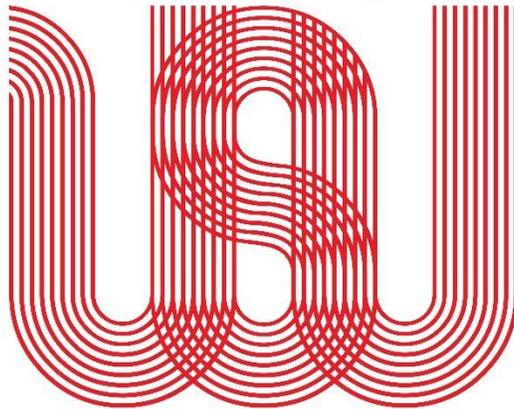


# **CONSTITUTION**

**of the**

**UNITED STAFF UNION**



**As amended  
by the**

**USU DELEGATES ASSEMBLY  
Philadelphia, Pennsylvania  
October 4-5, 2025**

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# CONSTITUTION

*of the*

## United Staff Union

### PREAMBLE

**SECTION 1.** Mission Statement: To empower the membership of the United Staff Union (hereinafter referred to as USU) through education and communication in order to promote solidarity and guarantee dignity, justice and equitable treatment on the job for each USU member through bargaining.

**SECTION 2.** USU members are dependent upon the unity necessary for the achievement of common goals such as the improvement of conditions of employment, measures of job security, human dignity and a voice in the decisions affecting them in their employment.

**SECTION 3.** Collective bargaining is the expression of citizenship that is protected by law. Through collective bargaining agreements, employees can best serve the American Federation of State, County and Municipal Employees (hereinafter referred to as AFSCME) and the members thereof, by being afforded the same benefits that they are striving to achieve for others and by establishing a stable framework for effective employee-employer relations.

**SECTION 4.** In order to best serve the interest of its members, USU hereby adopts the following primary objectives:

- A. Develop a completely democratic and open union.
- B. Negotiate and enforce collective bargaining agreements.
- C. Develop and enforce grievance procedures.
- D. Establish and maintain lines of communication among members and between members and employer.

**SECTION 5.** While working aggressively for the above goals, it is not the intent of USU to involve itself in the internal political life of AFSCME or its subordinate bodies.

### BILL OF RIGHTS

**SECTION 1.** No person eligible for membership in USU shall be denied membership. No member shall be discriminated against because of sex, race, ethnicity, color, creed, religion, age, disability, marital status, veteran status, immigration status, sexual orientation, gender identity, victim of domestic violence, ancestry, parental status, pregnancy, national origin, political belief

or affiliation, union activity, or marital/family relationship to a USU member and/or an AFSCME employee.

**SECTION 2.** Members shall be entitled to full freedom of speech.

**SECTION 3.** Members shall have the right to fair and democratic elections at all levels of USU. This shall include: secret ballot in all elections; due notice of nominations and elections; equal opportunity for competing candidates; written election rules consistent with applicable law and this Constitution; open and fair count; internal election appeals process; and a prompt written report to the members of elections and election appeals results.

**SECTION 4.** Members shall have the right to full and clear accounting of all USU funds.

**SECTION 5.** Members shall have full access to all minutes of meetings, except minutes from Executive Board meetings in executive session.

## **ARTICLE I**

### **Name and Jurisdiction**

**SECTION 1.** This organization shall be known as the United Staff Union (USU).

**SECTION 2.** This Constitution shall govern workers employed by AFSCME in USU-represented bargaining units in the following jurisdictions: (A) Headquarters Professional Staff, (B) Field Professional Staff and (C) Field Support Staff; and any other staff groups employed by AFSCME and/or AFSCME affiliates.

## **ARTICLE II**

### **Membership and Dues**

**SECTION 1.** A member in good standing shall be any person who is current in payment of dues and is employed by AFSCME, or an affiliate of AFSCME. A terminated employee who is contesting termination shall remain a member in good standing until the appeals process in the collective bargaining agreement is exhausted.

**SECTION 2.** The monthly membership dues shall be one percent (1%) of base pay.

A change in monthly membership dues shall require notice of such proposed change to be given to the members in good standing at least thirty (30) days in advance of the date on which the vote for such change is to occur. The proposed change shall become effective upon a majority vote of the members in good standing voting in a membership referendum conducted by secret ballot via mail and/or remote electronic voting system.

