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CONSTITUTION  
of the United Staff Union (USU)

as Amended by the  
USU DELEGATES ASSEMBLY on October 7-8, 2023

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## 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, the 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 should be denied membership. No member shall be discriminated against because of race, color, creed, national origin, sex, age, religion, sexual orientation, gender identity, disability, union activity, political belief or affiliation.

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 elections appeals results.

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

SECTION 2. This Constitution shall govern the following workers: A) All Professional Headquarters Staff; B) All Professional Field Staff; C) All Field Support Staff; D) any other staff groupings that elect to join. Groups that affiliate with USU shall act as independent bodies, and shall adopt a constitution following the principles set forth in this Constitution.

## ARTICLE II MEMBERSHIP AND DUES

SECTION 1. A member in good standing shall be an employee 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.

SECTION 3. No later than the day following completion of the thirtieth (30<sup>th</sup>) 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 (30<sup>th</sup>) 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 4 or more pay periods shall be notified by the Secretary-Treasurer or designee of such delinquency by certified mail. A person shall be given two 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 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 DELEGATE ASSEMBLIES

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

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

- A. The Headquarters allocation of delegates shall be elected using the five to one ratio, with the view toward representing the greatest number of Departments and allowing Departments to combine in order to utilize the total Headquarters allocation.
- B. The Field and Field Support allocation of delegates shall be elected using the five-to-one ratio, with the view toward representing the greatest number of regions and allowing regions to combine in order to utilize the total Field and Field Support allocation.
- C. Elections of delegates and alternates shall be by secret ballot. There may be elected up to one alternate for each delegate elected, on the basis of allocations in Section A and B above. In the event a delegate is unable to participate in the Delegate 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. Time Frames.

- A. No later than January 15 in the odd numbered years, the Secretary-Treasurer shall announce to the Chief Stewards the number of Delegates to be allocated among the Field, Headquarters and Field Support jurisdictions based on the members' home-base as of Dec. 15 of the prior year. The home base of a member on temporary assignment is defined as a member place of residence according to Human Resources department as of December 15 of the even-numbered year. The Chief Stewards immediately shall convey this information to all stewards within their jurisdictions.
- B. On February 15 in the odd-numbered years, the Chief Stewards shall report the allocation of delegates among the Headquarters departments, among the Field regions and among the Field Support region to the Recording Secretary who shall immediately notify all members. Within 15 working days, any aggrieved member must file a written appeal to the President. All appeals on the allocation of delegates among Field regions, headquarters departments and Field Support groupings shall be finally determined by the Executive Board prior to March 15.

C. No later than 45 days prior to the beginning of the Delegate Assembly, the Vice President-Chief Steward in each jurisdiction shall complete the delegate election process utilizing the USU Election Manual.

SECTION 4. The Executive Board members, by virtue of their election to office, shall automatically be delegates to the Delegate 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 Delegate Assembly at USU's expense as a nonvoting participant.

SECTION 5. A quorum for the transaction of business at a Delegate Assembly shall be a majority of the number of delegates allotted. Adequate notice shall be given to each member of any Delegate Assembly. At the time of the Delegate 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 6. There shall be a permanent Constitution Committee, which shall consist of nine (9) members; three (3) members of the Executive Board, and six (6) other members, two (2) from each jurisdiction, to serve until the next Delegate Assembly. The committee members shall be elected as the first order of business of the Delegate 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 7. The Constitution Committee shall meet at each Delegate Assembly, shall review the Constitution, and, as needed: Recommend amendments to the general session of the Delegate Assembly, making appropriate changes and recommendations on each proposed amendment to the Delegate Assembly for action; 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 the Union. The Committee's interpretation shall be sent to the general session of the Delegate Assembly. Should the Delegate 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 8. Special Delegate 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 (33 1/3%) of the membership. Such call shall stipulate the specific purpose for the request for such special meeting. The Special Delegate Assembly shall be held within sixty (60) days of the Call. In the event that the Special Delegate Assembly is called within six (6) months prior to the regular Delegate Assembly, the Special Delegate Assembly shall be held in lieu of the regular Delegate Assembly and the business of the regular Delegate Assembly shall be added to the agenda of the Special Delegate Assembly.

SECTION 9. There shall be created a permanent Organizing & Mobilization Committee charged with developing a strategic plan for member organizing, mobilization, committee recruitment, and strategic communications. The Organizing & Mobilization committee shall consist of seven (7) members; one (1) from the Executive Board, two (2) from the professional headquarters jurisdiction, two (2) from the

professional field jurisdiction, two (2) from the field support jurisdiction. Elections for this committee shall be conducted at the biennial Delegate Assembly. The Committee shall not usurp the responsibilities of the bargaining committee, the Executive Board, or the Steward structure.

