

Local 32BJ SEIU

Constitution & Bylaws

Revised 2021



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SERVICE EMPLOYEES INTERNATIONAL UNION, CLC

The English version of this document is the official document of record.

CONTENTS

SEIU Local 32BJ Constitution and Bylaws

Article	Page
Preamble	1
I Name, Jurisdiction and Purpose	1
II Membership	2
III Districts	4
IV Meetings	5
V Qualifications for Office or Position	7
VI Officers, Boards, and Delegates	8
VII Nominations and Elections	12
VIII Duties of Officers and Boards	20
IX Charges, Trials and Appeals	26
X Matters Affecting Collective Bargaining	29
XI Revenue	31
XII Committees	36
XIII No Dissolution	37
XIV No Vesting	37
XV Affiliations	37
XVI Amendments	38
XVII International Approval	39
Rules for the Submission and Debate on Motions and Proposed Bylaw Amendments	
General Membership Meetings	40
Additional Rules Related to Proposed Bylaw Amendments ..	44
Index	47

LOCAL 32BJ, SEIU

CONSTITUTION AND BYLAWS

PREAMBLE

As almost every improvement in the condition of the working people was accomplished by the efforts of organized labor and as the welfare of the members of an industry can best be protected and advanced by their united actions in one Local Union of such workers, we have heretofore organized Service Employees International Union Local 32BJ, which is chartered by the Service Employees International Union, and adopted the following amended Constitution:

Article I

NAME, JURISDICTION AND PURPOSE

Section 1. This organization shall be known as Service Employees International Union, Local 32BJ. *Name*

Section 2. This Local Union shall have jurisdiction over all workers who are employed in the property services industry, including those employed in the maintenance, operation, or upkeep of all private and public buildings, such as office, loft and apartment buildings, retail establishments, educational institutions, transit terminals, and other commercial establishments in New York City, and Nassau, Suffolk, Westchester, Sullivan, Dutchess, Putnam, Rockland and Orange Counties in New York State, New Jersey, Connecticut, Pennsylvania, Delaware, Maryland, Florida, the District of Columbia, Virginia, Massachusetts, Rhode Island, New Hampshire and such other classifications of employees and geographic areas as determined by the International Union. *Jurisdiction*

Section 3. Goals of the Union -The purpose of this Local Union shall be to develop a closer union and more complete organization of wage earners in the field under its jurisdiction and to assist its *Purpose*

members in obtaining adequate compensation for their labor and generally to seek improvement of the conditions under which they work and to promote their welfare, and generally to further the purpose and objects of the International Union.

Article II

MEMBERSHIP

Eligibility for Membership

Section 1. Only the following persons shall be eligible for membership in this organization*:

- (a) persons engaged in employment over which this Local Union has jurisdiction;
- (b) persons currently holding elective office within the Local Union;
- (c) retired members receiving a pension from any related Pension Fund;
- (d) members who have been unemployed for less than six months;
- (e) persons who have been members of this Local Union for at least twenty- five (25) years, and
- (f) employees of the Local Union not covered by the collective bargaining agreements between the Local Union and another union.

*Membership in any local union which has been merged into this Local Union shall be included in computing length of membership.

Discrimination Forbidden

Section 2. No member shall discriminate or advocate discrimination against any other member or applicant for membership on the basis of race, creed, color, religion, sex, sexual orientation, national origin, ancestry, age, gender expression, citizenship status, marital status or disability.

Obligations of Members

Section 3. Every member by virtue of membership in this Local Union is obligated to adhere to and follow the terms of the International Constitution, this Local Constitution and the working

rules promulgated in accordance with this Constitution, with respect to the rights, duties, privileges and immunities conferred by them and by statute. Each member shall faithfully carry out such duties and obligations and shall not interfere with the rights of other members.

Section 4. Every member by virtue of membership in this Local Union authorizes this Local Union to act as his or her exclusive bargaining representative with full and exclusive power to execute agreements with his or her employer governing terms and conditions of employment and to act for him or her and have final authority in presenting, processing and adjusting any grievance, difficulty or dispute arising under any collective bargaining agreement or out of employment with such employer, in such manner as this Local Union or its officers deem to be in the best interests of this Local Union. This Local Union and its officers, business representatives and agents may decline to process any such grievance, complaint, difficulty or dispute if in their discretion and judgment such grievance, complaint or dispute lacks merit.

Bargaining Representative.

Section 5. No member shall interfere with the elected officers or business representatives or business agents of this organization in the performance of their duties and each member shall, when requested, render such assistance and support in the performance of such duties as may be required of them provided that this does not interfere with their individual rights as members. Each member shall adhere to the terms and conditions of pertinent collective bargaining agreements and shall refrain from any conduct that would interfere with the performance by this Local Union of its legal or contractual obligations.

Non-Interference

Section 6. No member shall engage in dual unionism or espouse dual unionism or disaffiliation in the course of any meeting, or shall be a party to any activity to secure the disestablishment of this Local Union as the collective bargaining agent for any employee.

No Dual Unionism

Section 7. No member shall be permitted at any assembly or meeting of other members to engage in any of the conduct hereinbefore described.

Conduct at Meetings

Article III

DISTRICTS

Section 1. This Local Union shall be divided into the following geographical Districts and administrative Divisions:

Districts

(a) Districts:

1. New York Metro District: New York City and Nassau and Suffolk Counties
2. Hudson Valley District: Westchester, Sullivan, Dutchess, Putnam, Rockland and Orange Counties
3. New Jersey District
4. Connecticut District
5. Mid-Atlantic District: Philadelphia area
6. Capital Area District: Maryland, District of Columbia and Northern Virginia
7. Western Pennsylvania District
8. NCFO District
9. District 1201
10. New England District/District 615: Massachusetts, Rhode Island, and New Hampshire

Divisions

(b) Divisions:

1. Existing Divisions: Window Cleaners Division; Theatre, Amusement & Cultural Division; Commercial and Residential Divisions.
2. The Joint Executive Board may create additional departments or divisions or modify or eliminate existing departments or divisions as it determines appropriate to carry out the work of the Local Union.

Section 2. The lines and limits of said geographical Districts shall be those in existence at the time of the adoption of this Constitution, as amended, but the Joint Executive Board shall have the power to merge any Districts or to alter their lines or limits, and to create new Districts, with the approval of the membership at the next General Membership Meeting.

Boundaries of Districts

The members of the Local Union who are employed within a geographical District shall be considered members in the District.

Members of Districts

Article IV

MEETINGS

Section 1. General Membership Meetings of the Local Union shall be held 12 times each year at such times as are set by the President as follows:

General Membership Meetings

- (a) two times each year within the New York Metro District for all members of that District;
- (b) two times each year within each of the following Districts for the members of each of those Districts: New Jersey District, Hudson Valley District, Connecticut District, Mid- Atlantic District, Capital Area District, Western Pennsylvania District, District 1201, and New England District/District 615.

The President may, at his discretion, call for the General Membership Meeting within any District at more than one location, or the District Meeting at more than one location, provided that any member shall vote only once at each meeting.

The President may, at his discretion, schedule General Membership Meetings at other locations within any General Membership Meeting cycle in order to ensure that all members have an opportunity to participate.

Members shall vote on any motion before the general membership at the General Membership Meeting for their District or area. Members may

Voting

attend General Membership Meetings outside the meeting for their District in accordance with rules established by the Joint Executive Board.

Special Membership Meetings

Special General Membership Meetings of the Local Union may be called at any other time by direction of the Joint Executive Board.

Quorum

To constitute a quorum for the transaction of all business requires 200 members in good standing at the New York Metro District meeting and 500 members in good standing considering those present at the meetings in other Districts or areas in one cycle together.

Order of Business

The President shall determine the Order of Business for the General Membership Meeting.

District Meetings

Section 2. Each District shall hold a meeting of its membership which shall be closed to members of other Districts except the members of the Joint Executive Board, or their invitees, at least four (4) times each year, on such dates as the President determines.

Quorum

Fifty (50) District members in good standing shall constitute a quorum.

Order of Business

The President shall determine the Order of Business in consultation with the Joint Executive Board.

Voting

No District may, as part of its Order of Business, vote the calling of a strike.

All recommendations adopted at District meetings shall be transmitted to the Joint Executive Board by the District officers for its determination thereon. The District officers shall report the determinations of the Joint Executive Board at the following District meeting. District Meetings may be held on the same dates as General Membership Meetings.

