

# CONSTITUTION AND BY-LAWS

of the Ohio Civil Service  
Employees Association

AFSCME Local 11 • AFL-CIO as  
amended at

## **OCSEA's Biennial Convention 2021**

Includes the OCSEA Subordinate Body Constitution  
and the AFSCME Affiliation Agreement

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# **STATE CONSTITUTION**

## **Preamble**

We, the members of OCSEA/AFSCME believe that all people, regardless of race, color, sex, sexual orientation, national origin, gender identity and expression, military status, disability, or creed are entitled to equal opportunity and treatment. We further believe that all members of society should challenge the pernicious evils of racism and sexism.

Further, we believe that the purpose of this Union is also to provide a framework to advance the interests of its members and to protect the integrity of members' rights under any contract signed by this Union.

We also believe that it is important for the members to always realize that "in unity there is strength" and that "an injury to one is an injury to all."

## **Bill of Rights for Union Members**

1. No person otherwise eligible for membership in this union shall be denied membership, on a basis of unqualified equality, because of race, creed, color, national origin, ethnicity, sex, age, sexual orientation, gender identity or expression, disability, immigration status or political belief.

2. Members shall suffer no impairment of freedom of speech concerning the operations of this union. Active discussion of union affairs shall be encouraged and protected within this organization.

3. Members shall have the right to conduct the internal affairs of the union free from employer domination.

4. Members shall have the right to fair and democratic elections, at all levels of the union. This includes due notice of nominations and elections, equal opportunity for competing candidates, and proper election procedures which shall be constitutionally specified.

5. Members shall have an equal right to run for and hold office, subject only to constitutionally specified qualifications uniformly applied.

6. Members shall have the right to a full and clear accounting of all union funds at all levels. Such accounting shall include, but not be limited to, periodic reports to the membership by the appropriate fiscal officers and periodic audits by officers elected for that purpose or by independent auditors not otherwise connected with the union.

7. Members shall have the right to full participation, through discussion and vote, in the decision-making processes of the union, and to pertinent information needed for the exercise of this right. This right shall specifically

include decisions concerning the acceptance or rejection of collective bargaining contracts, memoranda of understanding, or any other agreements affecting their wages, hours or other terms and conditions of employment. All members shall have an equal right to vote and each vote cast shall be of equal weight.

8. Charges against a member or officer shall be specific and shall only be on grounds provided in this constitution. Accused members or officers shall have the right to a fair trial with strict adherence to due process. The accused shall be considered innocent until proven guilty.

## **Article I – Name, Affiliation and Jurisdiction**

### **Section 1. Name**

This organization shall be known as the Ohio Civil Service Employees Association, AFSCME Local 11, AFL-CIO, hereinafter referred to as the Union or OCSEA.

### **Section 2. Affiliation**

OCSEA shall be affiliated with the American Federation of State, County and Municipal Employees, AFL-CIO as AFSCME Local 11. (See Affiliation Agreement, page 63.) The Union shall maintain affiliation with the State of Ohio AFL-CIO and encourage all Chapters to actively participate in their respective AFL-CIO central bodies.

### **Section 3. Jurisdiction**

The jurisdiction of OCSEA shall be: All employees of the State of Ohio, excluding University and College employees, and all other Non-State employees for whom OCSEA is the sole and exclusive bargaining representative as certified by the State Employment Relations Board (S.E.R.B.) as of July 1, 1986. NOTE: A change of jurisdiction is under consideration at the AFSCME International.

## **Article II – Membership**

### **Section 1. Active Member**

(A) Union membership shall be restricted to those employees within the jurisdiction of OCSEA, and within OCSEA bargaining units. The Union shall have the following classes of membership which are defined below.

(B) Active members shall be all members not otherwise classified and shall include any members who go on authorized leave subject to dues payment. Dues shall be paid by active members through payroll deduction, cash, money order and/or check payment, or any other electronic means.

(C) Dues for active members shall be fixed in the Constitution and dues for all other membership classes shall be set forth in the State By-Laws, Article I.

## **Section 2. Life Member**

A Life member is a retired OCSEA member who, for a period of at least five consecutive years immediately prior to retirement, was an active member of OCSEA and for whom a Chapter files an application for life membership. The Chapter must agree to have dues deducted annually from the Chapter's per capita refund. Life membership shall not be available to those persons affiliated with a competing labor organization and shall cease should the retiree re-enter the workforce in a management/exempt position.

In the event, by vote of the General Body, a chapter decides to revoke life member status, a letter must be sent to the affected member informing them of the decision of the chapter and of the member's right to assume retired member status. A copy of the letter shall be forwarded to the State Secretary-Treasurer.

## **Section 3. Retired Member**

Membership is open to any retired employee who was an active OCSEA member at the time of retirement. Retired members shall have all rights and privileges of an active member, except the right to seek office as a president or vice president and to vote on ratification of a collective bargaining agreement. Retiree membership shall not be available to those persons affiliated with a competing labor organization. A retired member is responsible for payment of his/her own dues on an annual basis.

## **Section 4. Honorary Member**

An Honorary Member has no voting privileges and cannot hold any appointed or elected office within OCSEA. An honorary member is appointed by the President with the approval of the Board of Directors.

