Local 101 Constitution, and the International Constitution; and is authorized to act on behalf of the union at a General Membership meeting.

Section 3. The General Membership shall nominate and elect the Officers to represent them on the Board of this union.

Section 4. The affairs of this union shall be conducted through the authority vested in the Board. The Board shall ensure that the policies and directives of the General Membership are being followed. Between meetings of the General Membership, the business of this union shall be carried on in accordance with the International Constitution, Council 57 Constitution, Local 101 Constitution, MEF Bylaws and policies, or, when it does not have a fixed policy, the Board shall be the governing body of the union between sessions of General or Special Membership meetings.

Section 5. The Board shall report on all matters which, in its judgment, require consideration by this union or which may have been committed to the Board by the Membership.

Section 6. The General Membership shall have the authority to ratify its negotiated contract or agreement, to strike, and to elect its Board, all in accordance with the appropriate procedures set forth in these Bylaws, the Local 101 Constitution, Council 57 Constitution, AFSCME Local Union Election Manual, and the International Constitution.

ARTICLE VI

EXECUTIVE BOARD

Section 1. The Board shall be composed of the following Officers: President, Vice President, Chief Steward, Secretary, and Treasurer; the remaining Board are defined in Section 2 of this Article.

Section 2. In addition to Officers, the Board shall be composed of no more than 2 representatives per Department who shall serve as Directors.

Section 3. All Board members shall also serve as Stewards of this union.

Section 4. The Board shall meet at least once in each month at a regularly scheduled time and place known to the membership. Special meetings of the Board may be called by the President, or upon written request of three members of the Board. The purpose of a special meeting shall be stated in the call, which shall be sent to all Board members at least three days before the meeting. Reasonable notice of all Board meetings shall be given except in the case of emergency; the website of this union may be used for this purpose. Minutes of regular and special Board meetings shall be kept by the Secretary or designee.

Section 5: A majority of the positions filled on the Board shall comprise a quorum. In the absence of a quorum, those Board members who are personally present at the meeting may, by two-thirds vote concurring, authorize absent Board members to participate in the meeting by means of telephonic conference or similar communications for purposes of establishing a quorum, as long as all individuals participating in the meeting can simultaneously hear each other.

Participation in a meeting through use of telephonic conference or similar communications constitutes presence in person at the meeting. Board members participating by telephonic conference or similar communications shall be recorded as such in the Minutes of the meeting.

Section 6 Pursuant to the authority granted by these Bylaws, the Local 101 Constitution, Council 57 Constitution and the International Constitution, including, but not limited to, the following:

- a) Board shall be responsible for approving the chapter budget and authorizing expenditures of chapter funds;
- b) Board members are hereby authorized to receive stipends for expenses associated with their official duties, only if specifically approved in the annual Chapter budget;
- c) Board shall be responsible for the creation and implementation of policy subject to review by the membership at membership meetings;
- d) Board shall make decisions concerning the affairs of this union, and shall be directed by the membership by way of approved motions at membership meetings;
- e) Board shall establish and disband any standing or ad hoc committees not inconsistent with these Bylaws;

f) Board shall establish a Contract Action Team, which includes, but is not limited to, all the members of the Board; Stewards, Member Action Team (MAT) and the Negotiations Team.

Section7. The President shall work with the Secretary to prepare and distribute an agenda for each meeting of the Board and General Membership. Members of the Board who have items for the Agenda shall notify the President, or the President’s designee, at least three days prior to the meeting for which the item is to appear. When a special meeting is called by 3 (three) or more Board members, they shall be responsible for preparing and distributing the agenda.

Section 8 The Board shall make every effort to attend all Board meetings and all General Membership meetings. Any member of the Board who cannot appear at a meeting, shall notify the President, or the President’s designee, or another officer, that they will be absent. In the event any member of the Board fails to attend two consecutive Board meetings or fails to attend two consecutive General Membership meetings, without being excused the President or President’s designee will confer with the board member regarding the unexcused absences. If the board member has an additional unexcused absence the President or Board, may, by recorded vote, a majority of the Board concurring, declare the member’s seat vacant.

