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Date: May 15, 2015

To: Leigh Ann Rogers, President, Los Rios Classified Employees
Association (LRCEA)

From: John Hamilton

Subject: LRCEA Constitution with Approved Amendments

Attached, is the LRCEA Constitution as amended by vote of the general membership at meetings held 5/11/15 through 5/15/15.

**Constitution
of the
Los Rios Classified Employees Association**

Article I - Name

The name of this organization is Los Rios Classified Employees Association (LRCEA or Union).

Article II - Purpose

The purpose of LRCEA, pursuant to the Educational Employment Relations Act commencing with Section 3540 of the Government Code (EERA), is to advocate for and represent its members employed by Los Rios Community College District (district).

Article III - Membership and Dues

Section 1. Membership Eligibility

All classified employees of the district, employed in a job classification in a bargaining unit represented by LRCEA, are eligible for membership in this Union.

Section 2. Becoming a Member

To become a member, an eligible employee must provide the district with a written authorization that allows the district to deduct the annual dues (dues) from his/her pay as required by LRCEA.

Section 3. Dues and Payroll Deduction of Dues

Annual dues are \$216.00. Annual dues are deducted by the district from the pay of the member in equal payments during his/her regular annual work schedule; twelve equal payments for full-time employees who are members, and ten equal payments for part-time employees who are members.

Section 4. Changing the Annual Dues

The annual membership dues shall be adjusted only by majority vote of the general membership at a regular or special general membership meeting.

Section 5. Maintaining Membership

Members are required to maintain their membership in LRCEA and pay its dues pursuant to the EERA, the contract between LRCEA and the district, and as required by LRCEA.

Section 6. Member in Good Standing

A member who continues to pay his/her annual dues by district payroll deduction is considered to be a member in good standing. Any member who, by his/her own action, fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent, and upon

that failure continuing to pay dues for two consecutive calendar months the member shall stand suspended and not participate in any benefit of membership, unless and until all dues arrearages are paid.

Article IV - Meetings

Section 1. Regular Meetings

Regular meetings of the LRCEA general membership shall be held twice annually. There shall be no regular general membership meeting during July and August.

Section 2. Special Meetings

Special meetings may be called by the President, the Executive Board, or by petition filed with the President signed by 20% of the members of LRCEA.

Section 3. Worksite Meeting Option

The Executive Board may, as an option, hold a general membership meeting at each college and at the district office, with that series of meetings held within a thirty (30) consecutive calendar day period, however, when this option is used for general membership meetings the chair of each meeting session must maintain a written record of the number of members attending each session he/she chairs, and must deliver that written record to the Secretary within forty-eight (48) hours immediately following the meeting session(s) it applies to; if and when the required quorum of members for a general membership meeting is reached during the series of meetings, that general membership meeting is automatically considered to be "called to order."

Section 4. Meeting Quorum

The quorum for a general membership meeting of this Union shall be eighteen (18) members in good standing. In the case of a series of worksite meetings held pursuant to Sections 1 or 2 immediately above, the quorum shall be eighteen (18) members in good standing on a cumulative basis attending a particular series of worksite meetings within the 30-consecutive calendar day period.

Before calling a meeting to order, the chairperson for the meeting shall determine if a quorum of members is present, and if so, shall then call the meeting to order.

Section 5. Executive Board

The Executive Board, consisting of elected Officers and Representatives, shall meet once a month except for July and August, at a time and place to be fixed by them to conduct the business of the Union between general membership meetings. The President or Executive Board may hold special meetings during July and/or August when the need to do so arises.

Section 6. Definition

For all purposes pertaining to this Constitution the term "college

campus" means each college of the Los Rios Community College District, i.e., American River College, Cosumnes River College, Folsom Lake College, Sacramento City College, and includes satellite work locations assigned to each college; the term "district office" means the headquarters office of Los Rios Community College District and includes all satellite work locations assigned to the district office, and if and when Los Rios Community College District creates any new college campus this Constitution shall be automatically amended without any action required by the general membership, to include that new college campus and all satellite work locations assigned thereto.

