

SUBMITTED BY: Delaware Chapter 2100

SUBJECT: State Constitution – Article III – State Officers; Section 9

RATIONALE: In the name of Transparency to our membership. To alleviate the clear Conflict of Interest the OCSEA President has over hiring, firing, and assigning duties to staff that, at a minimum, has an appearance of favoritism among those assignments. The President currently makes decisions about the structure of the organization without proposing and getting approval for those changes from the State Board of Directors prior to implementation as stated in the current language below. By allowing the OCSEA President to keep the duties and authority granted under #8 below, there can be no “checks and balances” by the State Board of Directors because there is no way to remove or sanction the OCSEA President for their actions regarding staff. This Amendment coincides with proposed Amendment to Article X – Board Employees & Contract Services Section 1 of the OCSEA State Constitution. An Executive Director would then be held accountable by the State Board of Directors with regards to staffing decisions and the structure of the organization.

BE IT RESOLVED THAT ARTICLE III OF THE OCSEA STATE CONSTITUTION BE AMENDED AS FOLLOWS:

Article III – State Officers

Section 1. Composition

The President, Vice President and Secretary-Treasurer of OCSEA, AFSCME, Local 11 shall be placed on full time administrative leave with pay to conduct union business. The union shall reimburse the employer for all costs associated with placing the employees on administrative leave with pay.

Section 2. Qualifications

(A) The state officers of this Union shall be active employees within any bargaining unit represented by OCSEA and active members of the union for a period of at least two (2) continuous years immediately preceding their election or appointment and shall be nominated and elected or appointed as hereinafter provided.

(B) No potential candidate shall be nominated, elected or appointed for any office in the Union if after conviction for a felony, it is less than five (5) years after completion of the sentence and/or the probation for said felony.

(C) Affiliation with a competing labor organization by a state officer after election shall be deemed an automatic resignation and shall disqualify a member from nomination, election, appointment to or maintenance of the office.

(D) Candidates running for state office shall have the opportunity to announce their intentions in the OCSEA Publication three (3) months before the regular biennial convention. Each candidate may submit up to two hundred (200) words, as long as the language is not defamatory towards other candidates.

Section 3. Election of Officers

(A) The state officers shall be elected at every second regular biennial convention and shall serve a four (4) year term.

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BE IT RESOLVED THAT ARTICLE III OF THE OCSEA STATE CONSTITUTION BE AMENDED AS FOLLOWS:

(B) Membership dues money from Chapters, District Councils, Assemblies, or the Union, including the AFL-CIO and AFSCME, shall not be used in election campaigns for union offices.

Section 4. Office Vacancy Succession

Should a vacancy occur during the term of office of President, the Vice President shall move up automatically, and the resultant vacancy of Vice President shall be filled by action of the Board of Directors. Should a vacancy occur during the term of office of the Vice President or Secretary-Treasurer, the resultant vacancy in either position shall be filled by action of the Board of Directors.

Section 5. Vacancy Definition

A vacancy in office shall exist whenever an elected or appointed state officer is not in active pay status for one hundred and eighty (180) days, unless a longer period is recommended by the Judicial and Internal Affairs Committee and approved by the Board of Directors.

Resignation or retirement from public service will result in an automatic vacancy.

Section 6. Restrictions of State Officers

The state officers shall not retain, be elected to or be appointed to any Chapter, District Council or Assembly elective office, except for steward and/or delegate.

Section 7. Removal from Office

Any state officer may only be removed for the reasons set forth in Article XIII, Section 1 – Charges, or by a two-thirds (2/3) vote by secret ballot of the certified delegates present and voting at any regular biennial convention of this Union, or any special convention called for that purpose. These sanctions may only be imposed with due process pursuant to OCSEA State By-Laws Article IX, Section 2.

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BE IT RESOLVED THAT ARTICLE III OF THE OCSEA STATE CONSTITUTION BE AMENDED AS FOLLOWS:

Section 8. Executive Committee

The President, Vice President and Secretary-Treasurer shall comprise the Executive Committee.

Section 9. Duties of the State Officers

A. Duties of the President

The President shall be the Chief Executive Officer of the Union and shall oversee the affairs of the Union in accordance with the State Constitution, the policy decisions of the Convention, and the Board of Directors. The duties of the President shall include but are not limited to the following:

1. Presides at all meeting(s) of the Union, including but not limited to, Conventions, Board of Directors meetings and Executive Committee meetings.
2. Appoints Standing Committee Chairperson(s), with the approval of the Board of Directors, and assigns members to Standing Committees.
3. Appoints special committees as necessary.
4. Assigns Chapters to Board members.
5. Appoints a retired member to the Board of Directors to represent retirees. The term of the retired member shall run concurrently with that of the President.
6. All checks issued by the Union shall be signed by the President and the Secretary-Treasurer or their designees.
7. Generally performs such other duties as usually pertain to this office.
8. At the Direction of the Board of Directors, the President shall be responsible for the general management of the union, except for those duties directly assigned to the Comptroller and/or the Executive Director. ~~found elsewhere in this Constitution. The President shall employ, determine the duties and fix the compensation of an administrative staff. However, any changes pertinent to the structure or organization shall be submitted to the Board of Directors for~~

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~~approval prior to implementation. The compensation of such employees shall be limited to the funds available in the personnel services item of the budget.~~

B. Duties of the Vice President

The Vice President shall assist the President when called upon to do so in the performance of his/her duties. In the absence or disability of the President, the Vice President shall perform the duties of the President. The duties of the Vice President shall include:

- (1) Oversight of all trusteeships and oversight designations that may be imposed by the State Board of Directors.
- (2) Assisting all new members of the State Board of Directors.
- (3) Assisting in organizing, both internal and external, pursuant to the annual strategic plan as developed by the State Board of Directors.
- (4) Performance of other such duties as may be requested by the Board of Directors or the State Constitution and State By-laws.

C. Duties of the Secretary-Treasurer

The Secretary-Treasurer shall be the chief financial and recording state officer of the Union. The Secretary-Treasurer shall be responsible for supervising and directing the activities of the Comptroller's office in accordance with the provisions of the State Constitution and policy decisions of the Convention and the State Board of Directors. The duties of the Secretary-Treasurer include:

1. Chair of the Finance Committee.
2. Oversight of the taking of minutes at all Board of Directors' meetings.
3. Oversight of all Chapter, District Council, and Assembly audits.
4. Responsibility to see that a timely audit is performed by an outside accounting firm.

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- 109 5. Oversight of all financial correspondence relating to the organization.
- 110 6. Providing an electronic copy of the minutes via the website to the Chapter,
- 111 District Council, and Assembly Secretaries, pursuant to Article II, Section 3 of
- 112 the OCSEA State By-Laws.
- 113 7. In the case of absence or disability of both the President and the Vice President,
- 114 the Secretary-Treasurer shall perform the duties of the President.
- 115 8. All checks issued by the Union shall be signed by the President and the
- 116 Secretary-Treasurer or their designees.
- 117 9. Performance of other such duties as may be requested by the Board of
- 118 Directors or the State Constitution and State By-Laws.
- 119 Upon the Secretary-Treasurer's request, staff shall be made available to the
- 120 Comptroller.