**SECTION 3.** No later than the day following completion of the thirtieth (30th) day of employment, each new member shall complete the authorization for dues deduction and submit

such authorization to USU for submission to the employer. Any person completing the day following their thirtieth (30th) day of employment who has been requested in writing but does not complete and submit the authorization for dues deduction to the Secretary-Treasurer shall be considered delinquent.

**SECTION 4.** Any member who is delinquent in payment of dues and/or owes dues from four (4) or more pay periods shall be notified by the Secretary-Treasurer or their designee of such delinquency by certified mail. A person shall be given two (2) weeks from receipt of certified mail and/or high priority email to complete and submit the authorization for dues deduction and/or written request for a one-time arrearage payment to the Secretary-Treasurer. If the person does not complete and submit the authorization for dues deduction and/or the written request to pay all owed dues, the Secretary-Treasurer or their designee shall immediately (1) suspend the member from good standing in USU, and (2) notify AFSCME and demand the employee's termination. A USU member will not be able to vote in any election until their dues are paid in full.

**SECTION 5.** A member suspended under Section 4 above shall be reinstated to membership in good standing upon payment of all arrearages.

**SECTION 6.** It is the responsibility of USU members to notify both their steward and the Recording Secretary of changes to their current email address, mailing address and phone number. New members should send this information to their Chief Steward and the Recording Secretary as soon as possible.

### **ARTICLE III**

#### **Delegates Assemblies**

**SECTION 1.** The Delegates Assembly is the ruling body of USU. It has the responsibility of setting the direction and policy of USU. Delegates Assemblies shall be held in odd-numbered years during the period May 1 through July 31. The Call for the Delegates Assembly shall be mailed by the end of February. The Call shall state the date, time and place of the Delegates Assembly; the number of delegates to be allocated in each jurisdiction as defined in Article I, Section 2; and procedures for submitting constitutional amendments per Article XIII, Section 2.

**SECTION 2.** For the purpose of representation at the Delegates Assembly, USU shall consist of Headquarters, Field Professional and Field Support jurisdictions. The Secretary-Treasurer shall allocate the total number of delegates for each jurisdiction based upon a formula of one (1) delegate for each five (5) members, or fraction thereof. No delegate will be allowed to carry proxy votes.

- A. The Headquarters allocation of delegates shall be elected using the 5-to-1 ratio, with a view toward representing the greatest number of departments and allowing departments to combine in order to utilize the total Headquarters allocation.
- B. The Field Professional and Field Support allocation of delegates shall be elected using the 5-to-1 ratio, with a view toward representing the greatest number of regions and allowing

regions to combine in order to utilize the total Field Professional and Field Support allocation.

- C. Elections of delegates and alternates shall be by secret ballot. There may be elected up to one (1) alternate for each delegate elected based on the allocations in Section 2(A) and (B) above. In the event a delegate is unable to participate in the Delegates Assembly, the alternate will be seated in the delegate's absence. The alternate will have no voice or vote, nor will any expenses be paid by USU, unless seated as the official delegate.

### **SECTION 3. Location.**

- A. The Delegates Assembly shall alternate between the Washington, DC, metropolitan area and a location outside the Washington, DC, metropolitan area that rotates between the AFSCME geographic regions.

### **SECTION 4. Time Frames.**

- A. No later than January 15 in odd-numbered years, the Secretary-Treasurer shall announce to the Chief Stewards the number of delegates to be allocated among the Headquarters, Field Professional and Field Support jurisdictions based on the members' home base as of December 15 of the prior year. The home base of a member on temporary assignment is defined as a member's place of residence according to the Human Resources Department as of December 15 of the even-numbered year. The Chief Stewards shall immediately convey this information to all stewards within their jurisdictions.
- B. On February 15 in odd-numbered years, the Chief Stewards shall report the allocation of delegates among the Headquarters departments, among the Field Professional regions and among the Field Support regions to the Recording Secretary who shall immediately notify all members. Within fifteen (15) working days, any aggrieved member must file a written appeal to the President. All appeals on the allocation of delegates among Headquarters departments, Field Professional regions and Field Support groupings shall be finally determined by the Executive Board prior to March 15.
- C. No later than forty-five (45) days prior to the beginning of the Delegates Assembly, the Vice President-Chief Steward in each jurisdiction shall complete the delegate election process utilizing the USU Election Manual.

**SECTION 5.** The Executive Board members, by virtue of their election to office, shall automatically be delegates to the Delegates Assembly and shall not count as part of each jurisdiction's allocation. Any outgoing officer who is not elected as a delegate shall be invited to the Delegates Assembly at USU's expense as a nonvoting participant.