## **Section 5. Member-At-Large**

Any OCSEA member who accepts employment with the AFL-CIO or any associated organization, such as but not limited to labor representative at United Way, will be able to maintain membership in OCSEA by payment on a quarterly basis of the dues amount last paid by the individual while an active member.

## **Section 6. Associate Membership**

Upon request, associate membership may be offered to groups or former OCSEA members as determined by the OCSEA State Board of Directors. Amount of dues, payment of dues and eligibility for benefits for Associate Members shall be determined by the OCSEA State Board of Directors. An

Associate Member has no voting privilege, cannot hold any appointed or elected office, or serve on any committees within OCSEA.

## **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.

(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.

### **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 or 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 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.
5. Oversight of all financial correspondence relating to the organization.
6. Providing an electronic copy of the minutes via the website to the Chapter, District Council, and Assembly Secretaries, pursuant to Article II, Section 3 of the OCSEA State By-Laws.
7. In the case of absence or disability of both the President and the Vice President, the Secretary-Treasurer shall perform the duties of the President.
8. All checks issued by the Union shall be signed by the President and the Secretary-Treasurer or their designees.
9. Performance of other such duties as may be requested by the Board of Directors or the State Constitution and State By-Laws.

Upon the Secretary-Treasurer's request, staff shall be made available to the Comptroller.

## **Article IV – Board of Directors**

### **Section 1. Composition of Board**

(A) The Board of Directors shall consist of the state officers of the Union, one representative from each district for each one/twenty-fifth (1/25), or major fraction thereof, of the total active Union members in the state but no less than two (2) representatives from each district and one retiree representative.

(B) The number of members eligible for election to the Board of Directors shall be limited to one person from either a governmental entity or Chapter in the district in which the Chapter is located.

(C) No vacancy shall exist by virtue of a failure of a District to elect the number of Board of Directors members to which it is entitled. In the event such a failure occurs, a non-voting District Representative shall be selected pursuant to Board Policy.

(D) If a state bargaining unit, or aggregation of local government bargaining units, consisting of at least one/twenty-fifth (1/25) of the total active membership is not represented by an officer or member of the Board, a special Board seat shall be added to the Board and shall be filled by election by the Board from among nominees who are active members in such bargaining unit. Procedures for such election shall be the same as those used to fill a vacancy on the Board.

## **Section 2. Powers of Board/Source**

The Board of Directors shall be the governing body of the Union between conventions.

## **Section 3. Emergency Powers**

(A) In the event of an emergency, as declared by the State Board of Directors, that impacts the ability of OCSEA to conduct its business and affairs (e.g. global pandemic, state of emergency, other declared emergency, etc.), the State Board of Directors may temporarily revise and/or adopt provisions of the OCSEA State Constitution, By-Laws and/or Subordinate Body Constitution.

Said provisions may be approved at a regular or special meeting of the Board of Directors.

(B) Notice of this Meeting shall be displayed prominently on the OCSEA website and distributed by any other available electronic media. Said notice shall include all Subordinate Body Presidents.

(C) All proposed changes must be presented in writing. A quorum must be present. It shall require a two-third (2/3) vote of all members of the State Board to revise and/or adopt the temporary provisions.

(D) All changes shall be posted on the OCSEA website and distributed via any electronic media immediately following the meeting.

(E) If passed, these temporary provisions will remain in effect for the length of the emergency situation or until the Board rescinds, if earlier than the end of the emergency. Any temporary, emergency measures still in place at the time of the next biennial convention shall be presented to the Convention for consideration.

## **Section 4. Qualifications for Board Membership**

(A) Only such employees who are active members of the Union for a period of at least two (2) continuous years immediately prior to election or appointment shall be eligible for election or appointment to the Board of Directors.

(B) Board of Directors members must be employees within jurisdictions represented by OCSEA in order to run for the Board, be appointed or elected to any state office or seat on the Board of Directors, to maintain their seat on the Board, or to maintain their office. The only exception would be a retiree sitting on the Board specifically representing retirees.

(C) No potential candidate shall be nominated, elected or appointed for a seat on the Board of Directors 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.

(D) Affiliation with a competing labor organization shall disqualify a member from nomination, election, appointment to or maintenance of a seat on the Board of Directors.

### **Section 5. Board Districts**

The districts of the Union, for the purpose of electing Board of Directors members, shall be as defined in the State By-Laws Article II, Section 4. In so doing, consideration shall be given to the relative number of members residing in such districts.

### **Section 6. Election to the Board**

(A) The authority for the conduct of Board of Directors' elections is defined in the Constitution. All active members shall vote in the district which contains the Chapter to which the member is assigned, regardless of their place of residence.

(B) An outside accounting firm shall be hired to handle all district elections to the Board of Directors. It shall be the responsibility of said firm to prepare the ballot, mail to member's address, collect, tabulate, and certify the results of election to the officers and all Board of Directors members, as well as all candidates. The firm shall be selected by the Board of Directors. Ballots shall be mailed to a member's address and shall be returned to the selected firm within 20 days. The ballots shall include the last acceptable postmark date by which ballot must be returned.

### **Section 7. Declaration of Vacancy**

(A) Any officer, or Board of Directors member, or presidential appointee, who fails to attend two consecutive regular Board meetings without excuse and/or submitting, prior to a board meeting, a written reason acceptable to the Board, shall be deemed to have vacated the office.