Shop Steward Meetings

Section 3. Shop steward meetings shall be held at such times as the President determines.

Rules for Meetings

Section 4. Meetings shall be governed by the Manual of Common Procedure and Rules of De-

bate set forth in the Constitution and Bylaws of the International Union, except as modified by the Joint Executive Board, or this Constitution and Bylaws. Every member shall follow and be subject to such rules governing debate at all meetings of this Local Union.

Section 5. Any member in good standing who wants to present a motion (not otherwise inconsistent with these bylaws) at a General Membership Meeting shall first submit the motion in writing to the Joint Executive Board. Any such motion the Joint Executive Board does not adopt at its next meeting shall be submitted, in accordance with Rules established by the Joint Executive Board, along with the Joint Executive Board's recommendation to the next cycle of General Membership Meetings. A motion shall be carried by an affirmative vote of a majority of the members present at those meetings, taken as a whole.

Motions

Section 6. Actions of the General Membership Meeting shall be communicated to the membership through the Local Union's publication, website or other appropriate means.

Communication to Members

Article V

QUALIFICATIONS FOR OFFICE OR POSITION

Section 1. No person may be nominated for any office or any other post or position requiring election under this Constitution and Bylaws nor shall any person be appointed to fill any vacancy in any office, post or position who has not been a member in continuous good standing for a minimum of two years in the Local Union prior to nomination; provided that, due to complications presented by the COVID-19 pandemic, members who have paid dues in the months March 2020 through December 2021, but who did not pay those dues in the month in which they were due, shall not be considered to lack continuous good standing, despite such late payments, provided that all dues for such months shall have been paid by the date of nomination. In addition no person may be nominated for any office, or any other post

Qualifications for Office

or position requiring election under this Constitution and Bylaws, who has held office in or has been employed by any labor union other than Local 32BJ at any time during a period of three years prior to such nomination or election. The meaning of labor union exclusive of Local 32BJ in this section shall include any other International Union and its locals, but exclude the Service Employees International Union, its locals, the American Federation of Labor- Congress of Industrial Organizations, any State Federation, any State or City central organization, or any Council with which this Local Union is affiliated.

No person who has been convicted of a felony as defined in Section 504 of the Landrum-Griffin Act (or an indictable offense in Canada) shall in accordance with the provisions of applicable law be eligible to hold office in this Local Union.

Good Standing **Section 2.** Good standing requires the payment of dues, assessments, if any, and other charges owed to the Local Union within the month that they are due.

District Board Members **Section 3.** In addition to the qualifications under Section 1 of this Article, a District Board member must be employed in a building in his or her District.

District Leaders and Assistant District Leaders **Section 4.** District Leaders and Assistant District Leaders may be employed in buildings in their District and need not be salaried officials or employees of the Local Union, although they shall be compensated for their attendance at meetings.

Retired Members **Section 5.** Retired members paying less than the full dues required for working members of the Local Union shall not be eligible for nomination as an officer, member of the Executive Board, delegate, or any other office in the Local Union.

Article VI

OFFICERS, BOARDS AND DELEGATES

Union Officers **Section 1.** The officers of this organization shall be (a) the President, the Secretary-Treasurer, the

Assistant to the President, seven (7) Executive Vice Presidents, and five (5) Vice Presidents, who shall be the Executive Officers of this Local Union, and who shall be elected by the general membership at the regular election, (b) District Leaders, Assistant District Leaders and District Board Members who shall be elected from the membership employed in their Districts, except for NCFO District, at the regular election, and, as determined by the Secretary-Treasurer, an additional Board Member for every 2,000 members over 5,000 employed within the District, except that (i) the New York Metro District membership shall elect eight (8) District Leaders, eight (8) Assistant District Leaders, and an additional District Board Member for each 2,000 members over 31,000 members employed in the District, and (ii) The NCFO District membership shall elect a Vice President, two (2) District Board Members, and, as determined by the Secretary-Treasurer, an additional Board Member for every 2,000 members over 5,000 members employed within the District, and all NCFO District members who satisfy the requirements of Article V, section 1, may be eligible for NCFO District Board Member positions notwithstanding Article V, section 3 above; and, (c) Twelve (12) At-Large Executive Board Members who shall be elected by the general membership at the regular election, and all members of the Local Union who satisfy the requirements of Article V, section 1 may be eligible for the At-Large Executive Board Member positions, except that one (1) At-Large Executive Board Member shall have the additional qualification of being either employed as a window cleaner or an employee of the Local Union assigned to the Window Cleaner Division.

Section 2. Joint Executive Board

- (a) The Joint Executive Board shall consist of the officers described in Section 1. *Joint Executive Board*
- (b) The President, with Joint Executive Board approval, shall have the authority to create new Executive Officer and Executive Board positions, in connection with mergers or to meet other needs of the Local Union, subject to membership approval. *New Executive Officer and Executive Board Positions*

Section 3. District and At-Large Board Members

Disqualification of District Board Member (a) If a District Board Member changes employment from a building within the District in which he or she was elected to a building in another District, or if he or she or an At-Large Board Member (holding office prior to the 2009 regular election) is appointed to a full-time paid position in the Local Union, he or she shall automatically vacate his or her position.

Compensation (b) District Board Members and At-Large Board Members shall be compensated for attendance at Joint Executive Board meetings in an amount to be determined by the Joint Executive Board.

Section 4. Board of Auditors

Board of Auditors (a) A Board of Auditors of three (3) members shall be elected by the membership at the regular election.

Compensation (b) Members of the Board of Auditors shall be compensated in an amount to be determined by the Joint Executive Board.

Section 5. Grievance Board

Grievance Board (a) Commencing in the 2009 regular election, each District membership, except NCFO District, shall elect one (1) member to the Grievance Board, and the New York Metro District shall elect eight (8) members to the Board.

Disqualification of Grievance Board Member (b) There shall be a Grievance Board composed of three (3) members elected from the District membership and any other member of the Local Union, who may be one of the Executive Officers, appointed by the President of the Local Union with the approval of the Joint Executive Board, who shall act as Chairperson of the Grievance Board.

(c) If a member of the Grievance Board changes employment from a building within the District in which he or she was elected to a

building in another District, or if he or she is appointed to a full-time paid position in the Local Union, such Grievance Board member shall automatically vacate his or her position.

- (d) Grievance Board members shall be compensated for attendance at Board meetings in an amount to be determined by the Joint Executive Board.

Compensation

Section 6. In the event of a vacancy in the office of President, due to death or permanent disability, the Secretary-Treasurer shall assume the duties of the office until a successor has been named. In the event of resignation, the Secretary-Treasurer shall act as President pro tem. Within sixty (60) days of the occurrence of a vacancy in the office of the President, there shall be a special meeting of the Joint Executive Board for the purpose of electing a President to fill the unexpired term. A President shall be elected by a majority vote of the Joint Executive Board and shall assume all duties of the President forthwith.

Vacancy in Office of President

Section 7. In the event that a vacancy occurs in any office or elected position other than the President's, the unexpired term of such vacancy shall be filled by appointment of the President subject to approval by a majority vote of the Joint Executive Board at a regular meeting of the Board within ninety (90) days of the vacancy.

Other Officer Vacancies

Section 8. In the event that an At-Large Board Member position or an Executive Office other than the President's becomes vacant, the Joint Executive Board may abolish that office or position, or, if an Executive Office, combine its duties with that of another Executive Office.

Section 9. None but delegates duly elected in accordance with all applicable statutes and the provisions of this constitution and bylaws shall be eligible to represent the Local Union at the International convention or be entitled to vote. All officers of the Local Union elected in conformity with all applicable statutes shall by virtue of such election be considered to be eligible delegates to any International convention which may take place during their term of office. If at the time of

Delegates to International Convention

the receipt of the convention call it shall appear that such number of elected officers is less than the number of delegates which the Local Union will be entitled to at any International convention, then arrangements may be made at the option of the Joint Executive Board for nomination and secret ballot election, if required, of an additional number of eligible members as convention delegates. Nominees for such position, if unopposed, shall be deemed elected without necessity for further procedures.

Designation of Shop Stewards

Section 10. Shop Stewards shall be designated in a manner and for such time as determined by the Joint Executive Board. Their duties shall be defined by the Joint Executive Board.

Article VII

NOMINATIONS AND ELECTIONS

Section 1. Nominations.