Article V - Officers, Representatives, Nominations, and Elections

Section 1. Officers and Representatives

The Officers of this Union shall be a President, a Vice President, a Secretary, and a Treasurer.

There shall be two (2) Representatives from each college campus and from the district office; in the event LRCEA represents more than one (1) bargaining unit, each unit will have its own Vice President and one Representative from each college and the district office.

These Officers and Representatives constitute the Union Executive Board. Officers and Representatives may be elected to consecutive terms.

The general membership shall elect a Vice President, a Treasurer, and one Representative for each college campus and for the district office in even-numbered years, and a President, a Secretary, and one Representative for each college campus and for the district office in odd-numbered years; in the event LRCEA represents more than one (1) bargaining unit, a Vice President for each unit will be elected during even-numbered years, and a Representative for each unit for each college and for the district office will be elected in odd-numbered years. The term of an Officer and of a Representative shall be twenty-four consecutive calendar months starting the July 1, immediately following the election of the Officer or Representative.

Section 2. Nominations

Nominations shall be made at regular or special meetings of the Union, or in writing prior to that meeting being called to order. Nominations shall be permitted from the floor at the nomination meeting.

Nominations close for all Officer and Representative positions when the nomination meeting is adjourned, except, when the nomination meeting is held pursuant to Article IV, Section 3, of this Constitution, nomination of Officers close when the final meeting in the particular series of meetings adjourns, and nomination of the Representative for a particular college or the district office close, when the meeting(s) in that series of meetings at that college or at the district office, adjourn.

At least fifteen calendar days advance notice shall be given to the membership prior to the nomination meeting.

A nomination committee shall be appointed by the President, subject to approval of the Executive Board, to supervise nominations. All regular elections for Officers and Representatives shall be held before June 30 of the appropriate election year.

Following the nomination procedure the nominee shall be afforded the opportunity to accept or decline nomination, and the name of any person who declines his/her nomination or fails to accept or decline that nomination shall not appear on the ballot.

Section 3. Eligibility to Hold an Officer or Representative Position

To be eligible to hold an Officer or Representative position a member must be a regular classified employee of the Los Rios Community College District for at least one (1) year in a position represented by LRCEA, up to and including the date he/she is nominated for election to the Office or Representative position, and a member in good standing of LRCEA. However, no retired member shall be a candidate for or hold any Office or Representative position.

Further, eligibility of a member for appointment or election as an Officer or Representative, or for an incumbent to continue in such a position, is dependent upon the ability of the member to perform all the duties and attend all the meetings required for the position by this Constitution, unless absence from those duties and meetings is excused pursuant to this Constitution.

Section 4. Election of Officers and Representatives

Officers and Representatives shall be elected by secret ballot vote, and the balloting shall be so conducted as to afford to all members a reasonable opportunity to vote. At least fifteen (15) calendar days advance notice shall be given the membership prior to holding the election.

The candidate receiving the majority of votes cast for an Officer or Representative position shall be elected. A majority shall be defined as fifty percent (50%) plus one (1) of all valid ballots cast for that Officer or Representative. Should fifty percent (50%) of the valid ballots cast result in a fraction of a whole number, the fraction shall be rounded off as follows:

- (1) if the fraction is less than .5, it shall be rounded down to the next whole number;
 - (2) if the fraction is .5 or more, it shall be rounded up to the next whole number;
 - (3) in the event one of the candidates receives a majority of votes, there shall be no run-off election and the candidate receiving the majority of votes cast shall be elected.
- b. If all candidates for an Officer or Representative have less than a majority vote, as defined above, the two candidates with the highest number of votes shall participate in a run-off election.

- c. The run-off election shall occur at least fifteen (15) calendar days after the first election.
- d. Balloting in the run-off election shall be by secret ballot at the worksite, or using electronic communications upon prior approval by the Executive Board.

Insofar as possible, the election committee for the run-off election shall be the same as the election committee for the first election

Ballots will be counted by the election committee or its member's designee(s) in each election at the closure of balloting on the election day.