(B) Positions on the Board of Directors shall be elected in the following manner:

- (1) One-half (as nearly as possible, the exact number to be determined by the Board of Directors) shall be elected for a three (3) year term or until successors are elected, qualified and installed, said term to commence with the next regular Board of Directors meeting.
- (2) One half (the remaining half) shall be elected for a three (3) year term or until successors are elected, qualified and installed, said term to commence with the next regular Board of Directors meeting.
- (3) In accordance with Section 6(B)(1) and (2) above the terms shall be as follows:

<u>YEAR ELECTED</u>	<u>TERM EXPIRATION</u>
2019	2022
2020	2023
2021	No elections held
2022	2025
2023	2026

### **Section 8. Term of Office**

All persons elected to positions on the Board of Directors shall serve a three (3) year term.

### **Section 9. Vacancy in Office**

A vacancy in office shall exist whenever a Board of Directors member is removed for just cause or is involuntarily off the public payroll in excess of ninety (90) days, for other than a medical leave of absence. No vacancy shall exist by virtue of illness, job abolishment, transfer, layoff or any austerity program, or while any appeal of an employer action is in progress. However, this section in no other way alters the qualifications for Board membership as provided in the State Constitution Article IV, Section 3(B) upon expiration of such member's term. In the event of a leave of absence, an appropriate period may be recommended by the Judicial and Internal Affairs Committee and then may be approved by the Board of Directors.

### **Section 10. Board Meetings/Quorum**

A majority of the Board of Directors shall constitute a quorum for the purpose of conducting and transacting business. Meetings of the Board of Directors shall be held bi-monthly at such times and places as it may determine. Special meetings may also be called as provided for in the State By-Laws Article II, Section 2.

### **Section 11. Corporate Action**

Members of the Board of Directors shall constitute the Board of Trustees as provided in the statutes for the purpose of corporate action.

### **Section 12. Notice of Board Members to Subordinate Bodies**

After the Board of Directors' election, the Secretary-Treasurer shall publish in the OCSEA Publication and send a list of the names, addresses, districts served, and department by which employed, of all members of the Board of Directors and the state officers to the president of each Chapter, Assembly and District Council.

### **Section 13. Board Expenses**

Expenses for Board of Directors members shall be paid by the Union. Expenses incurred by Officers, Board of Directors members, Board

Committees and Committee members, and those serving on such Union bodies, as well as those officers and agents of all Subordinate Union bodies, shall be reimbursed in the manner set forth in the State By-Laws Article II, Section 1(F).

No expenses for Board of Directors or officers shall be paid without a receipt or adequate explanation in writing. Records of expenses for Board of Directors and officers shall be retained on file at OCSEA's Central Office for members' viewing during normal business hours.

#### **Section 14. Recall of Board Members**

Any Board of Directors member except the President, Vice President or Secretary-Treasurer may be recalled by an affirmative vote of two-thirds (2/3) of the members of that district voting. The recall shall be conducted pursuant to OCSEA State By-Laws Article X.

## **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 Biennial Convention.

(C) Board policies not in conflict with constitutional or by-laws changes shall resume full force and effect upon the close of each biennial convention.

(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.

## **Article VI – State Board Committees**

### **Section 1. Standing and Special Committees**

(A) The State President shall appoint the following standing committees: Governmental Affairs Committee, Membership and Public Relations Committee, Finance Committee, Alternative Contracts Committee (ACC), Judicial and Internal Affairs Committee (JIAC), Women's Action Committee, the Committee for Minority and Community Affairs, the Education Committee, and the Veterans Advisory Committee. The State President shall appoint special committees as needed in the conduct of the Union's business. These committees shall meet on a regular basis in conjunction with the State Board meeting(s).

(B) The State President shall, with the advice and consent of the Board of Directors, appoint committee chairpersons with the exception of the Finance Committee. Said chairperson may be removed by a simple majority of a roll call vote of Board of Directors members present at a meeting.

(C) The State President may request a staff member to be assigned to each committee named in State Constitution Article VI, Section 1(A) to aid, assist and advise the committee in an ex-officio capacity with the permission of the committee chairperson concerned.

## **Section 2. General Members on Board Committees**

Any active member of the Union may be appointed by the State President to serve on any committee; provided, however, that a majority of each committee, except for the Alternative Contracts Committee (ACC), must be Board of Directors members. When a Judicial and Internal Affairs Committee (JIAC) member is a member of the same chapter as either the accused or the charging party, that JIAC member shall not preside over or render judgment on such case which involves alleged constitutional violations..

## **Section 3. Committee Duties**

Each committee shall perform such duties and assume such responsibilities as may be assigned to it by the Board of Directors or as may be delegated to it through the State Constitution or State By-Laws of this Union.

(A) The Governmental Affairs Committee shall have oversight of the Union's Legislative program and, as such, shall have oversight and general supervision of the endorsement of any candidates for public office by this Union as provided in the State By-Laws. The Governmental Affairs Committee of the Board of Directors shall constitute the OCSEA Political Action Committee (OCSEA-PAC). All expenditures of OCSEA-PAC funds shall be made only by the OCSEA-PAC or with the approval of the OCSEA-PAC in the manner adopted by the OCSEA-PAC. The OCSEA-PAC shall report its actions to the Board of Directors at its regular bi-monthly meetings. Chapter, District Council, and Assembly PAC's are prohibited.