Nomination Petition

- (a) The Joint Executive Board shall establish the date on which by close of business (“the Nomination Date”) nomination petitions for elected officials and officers shall be submitted to and received by the Secretary-Treasurer. The Nomination Date shall be not less than fifteen (15) calendar days nor more than sixty (60) calendar days before the election. Every candidate must submit to the Secretary-Treasurer a written statement, containing the candidate’s Social Security number, and indicating his or her willingness to become a candidate for the office by the Nomination Date or promptly thereafter.
- (b) The election of officers and other elected officials shall be made from among those persons nominated. Nominations shall be made in written petition which shall designate the name of the person and/or persons nominated and the office and/or offices sought by the nominee and/or nominees.

The nomination petition must include signatures of at least one hundred (100) members in good standing in the District when a person and/or persons is being nominated to a District Officer, Trial Board Member and/or Grievance Board Member position and/or position in a District which has fewer than five thousand (5,000) members.

The nomination petition must include signatures of members in good standing of at least two percent (2%) of the membership of the District, as determined by the Secretary-Treasurer when a person and/or persons is being nominated to a District Officer, Trial Board Member and/or Grievance Board Member position and/or positions in a District which has more than five thousand (5,000) members.

***Signatures –
District***

The nomination petition must include signatures of members in good standing of at least two percent (2%) of the membership, as determined by the Secretary-Treasurer, up to a maximum of 1,500 signatures, when a person and/or persons is being nominated for an Executive Officer, At Large Executive Board Member, or Board of Auditors position and/or positions. The nomination petition may be presented to the Secretary-Treasurer by registered or certified mail (and shall be deemed received by the Secretary-Treasurer upon actual receipt) or by hand delivery prior to the Nomination Date. No petition will be valid if not presented to the Secretary-Treasurer prior to the Nomination Date.

***Signatures –
At Large
Offices***

Each page of the nomination petition must be dated and signed by the member who witnessed the signatures of the petitioners. The witness must also insert the last four (4) numbers of his/her Social Security number. Such date shall be the date upon which the signing member witnessed the signatures of the petitioners.

The nomination petitions must be dated no earlier than thirty (30) calendar days prior to the Nomination Date. The nomination petition shall include the signatures of the members, the last four (4) numbers of their Social Security numbers, and date signed.

***Alternative
Petitioning
Processes***

In recognition of the limitations on social interaction which are present in public health crises like the COVID-19 pandemic of 2020-21, the Joint Executive Board, in a meeting to be held at least six months before the date of election, may in its discretion adopt an alternative petitioning process to be composed of both of the following two methods:

(1) A petitioning process that is conducted electronically, so that members may enter their own names on candidates' petitions online. Such online petitioning will be managed by a vendor chosen by the Joint Executive Board. The Joint Executive Board shall prescribe rules with respect to verifying the identity of members who enter their names on online petitions and with respect to permitting candidates the opportunity to review the entries on petitions supporting their candidacies. Online petitions may be reviewed by the Election Committee and its representatives to determine whether candidates have met nomination requirements. All materials shall be preserved for as long as is required by law. The vendor shall ensure that the petitions are available for access and signing only during the 30-day petitioning period prior to the nomination date.

-AND-

(2) A petitioning process that permits candidates to secure members' on paper petitions during the thirty-day petitioning period. Such petitions must state the name of the candidate or candidates seeking office, and the office the candidate or candidates is seeking. Each member's signature must be accompanied by at least two of the following: the signing member's unique Union-assigned identification number; the member's date of birth; and the last four digits of the member's identification number. Paper petitions must be submitted to the Secretary-Treasurer by registered or certified mail (and shall be deemed received by the Secretary-Treasurer upon actual receipt) or by hand delivery prior to the Nomination Date. No petition will be valid if not presented to the Secretary-Treasurer prior to the Nomination Date.

If the Joint Executive Board adopts this alternative petitioning process, the provisions on witness signatures shall not be required. In determining whether the candidate has met the required number of signatures for nomination, both the signatures of those members who signed electronic petitions and the names of members who signed paper petitions shall be considered, but duplicate signatures shall only be counted once.

- (c) No member or candidate for nomination shall be eligible to hold two (2) offices in the Local Union or run for more than one (1) office in the Local Union at any one time. ***One Office Limitation***
- (d) No candidate (including a prospective candidate) for any office in the Local Union or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the International Union. ***No Non-Member Support***

Section 2. Regular Election

- (a) Regular elections shall be held on the third Thursday of September every three (3) years. ***Regular Election***

The terms of office shall commence on the first Wednesday of October following the election.

- (b) Regular elections shall be by a secret ballot, as required by provisions of applicable law, and by voting machine or other appropriate technology, or mail ballot, as determined by the Joint Executive Board, in any such election in which there is a contest. ***Secret Ballot***

All elections for Election Committee or Negotiating Committee members or other votes shall be by voice or standing vote as provided for in the Manual of Common Procedure, or such other procedure as determined by the Joint Executive Board.

Voice or Standing Vote

- (c) At any regular election at which unopposed candidates have been nominated for all the Executive offices, At-Large Board Members and the Board of Auditors, the nominees ***Candidates Unopposed***

for said Executive offices, At-Large Board Members and the Board of Auditors shall be deemed elected without the necessity for any further procedure. In such a case, in any District where unopposed candidates have been nominated for all the District offices, all the nominees for said District offices shall be deemed elected, without the necessity for any further procedure. The Chairperson of the Committee on Elections shall certify to the Joint Executive Board the names of all the persons so elected.

More Than One Candidate

However, if there be more than one (1) candidate for any of the Executive offices, At-Large Board Members, or Board of Auditors to be filled at a regular election, all candidates, including those for district offices, whether opposed or not, shall appear upon the voting devices or ballots, and, likewise, if there be more than one candidate for any office to be filled in a District, all candidates of such District, whether opposed or not, shall appear upon the voting device or ballot of that District.

Special Elections and Referendums

Section 3. Special elections and referendums shall be held at times and places directed by the Joint Executive Board.

Section 4.

Candidate With Most Votes

(a) An election shall be decided for the candidate receiving the most votes.

Voting Procedures

(b) On Election Day each member shall be required to present his/her membership card and/or some form of picture identification and/or other identification acceptable to the Committee on Elections, or in a mail ballot, comply with procedures established by the Joint Executive Board or the Election Committee. Failure to comply with the requirements of this section will make a member ineligible to vote.

The Committee on Elections or its designee shall provide on request a voting receipt to a member who has voted.

- (c) The Joint Executive Board shall provide for adequate voting locations for the holding of elections throughout the Local Union, with at least one (1) adequate location for holding of the elections in each District where voting is in-person. ***Voting Locations***

Section 5.

- (a) Regular elections shall be held under the supervision of a Committee on Elections, which shall elect its Chairperson. The Committee shall consist of one (1) member who shall not hold office or employment in the Local Union from each District elected at the District meetings held not earlier than ninety (90) calendar days or later than thirty (30) calendar days before the election, except that the New York Metro District shall elect eight (8) members. Members of the Committee on Elections shall not be candidates for office in the election. The Joint Executive Board shall establish the date or dates of the District meetings at which the Committee on Elections shall be elected. *In light of the difficulties presented by the 2020-21 pandemic, the Committee on Elections elected to supervise the 2018 election of officers shall also supervise the 2021 election of officers. If any member of the 2018 Committee on Elections is not able or not willing to serve on the Committee on Elections supervising the 2021 election of officers, that position shall be deemed vacant and shall be filled by another member from the same district appointed by the Joint Executive Board.* ***Committee on Elections***
- (b) It shall be the duty of the Committee on Elections to set up adequate safeguards to ensure a safe and fair election including the right of a candidate to have an observer at the polls and at the counting of the ballots. At the conclusion of the voting, the Committee on Elections shall tally the votes and certify in writing the results.
- (c) The Committee on Elections may make rulings on challenges and on all matters involving the conduct of the election and the ***Challenges***

polling of the vote, about which it may consult the Local Union's counsel. The decision on any question by a majority of the Committee shall be binding.

The Committee on Elections shall establish the procedure and time period by which complaints regarding the conduct of the election or tabulation of the vote shall be made, and the procedure by which such complaints shall be ruled on by the Committee.

Complaints

Section 6.

Waiver of Challenge

(a) It shall be the duty of all members having a challenge or complaint to make it before the contested vote is cast. Failure to do so shall constitute a waiver of the challenge or complaint.