Section9. The Board shall have the authority to make recommendations, to the Local 101 Board, regarding selection, employing, evaluating, or terminating the Union Representative assigned to MEF.

Section10. The Officers shall be responsible for conducting strategic planning for the union biannually.

Section11. All members shall have the right to attend all meetings of the Board without voice or vote, provided, however, members shall have the right of voice as it relates to the nominations of officers; and provided further, the Board may allow any member to speak at an appropriate time, upon majority vote of the Board.

ARTICLE VII

DUTIES OF THE OFFICERS

Section 1. Duties of the President include, but are not limited to the following:

- (a) Serving as the presiding officer of this union and presiding over all Board meetings and all General Membership meetings;
- (b) Generally supervising the affairs of MEF in accordance with these Bylaws and the Local 101 Constitution;
- (c) Acting as the authority on all matters not otherwise expressly delegated;

(d) Making appointments to all standing and ad hoc committees, subject to the approval of the Board, and defining the tasks of such committees;

(e) Representing this union before all boards, committees, departments, and other such official bodies as may be designated by the Board; and,

(f) Providing a full report of activities at each regular Board and General Membership meeting, to include, but not be limited to, the progress and standing of MEF and regarding the president's official acts.

Section 2. Duties of the Vice-President include, but are not limited to the following:

(a) Assisting the President in the performance of official duties;

(b) In the absence of the President, or when the President is unable, for any reason, to perform required duties, the Vice-President temporarily assume the duties of the President; and,

(c) Succeeds the President, until an election can be held, if the President is unable to complete the term of office to which elected.

(d) Presides over MAT and other ad hoc committees as assigned by the President and approved by the Board

Section 3. Duties of the Secretary include, but are not limited to the following:

(a) Shall be responsible for working with the President to create and agenda for the Board and General Membership meetings

(b) Sending meeting notifications to the Board

(c) Working with Council 57 to notify members of General Membership meetings in accordance with these By Laws

(d) Maintaining a correct and accurate record of the proceedings of all Board and General Membership meetings,

(e) Providing a copy of such Minutes to the Local 101 office.

(f) Working with the Communications committee to ensure accurate information on the website and social media

Section 4. Duties of the Treasurer include, but are not limited to the following:

(a) Responsible for the financial affairs of this union,

(b) Reporting on the finances of the Chapter at each regular Board and General Membership meeting.

(c) Prepares an annual chapter budget in conjunction with the Board

(d) Communicating with the Treasurer of Local 101 for all chapter requests

Section 5. Duties of the Chief Steward include, but are not limited to the following:

(a) Responsible for receiving all complaints and grievances, and seeking appropriate resolution;

(b) Presides over the monthly Stewards' Council meeting and over the selection process for departmental stewards and any assistant chief steward(s); and

(c) Shall give a full report of activities at each regular Board and General Membership meeting.

Section 6. Duties Prohibited: Except to the extent specified in these Bylaws, no Officer or Director of this Chapter shall have the power to act as agent for or otherwise bind the Chapter in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind this Chapter except to the extent specifically authorized in writing by the president of this Chapter, or by the Board of this Chapter.

ARTICLE VIII

STEWARDS AND MEMBER ACTION TEAMS (MAT)

Section 1. Stewards shall be appointed, by majority vote of the Board, upon recommendation of the Chief Steward or upon the motion of any Board Member. The primary responsibility of Stewards shall be to communicate with members regarding Union activities and processes, encourage members to participate in solving problems, and advise members of rights and obligations. They shall investigate and process grievances, represent members during any disciplinary procedures, and exchange information on grievances and potential problems at their work sites, and inform union leadership of changing needs. Additionally, they shall promote the understanding of any contracts or agreements, work rules, policies, procedures, and regulations.