**SECTION 6.** A quorum for the transaction of business at a Delegates Assembly shall be a majority of the number of delegates allotted. Adequate notice shall be given to each member of any Delegates Assembly. At the time of the Delegates Assembly Call, each member shall be

notified of the number of total delegates to which each jurisdiction is entitled by field region and departmental groupings.

**SECTION 7.** There shall be a permanent Constitution Committee, which shall consist of nine (9) members including three (3) members of the Executive Board and six (6) other members with two (2) from each jurisdiction, to serve until the next Delegates Assembly. One of the members shall serve as chair. The committee members and designation of the chair shall be elected as the first order of business of the Delegates Assembly. Vacancies shall be filled by nomination of the President and elected by majority vote of the committee. Appointments shall be from the appropriate jurisdiction.

**SECTION 8.** The Constitution Committee shall meet at each Delegates Assembly, review the Constitution, and as needed: recommend amendments to the general session of the Delegates Assembly, make appropriate changes and recommendations on each proposed amendment to the Delegates Assembly for action, and act as the interpretative body for the Constitution. The committee shall limit its interpretation to the full Constitution and the history and past practices of USU. The committee's interpretation shall be sent to the general session of the Delegates Assembly. Should the Delegates Assembly accept the interpretation by majority vote, it shall stand as the interpretation of the affected portion(s) of the Constitution until those portion(s) are changed by amendment.

**SECTION 9.** Special Delegates Assemblies may be called by the President, a majority of the Executive Board or by petition submitted to the Executive Board, provided such a petition bears signatures of one-third (1/3) of the membership. Such call shall stipulate the specific purpose for the request for such special meeting. The Special Delegates Assembly shall be held within sixty (60) days of the Call. In the event that the Special Delegates Assembly is called within six (6) months prior to the regular Delegates Assembly, the Special Delegates Assembly shall be held in lieu of the regular Delegates Assembly and the business of the regular Delegates Assembly shall be added to the agenda of the Special Delegates Assembly.

**SECTION 10.** There shall be created a permanent Organizing and Mobilization Committee charged with developing a strategic plan for member organizing, mobilization, committee recruitment and strategic communications. The Organizing and Mobilization Committee shall be open to any USU member in good standing. The committee shall not usurp the responsibilities of the Bargaining Committee, the Executive Board or the steward structure.

**SECTION 11.** The Delegates Assembly shall create any other standing Assembly committee it deems necessary to implement Assembly work — provided the committee's responsibilities reflect USU's mission and do not conflict with the USU Constitution. The Delegates Assembly, through a plurality vote, shall elect delegates to committees. As soon as practical, the Delegates Assembly shall establish committees and elect committee delegates. The USU Executive Board may suggest utilizing certain committees and suggest members to participate on certain committees for the Delegates Assembly to consider.

## **ARTICLE IV**

### **Officers, Nominations and Elections**

#### **SECTION 1. Officers, Executive Board and Trustees.**

- A. The officers of USU shall be members in good standing as defined in Article II, Section 1 and consist of a President, a Vice President-Chief Steward from each jurisdiction, a Secretary-Treasurer and a Recording Secretary. These officers shall constitute the USU Executive Board.
- B. There shall be three (3) trustees, who shall be members in good standing as defined in Article II, Section 1. The trustees shall be independent and autonomous from the Executive Board.
- C. Officers and trustees elected in 2025 shall hold office for two (2) years. Officers and trustees elected in 2027 shall hold office for three (3) years. Beginning after the 2027 election, officers and trustees shall be elected in even-numbered years and hold office for two (2) years. Officers and trustees shall hold office for the term specified in this Section and until the installation of their successors, unless removed from office as provided in this Constitution

#### **SECTION 2. Nominations and Elections of Officers and Trustees.**

- A. All elections, ratification and referenda shall be by secret ballot and in accordance with applicable law and this Constitution. Nominations of officers and trustees shall be conducted via mail and/or email. Elections of officers and trustees shall be conducted via mail and/or remote electronic voting system.
- B. The call for nominations of officers and trustees shall be sent by the Election Committee to all members in good standing in January of the election year. The election, by secret ballot, shall be held in April of the election year.
- C. Officers shall be elected by a simple majority of the votes cast. Officer elections shall be conducted by using the ranked choice system and in the event no candidate receives a simple majority of votes, then the ballots for the candidate receiving the lowest number of first choice votes will be allocated to the second choice on the ballot. This system will be followed until a candidate has received a simple majority of votes.