Appeals

(b) Any member of this union who has been declared ineligible to run for office or who wishes to appeal the decision of the Committee on Elections regarding the outcome of an election may, within 48 hours of the decision rendered by the Committee on Elections, file a written appeal with the President. Said appeal shall be sent by registered or certified mail or may be delivered by hand. The appeal shall set forth in detail the reason or reasons why the member believes that the decision of the Committee on Elections should be reversed.

The President shall present any appeal received, as set forth above, to the Joint Executive Board at its next regular meeting; provided that said meeting is scheduled no later than two (2) weeks from receipt of the appeal. In the event that the next regularly scheduled meeting is more than two (2) weeks from the date of receipt of the appeal, a special meeting of the Joint Executive Board shall be called within two (2) weeks.

The Joint Executive Board shall hear the appeal and render a decision by majority vote.

No Write-Ins or Proxies

Section 7. Write-in candidates and proxy voting shall not be permitted in any election for an offi-

cer, member of the Executive Board, delegate or any other office in the Local Union.

Section 8. Installation shall be the first order of business after the reading of the minutes of the executive board meeting to be held on the first Wednesday of October following the election. Every officer shall take the oath of office.

***Installation of
Officers***

Section 9. In the event that a candidate for Executive Office dies before the Election, the following shall apply:

***Death of
Executive
Office
Candidate***

- (a) If the candidate was the incumbent officer in the position for which he or she was the candidate, then the election for that position shall be cancelled. Upon the installation of the other officers or officials elected in the election, there shall be within 90 days following the installation, a new nomination and special election conducted for that position for which the prior election was cancelled, in accordance with the provisions of this Article.
- (b) If the candidate was not an incumbent officer for the position for which he or she was the candidate, and there is a candidate who is the incumbent officer for the position being sought, then the election for that position shall proceed, notwithstanding the death of the non-incumbent candidate. Upon the installation of the candidate elected to that position, there shall be within 90 days a new nomination and special election conducted for that position, in accordance with the provisions of this Article.
- (c) If no candidate in the contest for a position in which a candidate died was the incumbent officer in that position, then the procedure set forth in paragraph (a) above shall apply.

For the purpose of this provision, the term “candidate” shall be any member qualified to run for office who prior to his/her death has submitted to the Local Union a statement of willingness to run and a nomination petition including sufficient number of signatures to be nominated for the respective office or position.

Article VIII

DUTIES OF OFFICERS AND BOARDS

President

Presiding Officer

Section 1. The President, or his designee, shall preside at the meetings of the general membership, any district meeting at which he or she shall occupy the Chair, meetings of the Joint Executive Board, in accordance with this Constitution, the International Constitution, and any applicable parliamentary rules, and shall perform the duties pertaining to the office.

The President shall have general supervision and direction over the affairs of the Local Union.

Authority to Appoint Professionals

The President shall have authority to retain counsel, accountants and other professional staff or consultants as he or she may deem necessary for the Local Union, and to determine their compensation.

Authority to Appoint Business Agents, Organizers and other Staff

The President shall have the authority to appoint and supervise the staff of the Local Union, including business agents and organizers, and to delegate such supervision to his designees.

Authority to Appoint Committees

The President shall, with approval of the Joint Executive Board, appoint such committees which in the President's judgment would help promote the general good of the organization. The President shall be a member ex officio of all committees, except the Committee on Elections and the Trial Committee.

Authority to Appoint Non-Elected Delegates

The President shall appoint all non-elected delegates to other labor organizations with which the Local Union is affiliated.

Authority to Call Special Meetings

The President shall have the power to call special meetings of the Joint Executive Board and of the Districts.

Authority to Cast Deciding Vote

The President shall cast the deciding vote on all questions of equal division.

The President may suspend any officer of the Local Union for neglect of duty, or a breach of his or her duties, or of the Constitution of the Local Union or of the International, immediately upon the filing of formal charges. Such suspension shall be limited to a period not to exceed thirty (30) days and must be reviewed within thirty (30) days of such suspension by the Joint Executive Board at a regular or special meeting called for such purpose which may continue the suspension pending trial.

***Authority
to Suspend
Officers***

The President may dismiss any member of the staff or personnel of the Local Union. In case of defalcation or misappropriation of funds, the President shall at once proceed legally to collect on the surety bond. The President shall counter-sign or authorize, in writing, another Executive Officer other than the Secretary-Treasurer to sign all checks issued by the Secretary-Treasurer.

***Authority to
Dismiss Staff***

The President shall have authority to decide on all points of law submitted to him and to interpret the Constitution and Bylaws.

***Authority
to Interpret
Constitution
and Bylaws***

Section 2. The Secretary-Treasurer shall only preside over Local Union meetings when directed by the President.

***Secretary-
Treasurer***

The Secretary-Treasurer shall receive all monies of the Local Union and deposit the same in appropriate financial institutions. The Secretary-Treasurer shall have charge of the official seal. The Secretary-Treasurer shall draw and sign or authorize in writing another Executive Officer other than the President to sign all checks covering expenditures of the Local Union, upon the co-signature or approval of the President. The Secretary-Treasurer shall keep a record of the membership of the Local Union and report to the President and the Joint Executive Board upon request.

***Safeguarding
of Money***

The Secretary-Treasurer shall make regular financial reports to the Joint Executive Board certified by a Certified Public Accountant, and report the financial condition of the Local Union at each regular membership meeting.

***Financial
Reports***

The Secretary-Treasurer shall make an annual report, certified by a Certified Public Accountant, which shall be published in the Local Union's publication, website or otherwise be made available to the membership.

The Secretary-Treasurer shall promptly forward to the International Secretary-Treasurer copies of all annual audit reports and copies of all financial reports setting forth a statement of assets and liabilities and a statement of receipts and disbursements which are required by law. The Secretary-Treasurer shall maintain an adequate bookkeeping system for the performance of the functions of the office.

***Retention of
Financial
Records***

All records of the Local Union pertaining to income, disbursements and financial transactions of any kind whatsoever must be kept for a period of at least six (6) years or longer if required by applicable law.

***Maintenance
of Membership
Records***

The Secretary-Treasurer shall forward to the International Secretary-Treasurer an accurate record of all dues payments and other revenues, and such membership and other information as provided for in the International Constitution, and shall provide the same membership list to the state council(s) with which this Local Union is affiliated. At the end of his or her term of office, the Secretary-Treasurer shall turn over to his or her successor in office all books, monies, property and other assets of the Local Union in his or her keeping. His or her books and records shall be available for inspection by the Joint Executive Board.

The Secretary-Treasurer or his/her designee shall attend all general membership meetings of the Local Union and of the Joint Executive Board and keep accurate minutes thereof. The Secretary-Treasurer shall, upon direction of the President, call meetings of the Joint Executive Board, the general membership, and the Districts. The Secretary-Treasurer shall notify the International Union of the names and addresses, including zip codes, of officers elected to office, within fifteen (15) days after election. The Secretary-Treasurer shall, at the end of his or her term

in office, turn over to his or her successor in office all books, property and other belongings of the Local Union in his or her keeping. The Secretary-Treasurer's records shall be available for inspection by the Joint Executive Board.

Section 3. The Assistant to the President shall be under the direction of and shall assist the President. *Assistant to the President*

Section 4. The Executive Vice Presidents and the Vice Presidents shall be under the direction of and shall assist the President. *Executive Vice Presidents and Vice Presidents*

Section 5. The District Leader shall preside at District meetings. The Assistant District Leader shall preside in the absence of the District Leader. The President, or any Executive Officer that he or she designates, shall have the privilege to preside. The President shall designate a District Leader to preside at the New York Metro District Meeting. The District Leader or Leaders shall represent his or her District on the Joint Executive Board. He or she or they shall make reports to the Joint Executive Board of all matters affecting the District and place before it for decision the problems of the District. *District Leader*

Section 6. The Assistant District Leader shall act as Secretary of his or her District meeting. In the Assistant District Leader's absence, the District Board Member shall act as Secretary. The Assistant District Leader shall likewise be a representative of the District to the Joint Executive Board and place before it for decision the problems of the District. *Assistant District Leaders*

Joint Executive Board

Section 7. Consistent with the responsibilities and powers given in this Constitution to the Executive Officers, the Joint Executive Board shall discuss all problems relating to the administration of the Local Union and reported to it from the various Districts, and make such directions with regard to the Local Union's administration as it may determine. It shall generally take all steps it deems necessary in all matters involving the interests of the industry and the good and welfare of the Local Union. Its actions and determinations shall be *Administration*

operative and in force unless modified or reversed by a vote of the membership at general membership meetings as provided for in this Constitution.