Section 2. The Stewards' Council shall consist of all stewards, chaired by the Chief Steward, and shall meet as needed. The Council shall serve as an ongoing supportive training body and in the handling of grievances. It shall also serve as an information channel between the membership and the Board.

Section 3. In order to remain a Steward in good standing, Stewards must adhere to the following:

- a) Attend one AFSCME sponsored training per year
- b) The Steward shall make every effort to attend all Stewards' Council meetings and all General Membership meetings. Any Steward who cannot appear at a meeting, shall notify the Chief Steward, or the Chief Steward's designee, or another officer, that they will be absent. In the event any Steward fails to attend two consecutive Stewards' Council meetings or fails to attend two consecutive General Membership meetings, without being excused the Chief Steward or Chief Steward's designee will confer with the Steward regarding the unexcused absences. If the Steward has an additional unexcused absence the President or Board may, by recorded vote, a majority of the Board concurring, declare the Steward's seat vacant.

Section 4. Member Action Team MAT shall also be used to enhance communications between the workforce and the Board, and to facilitate the mobilization of employees into action

around issues they are concerned about on the job site. The MAT shall be overseen by the Vice President in their capacity as MAT Captain.. The MAT Captain is responsible for coordinating the activities of MAT Leaders; each MAT Leader shall be responsible for communicating and working with co-workers on their job site/shift on a regular basis. The MAT Captain shall report to the Board as needed. Stewards shall also serve as MAT Leaders.

Section 5. MAT Leaders shall be responsible for:

- a) working together with the Board and MAT Captains on tasks that help build a stronger union;
- b) involving members in union activities, especially at their immediate worksite;
- c) have regular one-on-one conversations with co-workers and listen to their concerns and issues;
- d) explain to co-workers why the Union needs everyone involved and working together to solve problems;
- e) help mobilize members when action is needed on an issue or workplace problem;
- f) distribute Union newsletters, flyers, surveys, and other information;
- g) support Union goals, values and principles.

ARTICLE IX

CANDIDACY AND ELECTIONS

Section 1. Any regular member in good standing for a period of not less than six months shall be eligible to hold any office in this union.

Section 2. The President, Vice-President, Secretary, Treasurer, and Chief Steward shall be elected, from the general membership at-large, to serve two year terms beginning in odd numbered years. The Directors shall be elected to serve two-year terms beginning in even numbered years. Each Director representing a Department or collective Departments shall be elected exclusively by the officers of the Board. Members in good standing wishing to nominate themselves or others to serve as Directors should make their nominations known to the Officers at the November Board meeting. Officers will make every effort in taking into account the wishes of members of the Department(s) in the election of Directors.

Section 3. It shall be the responsibility of MEF to hold its Officer elections and to notify Local 101 of the results.

Section 4. No member shall simultaneously hold or be nominated for more than one of the following offices: President, Vice-President, Secretary, Treasurer, Chief Steward, or Director. It is permissible that Chapter and Local officers hold offices at higher and lower levels of authority.

Section 5. Any member, Steward, or elected or appointed member of the Board may be removed from office in accordance with the Constitution of the American Federation of State, County and Municipal Employees.

Section 6. During the month of August of odd years,, the President shall appoint an Election Committee of not less than three members, subject to vote of the Board. A candidate for office cannot serve on the election Committee. Such committee shall rule on the qualifications of nominees, shall conduct the election, act as initial judge in all matters arising from the election procedures, and certify the results of the election, in accordance with the standards set forth by the AFSCME International Constitution, the AFSCME Local Union Election Manual, Council 57 Constitution, the Local 101 Constitution, and MEF Bylaws. Not less than fifteen days prior to the holding of nominations for chapter officers, a notice of the nominations and elections shall be mailed to each member at the member's last known address.