Trustees shall be elected by plurality, with the top three (3) vote getters being elected.

- D. Write-in voting shall not be permitted. If there is only one candidate for a given office, such candidate shall be declared elected. If the initial final ballot of any officer or trustee election results in a tie vote, there shall be a single runoff election (when necessary) involving all candidates involved in the tie. If a runoff election results in a tie vote, the winning candidate shall be determined (when necessary) by the drawing of lots in the presence (in person and/or virtually) of all candidates involved in the tie.

E. Upon the election of new USU officers and trustees, there shall be a period of transition where all information and ongoing responsibilities are exchanged. This period should be completed within two (2) weeks of the date the election is certified. The new officers and trustees will take power at the end of the two (2) weeks.

F. All officers and trustees will be sworn in with the following oath of office:

“I, \_\_\_\_\_, promise and pledge that I will perform faithfully and with honor the duties of the office which I now assume in the United Staff Union, and I will deliver 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 3. Election Committee.**

A. An Election Committee consisting of five (5) members, including at least one (1) member from each jurisdiction, shall be appointed by the new Executive Board within sixty (60) days from the date the new Executive Board takes office and will serve for a period of two (2) years. The Election Committee shall choose a chair and no member shall hold or be a candidate for office.

B. The Election Committee shall act independently and autonomously of the Executive Board and remain neutral on all issues and candidates. The Election Committee shall conduct elections in accordance with the USU Election Manual and applicable law. Where no rules or law apply, the USU Election Manual will be used. The Election Committee shall notify the membership of the results of elections within two (2) days of the vote count.

C. The Election Committee will arrange a voluntary candidate forum held no later than fifteen (15) days prior to the election period for all officer and trustee positions. Participating candidates will be given equal time to answer questions solicited from the membership. The meeting will be securely advertised to the membership via the USU website and email.

### **SECTION 4. Stewards.**

A. Regional stewards from the field jurisdictions shall be elected on the basis of a minimum of one (1) steward for each ten (10) members or fraction per geographic region. The geographic regions shall be established by the Delegates Assembly with a view of giving the broadest representation.

B. Headquarters members shall elect a minimum of one (1) steward for each department.

C. Service on the Election Committee does not preclude a USU member from being a steward. Headquarters and Field Professional stewards shall be selected by a petition signed by the majority of their department or region respectively. Field Support stewards shall be selected by a petition signed by the majority of their bargaining unit. Steward selection petitions can be submitted at any time and must be resubmitted by September 1 of odd-numbered years thereafter.

## **SECTION 5. Eligibility for Office.**

- A. To be eligible for office, a USU member must have completed their initial respective probationary period of employment with AFSCME and been a member in good standing for one (1) year immediately preceding the election. If no eligible member is nominated for a particular office, the Executive Board may waive a requirement for that office *only* and the Election Committee shall notify the membership of this decision in the renewed call for nominations.

## **SECTION 6. Vacancies.**

- A. Should the office of President become vacant, the Vice President-Chief Steward from the same jurisdiction as the vacating president shall become President. However, if the unexpired term of the President is eight (8) months or more, a special election shall be held in accordance with Article IV, Sections 1, 2, 3 and 5 for the remainder of the unexpired term.
- B. Should an officer or trustee position other than President become vacant and the unexpired term, at the time of vacancy, is eight (8) months or more, the Executive Board shall appoint by majority vote a USU member to the vacant office in an *acting* capacity until such time as the vacancy is filled following a special election held in accordance with Article IV, Sections 1, 2, 3 and 5. Should the unexpired term be for less than eight (8) months, the Executive Board shall appoint a USU member to the vacant office for the remainder of the unexpired term.
- C. Members shall be notified by the Recording Secretary within five (5) days of any officer and/or trustee appointments via email and the USU website.

## **ARTICLE V**

### **Meetings**

#### **SECTION 1. Executive Board Meetings.**

- A. Executive Board meetings shall be held at least every other month. Meetings may be held in person and/or virtually. Special meetings of the Executive Board may be called by the President or a majority of the Executive Board. A quorum for all meetings shall be a majority of the Executive Board.
- B. All Executive Board meetings shall include a report on all standing and special committees of USU.
- C. Any officer missing two (2) consecutive meetings without having been excused by the Executive Board shall be considered to have resigned.

- D. All USU members have an open and standing invitation to observe Executive Board meetings except when the Board, by a majority vote, enters executive session. Notice of such meetings and when and how members may observe shall be posted on the USU website ten (10) days in advance of all Executive Board meetings.