***Determines
Compensation***

Upon and with the recommendation of the President and Secretary-Treasurer, it shall determine the amount of compensation to be paid to employees of the Local Union and to members of Boards, Committees and delegates. It shall fix the salaries of paid Executive Officers and District Officers, if employed by the Local Union, and business agents, delegates and organizers.

***Hears
Appeals and
Convenes Trial
Committee***

It shall hear and determine appeals from decisions of the Trial Committee and in the first instance whether charges filed are frivolous and whether a Trial Committee shall be convened. No District shall be permitted to have or maintain another office or keep records pertaining to the Local Union or any of its members at any place but the Local Union's office unless designated by the Joint Executive Board.

***Authority to
Recommend
General Strike***

The Joint Executive Board may recommend a general or other extensive strike to the entire membership but before any such strike may be called, such recommendation must be approved by the membership at a general or special meeting of the Local Union and notice provided to the International Union. It shall require an audit of the finances of the Local Union by a Certified Public Accountant.

Bonding

All Officers and employees required by law to be bonded shall be bonded in an amount and in the manner required by applicable provisions of law. Premiums shall be paid by the Local Union.

The International Secretary-Treasurer may direct the increase or decrease in the amount of the bond when he or she deems it necessary and advisable and may direct bonding of the Local Union even if not required by statute to secure a bond.

Meetings

For the transaction of its business, the Joint Executive Board shall meet at least nine (9) times a year, or upon the call of the President. In between scheduled Joint Executive Board meetings, when the President deems it necessary for the

Joint Executive Board to act promptly, the Secretary-Treasurer shall poll the Joint Executive Board, and such action and vote may be taken by letter, facsimile, telephone or any other appropriate means of communication. Such action so taken on vote of the majority of the Joint Executive Board shall constitute official action of the Joint Executive Board.

A majority of the Executive Board shall constitute a quorum. Decisions of the Joint Executive Board shall be decided by a majority of those members present, except as otherwise provided in this Constitution.

Quorum

Actions of the Joint Executive Board shall be published in the Local Union's publication, on the Local Union's website, or by other methods of communication to the membership.

Actions Published

Board of Auditors

Section 8. The Board of Auditors shall, with the aid of the Local Union's certified public accountant, examine into and report the entire assets and property owned by the Local Union at least twice every year. The Board of Auditors shall elect a Chairperson from its membership.

Report on Assets

Section 9. In accordance with the procedures adopted by the Grievance Board, and approved by the Joint Executive Board, any member dissatisfied with the disposition of his or her complaint or grievance in any department of the Local Union, or by any official thereof, may appear before the Grievance Board to request a re-examination and redistribution of the complaint.

Grievance Board

The Grievance Board shall hold a hearing at which all persons involved in the disposition of the matter will be given an opportunity to appear. It shall then report its recommendations and findings to the Joint Executive Board for its action upon the matter.

Grievance Board Hearing

The Chairperson of the Grievance Board shall convene the Board as necessary.

Sergeants-at-Arms

Section 10. The Sergeants-at-Arms shall attend the door of the meetings of the Local Union, assist the Chairperson when called upon in preserving order and perform such other duties as may pertain to their office or which the Local Union or the President may direct.

Article IX

CHARGES, TRIALS AND APPEALS

Filing Charges

Section 1. All charges against a member or any officer of the Local Union shall be presented in writing to the Secretary-Treasurer within one (1) month after the act or actions complained of occurred, unless the charge involves misappropriation, bribery or extortion when it must be presented within one (1) month of its discovery.

Trial Committee

The Secretary-Treasurer shall call the charges to the attention of the Joint Executive Board at its next meeting, which shall make provision for the setting up of a Trial Committee as described herein.

Written Notice of Hearing

The Secretary-Treasurer shall give to all parties involved at least ten (10) days written notice of the time and place of hearing on the charges, and shall serve a copy thereof on the accused, either personally or by registered or certified mail, directed to the last known address of the accused at least ten (10) days before the hearing upon the charges. If any of the parties involved fail to appear, a hearing may nevertheless take place upon the charges, or they may be dismissed.

Specificity Requirement

The charges must state which subsections of this Article or the International Constitution the charging party believes have been violated. The charges shall specify the nature of the offense, the provision(s) being violated, the date, time, and place of the occurrence and any further details necessary to enable the accused to prepare a proper defense. Charges not sufficiently specific or otherwise facially defective may be summarily dismissed by either the Joint Executive Board or the Trial Committee.

Section 2. In order to ensure members' protection from the filing of frivolous Charges, the following procedures shall apply. A member or officer, as the case may be, may be charged with: *Bases for Charges*

- (a) Violation of any specific provision of this Constitution and Bylaws or that of the Service Employees International Union.
- (b) Violation of the oath of loyalty to the Local Union and the International.
- (c) Violation of the oath of office.
- (d) Gross disloyalty, or conduct unbecoming a member.
- (e) If an officer, gross inefficiency which might hinder and impair the interests of the Local Union or of the International.
- (f) Financial malpractice.
- (g) Engaging in corrupt or unethical practices or racketeering.
- (h) Advocating or engaging in dual unionism or secession.
- (i) Violation of democratically and lawfully established rules, regulations, policies or practices of the International Union or of the Local Union.
- (j) The wrongful taking or retaining of any money, books, papers or any other property belonging to the International or the Local Union; or the wrongful mutilation, erasure, destruction of any books, bills, receipts, vouchers, or other property of the International or the Local Union.
- (k) Working as a strikebreaker or violating wage or work standards established by the International Union or the Local Union.
- (l) The bringing of false charges against a member or officer without good faith or with malicious intent.

***Trial
Committee***

Section 3. Except when the Joint Executive Board acts as a Trial Committee, a trial upon charges shall be held before the Trial Committee.

The Trial Committee shall be composed of an elected District member from each District, except that commencing in the 2009 regular election, the New York Metro District shall elect eight (8) members from that District, who is not a paid official or employee of the Local Union, two (2) members of the Joint Executive Board chosen by the Joint Executive Board, one of whom shall be an Executive Officer who shall be the Chairperson. Each member of the Trial Committee shall serve on the Trial Committee for a period of three (3) years. Any Trial Committee member who is hearing a trial at the end of his or her term shall nevertheless hear that trial to completion.

In the event that the Joint Executive Board directs the Trial Committee to conduct a trial upon charges, it shall appoint from the Trial Committee three (3) elected District members, as well as the two (2) members chosen from the Joint Executive Board, one (1) of whom shall be an Executive Officer, who shall be the Chairperson, to constitute a Trial Committee for that particular trial. The Joint Executive Board shall also appoint from the Trial Committee two (2) of the elected District members to act as alternates for that particular trial. Any member of the Trial Committee who fails to show for illness or any other reason will be replaced by an alternate and shall not sit for the remainder of the trial.

Section 4. The Trial Committee after deliberation upon the charges and evidence, may sustain the charges, in which case it may reprimand, fine, suspend, expel or issue commands to do or perform, or refrain from doing or performing, specific acts. If it decides that the charges are unsustainable, it shall dismiss them.

Fines

Any member found guilty of violating Section 2(k) shall be fined by the Trial Committee in addition to any other disciplinary action the Trial Committee may direct pursuant to its constitutional authority.

The decision of the Trial Committee shall be binding, subject to appeal by either the accuser or the accused to the Joint Executive Board, except in cases where it is provided in this Constitution that the Joint Executive Board acts as the Trial Committee. The Joint Executive Board shall hear the appeal on the notes or record and exhibits of the hearing before the Trial Committee and its decision, but may order new hearings before itself in its sole discretion. Further appeals shall be in accordance with the provisions of the International Constitution and Bylaws.

Appeals

Section 5. Subject to the provisions of applicable statutes, every member or officer of this Local Union against whom charges have been preferred and disciplinary action taken agrees, as a condition of membership or affiliation and the continuation of membership or affiliation, to exhaust all remedies provided for in the Constitution and Bylaws of the International Union and in this Constitution, and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

Exhaustion of Remedies

Article X

MATTERS AFFECTING COLLECTIVE BARGAINING

Section 1. The President shall supervise the Local Union's activities in collective bargaining.