(B) The Membership and Public Relations Committee shall review and recommend those programs, current or proposed, which deal with the recruitment and retention of the Union's membership to the Board of Directors. This committee shall also offer input regarding the Union's relations with the various media and the internal communications of the Union.

(C) The Finance Committee shall review and make recommendations regarding all finances, general resources of the Union, income and disbursements to the Board of Directors. The Finance Committee shall also review the annual budget for recommendation to the Board of Directors.

(D) The Alternative Contracts Committee shall (1) develop and review issues pertaining to all negotiated collective bargaining agreements other than the main state employee collective bargaining agreement and (2) have input



into developing educational and informational formats dedicated to the affected membership.

(E) The Judicial and Internal Affairs Committee (JIAC) shall oversee the resolution of matters, except those related to staff, pertaining to disputes or irregularities at any level of the union, including but not limited to, Chapter, District Councils, and Assemblies. JIAC shall have the authority to investigate and review the continued viability of Chapters, District Councils or Assemblies due to changes in membership, size, agency mergers, work place relocations, etc., and make the appropriate recommendations to the Board. Internal controversies conducted pursuant to Article VII of the Subordinate Body Constitution, which remain unresolved, shall then be appealable to JIAC within fifteen (15) days of the body meeting. Hearings will be held for appealed election protests, alleged constitutional violations and other issues in a timely manner and conducted pursuant to Article IX, Section 2 of the OCSEA State By-Laws. All JIAC recommendations shall be presented to the State Board for approval and inclusion in the minutes.

No State officer shall be an ex-officio member of this committee.

(F) The Committee for Minority and Community Affairs shall develop the Union's minority affairs program. The Committee for Minority and Community Affairs shall address minority concerns within OCSEA and the community.

(G) The Women's Action Committee shall promote and encourage the participation and development of women in leadership roles in the Union and the workplace through on-going education and training. The committee shall also seek to inform and educate all members on the issues affecting women and the family and actively work in support of legislation impacting women and families.

(H) The Education Committee shall promote and have the oversight of labor education programs developed for and delivered to the Union membership.

(I) The Veterans Advisory Committee shall strive to protect, enhance, and promote the rights of veterans, active military personnel, and their families. It will accomplish these goals by establishing positive links with veterans' organizations, state and local agencies, and other community resources.

#### **Section 4. Committee Appointments**

Except as otherwise provided, committee appointments may be changed by the State President at any time with the advice and consent of the Board of Directors.

# **Article VII – Chapters, District Councils, and Assemblies**

## **Section 1. Chapters**

The first criteria of Chapter formation shall be commonality of agency, state institution or local office. Thereafter, Chapter formation shall be based upon whether the active members of the union are employed within the same or adjacent county. Residence within the same or adjacent county shall be a third tier.

## **Section 2. District Councils**

District Councils may be formed in each Board district of the Union, as defined in Article II, Section 4 of the OCSEA State By-Laws, whenever a majority of the chapters within the geographic area of a Board district of the Union petitions the Board of Directors for such privilege.

## **Section 3. Assemblies**

Assemblies of like entities (agencies of government) may be formed by a majority of Chapters having members in such agency petitioning the Board of Directors for the establishment of such Assembly. The name of such Assembly shall reflect the agency represented, i.e. ODOT, ODJFS etc.

## **Section 4. Deactivation or Merger of Chapter, District Council, or Assembly**

Any Chapter, District Council or Assembly which fails, for a period of two (2) consecutive quarters, to comply with the definition of active Chapter, District Council and Assembly shall receive written notice from OCSEA outlining the current status and the steps necessary to come into compliance with the definition(s) of active. Should any Chapter, District Council or Assembly fail to comply for three (3) consecutive quarters, the entire Executive Board and assigned State Board Member shall receive a letter from OCSEA stating that deactivation shall commence thirty (30) days from the date of the letter unless all deficiencies are corrected and notice sent thereof within the thirty (30) days. Notice of potential deactivation and reassignment shall be sent to all affected members.

In the case of a deactivated Chapter, all members shall be assigned to an active Chapter which most closely meets the Agency or working conditions of each employee. Any properties in the possession of a deactivated Chapter, District Council or Assembly shall become the property of the Union. Any funds currently outstanding or in the possession of a deactivated Chapter, District Council or Assembly shall be transferred on a prorated basis to the

OCSEA Chapter, District Council or Assembly to which the members have now been assigned.

Any Chapter, District Council or Assembly may agree to merge with another Chapter, District Council or Assembly for the preservation of the rights and interests of the members of the Chapter, District Council or Assembly and of OCSEA. A request for such a merger shall be forwarded to the Judicial and Internal Affairs Committee (JIAC) for review and presentation to the State Board of Directors for approval.

### **Section 5. Funds and Assets**

In those instances where OCSEA affiliation no longer exists, all funds and assets remain the property of OCSEA, unless otherwise ordered by the Board of Directors.

### **Section 6. President's Conference**

(A) Each active Chapter shall be entitled to send a minimum of two representatives, which includes the automatic representative in Part B. Each active Chapter is also entitled to an additional representative for each one hundred (100) members. Members of the State Board of Directors shall be automatic representatives at the conference.