## **SECTION 2. Committee Meetings.**

- A. Committees shall meet at least quarterly. Committee reports of each meeting shall be provided to the Executive Board.

## **SECTION 3. Membership Meetings.**

- A. USU shall have scheduled membership meetings which shall be held in person and/or virtually. Meetings shall be called and attended by the Executive Board and conducted in accordance with *Robert's Rules of Order Newly Revised*. All USU members shall be notified of such meetings at least two (2) weeks prior by the Recording Secretary via email and posted on the USU website.
- B. There shall be no fewer than six (6) monthly union membership meetings annually with one to be held the month after the Delegates Assembly in odd-numbered years. All union meetings shall be held at a time that takes into account work time to give all members equal opportunity to attend meetings.
- C. For an official membership meeting there shall be a quorum of twenty percent (20%) of the membership.
- D. The membership shall have the right to make motions and vote on the governance of USU and all items to be voted on impacting the governance of USU shall be in the meeting agenda to give all members notice of items to be voted on.

## **ARTICLE VI**

### **Duties and Responsibilities of Officers, Trustees and Stewards**

#### **SECTION 1. The President shall:**

- A. Preside over all Executive Board meetings, membership meetings and Delegates Assemblies.
- B. Provide leadership and general direction of USU.
- C. Countersign checks drawn against the funds of USU.
- D. Appoint all standing committees and all special committees, subject to the approval of the Executive Board. The President shall solicit representatives for all standing committees and all special committees by contacting Chief Stewards for recommendations.

- E. Report periodically to the membership regarding the standing and progress of USU.
- F. Be the official spokesperson for USU.
- G. Be an ex officio member of every committee except the Election Committee.

**SECTION 2. The Vice President-Chief Stewards shall:**

- A. Assist the President in the work of the President's office.
- B. In the President's absence or inability to serve, the Vice President of the same jurisdiction as the President shall assume their responsibilities.
- C. Set up a steward network and disseminate information to stewards in their jurisdiction.
- D. Assume chief responsibility for maintenance of grievance files and make reports on grievance progress and other employee-employer relation matters for Executive Board meetings and jurisdictional meetings.
- E. In the absence of the President or Secretary-Treasurer, countersign checks drawn against the funds of USU.
- F. Be the spokesperson and representative for their respective jurisdiction within USU.
- G. Call the respective jurisdictional meetings as required by this Constitution and preside over said meetings, unless the jurisdictional meeting is called by the President, in that case, the President shall act as presiding officer.

**SECTION 3. The Secretary-Treasurer shall:**

- A. Receive and receipt for all monies of USU.
- B. Deposit all funds so received in a bank or banks selected by the Executive Board and shall be authorized to countersign checks.
- C. Act as a custodian of all properties/records of USU and maintain list of same.
- D. Keep an accurate record of receipts and disbursements and shall submit to the membership an operating report quarterly.
- E. Give a surety bond for an amount to be fixed by the Executive Board.
- F. Prepare checks for such purposes as are required by the Executive Board or the membership and is authorized to make payments of a routine nature.

- G. See that any financial reports required by the federal or state government are filed on a timely basis.
- H. Give a financial report to the Delegates Assembly.
- I. Provide a copy of dues deduction rosters to the Chief Stewards in each jurisdiction monthly.

**SECTION 4. The Recording Secretary shall:**

- A. Maintain the files for USU.
- B. Carry on all official correspondence of USU.
- C. Maintain an up-to-date mailing list and phone number for each member in each jurisdiction.
- D. Keep the minutes of all Executive Board meetings, all Delegates Assemblies and any other official meetings held by USU, and forward the minutes of such meetings to the membership within seven (7) days following approval by the Executive Board, except those of the Delegates Assembly which shall be forwarded to the membership within thirty (30) days.
- E. Mail all correspondence as directed by the Executive Board.
- F. Perform such other duties as assigned by the Executive Board.
- G. In the absence of the President or the Secretary-Treasurer, countersign checks drawn against the funds of USU.
- H. Assemble and maintain a manual including current policies and procedures adopted by USU and make copies of this manual available to all members with updated material as it becomes available.
- I. Circulate constitutional amendments and resolutions received for the Delegates Assembly at least thirty (30) days prior to the Assembly.
- J. Shall be an administrator on all official USU social media accounts.