President Supervises Bargaining

Section 2. Industry-wide collective bargaining negotiations, as designated by the President, shall be conducted by the President, or his designee, and Executive Officers, along with negotiating committees whose members shall be made up of representatives elected from each district whose members are covered by the agreement, together with such members of the Joint Executive Board whom the President, with the approval of the Joint Executive Board, appoints to the committee. The number of representatives on the negotiating committees and their manner of election will be determined in accordance with procedures established by the Joint Executive Board, but in any

Industry-Wide Bargaining

case, will include at least as many members as each District currently elects.

Ratification

Section 3. Any agreements arising out of industry wide collective bargaining negotiations shall be subject to ratification by the membership covered by the agreement unless previous authorization has been given to conclude negotiations.

Publication of Agreements

Section 4. Final agreements which embody the terms of extensive or area wide negotiations shall be made available to the membership on the Local Union's official website, in its publication, or through other appropriate means.

Section 5.

Settlement of Controversies

(a) The President shall take all steps necessary to settle controversies with employers. The President may call a meeting of the Local Union or of any District to present any such controversy for consideration. The International President shall be notified prior to any general or extensive strike, where practicable, or in any case, as soon as possible after commencement of the strike.

(b) The International Union shall be notified in writing when any collective bargaining negotiations or memorandums of understanding have been concluded and the number of employees covered and copies of all master industry contracts shall be filed with the International Department of Research.

Strike Committee

Section 6. When an industry-wide or extensive strike is ordered, the President with the Joint Executive Board, and such other members as the President may appoint, shall constitute a Strike Committee which shall have full charge of the conduct of the strike. The Strike Committee shall keep an accurate and complete list of members on strike or lockout. It shall report at each regular meeting of the Local Union the amount of money expended.

Financial Assistance for Strikers

Section 7. Financial assistance may be extended by the Strike Committee to members on industry wide or extensive strike or locked out as the case

may require, in such amounts and for such periods as recommended by the Strike Committee and approved by the Joint Executive Board.

Article XI

REVENUE

Section 1. The revenue of this Local Union shall be derived from dues, initiation fees, reinstatement fees, assessments and fines.

Section 2. The initiation fee shall be sixty dollars (\$60.00) for members who are part-time employees; one hundred dollars (\$100) for members who are full-time employees but earn less than four hundred dollars (\$400.00) per week; and one hundred fifty dollars (\$150.00) for members who are full-time employees and earn \$400 per week or more. With the approval of the International Union, it may be changed by the Joint Executive Board. Such change shall be made according to the provisions of applicable law.

Initiation Fees

The Joint Executive Board may also, for organizing or other valid purposes, as the occasion arises, waive or reduce the amount of said fee.

Waiver of Initiation Fee

Section 3.

- (a) Effective January 1, 2006, the regular monthly dues of each member employed on a full-time basis, as defined below, shall be as follows:

Full-Time Dues

For members whose regular hourly rate of pay is \$9.00 or less, \$40.00;

For members whose regular hourly rate of pay is between \$9.01 and \$14.00, \$45.00;

For members whose regular hourly rate of pay is between \$14.01 and \$15.00, \$50.00;

For members whose regular hourly rate of pay is between \$15.01 and \$16.00, \$55.00;

For members whose regular hourly rate of pay is between \$16.01 and \$19.00, \$60.00;

For members whose regular hourly rate of pay is more than \$19.01, \$65.00.

- (b) Effective January 1, 2008, the regular monthly dues of each member employed on a full-time basis, as defined below, whose regular hourly rate of pay is \$21.01 or above shall be \$70.00.
- (c) Effective January 1, 2010, the regular monthly dues of each member employed on a full-time basis whose regular hourly rate of pay is between \$21.01 and \$23.00 shall remain \$70.00, and monthly dues for members whose regular hourly rate of pay is \$23.01 or above shall be \$75.00.

Definition of Full-Time Dues

- (d) Members shall be considered employed on a full-time basis if they regularly work 35 or more hours a week, or work more than two (2) days a week and receive comprehensive employer- provided health benefits under the industry-wide standard agreement for their work classification or geographic region.
- (e) Effective January 1, 2006, the regular monthly dues of each member employed on a part-time basis shall be as follows:

For members whose regularly hourly rate of pay is \$11.00 or less, \$29.00;

For members whose regular hourly rate of pay is \$11.01 or more, \$33.00.

Minimum Dues

- (f) Effective January 1, 2006, the regular monthly dues for members who are in non-working status, and who are eligible to pay dues as provided for in this Constitution and Bylaws, shall be \$29.00, which is the minimum dues rate.

Retiree Dues

- (g) Retired members may pay monthly dues in the amount of \$4.00.
- (h) (i) Any member employed in a bargaining unit historically represented by Firemen and Oilers Local 473 whose regular monthly dues obligation increases by \$10.00 or

more on April 1, 2010 (other than due to a change in classification or wage rate) because the Local 32BJ dues structure becomes applicable then to that member pursuant to a merger agreement, and who remains in good standing through April 1, 2011, shall be entitled to a one-time dues rebate at the end of April 2011 of one half of the increase in dues under a procedure to be adopted by the Secretary-Treasurer.

In order to provide an orderly and equitable transition to the Local 32BJ dues structure, (a) members employed in bargaining units historically represented by Firemen and Oilers Local 1206, who are full-time, dues obligation shall not increase by more than \$15.00 per month effective

April 1, 2009, an additional \$15.00 per month effective April 1, 2010, and shall be subject to the regular Local 32BJ dues structure effective January 1, 2011. Part-time members shall have their dues increase on the same dates no more than \$5.00 per month, and shall be subject to the regular Local 32BJ dues structure effective January 1, 2011.

(ii) Members employed in bargaining units historically represented by Local 1199C and Firemen and Oilers Local 1250 shall be obligated to pay monthly dues equal to three (3) times their hourly rate of pay effective April 1, 2009, and shall be subject to the Local 32BJ dues structure effective January 1, 2011. Any member whose monthly dues increases by \$10.00 or more on January 1, 2011 due to the implementation of the Local 32BJ dues structure (other than due to a change in classification or wage rate) shall be entitled to a rebate equal to one half of that increase at the end of the 12th month that the increase was in effect, under a procedure to be adopted by the Secretary-Treasurer.

- (i) Dues and initiation fees for members of *Mergers* Local Unions that merge into or join Local 32BJ shall be as provided for under this Constitution and Bylaws unless the merger or

jurisdictional agreement or order provides otherwise.

Change in Dues

- (j) Unless mandated by the International Union, the amount of dues may be changed by the Joint Executive Board with approval of the majority of the membership who vote at either a regular or special General Membership Meeting cycle, or in a secret mail ballot referendum, and the approval of the International Union, and subject to the provisions of applicable law.

Delinquent Dues

Section 4. All dues and other financial obligations are due and payable on or before the last day of the current month and if not so paid, shall become and be considered delinquent. Delinquent members shall not be entitled to, and shall not be considered in good standing in relation to the death gratuity of the International Union, as well as all other rights and privileges afforded members in good standing under this Constitution and Bylaws.

Suspension

Members who fall in arrears three (3) months in dues or other financial obligations are automatically suspended as members of the Local Union.

Readmission

Any suspended member may be readmitted as a member upon payment of a reinstatement fee in an amount established by the Joint Executive Board, all dues in arrears, the current month's dues, and any other financial obligation. A member so readmitted shall have the status of a new member.

No member can attend meetings or participate in elections or other business of the Local Union if his or her dues have not been paid through the immediately preceding month.

Assessments

Section 5. Any assessments shall be levied in accordance with applicable law.

Retention of Records

Section 6. All records of this Local Union pertaining to income, disbursements and financial transactions of any kind whatsoever shall be kept for a period of at least six (6) years or longer if required by applicable law.

Section 7.

Members in Non-Working Status

- (a) Members whose termination is being grieved or arbitrated: *Discharge*
 Members whose termination is being grieved or arbitrated by the Local Union and who are not otherwise employed under the Local Union's collective bargaining agreements, shall remain obligated to pay dues, if they are reinstated. Such members will not be deemed in arrears for the period of their termination if they pay minimum dues of \$29.00 for that period upon their reinstatement.
- (b) Members who are on an unpaid leave of absence with a contractual right of return to their job shall have the following obligations and privileges: *Leaves of Absence*
1. Leave of Absence of six (6) months or less:
 If a member returns to active employment within six (6) months, the member may pay minimum dues for the leave period and will be considered in good standing during the leave period. Members who do not pay minimum dues during such period, and who complete a withdrawal card, will be given a new initiation date upon their return to active employment but will not be required to pay a new initiation fee.
 2. Leave of Absence of more than six (6) months but less than twelve (12) months:
 If a member returns to active employment after six (6) months but in less than twelve (12) months, and completes a withdrawal card, he or she will be given a new initiation date upon their return to active employment but will not be required to pay a new initiation fee.
 3. Leave of Absence of more than twelve (12) months: If a member returns to active employment after more than twelve months, he or she will be given a new initiation date and will be required to pay a new initiation fee upon his or her return to active employment.