All ballot counts are open to observation by LRCEA members.

- e. The candidate with the highest number of valid ballots in the run-off election shall be elected. The winning candidate shall take the Oath of Office at the first meeting of the LRCEA Executive Board held after the run-off election.

Section 5. Vacant Officer and Representative Positions

When the office of President becomes vacant during its term, the Vice President shall become President for the remainder of that unexpired term.

When a Representative position becomes vacant during its term, the vacancy shall be filled as soon as possible and for the duration of the unexpired term by a member appointed by the President subject to prior approval by majority vote of the Executive Board.

In the event LRCEA represents more than one bargaining unit, and the Office of President becomes vacant during its term, the Executive Board will appoint a Vice President from among the Vice Presidents on the Executive Board, to fill the vacant Office of the President for the remainder of its unexpired term.

Should a Representative position become vacant during its term, the President shall appoint a member from the same bargaining unit and district work location that vacant position represents on the Executive Board, to fill that vacancy for the remainder of its unexpired term.

Section 6. Oath of Office

Every Officer and Representative shall, upon assuming Office, subscribe to the following "Obligations for an Officer and Representative" (Oath of Office): I promise to abide by the Constitution of Los Rios Classified Employees Association. I further promise to carry out all duties assigned to me and to do my best to represent the members of Los Rios Classified Employees Association and uphold and promote the principles of union democracy. I will provide to my successor in office all books, papers and other property of this Union, which are in my possession at the close of my official term.

Section 7. Required Meeting Attendance - Officers and Representatives

Any Executive Board member (Officer or Representative), absent from two Executive Board meetings and/or General Membership meetings and/or lunchtime meetings - general membership meetings, within his/her representative jurisdiction, due to unexcused absence, is automatically resigned from the Executive Board and his or her Officer or Representative position, upon the occasion of the second unexcused absence.

For purposes of this Constitution "excused absence" means absence due to being required to work for the district during the meeting, or absence for which the Officer or Representative is on paid leave of absence from the district when the meeting is held, or a family emergency the Officer or Representative could not have reasonably foreseen prior to the necessity of the absence, or a catastrophic event such as an earthquake, fire, flood, or other natural disaster personally affecting the Officer or Representative, his or her family, and/or personal property.

Other absences are unexcused unless otherwise determined by the Executive Board.

Section 8. Mileage Allowance

Officers and Representatives are entitled to reasonable mileage reimbursement for official Union business, subject to approval of the Executive Board.

Section 9. Per Diem and Travel Allowances

The Executive Board shall have the power to determine per diem and travel allowances for any member performing official Union duties.

Article VI - Duties of Officers, Representatives, and the Executive Board

Section 1. The President shall

- a. preside over all meetings of the Union and of the Executive Board.
- b. may be a member of all committees except election committees.
- c. countersigns all checks drawn against Union funds.
- d. appoints all standing committees and all special committees of the Union, subject to approval of the Executive Board.
- e. report periodically to the membership regarding the progress and standing of the Union and regarding the President's official acts.

Section 2. The Vice President shall:

- a. assist the President in the work of the President's office.

- b. in either the absence of the President or in the inability of the President to serve, preside at meetings, and performs all duties otherwise performed by the President; notwithstanding any other provision of this Constitution, when LRCEA is exclusive bargaining representative of more than one bargaining unit, and the Vice President position for each unit is filled, the Executive Board by majority vote shall, determine which Vice President becomes President when that Office is vacant, or which Vice President assumes the duties of President during the President's inability to serve in the Office, and the authority vested by that vote shall remain in effect un less and until the President resumes his/her duties or, should the Office of President become vacant, until the Executive Board appoints a Vice President to fill the Office of the President for the remainder of its unexpired term.
- c. upon the resignation of the President, assumes the duties of the President for the remainder of its unexpired term; in the event LRCEA represents more than one bargaining unit, the Executive Board will appoint a Vice President to fill the vacancy for the remainder of its unexpired term.
- d. upon approval of the Executive Board, be authorized to act as a co-signer of checks drawn on the Union funds in place of either the President or the Treasurer.
- e. attend all meetings of the Executive Board, and attend meetings of the general membership as assigned by the President or Executive Board.