SECTION 10. The 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 USU's Constitution. The Assembly, through a plurality vote, shall elect Delegates to Committees. As soon as practical, the Assembly Delegates shall establish Committee and elect Committee Delegates. The USU board may suggest utilizing certain Committees and suggest members to participate on certain Committees for the Assembly to consider.

#### ARTICLE IV OFFICERS, NOMINATIONS AND ELECTIONS

SECTION 1. 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. In addition, there shall be elected three (3) trustees, who shall be independent and autonomous from the Executive Board. The Executive Board members and trustees shall be elected to two-year terms in the odd-numbered years. All Executive Board members, stewards, and committee persons shall abide by and enforce this Constitution and other policies and procedures of USU.

SECTION 2. All elections, ratification, and referenda shall be by secret ballot, and in accordance with applicable law and this Constitution. Nominations and elections of officers for USU shall be conducted via mail and/or the Internet.

- A. The call for nominations of Executive Board members and trustees shall be sent by the Elections Committee in January of odd-numbered years. The election, by secret ballot, shall be held in April of odd-numbered years. The seven (7) members of the Election Committee shall be a chair from any of the three (3) jurisdictions and at least one (1) member from each of the three (3) jurisdictions. No member of the Election Committee shall hold any office in USU.
- B. All Executive Board members shall be elected by a simple majority of the votes cast. Executive Board 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 amount 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 vote getters being elected.
- C. 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 weeks of the date the election is certified. The new executive board will take power at the end of the two weeks. In the event that a challenge or run-off election delays completion of the election process, the incumbent Executive Board member or trustee shall continue to serve in office until the election is complete or challenge resolved.

- D. At each Delegate's Assembly all elected 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.

- A. An Election Committee of seven (7) shall be appointed by the new Executive Board within sixty (60) days from the day the new Executive Board takes office and will serve for a period of two years.
- 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 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 Executive Board and all candidates of the results of elections within two days of the vote count.
- C. The Election Committee will arrange a voluntary candidate forum held no later than 15 days prior to the election period for all officer positions. Participating candidates will be given equal time to answer questions solicited from membership. The meeting will be securely advertised to membership via the USU website and email.

### SECTION 4.

- 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 Delegate 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 elections committee does not preclude a USU member from being a steward. Field and headquarters professional stewards shall be selected by a petition signed by the majority of their region or department 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 re-submitted by September 1 of the odd-number years thereafter.

SECTION 5. A member must have completed their initial probationary period to be nominated for any office.

### 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 for the unexpired term.

- B. Should an Executive Board position or trustee position other than President become vacant and the unexpired term, at the time of vacancy, is eight (8) months or more, an interim Board Member or interim Trustee shall be appointed by the majority vote of the Executive Board, and a special election shall be 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 member.
- C. Members shall be notified by the Recording Secretary within five (5) days of any appointments to the Executive Board, and the position of Trustee, by email and USU website.

## ARTICLE V MEETINGS

### SECTION 1.

- A. Executive Board meetings shall be held at least every other month. Meetings may be held by video conference or in person/hybrid. 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 the Union.
- 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 web site ten days in advance of all executive board meetings.
- E. Committees shall meet at least quarterly. Committee reports of each meeting shall be sent to USU's entire board.
- F. USU shall have scheduled membership meetings. Meetings shall be called and attended by the executive board and conducted in accordance with Robert's Rules of Order. All USU members shall be notified of such meetings by the recording secretary by email and posted on the USU website.
- G. There shall be no fewer than 6 monthly union membership meetings annually with one to be held the month after the delegate's assembly in the odd years. All union meeting notices shall be sent out to all members two weeks prior to each meeting by recording secretary. All union meetings shall be held at a time that takes into account work time to give all members equal

opportunity to attend meetings.

## ARTICLE VI DUTIES AND RESPONSIBILITIES OF OFFICERS

### SECTION 1. The President shall:

- A. Preside over all Executive Board meetings and Delegate Assemblies.
- B. Provide leadership and general direction of the Union.
- 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 the Executive Board meetings and for 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 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 Delegate 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 Delegate Assemblies, and any other official meetings held by USU, and forward to the membership minutes of such meetings within seven (7) days following approval by the Executive Board, except those of the Delegate 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, 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 Delegate Assembly at least thirty (30) days prior to the Assembly.
- J. Shall be an administrator on all official USU social media accounts.

SECTION 5. 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. The Secretary Treasurer will 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. Each annual CPA audit should be completed before October of the following year. If this does not occur, trustees shall submit an explanation to USU's board and provide a target when it should be completed.

SECTION 6. 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 Delegate Assembly. For an official membership meeting there shall be a quorum of 20% of the membership. 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. During both membership meetings and the Delegate Assembly, the USU president shall preside. The Executive Board shall not have the authority to change policy established by the Delegate Assemblies, and such policy shall be recorded in writing and copies maintained by each member of the

Executive Board. 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 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 agreements between USU and AFSCME.