Section 7. Nominations for all offices shall be made at the August General Membership meeting in odd years, or by petition signed by at least five members in good standing. Nominations submitted by petition shall be received at the Local 101 office no later than seven days before the August General Membership meeting. The election of all offices shall be held in November. The balloting shall be by secret and ballots shall be prepared by the Election Committee. If more than the number of candidates to be elected to an office received the largest and an equal number of votes, such tie shall be resolved by lot by the chair of the Election Committee in the presence of a majority of the Board of Directors. All ballots shall be retained in a safe place for one year. The candidate receiving a majority of the votes cast for that office shall be declared elected. All elected Board Members shall assume office upon final tabulation of the ballots cast.

Section 8. Adequate safeguards to ensure a fair election shall be provided including the right of any candidate to have an observer at the counting of ballots.

Section 9. This union shall refrain from discrimination in favor of or against any candidate. No union funds, resources or mailing lists will be used to assist any member's candidacy. However, all candidates shall be allowed access to any issue of the newsletter for the purpose of campaign statements, provided however, uniform and reasonable standards as adopted by the Board are applied to all candidates.

Section 10.

(a) Vacancies in Officer positions, other than President, shall be filled for the remainder of the unexpired term by a majority vote of the Board. If a vacancy occurs in the office of President, the Vice President shall assume the duties and responsibilities of President until such time that a special election can be called as provided for in the AFSCME Election Manual. Vacancies in the positions of Vice President, Chief Steward, Treasurer, and Secretary shall be filled by the Board.

(b) Vacancies in Director positions: the Board may appoint a member in good standing to fill the vacant Director position for the remainder of the unexpired term.

ARTICLE X

MEETINGS

Section 1. The General Membership shall meet during the month May, unless a special meeting is imperative or an emergency exists. The quorum for the General Membership meeting shall be those members present at the meeting.

Section 2. Regular meetings of the General Membership shall be made known to all members prior to such meetings. Reasonable notice of General Membership meetings shall be given. The website of this union may be used for this purpose.

Section 3. Special General Membership meetings may be called by the President or upon written request of three members of the Board. The purpose of a special meeting shall be stated in the call, which shall be made known to all members prior to such meeting. Reasonable notice of all Special General Membership meetings shall be given except in the case of emergency. The website of this union may be used for this purpose.

Section 4. Department Membership Meetings. Directors and Stewards of each Department shall hold bi-monthly Department membership meetings at a time and location determined by the Directors and stewards to be most conducive to membership needs. Directors shall report back the minutes of each department meeting to the Board. When no such meeting is able to be held, the Directors shall report back to the Board for the reason for the lack of the meeting.

ARTICLE XI

COMMITTEES

Section 1. The Board may establish committees as needed and may include, but not be limited to, the following:

- a) Organizing Committee: Shall formulate and actively support programs to recruit members to the union; draw up, assemble, and distribute organizing materials.
- b) Budget and Finance Committee: Shall assist the Treasurer in developing a budget for the chapter and fulfilling the ongoing financial affairs of the union.
- c) Negotiations Research Committee: Shall survey the membership for priorities, and research economic and personnel issues pertaining to the meet and confer process.
- d) Bylaws Committee: Shall review the Bylaws of this union and shall draw up and report proposed amendments thereto, for membership approval; shall interpret these Bylaws, the Local 101 Constitution, and International Constitution, as it applies to this Chapter, when disputes arise.
- e) Local 101 Delegation: Shall participate on the Local 101 Executive Board representing the MEF Chapter.
- f) Legal Trust Fund Delegation: Shall participate on the MEF Legal Trust Fund Board

g) Departmental Labor/Management Committees: Labor representatives on designated departmental committees shall represent the interests of union members within the particular department and those of this union.

Section 2. Committees established by the city which have an MEF seat, shall be selected by the Board.