(B) The president of a Chapter, District Council or Assembly shall be an automatic representative to the President's Conference. In the event the president is unable to attend the conference as the automatic representative of the Chapter, District Council, or Assembly, then the vice-president shall be the automatic representative. In the event the vice-president is unable to attend the conference as the automatic representative of the Chapter, District Council, or Assembly, then the secretary or secretary-treasurer shall be the automatic representative. In the event the secretary is unable to attend the conference as the automatic representative of the Chapter, District Council, or Assembly, then the treasurer shall be the automatic representative. If the Treasurer is unable to attend, a member of the executive board shall be the automatic representative based on lot.

(C) At a conference of presidents, a simple majority of representatives present shall constitute a quorum.

(D) The conference may consider any matters for the good of the Union and make recommendations to the Board of Directors or to any future convention of the union to be given due consideration.

### **Section 7. Definitions and Qualifications for Active Status**

Chapters, District Councils and Assemblies of the Union shall be deemed to be active Chapters, District Councils or Assemblies within the meaning of this section as follows:

(A) The Chapter, District Council, and Assembly shall hold at least one (1) general body meeting and one (1) executive board meeting per quarter. At least one general body or executive board meeting within two (2) consecutive quarters must have a quorum.

(B) Elections of officers and executive board members are timely, held within the same month every three (3) years; and

(C) The Chapter, District Council or Assembly has submitted approved financial reports within thirty (30) days of the end of the prior quarter to the comptroller as required.

(D) The Chapter, District Council and Assembly shall maintain a full complement of officers and Executive Board Members pursuant to article IV of the subordinate body constitution. Vacancies must be filled within ninety (90) days of the effective days of the vacancy.

(E) Chapters must have at least one (1) certified Steward current in the OCSEA database.

(F) Chapters, District Councils and Assemblies must send at least one (1) delegate to the OCSEA Biennial State Convention.

## **Article VIII – OCSEA Conventions**

### **Section 1. Convention Provisions**

(A) All biennial and special conventions shall be held under the management of the President and staff at the direction of the Board of Directors.

(B) Notice of the time and place of any regular Biennial Convention shall be mailed to the president and secretary of each Chapter, District Council, and Assembly at least one hundred eighty (180) days prior to the date thereof.

(C) Special conventions shall be called by the President when there is filed with him/her a written petition of a majority of the active Chapters requesting a special convention, provided that all the written petitions were adopted at a Chapter meeting. Special conventions may also be called by the Board of Directors, for a specified reason, with a recorded two-thirds (2/3) vote.

The President shall call such special conventions within sixty (60) days after the filing of such petitions. Notice of the special convention shall state, in addition, the purpose of the special convention and no business shall be transacted at such special convention other than that so stated in the notice.

(D) All biennial and special conventions shall be held at union facilities where feasible.

(E) No material shall be distributed or sold at any OCSEA biennial or special convention unless the material is union made, as evidenced by the union label. If the material is not union manufactured, then the material shall at

least be American made. No printed material shall be distributed without being union printed, as evidenced by the union bug, with the exception of in-house printed material.

## **Section 2. Quorum**

Thirty-five percent (35%) of the certified delegates shall constitute a quorum for the purpose of conducting business at any convention.

# **Article IX – Delegates**

## **Section 1. OCSEA Convention Delegates**

### **(A) Delegates-At-Large**

#### **(1) Automatic**

All State Officers, members of the Board of Directors and Chapter, District Council, or Assembly presidents of this Union shall be delegates-at-large to all conventions. In the event that the Chapter, District Council, or Assembly president is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the vice president shall be the delegate-at-large. In the event that the Chapter, District Council, or Assembly vice president is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the secretary or secretary/treasurer shall be the delegate-at-large. In the event that the Chapter, District Council, or Assembly secretary or secretary/treasurer is unable to attend the convention as the Chapter, District Council, or Assembly's authorized delegate, the treasurer shall be the delegate-at-large. If the Treasurer is unable to attend, a member of the Executive Board shall be the delegate-at-large based on lot.

#### **(2) Succession**

If a Chapter, District Council, or Assembly President is a delegate-at-large by virtue of another elected position, the Chapter, District Council, or Assembly vice president shall be the delegate-at-large representing the Chapter, District Council or Assembly. If a Chapter, District Council, or Assembly vice-president is unable to attend the convention as the Chapter, District Council Or Assembly's authorized delegate, the secretary or secretary/treasurer shall be the delegate-at-large. In the event that the Chapter, District Council, or Assembly secretary or secretary/treasurer is unable to attend the convention as the Chapter, District Council or Assembly's authorized delegate, the treasurer shall be the delegate-at-large. If the Treasurer is unable to attend, a member of the Executive Board shall be the delegate-at-large based on lot.

### **(B) Other Convention Delegates**

Each Chapter shall be entitled to at least one delegate and one alternate to the OCSEA biennial convention or any OCSEA special conventions, in addition to the delegate-at-large provided in Section 1(A) of this Article. An elected delegate who is unable to attend shall be replaced by an alternate. If the Chapter has elected more than one alternate, the alternate shall be selected in order of the highest to the lowest number of votes received. In the event of a tie, the executive board of the affected Chapter, District Council, or Assembly shall select one of the tied alternates.

### **(C) Additional Delegates and Alternates**

A Chapter shall be entitled to one (1) additional delegate and alternate for each one hundred (100) members. Membership for this purpose shall mean the number of active members listed as of 60 days preceding the opening date of any convention.