Per Capita

Section 8. The Local Union shall pay per capita tax to the International Union each month for each member from whom it received dues that month. The Local Union shall have no right to pay any bills before it pays its full obligation to the International Union.

Section 9. Members in the event industry, who meet each of the following conditions, shall pay dues of two (\$2.00) dollars per event, regardless of the length of the individual shift:

- (a) They are employed in public arenas, stadiums, convention centers, or similar facilities;
- (b) Their schedule is irregular and is based on the scheduling of events at their workplace;
- (c) They do not receive comprehensive employer-provided health benefits equal or comparable to the industry-wide standard for their work classification or geographic region.

No member in this category shall pay more than the minimum dues set for all members.

Article XII

COMMITTEES

Committees

The President, with the approval of the Joint Executive Board, shall establish such committees as may be necessary to promote the programs and activities of the Local Union. The President shall appoint a committee to develop recommendations for any additional changes to the Constitution that would strengthen the Local Union by, among other things, promoting membership involvement and leadership, and democratic participation.

Article XIII

NO DISSOLUTION

This Local Union cannot dissolve, secede or disaffiliate while there are seven (7) dissenting members and in accordance with the procedures contained in Article XXV of the International Constitution and Bylaws. In the event of secession, dissolution or disaffiliation, all property, funds and assets, both real and personal, of this Local Union shall become the property of the International Union. Under no circumstances shall this Local Union distribute its funds, assets or property individually among its membership.

Reversion of Assets

Article XIV

NO VESTING

Membership in this organization shall not vest any member with any right, title or interest in or to the funds, property or other assets of this Local Union, now owned and possessed or that may hereafter be acquired and each member hereby expressly waives any right, title or interest in or to the property of this Local Union, including the funds of this Local Union. The title to all property, funds, and other assets of this Local Union shall at all times be vested in the Joint Executive Board for the joint use of the membership of this Local Union, but no member shall have any severable proprietary right, title or interest therein.

Title to Assets

Article XV

AFFILIATIONS

This Local Union shall affiliate with City or Local Central Bodies, State Federations, and State Councils, as determined by the International Union.

Affiliations

Article XVI

AMENDMENTS

Amendment Procedures

Except as provided in Article XI, Section 2 and Section 3, this Constitution and Bylaws may be amended in accordance with the following procedures:

- (a) Any member in good standing may submit, in writing, proposed amendments to the Joint Executive Board for its consideration. By a two-thirds (2/3) vote, the Joint Executive Board may submit the proposed amendment to the membership, to be voted on, as the Joint Executive Board may determine, either at General Membership Meetings of the Local Union, as provided for in Article IV, Section 5 above, or in a mail ballot referendum.
- (b) If the proposed amendments are supported by petitions signed by members in good standing consisting of at least ten percent (10%) of the Local Union's membership, then the Joint Executive Board must submit the proposed amendments to the membership to be voted on, as the Joint Executive Board may determine, either at General Membership Meetings of the Local Union, as provided for in Article IV, Section 5 above, or in a mail ballot referendum.
- (c) The Joint Executive Board's recommendation regarding any proposed amendments to be voted on by the membership shall be distributed to the membership for its consideration.
- (d) The Joint Executive Board shall establish initial rules within ninety (90) days of the adoption of these amendments governing the petition process for by-law amendments.

International Approval

- (e) The Joint Executive Board, by a two-thirds (2/3) vote, may submit amendments that it proposes to the membership, for a vote either at General Membership Meetings or by mail ballot referendum, as it shall determine.

- (f) Adoption of amendments shall require an affirmative two-thirds (2/3) vote by those members who cast valid ballots in a mail ballot referendum or, where the vote takes place at General Membership Meetings at which there is a quorum, of those members present. *Voting*
- (g) All mail ballot referenda shall be by secret ballot. Except as otherwise provided in this Constitution and Bylaws, the Joint Executive Board, by majority vote, shall determine whether to conduct a mail ballot referendum. *Mail Ballots*
- (h) No amendment shall be valid or become effective until approved by the International Union. *Subordinate to International Constitution*

Article XVII

INTERNATIONAL APPROVAL

The Constitution and Bylaws of this Local Union shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended. If any conflict should arise between the Constitution and Bylaws of this Local Union or any amendments thereto, and the International Constitution and Bylaws or any amendments thereto, the provision of the International Constitution and Bylaws shall control.

RULES FOR THE SUBMISSION AND DEBATE ON MOTIONS AND PROPOSED BYLAW AMENDMENTS

These rules replace the Rules for the Debate in the Manual of Common Procedure (published in the SEIU Constitution), except for Rules 3, 4, 8, 9, 10, 11, 12, 13, 14, 22, 28, and 29 of the Manual.

I. GENERAL MEMBERSHIP MEETINGS

***Motion Must be
in Writing***

1. Any motion must be in writing and submitted to the Secretary-Treasurer of Local 32BJ. The motion must be received by the office of the Secretary-Treasurer by hand-delivery, certified or registered mail, or facsimile to (212) 388-3660, at least fourteen (14) calendar days prior to the Joint Executive Board meeting at which the motion is first to be considered. If submitted by facsimile, the motion may only be submitted to the stated facsimile number and a hard copy must be submitted the following day.

***Name,
Address,
Signature***

2. At the time it is submitted to the offices of the Secretary-Treasurer, any such motion must contain the name, address, and signature of the member submitting the motion and the name, address, and signature of the member seconding the motion.

***Not Inconsistent
with Constitution
or Law***

3. No motion shall be considered or acted upon if it calls for action inconsistent with, or is otherwise inconsistent with SEIU 32BJ Constitution and Bylaws, the SEIU Constitution, or with any federal or state law or regulation, or legal obligation of the Local.

***Materially
Different
from Previous
Motion***

4. No motion shall be considered or acted upon if it is not materially different from a motion which has been considered and rejected in the 12-month period preceding the submission of the motion. No motion shall be considered or acted upon unless it is comprehensible. The Joint Executive Board shall determine whether a proposed motion is not materially different from one which has been considered and rejected in the 12-month period preceding its submission and shall determine whether a proposed motion is comprehensible.

5. A member's motion shall be submitted to the membership for consideration at a cycle of General Membership meetings only if it has been considered and rejected by the Joint Executive Board. If the Board adopts the member's motion, that action shall be reported at the next General Membership Meeting.

***First
Considered by
Joint Executive
Board***

6. Any motion considered in a General Membership meeting shall be considered and voted upon in the New Business section of the meeting, unless the Presiding Officer, in the exercise of his/her discretion, shall decide that the motion shall be considered and voted upon in some other portion of the meeting.

7. If a motion contains more than one part or relates to more than one matter, the Joint Executive Board may, in its discretion, subdivide the motion for consideration by the General Membership.

***Subdivision of
Motion***

8. In the debate upon any pending matter, including upon a member's motion, at the General Membership Meeting, a speaker who is a member from a District outside the District or Districts whose members are permitted to vote at the meeting shall not be permitted to speak until all intending speakers who are eligible to vote at the meeting have been recognized and permitted to speak. Notwithstanding this rule, one member who is a submitter or seconder of the motion shall be permitted to speak in favor of the motion at each meeting and, if no such member is a member eligible to vote at the meeting, the one such member from other Districts shall be permitted to speak in favor of the motion even before all intending speakers from within the voting Districts have been recognized and permitted to speak. The Presiding Officer, or the officer presenting the Joint Executive Board's Report or recommendation on any motions, shall have the right to speak on such motions.

***Debate on
Matters Before
General
Membership***

9. In any General Membership meeting, no member shall be permitted to speak more than two minutes on the matter then pending.

***Two-minute
Limit***

10. A member's motion may only be withdrawn prior to the commencement of debate at the first

***Withdrawal of
Motion***

membership meeting in the General Membership Meeting cycle in which the motion is considered.

Prohibited Motions

11. No motion to overrule a ruling of the Presiding Officer on the handling of a member's motion or debate on a member's motion shall be in order or considered.