SECTION 8. All officers shall turn over all records and properties of USU to their successors upon leaving office.

## 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 persons.
- M. Interfering with or purporting to act on behalf of the Elections 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 Delegate 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 shall not have the power to impose fines. Suspensions and expulsion of members as a result of findings 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 as required by law.

## ARTICLE IX CONTRACT NEGOTIATIONS

### SECTION 1.

- A. There shall be a Bargaining Committee consisting of seven (7) members. The President shall automatically be a member of the Bargaining Committee. Of the remaining six (6) committee members, two (2) shall be elected for each jurisdiction by their respective jurisdictions covered by the contract. In addition, six (6) alternate committee members shall be elected in the same manner; two (2) from each jurisdiction who shall replace the committee-person from their respective jurisdiction should such a need arise. If a temporary vacancy occurs, the President shall appoint an alternate. If a permanent vacancy occurs, the President shall appoint an alternate until a new election can be held by the elections committee, if necessary. If the list of alternates is exhausted, the President shall appoint an alternate from the list of nominees from the most recent Bargaining Committee election until a new election can be held, if necessary.
- B. If an elected bargaining team member fails to attend a union-accepted bargaining session, the President shall seat the alternate either temporarily or permanently. The alternate members shall be allowed to virtually attend all prep meetings held by the bargaining committee. Any elected bargaining team member, including alternates, who fails to attend two (2) consecutive bargaining team meetings without having been excused shall be considered to have resigned.

- C. USU shall provide training in collective bargaining and negotiating to all bargaining team members before negotiations begin.
- D. 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.

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 bargaining committee.

SECTION 3. Nomination and election of bargaining committee.

- A. Headquarters & Field Professional Unit. Nominations and elections for the four (4) committee persons and four (4) alternates shall be conducted by secret ballot. The two (2) committee persons for each jurisdiction shall be determined by the largest number of votes received, with the alternate committee persons receiving the third and fourth highest number of votes.
- B. Field Support Unit. Nominations and elections for the two (2) committee persons and two (2) alternates shall be conducted by secret ballot. The two committee persons shall be determined by the largest number of votes received, with the alternate committee persons receiving the third and fourth highest number of votes.

SECTION 4. Nomination and election of the bargaining committee shall be held at least nine (9) months before the expiration of the contracts. If an officer election is occurring within nine (9) months prior to contract expiration, bargaining committee elections shall be held at the same time.

SECTION 5.

- A. The bargaining committee shall solicit the opinions and demands from the entire membership. 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.
- B. Following each bargaining session or block of sessions, the bargaining committee must update the membership on the progress of negotiations.

SECTION 6. After a USU 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 USU members by email & USU website. The documents shall be provided to the members no more than 15 days after the agreement is finalized and all shall be provided in track changes with final format identifying all additions and deleted language of the contract.

SECTION 7. A summary of the proposed collective bargaining agreement shall be distributed to USU members for the purpose of ratification. Such ratification shall be by secret ballot 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 by the membership, all members shall be notified and the bargaining committee shall sign said ratified contract.

#### SECTION 8.

- A. Upon recommendation of the bargaining committee, the Executive Board will immediately direct the bargaining committee to hold a strike authorization vote as expeditiously as possible. A strike shall be authorized by a majority vote of the total membership covered by that agreement and an affirmative vote shall empower the bargaining committee to call a strike.
- B. Or the power to call a strike may be granted to the bargaining committee prior to the beginning of bargaining by the following procedure:

The USU delegate assembly may vote to authorize by a majority vote of the delegates a special election of the entire membership covered by that agreement to decide the question of granting the power to call a strike to the bargaining committee prior to the beginning of contract negotiations. This election shall be held prior to the start of bargaining of the contract negotiations. The power to strike shall be authorized by a majority vote of the total membership voting and an affirmative vote shall empower the bargaining committee with the authority to call a strike.

### ARTICLE X MISCELLANEOUS PROVISIONS

SECTION 1. Roberts Rules of Order, Revised, shall be the guide in all cases in which they are applicable and in which they are consistent with this Constitution.

SECTION 2. 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 3. 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 4. 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 Delegate Assembly. Between Delegate 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 Delegate

Assembly which shall accept, amend, or reject them. The Delegate 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 \$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 non-voting 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 Delegate 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.

SECTION 2.

- A. The Delegate Assembly Call shall include a request for constitutional amendments.
- B. The Delegate Assembly may pass any amendment, except as provided in Section 3, by a three-quarters (3/4) vote of the delegates assembled.
- C. The Delegate 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.

SECTION 3. The Delegate Assembly may not amend the rate of dues. Such vote shall be by the membership.