### **(D) Delegate Qualifications**

All elected delegates and alternates must be active members of the Union for one (1) continuous year immediately prior to the election.

### **(E) Election of Delegates**

Fifteen (15) days notice must be given prior to the election of delegates and alternates. The election shall be conducted in accordance with OCSEA's election procedure pursuant to the OCSEA Subordinate Body Constitution Article VI, at least ten (10) days before but not more than one hundred eighty (180) days prior to the start of a convention, and the credentials shall be forwarded immediately by the body's secretary to the Secretary-Treasurer of the Union.

## **Section 2. Assembly Delegates**

(A) Voting delegates to an Assembly shall consist of each Chapter President (if the Chapter President is employed by the agency that forms the Assembly), or his/her designee from the appropriate agency and one other delegate from the appropriate agency elected by the members of the Chapter who are employed by the agency that forms the Assembly.

(B) State Board of Directors members, including State Officers, who work in the agency represented by the Assembly shall be voting members of the Assembly.

(C) The term of office for an Assembly delegate shall be three (3) years. Delegates shall be elected in conjunction with the Chapter's election of officers and executive board members pursuant to Article VI of the Subordinate Body

Constitution. A Chapter shall be entitled to elect delegates to every Assembly which represents agencies covered by its jurisdiction.

(D) Delegates to the Assembly may be removed by the Chapter from which they were elected for failure to attend two (2) consecutive meetings of the Assembly without being excused. When an emergency precludes advance notification, the body may retroactively grant an excused absence.

### **Section 3. District Council Delegates**

(A) Delegates to a council shall consist of each Chapter president or his/her designee and one other delegate elected by the Chapter.

(B) State Board of Directors members shall be voting delegates in the District Council from which they were elected. State Officers shall be voting delegates in the District Council to which their home chapter is assigned.

(C) The term of office for a District Council delegate shall be three (3) years. Delegates shall be elected in conjunction with the Chapter's election of officers and executive board pursuant to Article VI of the Subordinate Body Constitution.

(D) Delegates to the District Council may be removed by the Chapter from which they were elected for failure to attend two (2) consecutive meetings of the District Council without being excused. When an emergency precludes advance notification, the body may retroactively grant an excused absence.

### **Section 4. International Convention Delegates**

(A) The State Board of Directors shall determine the number of delegates to represent the Union at the Biennial Convention or any special convention of the International Union. By virtue of election to their respective positions, the State President, State Vice President, State Secretary-Treasurer, State Board of Directors members and the President of each District Council shall be eligible to be delegates to the International Convention.

(B) In the event that the State Board of Directors determines that the number of delegates to attend the International Convention is less than the number delineated above, the State Board of Directors shall determine which individuals from those delineated above, shall attend using the following order of priority: State President, State Vice President, State Secretary-Treasurer, one (1) Board Member from each of the State Board of Directors Districts and District Council President, selected proportionately, according to the Union membership of their respective districts.

(C) Should the number of delegates authorized by the State Board of Directors to attend such International Convention exceed the number of State Officers, Board of Directors members and District Council Presidents attending such International Convention, additional delegates shall be elected from amongst the Districts on a pro-rata membership basis.

If a District Council President is a member of the State Board of Directors, or is unable to attend, the International Convention delegate slot shall proceed through the levels of succession in that District as outlined in the State Constitution Article IX, Section 1(A)(2).

(D) Should the number of delegates authorized by the State Board of Directors to attend such International Convention be less than the total number of State Officers, Board of Directors members and District Council Presidents, the State Board Member who is a District Council President, shall represent both the Board and their District Council.

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

### **Section 1. Executive Director and Comptroller**

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



# Article XI – Rules of Order

## Section 1. Parliamentary Procedure

*Robert's Rules of Order, Newly Revised*, shall govern the conduct of conventions of the Union and meetings of the Board of Directors unless in conflict with this State Constitution or rules adopted at such convention.

## Section 2. Executive Session for State Board of Directors' Meetings

(A) Except as otherwise provided, the Board of Directors may deliberate in Executive Session but take no official action during Executive Session. In the absence of an emergency, the Board of Directors may not meet in Executive Session unless an invitation is extended by the Board of Directors to one District Council president, Assembly president or Chapter president in attendance, who is not a Board member. This selection to attend said Executive Session shall be made from those Chapter, District Council, and Assembly presidents in attendance at that Board of Directors' meeting.

(B) Once executive session is called, the President will extend an invitation to the selected Chapter, District Council or Assembly President to remain during the executive session.

(C) The Secretary-Treasurer shall ask all Chapter, District Council and Assembly Presidents, in attendance, who are not voting members of the Board, to identify themselves. The Secretary-Treasurer will then ask those Presidents to select from among themselves one President to remain during the executive session.

(D) The Chapter, District Council or Assembly President selected shall have the right to participate in the deliberations.

(E) The absence of a Subordinate Body President, at the call of the executive session, will not forestall an executive session.

(F) An Executive Session may be called to consider matters arising under Article V, Section 5(C) of the State Constitution if the staff member is in agreement. The staff member concerned will be notified and given the opportunity to attend.