12. No motion to lay on the table consideration of a member's motion shall be in order or considered. No motion to refer or commit a member's motion to a committee or other body for consideration shall be in order or considered. No motion to amend a member's motion shall be in order or considered. This shall not preclude the membership's consideration of a recommendation by the Joint Executive Board Rule, pursuant to Rule 16 and 19, below, to defer action on a motion. No motion to reconsider a member's motion shall be in order or considered.

Speaker's Conduct

13. In speaking at any General Membership Meeting, the speaker shall speak only at a microphone designated for speakers. Each speaker shall introduce himself/herself by stating his/her name and place of work. Each speaker's comments during the debate on a member's motion shall be germane to the subject of the motion. No speaker shall engage in threats, intimidation or discourtesy of any other member, whether present or not.

Request to be Seated

14. A member ordered to be seated three (3) times by the Presiding Officer without complying shall be removed from the hall and barred from participating in any further business of that meeting and any other remaining meeting of that General Membership Meeting cycle.

Length of Meeting

15. The length of each meeting in a cycle of General Membership Meetings shall be limited to two (2) hours unless the Presiding Officer, in his discretion, determines to extend the time. The Presiding Officer shall set the time for each portion of each meeting, including the length of time for debate on any motion or motions, and the Presiding Officer shall have the right, at his/her discretion, to extend the time set for any such portion, including the time set for debate. A ruling of the Presiding Officer to extend time shall

be applicable only at the meeting of the General Membership Meeting cycle in which it has been made.

16. All votes on a member's motion shall be taken by a division of the house. The vote shall be taken first on the Joint Executive Board's recommendation or report regarding the motion, and if that does not resolve the question, then on the motion or motions as such.

Votes on Motions

17. Any literature distributed in connection with a member's motion shall be done outside the meeting room, or hall, as the case may be, in accordance with procedural rules established by the Presiding Officer.

Distribution of Literature

18. The seating at each meeting in a cycle of the General Membership Meeting shall be such that members from the District or Districts who are eligible to vote at that meeting shall be seated separately from any other members in attendance.

Seating at General Membership Meeting

19. The Joint Executive Board may determine the order of presentation of motions for consideration in a General Membership Meeting. If there is more than one motion for consideration by the general membership, the Joint Executive Board, may in the interests of efficiency, issue to the general membership a report containing the Joint Executive Board's recommendations on the motions, and the membership shall first vote on whether to accept or reject that report. If the report is rejected, the motions shall be presented as otherwise provided in these rules. If in its judgment, the Joint Executive Board determines that all of the members' motions submitted for consideration cannot be heard within the next General Membership Meeting cycle without impairing the members' opportunity for fair consideration and debate, then the Joint Executive Board, in its sole discretion, may determine to delay consideration of one or more motions to the succeeding General Membership Meeting cycle. In doing so, the motion or motions delayed shall be those among the pending motions which were last received by the Secretary-Treasurer.

Presentation of Motions

II. ADDITIONAL RULES RELATED TO PROPOSED BYLAW AMENDMENTS

Proposal to Amend Constitution and Bylaws

20. Any proposal for the amendment of the SEIU Local 32BJ Constitution and Bylaws must be in writing and submitted to the Secretary- Treasurer of Local 32BJ. Such proposed Bylaw amendments must be received by the office of the Secretary-Treasurer by hand-delivery, or certified or registered mail at least sixty (60) calendar days prior to the Joint Executive Board meeting at which such proposed Bylaw Amendments are to be considered.

21. At the time it is submitted to the offices of the Secretary-Treasurer, any proposed Bylaw Amendment must contain the name, the last four (4) digits of the member's Social Security number, and signature of the member submitting the proposal and the name, and the last four (4) digits of the Social Security number and signature of the member seconding the proposal.

Signed Petitions

22. If the proponent of the proposed Bylaw Amendment seeks to have membership consideration of the proposal irrespective of whether the Joint Executive Board approves of the proposal, then there must accompany the proposal at the time of its submission to the Secretary-Treasurer, a petition signed by the number of members sufficient to satisfy Article XVI (b) of the SEIU Local 32BJ Constitution and Bylaws. The petitions must be submitted in person to the office of the Secretary-Treasurer at 25 West 18th Street, in Manhattan, in order for the petitions to be catalogued and receipted. In addition, in order for the names of members appearing on such petitions to count toward the minimum needed to satisfy Article XVI (b), such names must appear on a page which contains the following:

1. The text of the proposed bylaw amendment; and
2. The signature of the signing member, the date on which he/she has signed, which must be within six (6) months of the date of submission of the petition, and the last four (4) digits of the member's Social Security number; and

3. The name of a witness who observed each member's signature, together with the date the witness observed, and the last four (4) digits of the witness' Social Security number. The names of members which appear on pages which do not conform to these requirements shall not be counted toward the minimum needed to satisfy Article XVI (b).

23. The Joint Executive Board shall consider a proposed bylaw amendment at the first meeting of the Joint Executive Board which occurs sixty (60) days or more following receipt of the proposal. At that meeting, the Board shall decide: (i) whether to submit the proposal to the General Membership for a vote pursuant to, and in accordance with, Article XVI (a), if the proposal is submitted without a petition which satisfies Article XVI (b); and (ii) whether a vote, by the General Membership on the proposal, if one is to be taken, shall be conducted at a General Membership Meeting or by mail ballot referendum.

***Consideration
by Joint
Executive
Board***

24. No proposed bylaw amendment shall be considered or acted upon if it calls for action inconsistent with, or is otherwise inconsistent with, the SEIU Local 32BJ Constitution and Bylaws, the SEIU Constitution, or with any federal or state law or regulation, or any legal obligation of the Local.

***Not Inconsistent
with Constitution
and Law***

25. No proposed bylaw amendment shall be considered or acted upon if it is not materially different from an amendment which has been considered and rejected in the 12-month period preceding the submission of the proposal. No proposal shall be considered or acted upon unless it is comprehensible. The Joint Executive Board shall determine whether a proposed amendment is not materially different from one which has been considered and rejected in the 12-month period preceding its submission and shall determine whether the proposed amendment is comprehensible.

***Materially
Different
from Previous
Proposal***

26. At any General Membership Meeting in which a vote is to be conducted on proposed bylaw amendments, debate upon such proposals shall be conducted in the same manner and pur-

***Debate on
Proposed
Amendment***

suant to the same rules as those which apply to member motions.

Voting

27. In the event that proposed bylaw amendments affect more than one article or section of the SEIU Local 32BJ Constitution and Bylaws, the proponent shall include a written statement with the proposed amendments, at the time that the proposal is submitted to the Secretary- Treasurer, as to whether such amendments are to be voted upon in a single vote which will govern all of the proposals, or whether the amendments are to be voted upon separately. The voting will be conducted in accordance with that declaration unless the Joint Executive Board determines that a vote conducted in such manner might create inconsistent obligations or might otherwise create a non-comprehensible result. In the event proposed bylaw amendments are submitted without such a declaration, the Joint Executive Board shall determine whether the vote conducted shall be a single vote upon all of the proposed amendments or, instead, a series of votes.

INDEX

Affiliations	37
Agreements, Collective Bargaining	3, 30, 35
Amendments	38-39, 40-46
Appeals	18, 24, 26, 29
Assessments	31, 34
Assistant to the President.....	9, 23
Board of Auditors	10, 13-16, 25
Bonding	24
Charges, Trials and Appeals	26-29
Committees	20, 36
Delinquent Dues	34
Discrimination	2
Dissolution	37
Districts	4
Dues	31-36
Elections	12-19
Eligibility for Membership	2
Executive Vice President	9, 23
Finances	21-22, 31-36
Good Standing	6-8, 33-35
Grievance Board	10-11, 13, 25
Initiation Fee	31, 33, 35-36
Installation of Officers	19
International Approval	38-39
International Constitution	2, 20, 26, 37,39
Joint Executive Board	9
Leaves of Absence	35
Meetings	5-7
Membership	2-3
Nominations	12-15
Non-working Status	35
Officers	8-12
Order of Business	6
Per Capita	36
Preamble	1
President	5, 8-11, 20-21, 29
Purpose	1
Qualifications for Office	7-8
Retired Members	8
Revenue	31-36
Rules for Meetings	5-7, 40-43
Secretary-Treasurer	8, 11-14, 21-23
Sargeants-at-Arms	26
Shop Stewards	12
Strike	24, 30
Terms of Office	15
Vacancy in Office	11
Vice President	9, 23

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