Section 3. The Secretary shall:

- a. keep a record of the proceedings of all membership meetings and of all Executive Board meetings;
- b. carry on the official correspondence of the Union except as the Executive Board may direct otherwise.
- c. perform other duties as the Executive Board requires.
- d. attend all meetings of the Executive Board, and attend meetings of the membership as assigned by the President or Executive Board.

Section 4. The Treasurer shall:

- a. receive and receipt for all monies of the Union.
- b. deposit all money so received in the name of the Union in a financial institution selected by the Executive Board, and money so deposited shall be withdrawn only by check signed by the President and the Treasurer, or Vice President if approved by the Executive Board.
- c. prepare and sign checks for such purpose as are required by the Constitution or are authorized by the membership or the Executive

Board.

- d. keep an accurate record of receipts and disbursements and shall once each calendar month, submit to the Executive Board a monthly operating statement of the financial transactions of the Union for the previous calendar month.
- e. act as custodian of all properties of the Union.
- f. cause to be made an annual audit of the finances of the Union by a disinterested party approved by the Executive Board, and report to the membership on the results of such audit.
- g, attend all meetings of the Executive Board, and attend meetings of the general membership as assigned by the President or Executive Board.
- h. serve on the Union budget committee.

Section 5. Each Representative shall:

- a. be assigned a scope of responsibility by the President subject to approval by the Executive Board, that includes representation of employees pursuant to the EERA that are within the jurisdiction of the Representative, and/or covers the scope of responsibility assigned to another Representative in the same or a different jurisdiction when that other Representative is unable to get off work from the district, is on paid leave of absence from the district, is unable to serve and a replacement Representative has not been appointed, or when the position is vacant.
- b. attend all Union meetings and other proceedings within the jurisdiction of the Representative, all meetings of the Executive Board, and all other meetings and proceedings required by this Constitution and/or assigned by the President or Executive Board.
- c. participate in all activities assigned by the President or Executive Board, including but not limited to committee assignments;
- d. provide assistance to Officers, consultants, lawyers, financial advisors, and others employed by LRCEA for professional advice and assistance;
- e. perform other duties and responsibilities assigned by the President or Executive Board.

Section 6. Authority of Executive Board Between Membership Meetings

The Executive Board shall be the governing body of the Union except when meetings of the general membership are in session.

All matters affecting policies, aims and means of accomplishing the purpose of the Union not specifically provided for in this Constitution or by action of the membership in a regular or special meeting shall be decided by the Executive Board.

The Executive Board shall meet at the call of the President or of a majority of the members of the Executive Board.

A report of all action taken by the Executive Board shall be made to the membership at the next following meeting.

A quorum of the Executive Board shall consist of a majority of its members excluding vacancies.

Section 7. Budget

The Executive Board shall cause an annual budget to be prepared for LRCEA, with such budget including the estimated income, expenses and investments for the next fiscal year.

The budget committee shall recommend a tentative budget for the next fiscal year to the Executive Board at its April meeting.

A tentative annual budget shall be brought before the general membership for a vote at a regular or special meeting prior to the end of the current fiscal year.

A final annual budget shall be brought before the general membership for a vote following the audit of financial records for the just ended fiscal year, at a regular or special meeting held prior to October 1, immediately following completion of that audit

The Executive Board shall have authority to expend LRCEA funds pursuant to the constraints of the adopted annual budget for the fiscal year for which it applies.

However, should a modification of the overall amount of the LRCEA annual budget be proposed or required during a fiscal year, such modification be brought before the general membership for a vote at a regular or special meeting during the fiscal year in which the modification is intended.

Article VII - Committees

Committees shall be appointed by the President with the approval of the Executive Board.

The President will attempt to appoint one member from each college and the district office to each committee.

The chairperson for each committee shall make such report to the Executive Board and membership, as the Executive Board requires.

The President may chair any committee except an election committee.

