

SUBMITTED BY: Delaware Chapter 2100

SUBJECT: State Constitution – Article X – Board Employees & Contract Services; Section 1

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 Article II Section 9(A) 8 of the OCSEA State Constitution, 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 II Section 9(A) 8 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 X OF THE OCSEA STATE CONSTITUTION BE AMENDED AS FOLLOWS:

**Article X – Board Employees & Contract Services**

**Section 1. Executive Director and Comptroller**

(A) The Board of Directors ~~may~~ shall employ and shall fix the compensation and tenure of an Executive Director and ~~shall employ and fix the compensation and tenure~~ of a Comptroller for a duration not to exceed three (3) years to take effect at the expiration of present contracts. An Executive Director shall be hired within 1 year of the approval of the 2023 OCSEA State Constitution and By-Laws. Both shall be directly and exclusively accountable to the Board of Directors for their performance of their respective duties.

(B) The Executive Director and/or Comptroller shall only be removed by a two-thirds (2/3) vote of the total State Board of Directors.

**Section 2. Responsibilities of the Executive Director**

The Executive Director, at the direction of the Board of Directors, shall be responsible for the general management of the Union except for those duties directly assigned to the Comptroller or found elsewhere in this Constitution. The Executive Director shall employ, determine the duties, and fix the compensations of an administrative staff. However, any changes pertinent to the structure or organization shall be submitted to the Board of Directors for approval prior to implementation. The compensation of such employees shall be limited to the funds available in the personnel services item of the budget.

**Section 3. Contracting for Services**

No officer, Board of Directors' member or employee may contract for the Union for any service or item of tangible personal property exceeding five thousand dollars (\$5,000) other than routine salary arrangements or routine operating expenses, nor endorse any issue or program, excluding legislative bills, for the Union without the approval of a majority of the Board of

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

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

27 Directors. Any such contracted work required by the Union above five thousand dollars (\$5,000)  
28 is to be put out for bid. Special efforts shall be made to contract with Union firms or minority  
29 firms.