**SECTION 5. Trustees.**

- A. The trustees shall make or cause to be made an annual audit of the finances of USU and shall see that each member receives a copy of such audit. Each annual CPA audit should be completed before October of the following year. If this does not occur, trustees shall submit an explanation to the Executive Board and provide a target when it should be completed.

- B. The Secretary-Treasurer shall provide an email to the trustees quarterly to verify that all bargaining unit members are current in their dues, including the names of individuals who owe dues.

**SECTION 6. Executive Board.**

- A. The governing body of USU shall be its members. The Executive Board shall be the governing body of USU between sessions of membership meetings and the Delegates Assembly. The Executive Board shall not have the authority to change policy established by the Delegates Assembly, and such policy shall be recorded in writing and copies maintained by each member of the Executive Board.
- B. The Executive Board shall supervise the handling of all general funds in the treasury, except payments routine in nature. The Executive Board shall report all actions taken by the Executive Board, in writing, regularly to the general membership. All checks drawn on USU funds shall have two (2) authorized signatures. The Executive Board shall have the authority to make personnel decisions and enter into contracts.

**SECTION 7.** The stewards and officers shall be responsible for representing all members in their jurisdictions through enforcement of the USU contract, handling all grievances and enrolling all employees eligible for membership in USU. Each steward shall be responsible for providing each member in good standing a copy of the current USU Constitution and current collective bargaining agreement between USU and AFSCME.

**SECTION 8.** All officers, trustees, stewards and committee members shall turn over all records and properties of USU to their successor(s) or if none, the Executive Board, upon leaving office.

**SECTION 9.** All officers, trustees, stewards and committee members shall abide by and enforce this Constitution and other policies and procedures of USU, as directed.

**ARTICLE VII**

**Mergers and Affiliations**

The President, subject to Executive Board approval, shall have the authority to explore the feasibility of merger or affiliation between USU and other labor organizations. However, mergers and affiliation shall be consummated only by a two-thirds (2/3) vote of the membership ballots cast. Balloting will be conducted by an independent, autonomous body.

**ARTICLE VIII**

**Filing of Charges**

**SECTION 1.** Charges may be filed by a member against another member or against a USU officer in their capacity. Such charges shall be filed with and heard by the Executive Board. The following and no other charges shall constitute the basis for filing charges:

- A. Violation of any provision of this Constitution.
- B. Misappropriation, embezzlement, or improper or illegal use of USU funds.
- C. Acting in collusion with management to the detriment of the welfare of USU or its membership.
- D. Any activity which assists or is intended to assist a competing organization within the jurisdiction of USU.
- E. Refusal or deliberate failure to carry out legally authorized decisions of the President, Secretary-Treasurer, Executive Board or the membership.
- F. Willful violation of a legally negotiated and approved collective bargaining agreement.
- G. Instituting or urging others to institute action outside USU, against USU or any officer of USU, without first exhausting all internal remedies within.
- H. Using the name United Staff Union in an unauthorized manner for an unauthorized purpose.
- I. Deliberately interfering with any official of USU in the discharge of lawful duties.
- J. The solicitation or acceptance of a bribe from any employer, or from any person, firm or other union which has or is seeking to establish a business relationship with USU.
- K. Knowingly submitting a false financial or audit report, or knowingly and intentionally making any false financial report or statement to any lawfully constituted body, agency or organization.
- L. Refusal or failure to carry out the constitutionally specified duties of an office. This includes all officers, trustees, stewards and committee members.
- M. Interfering with or purporting to act on behalf of the Election Committee.

**SECTION 2.** Charges shall be written and signed by the members(s) proffering the charge(s). Charges shall be filed with the Executive Board with the charged party receiving a written copy of the charges proffered. Any directly interested member(s) of the Executive Board shall be disqualified from hearing and voting on the charges. Vacancies created by those disqualified shall be filled for this hearing by disinterested steward(s).

Appeals from the decision of the Executive Board may be presented to the Delegates Assembly for final decision. If all members of the Executive Board are disqualified, a panel of five (5) disinterested stewards will be convened to hear the case.

**SECTION 3.** The Executive Board, or panel if all members of the Executive Board are disqualified, shall not have the power to impose fines. Penalties, which shall be limited to one or more of the following — a reprimand, full or partial restitution, removal from office or position, suspension from the right to hold any office or position, suspension from membership, and/or expulsion from membership — as a result of a guilty finding of charges filed may not be imposed unless such member has been:

- A. Served with written specific charges.
- B. Given reasonable time to prepare their defense.
- C. Afforded a full and fair hearing by the Executive Board, or panel if all members of the Executive Board are disqualified, as required by law.

