

SUBMITTED BY: Delaware Chapter 2100

SUBJECT: State Constitution – Article V – Duties of Board of Directors; Section 4

RATIONALE: For ease of reference for OCSEA members and subordinate body leadership. To allow for subordinate bodies and members to offer checks and balances to the State Board of Directors when creating policies affecting the members and leaders of the Union. This is a member driven Union, so the members need to have a voice when these policies are created and implemented.

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

**Article V – Duties of Board of Directors**

**Section 1. Fiscal Responsibility**

The Board of Directors shall be responsible for an annual operating budget and such budget shall be limited to the anticipated income for a given budget period. The Board of Directors shall carry out the mandate and policies laid down by conventions, within one hundred eighty (180) days following adjournment, and shall have full power to take such actions as are necessary and expedient to attain maximum operating efficiency and to give substance to the purposes of the Union. At least twelve (12) months in advance, the Board of Directors shall fix the date and location of the regular biennial convention.

**Section 2. Bonding of Officers and Agents**

A surety bond in such amount as the Board of Directors shall determine shall be given by the Secretary-Treasurer of the Union, and such officers and employees as may be required by the Board of Directors, and the premium for such bond, or bonds, shall be paid by the Union.

**Section 3. Documents, Property, Funds Held in Trust**

All officers and members of the Board of Directors shall, upon their removal from office or their resignation or at the expiration of their terms, surrender to the Secretary-Treasurer of the Union all records, documents of a confidential nature, property and funds of the Union within their possession or control.

**Section 4. Board Policies**

(A) All policies of the Board of Directors shall be provided to all Chapter, District Council, and Assembly presidents within sixty (60) days of their passage and shall be made easily accessible on the OCSEA website.

(B) Board policies shall expire on the eve of ~~each the~~ Biennial Convention held in 2023.

(C) Board policies not in conflict with constitutional or by-laws changes shall resume full force and effect upon the close of ~~each the~~ biennial convention held in 2023; at which time, they will be added to the back of the OCSEA AFSCME Constitution and By-Laws (approved at the 2023 OCSEA Convention) under "Appendix – Board Policies" and will carry full weight as certified language of the OCSEA AFSCME Constitution and By-Laws moving forward. Any future or new Board Policies approved by the Board of Directors in between Constitutional Conventions, will follow the same procedure listed in Article V –

Committee Assign \_\_\_\_\_ Committee Recommend \_\_\_\_\_ Convention Action \_\_\_\_\_ Requires 2/3 Vote

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

**Section 4 A-C of the OCSEA State Constitution and be added to the “Appendix – Board Policies” of the OCSEA AFSCME Constitution and By-Laws at all future OCSEA Biennial Conventions.**

(D) Board policies which interpret constitutional or by-law provisions may only be changed by the voting percentage required to change the underlying provision, i.e., two-thirds (2/3) if it applies to a state constitutional provision or a majority if it applies to the State By-laws or Subordinate Body Constitution.

**Section 5. Board of Directors Powers**

(A) The Board of Directors shall have the power to make an official ruling and/or board policy. Such ruling or policy shall be binding on the Chapter, District Council or Assembly involved.

(B) No member of the Board of Directors shall sit in judgment and render decisions involving any irregularity in the Chapter, District Council or Assembly of which he or she is a member.

(C) In the event of layoff, demotion, termination, reduction in pay, status, or suspension, each OCSEA non-contract staff member shall have the right to an appeal. The appeal shall be heard before a mutually agreed upon uneven number of members from the Board of Directors. This shall also be the final step of the grievance procedure. Any decision reached shall be final.

**Section 6. Call for Presidents' Conference**

The Board of Directors shall call a conference of presidents biennially, in years in which there is no regular convention.