Standing committees are: Budget; Constitution; Negotiations; and Job Classification Review, however, the Executive Board may, by official action, determine to add or delete standing committees as necessary to conduct the official business of the union.

Article VIII - Work Stoppage

Any strike proposed to be engaged in by LRCEA members requires prior to approval by at least two-thirds vote of LRCEA members who vote on the matter, before the action is taken.

Said vote shall be conducted by secret ballot following a special general membership meeting called for the purpose of discussing and voting on the proposed strike.

Article IX - Amendments

The Constitution may be amended, revised, or otherwise changed by a majority vote of the members voting on such proposed change. Proposed amendments to this Constitution must be made at a regular or special meeting of the Union, adequate and proper notice having been given to the membership prior to the date on which the meeting(s) is/are called to order.

A written copy of the proposed amendment(s), revision(s), and/or other change(s) shall be furnished to every eligible voter at the meeting at which the proposal is presented, discussed, and vote taken.

A majority of those members voting on the proposal at a regular or special meeting of the general membership, or voting using electronic communication as approved by the Executive Board shall determine the outcome of the vote. In case of a tie vote on such proposal, members eligible to vote shall vote again on the proposal until the tie is broken.

Notwithstanding any other provision of this Constitution, upon the law requiring a provision or provisions of this Constitution to be changed, that change will occur in a timely manner and the membership will be notified in writing of the change including the reason(s) therefore.

Article X - Miscellaneous Provisions

Section 1. Authority of Officers, Representatives and Members

Except to the extent specified in this Constitution, no Officer or Representative of the Union shall have the power to act as agent for or otherwise bind the Union 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 the Union except to the extent specifically authorized in writing by the President or by the Executive Board of the Union.

Section 2. Robert's Rules of Order

Robert's Rules of Order, revised, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this Constitution and special rules of the LRCEA.

Section 3. Policies

The Executive Board shall have authority to adopt and implement

policies to implement provisions of this Constitution, consistent with such provisions.

Section 4. Voting

All voting by members shall occur by secret ballot, at a general membership meeting or, on-site at colleges and the district office or, by means of electronic communications as authorized by the Executive Board prior to the date of the vote, and any vote not taken at a general membership meeting shall be held within five consecutive calendar days following the general membership meeting at which, the matter to be voted on was on the agenda at that meeting for discussion by the members attending. Information regarding the date, times, location, and method(s) that will be used for voting in an election shall be included in the notice of the election delivered to the general membership prior to the election. When counting ballots cast by members in such a vote, should fifty percent (50%) of the valid ballots cast result in a fraction of a whole number, the fraction shall be rounded off as follows:

- (a) if the fraction is less than .5, it shall be rounded down to the next whole number.
- (b) if the fraction is .5 or more, it shall be rounded up to the next whole number.

When a majority of votes support approving or rejecting the subject being voted on, that majority position wins the vote, or if the vote results in less than a majority vote to approve or reject the subject being voted on, the subject being voted on is defeated.

Article XI - Trials and Appeals

Section 1. Who May Be Charged

Officers, Representatives and members of LRCEA may be charged with:

- a. violation of any provision of this Constitution;
- b. violation of the oath of office;
- c. gross disloyalty or conduct unbecoming a member;]
- d. the wrongful taking or retaining of any money, books, papers, or any other property belonging to LRCEA; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers or other property of LRCEA;
- e. working as a strikebreaker;
- f. the bringing of false charges against a member or officer without good faith or with malicious intent.

Section 2. Filing Charges

Charges against any officer, representative, or member;

- a. Charges against any member, officer, or representative shall be filed with the LRCEA Secretary, who shall serve a copy thereof on the accused member, officers or representative, personally or by registered or certified U.S. Mail, directed to the last known address of the accused, at least ten days before the hearing upon the charges.
- b. The Executive Board of LRCEA shall act as the trial body. The accused may appear in person and with witness to answer the charges and shall be afforded a full and fair hearing; he or she may select a member of LRCEA or an attorney to represent him/her in the presentation of the defense.