## **ARTICLE IX**

### **Bargaining Committee and Contract Negotiations**

#### **SECTION 1.**

- A. Headquarters/Field Professional Bargaining Unit. There shall be a Bargaining Committee of five (5) members, consisting of the USU President (who shall serve as chair/chief negotiator and shall designate a recording secretary), two (2) members from the Headquarters jurisdiction of the bargaining unit and two (2) members from the Field Professional jurisdiction of the bargaining unit. In addition, there shall be a maximum of two (2) alternates from each jurisdiction.
- B. Field Support Bargaining Unit. There shall be a Bargaining Committee of three (3) members, consisting of the USU President (who shall serve as chair/chief negotiator and shall designate a recording secretary) and two (2) members from the Field Support bargaining unit. In addition, there shall be a maximum of two (2) alternates from the Field Support unit.
- C. The Headquarters/Field Professional and Field Support Bargaining Committees shall work collaboratively with each other, including documentation sharing by the recording secretaries, throughout the process of contract negotiations with AFSCME.
- D. Alternates shall attend (in person and/or virtually) all Bargaining Committee prep meetings and shall have voice but no vote. Any Bargaining Committee member or alternate who fails to attend two (2) consecutive prep meetings without having been excused shall be considered to have resigned.
- E. USU shall provide training in collective bargaining and negotiating to all Bargaining Committee members and alternates before contract negotiations begin.

- F. The Bargaining Committee may decide to enlist the assistance and support of an attorney or other professional in contract negotiations and request the Executive Board to authorize the necessary expenditures to cover such costs.
- G. If a Bargaining Committee member is unable to attend a USU-accepted bargaining session, the President may appoint a temporary replacement from the list of alternates.

**SECTION 2.** No USU member shall run for election on the Bargaining Committee if they intend to seek a position outside the bargaining unit during contract negotiations. No Bargaining Committee member shall seek a position outside the bargaining unit without first resigning from the committee.

**SECTION 3. Nomination and Election of Bargaining Committee; Alternates.**

- A. Headquarters/Field Professional Bargaining Unit. Nominations for Bargaining Committee members shall be conducted by email. Elections shall be conducted by secret ballot via mail and/or remote electronic voting system. The two (2) candidates from each jurisdiction who receive the largest number of votes shall be declared elected and the two (2) candidates (if any) from each jurisdiction who receive the next largest number of votes shall be declared alternates, with the candidate receiving the third most votes declared the first alternate and the candidate receiving the fourth most votes declared second alternate.
- B. Field Support Bargaining Unit. Nominations for Bargaining Committee members shall be conducted by email. Elections shall be conducted by secret ballot via mail and/or remote electronic voting system. The two (2) candidates who receive the largest number of votes shall be declared elected and the two (2) candidates (if any) who receive the next largest number of votes shall be declared alternates, with the candidate receiving the third most votes declared the first alternate and the candidate receiving the fourth most votes declared second alternate.
- C. Bargaining Committee nominations and elections shall be held at least nine (9) months before the expiration of the USU-AFSCME contracts. If an officer election occurs within nine (9) months prior to contract expiration, Bargaining Committee elections shall be held at the same time.

**SECTION 4.** If the initial final ballot of any Bargaining Committee (including alternates) election results in a tie vote, there shall be a single runoff election (when necessary) involving all candidates involved in the tie. If a runoff election results in a tie vote, the winning candidate shall be determined (when necessary) by the drawing of lots in the presence (in person and/or virtually) of all candidates involved in the tie.

**SECTION 5.** If a vacancy occurs on the Bargaining Committee, the President shall appoint a replacement member from the list of alternates with the first vacancy going to the alternate who received more votes. If the list of alternates is exhausted, the President may appoint up to two (2) additional alternates, as needed.

## **SECTION 6.**

- A. A USU member must have completed their respective probationary period of employment with AFSCME to serve on the Bargaining Committee or as an alternate.
- B. In the event that there are no eligible members for a vacant position on the Bargaining Committee (including alternates), the President may waive the requirement listed in Section 6(A) above for the purposes of those vacancies only.

## **SECTION 7.**

- A. The Bargaining Committee shall solicit the opinions and demands from the entire membership of the bargaining unit. The Bargaining Committee shall be responsible for setting forth the proposed contract demands, keeping in mind the order of importance as set forth by the membership of the bargaining unit.
- B. Following each bargaining session or block of sessions, the Bargaining Committee shall update the membership of the bargaining unit on the progress of negotiations.