# Article XII – Dues

## Section 1. Amount

(A) Dues shall be 1.25% of the member's base rate of pay per bi-weekly pay period, effective September 17, 1995. Those not paying on a bi-weekly basis shall be prorated accordingly.

(B) Membership dues shall be payable through payroll deduction, electronic fund transfers or by cash payment to the OCSEA Central Office. Cash payments, which include checks, money orders and bank drafts, shall

only be accepted when payroll deduction is not available, including, but not limited to times when a member is in an active or non-active pay status, such as, unpaid disability, leave of absences, workers' compensation or the exceptions listed in section 2(A) or 2(B) of this Article. Cash payments will be accepted from retirees for their annual dues. Any member will be considered in good standing who is paying dues through regular payroll deduction for so long as such person continues to pay through such deduction method, or who pays cash dues by the fourteenth (14th) day after the dues were not deducted from the paycheck. A member who fails to pay dues in accordance with the terms described herein shall be an inactive member upon failure to pay dues for two consecutive payroll periods.

## **Section 2. Exceptions**

(A) However, a member who has been terminated, laid off or suspended and has a grievance pertaining to the adverse job action which remains unresolved, or who is on a sanctioned strike or is locked out shall not be required to make dues payments in order to remain in active status while not on the payroll.

(B) Members who have dues payments interrupted as a result of workers' compensation, disability leave, or the waiting period for disability leave shall not be suspended as a result of non-payment of dues for the first 13 pay periods of such interruption. Dues payments are not interrupted as long as members receive sick leave, disability benefits or other employer provided remuneration. Thereafter, the dues shall be set at the current amount established by the AFSCME International Constitution for members-at-large for the remainder of the period of the interruption of dues deduction.

(C) A member who becomes inactive under the provisions of this section may be reinstated to active membership upon payment of all arrearages or upon payment of a reinstatement fee equal to two months' dues, not to exceed twenty-five dollars (\$25.00).

(D) Members on military leave shall remain active members for the duration of any period in excess of paid military leave.

(E) In the event that an OCSEA officer, Board Member or Chapter, District Council, or Assembly officer becomes delinquent in payment of dues, that person shall be notified in writing by certified and regular mail by the OCSEA Secretary-Treasurer of his/her delinquency status. If such person does not become a member in good standing by payment of all arrearages within fourteen (14) calendar days of such notice, he/she shall stand removed from the office(s) which he/she holds and such office(s) will be filled pursuant to the appropriate provision of this Constitution. Where an OCSEA officer, Board Member or Chapter, District Council or Assembly officer is a part-time

employee, the arrearage shall be calculated based upon the average of the last six (6) pay periods prior to the delinquency.

(F) Where a bargaining unit member is in a permanent, seasonal position, he/she shall be eligible to run for and hold an elected office under the following conditions:

1. They have been an active OCSEA member as prescribed by State Constitution Article IV, Section 3 (A) for Board of Director members and Subordinate Body Constitution Article IV, Section 3 (A) for subordinate body officers; and
2. All membership dues have been properly made during their employment; and
3. During the seasonal interruptions, dues at the current amount established by the AFSCME International Constitution for member-at-large shall be paid for each month or portion thereof until the month of their reinstatement/recall.
4. In the event the member is not reinstated/recalled, payments shall continue to be made at the members-at-large rate, subject to their rights and obligations under Article 18 of the current Collective Bargaining Agreement and Article XII of the OCSEA State Constitution.

### **Section 3. Refunds, Credits and Assessments**

(A) Each active Chapter, as defined in Article VII, Section 7 of the State Constitution, shall receive a quarterly refund in an amount equivalent to 9% (nine percent) with a minimum of nine hundred dollars (\$900) for Chapters with less than fifty (50) members and a minimum of one thousand one hundred dollars (\$1,100) for Chapters with fifty (50) or more, of the bi-weekly dues received for each active member who has paid monies in advance for one or more months in said quarters and for those who, under the payroll deduction method, have caused to be remitted dues for one or more of the months of said quarter.

(B) Each chartered District Council and chartered Assembly shall receive a quarterly refund in an amount equivalent to 1% (one percent) of the dues received bi-weekly for each active member in the District or Assembly under the terms described above for Chapters. However, the quarterly refund made to an Assembly shall not be less than \$500.

(C) The Union shall credit eighty-five hundredths of one percent (.85%) of the dues received bi-weekly to the convention fund for use in defraying the expenses of the biennial and special conventions and the President's conference. Such amounts shall be taken from the dues of each active member who

has paid his/her dues directly or caused dues to be remitted to the Union before the end of the month of said action.

(D) When dues are remitted to the Union by cash members and annual members, the Union shall remit the above amounts to the Chapters, District Councils and Assemblies and shall credit the convention fund in the amount specified above which will cover the period of such advancements.

(E) Any Chapter, with the approval of the Board of Directors, may levy voluntary assessments on its members. Where allowable by Ohio law, membership dues may be remitted to the Chapter by the state or political subdivision thereof with the approval of the State Board of Directors, and individual Chapters will be responsible to send dues to Central Office.