If, the accused is unable or unwilling to be present at any hearing provided for herein, his/her defense may be presented in writing.

If, in default of appearance or defense, the trial body shall proceed with the hearing regardless of the absence of the accused.

- c. if, the charges, or any portion thereof, are sustained, then the Executive Board shall render judgment and impose disciplinary action as provided for in this Constitution.
- d. In all hearings on charges, if the member filing the charges is a member of the Executive Board, he/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.

Section 3. Discipline

Disciplinary action imposed upon members, officers or representatives found guilty of charges, or any part thereof shall, relate to the rights and duties of membership and may, as the case requires, consist of reprimands, suspensions, expulsions, removal from office, deprivation of privileges or benefits, or commands to do or perform, or refrain from doing or performing specific acts.

Section 4. Appeal

Appeals from any decision of the Executive Board with respect to charges filed against a member, officer or representative, may be taken to the next regular or special meeting of the membership.

Any appeal shall be filed with the Secretary within five calendar days of the decision of the Executive Board. During pendency of such appeal, the decision appealed shall remain in full force.

The membership shall consider the appeal in the same manner as that provided for at the Executive Board level.

The action of the membership on all appeals shall be final and binding.

Section 5. Exhausting Constitutional Remedies

Subject to the provisions of applicable statutes, every member, officer and representative of LRCEA 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 against him/her, agrees as a condition of membership and the continuation of membership, to exhaust all remedies provided for in this Constitution and further agrees, not to file or prosecute any action in any court, tribunal or other agency until those specific remedies have been exhausted.

Article XII - Affiliation

Any question of affiliation of LRCEA with another labor organization shall be approved by at least two-thirds of the LRCEA members eligible to vote and who vote on the issue. Said vote shall be conducted by secret ballot at the worksites.

Article XIII - Political Action

Section 1. LRCEA Position on Legislation

LRCEA may involve itself in support or opposition to legislative, regulatory, and initiative issues that affect wages, hours, and working conditions of employees it represents.

Section 2. LRCEA Position on Political Candidates

No officer, board member, representative, member, employee represented by LRCEA, or employee of LRCEA, by act or intent shall, take any action in an official or unofficial capacity as a representative of LRCEA, that implies support or opposition by LRCEA to the political candidacy of any person or persons, without prior approval by majority vote of the Executive Board.

Section 3. Ad Hoc Committee

The President shall, when legislative, regulatory, and/or initiative issues arise affecting LRCEA, appoint a committee which shall, make a written recommendation regarding the particular issue(s) to the Executive Board, prior to the Executive Board taking action to support or oppose the issue(s).

Article XIV - Collective Bargaining and Representation

Section 1. Collective Bargaining

Pursuant to the EERA, LRCEA is exclusive bargaining representative of the white collar bargaining unit (unit) of classified employees in the district, and in this capacity negotiates with the district on behalf of employees in the unit over matters related to their wages, fringe benefits, hours of work, and other terms and conditions of their employment. When LRCEA prepares, proposes, negotiates, and/or ratifies collective bargaining agreements and amendments thereto the following shall apply:

- a. members in the unit will be requested to provide input to the Executive Board regarding new collective bargaining agreements

(contract), and such requests will be made in writing prior to the initial LRCEA proposal for a new contract being submitted to the district.

- b. members in the unit will also be requested to provide input to the Executive Board regarding provisions of existing contracts that are subject to negotiations during the term of those agreements, and this input will be requested in writing, prior to the initial LRCEA proposal on the matter being submitted to the district.
- c. during negotiations between LRCEA and the district, LRCEA will provide members with updates on negotiations as they are allowed by the EERA.
- d. when LRCEA has reached tentative agreement on all matters being negotiated with the district, those tentative agreements and a summary of what they mean will be provided to the general membership for discussion at a general membership meeting, and then voted on pursuant to this Constitution.

Section 2. Individual Member Representation

Individual member representation on matters covered by the EERA, including but not limited to grievances, evaluation, classification, and pay, is subject to terms and conditions of the current Representation Policy adopted by the LRCEA Executive Board.