**SECTION 8.** After the Bargaining Committee agrees to a final tentative agreement with the employer on a USU-AFSCME contract, it shall ensure the tentative agreement and a summary of important changes are distributed to all members of the bargaining unit via email and posted on the USU website. The documents shall be provided no more than fifteen (15) days after the agreement is finalized in track changes with final format identifying all additions and deleted language of the contract.

**SECTION 9.** A summary of the proposed collective bargaining agreement shall be distributed to all members of the bargaining unit for the purpose of ratification. Such ratification shall be by secret ballot cast by members in good standing of the bargaining unit with at least seven (7) days given from the date of summary distribution for return vote of ratification or rejection of the proposed agreement. The majority of the votes cast shall be required for ratification. Upon ratification, all members of the bargaining unit shall be notified and the Bargaining Committee shall sign said ratified contract.

## **SECTION 10. Strike Authorization.**

- A. Upon recommendation of the Bargaining Committee, the Executive Board will immediately direct the Election Committee to hold a strike authorization vote as expeditiously as possible. A strike shall be authorized by a secret ballot three-fourths (3/4) vote of the total membership of the bargaining unit and an affirmative vote shall empower the Bargaining Committee to call a strike.

## ARTICLE X

### Miscellaneous Provisions

**SECTION 1.** *Robert's Rules of Order Newly Revised* shall be the guide in all cases in which they are applicable and in which they are consistent with this Constitution.

**SECTION 2.**

- A. The chair of the Constitution Committee shall serve as the parliamentarian at all USU Delegates Assembly meetings and USU membership meetings. In the event that the chair is not available for a specific USU membership meeting, the USU President can appoint a temporary parliamentarian to serve in that role for a specified USU membership meeting.
- B. In the event of the vacancy of the chair of the Constitution Committee, the President may appoint a member to serve as chair until the next Delegates Assembly.

**SECTION 3.** Except to the extent specified in this Constitution, no officer of USU shall have the power to act as agent for or otherwise bind USU 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 USU except to the extent specifically authorized in writing by the President or the Executive Board of USU.

**SECTION 4.** The application of the provisions of this Constitution shall, at all times, be subject to the provisions of any applicable laws. If any article, section, subsection, sentence, clause or phrase of this Constitution is found by any court of final and competent jurisdiction to be illegal or invalid, such finding shall not affect the validity of the remaining portions of this Constitution and present a report of any changes required as a result of the court's findings.

**SECTION 5.** All policies and procedures of USU not set forth in this Constitution shall be incorporated in a Manual of Policy and Procedure adopted by the Delegates Assembly. Between Delegates Assemblies, the Executive Board may institute policies and procedures in areas not covered by the manual. These policies and procedures so instituted shall be reviewed by the next Delegates Assembly which shall accept, amend or reject them. The Delegates Assembly shall have the power to change any policy or procedure of USU after proper debate and adoption.

## ARTICLE XI

### Associate Members

Any former USU member can become an associate member, provided they are not current or departed AFSCME management. The associate membership dues shall be twelve dollars (\$12.00) per year. Associate members will have no voting rights. Associate members are entitled to attend the Delegates Assembly at their own expense as a nonvoting delegate and be entitled to all USU publications. No associate delegate shall have voting rights. USU shall issue to each former member in good standing a membership card.

**ARTICLE XII**  
**Retiree Chapter**

USU will establish a retiree chapter for retired associate members as a powerbase for continued active volunteerism on behalf of USU. A committee may be created at the Delegates Assembly to discuss issues of mutual concern.

**ARTICLE XIII**  
**Amendments**

**SECTION 1.** Amendments shall be referred to the Constitution Committee for review and recommendation no later than October 1 to be voted on by the membership no later than December 1 of the same year by secret ballot. Amendments proposed in this manner shall be passed by two-thirds (2/3) of the votes cast, except as provided in Article II, Section 2.

**SECTION 2.**

- A. The Delegates Assembly Call shall include a request for constitutional amendments.
- B. The Delegates Assembly may pass any amendment, except as provided in Section 3 below, by a three-quarters (3/4) vote of the delegates assembled.
- C. The Delegates Assembly, by majority vote, may recommend any amendment to the general membership for ratification. Amendments proposed in this manner shall be passed by two-thirds (2/3) of the votes cast, except as provided in Article II, Section 2.

**SECTION 3.** The Delegates Assembly may not amend the rate of membership dues. Such vote shall be by the membership in accordance with Article II, Section 2.