Section 3. Committees shall report on activities at each Board meeting. Any Committee who cannot appear at a meeting, shall notify the President or another officer that they will be absent. In the event of an absence, they shall forward their report to the Secretary. In the event any Committee fails to attend or send a report to two consecutive Board meetings or fails to attend two consecutive General Membership meetings, without being excused the President will confer with the Committee regarding the unexcused absences. If the Committee has an additional unexcused absence the President or Board may, by recorded vote, a majority of the Board concurring, declare the Committee's seat vacant.

ARTICLE XII

NEGOTIATIONS

Section 1. The Negotiations Team, who shall be selected by the Board, shall negotiate tentative collective bargaining agreements and shall vote to either recommend or not recommend such agreements, which are subject to ratification by the membership. The Negotiations Team shall report to the Contract Action Team concerning details of negotiations.

Section 2. The Contract Action Team (CAT) shall be composed of all officers, directors, stewards and members who wish to volunteer. The CAT shall draft, review, and select proposals; shall meet with the membership concerning proposals; and shall inform the membership about the progress of negotiations after each negotiation session and engage the membership when necessary.

Section 3. The President shall be a member of, and chair, the Negotiations Team. The Negotiations Team shall consist of members with equal representation from all Departments insofar as is possible. Each Negotiation Team member represents all Departments equally. . All Board members, Stewards and Negotiations Team members shall serve ex officio on the Contract Action Team. Where the City restricts negotiations team numbers to smaller than what these bylaws call for, such as for "Coalition Bargaining", sidebars, et al, the President shall select the team, subject to approval of the Board.

Section 4. Each Negotiations Teams shall formulate a bargaining team agreement which specifies modus operandi, consensus building, voting, and decision making.

ARTICLE XIII

REVENUES AND PROPERTIES

Section 1. Membership dues shall be prescribed by the Local 101 Constitution.

Section 2. All officers shall deliver to their respective successors, at the conclusion of their term of office, all property in their possession belonging to MEF. All the funds and property of MEF shall be deemed held in trust for the benefit of the members to be used in accordance with these Bylaws, the Local 101 Constitution, Council 57 Constitution and the International Constitution subject to the supervision, and in accordance with the direction of the membership and the Board.

Section 3 The title of all property, funds, and other assets of MEF shall at all times be vested in the Board for joint use with the General Membership but no member shall have any severable proprietary right, title or interest therein. Membership in this union shall not vest any member with any right, title or interest in or to the funds, property or other assets of MEF, not owned or possessed of, that may hereinafter be acquired, and each member hereby expressly waives any right, title or interest in or to the property of MEF.

ARTICLE XIV

AMENDMENTS AND SEVERABILITY

Section 1. The Bylaws of this union may be amended at any regular or special meeting of the General Membership by a two thirds (2/3) vote of those members present and voting; provided, however, that the proposed amendment(s) are read at a regular membership meeting, and in no case less than sixty (60) days prior to the meeting at which action is to be taken.

Section 2. The website of this union may be used for purposes of publishing proposed amendments, however, shall not abrogate the requirement that proposals be read as required by Section 1 of this Article.

Section 3. In the event that any Article (or provisions thereof) in these Bylaws shall be found or held as invalid by any act of law, by any court of competent jurisdiction, by a conflict in the Local 101 Constitution, the International Constitution, or for any other reason, such invalidity shall not affect the remaining provisions of these Bylaws, and to this end the provisions of these Bylaws are severable, all other provisions remaining in full force and effect.

ARTICLE XV

RULES OF ORDER

Section 1. The current version of Robert's Rules of Order, shall govern in all cases to which they are applicable and in which they are not inconsistent with these Bylaws or with any legally adopted special rules of MEF, the AFSCME Local Union Election Manual, the Local 101 Constitution, Council 57 Constitution or the AFSCME International Constitution.

Section 2. The officers shall keep in their possession Robert's Rules of Order, Newly Revised, for their use as parliamentarians.

RATIFIED by the Municipal Employees Federation, Local 101, AFSCME,