#### **Section 4. Qualifications for Refunds**

(A) To qualify for such Chapter, District Council or Assembly refund, each active Chapter, District Council or Assembly, as defined in Article VII, Section 7 of the OCSEA State Constitution, shall file quarterly financial statements with state headquarters on a form prescribed by the Board of Directors. Upon failure of a Chapter, District Council or Assembly to meet any of the conditions required by the State Constitution and State By-Laws to qualify for a refund, the Board of Directors shall withhold payment of such refund until such requirements are met. A request for Chapter, District Council or Assembly refund more than four quarters in arrears shall not be honored. Disputes concerning timeliness shall be referred to the Judicial and Internal Affairs Committee (JIAC) for recommendation to the Board of Directors whose decisions in the matter are final.

(B) Failure to hold elections during the month of the expiration of the term of office shall result in the withholding of one-third (1/3) of the current quarter's rebate. An additional one-third (1/3) shall be withheld for every month thereafter until elections are held and results forwarded to OCSEA central office. At the end of the original election month, a letter shall be sent to all members of the affected subordinate body outlining the upcoming penalties, remedies and timelines. The cost of said mailing shall be deducted from the subordinate body's rebate.

Funds may be released upon receipt of the election results, subject to any other provision of this constitution and by-laws. Disputes concerning these funds shall be forwarded to the office of the State Secretary-Treasurer for review and recommendation to the Board of Directors whose decision(s) in the matter is final.

#### **Section 5. Initial Refund**

Whenever a new Chapter, District Council, or Assembly is organized and some of the members have previously been members of another Chapter,

District Council, or Assembly, the funds and assets of the Chapter, District Council, or Assembly to which the members had previously been members shall be divided between the affected bodies in such manner or proportions as the Board of Directors may deem fair and reasonable.

### **Section 6. Dues Distribution**

Effective with the pay period including January 1, 2008, all dues received shall be credited to the following accounts:

1. General Fund 88.15% (eighty-eight and fifteen hundredths percent)
2. Chapter Refund 9% (nine percent but no less than than nine hundred dollars (\$900) for Chapters with less than fifty (50) members and one thousand one hundred dollars (\$1,100) for Chapters with fifty (50) members or more.)
3. District Refund 1% (one percent)
4. Assembly Refund 1% (one percent) or five hundred dollars (\$500) whichever is greater
5. Convention Fund .85% (eighty-five hundredths of one percent)

## **Article XIII – Chargeable Offenses**

### **Section 1. Charges**

Any member who has been charged by another member or members or Chapters, District Councils or Assemblies of this Union shall be so charged in writing only to the Judicial and Internal Affairs Committee of violating the following:

(A) Violation of any provision of this OCSEA State Constitution and OCSEA State By-Laws, the Uniform Subordinate Body Constitution, or of any officially adopted and approved By-Laws of a Chapter, District Council, or Assembly to which the member being accused is subject.

(B) Misappropriation, embezzlement, or improper or illegal use of union funds.

(C) Any action by any officer or member, which results in the expenditure of money, which is the property of the Union or any Chapter, District Council, or Assembly without proper authorization.

(D) Acting in collusion with Management to the detriment of the welfare of the Union or its membership.

(E) Any activity which assists or is intended to assist a competing organization within the jurisdiction of the Union.

(F) Refusal or deliberate failure to carry out legally authorized decisions of the convention, the State President, the State Board of Directors, including

Board policies, or Executive Board of a Chapter, District Council, or Assembly of which the accused is a part.

(G) Willful violation of a legally negotiated and approved Collective Bargaining Agreement.

(H) Using the name of the Union or of a Chapter, District Council, or Assembly in an unauthorized manner or for an unauthorized purpose.

(I) Obtaining membership through fraud or misrepresentation.

(J) Deliberately interfering with any official of the Union or of a Chapter, District Council, or Assembly in the discharge of such official's lawful duties.

(K) The solicitation or acceptance of a bribe or the acceptance of any gift of more than nominal value from any employer, member, group of members or employee of the Union, or from any person or firm which has or is seeking to establish a business relationship with the Union or any Chapter, District Council, or Assembly.

(L) Conviction of a crime, the nature of which is such as to bring the union as an organization into disrepute.

(M) Knowingly submitting a false financial or audit report to the Union or any Chapter, District Council, or Assembly or knowingly and intentionally making any false financial report or statement to any lawfully constituted body at any level of the union.

(N) Crossing an authorized OCSEA/AFSCME strike picket line. Members who are legally prohibited from striking shall be exempt from this provision.

(O) Associating, coordinating and/or working with any anti-union group to the detriment of the welfare of the Union or its membership.

## **Section 2. Sanctions**

A member shall be warned, fined, or have the rights and duties of membership suspended for any period of time, or expelled based on an affirmative finding of such offense. Such sanctions may not be imposed without due process as provided for in Article IX, Section 2 of the OCSEA State By-Laws.

## **Section 3. Removal from Office**

Any state officer (President, Vice President, Secretary-Treasurer) may only be removed for the reasons set forth in Section 1 – Charges of this Article, 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 as provided for in Article IX, Section 2 of the OCSEA State By-Laws.

# Article XIV – Contract Ratification

## Section 1. Opportunity to Vote

All members shall be afforded an opportunity to vote concerning the acceptance or rejection of their Collective Bargaining Agreement. No union representative may affix his/her signature to such agreement until ratification has taken place.

## Section 2. Review of Tentative Agreement

Prior to ratification, all new contract language negotiated by this Union will be presented in draft form to all affected members.

## Section 3. Meetings

A minimum of one hour should be allocated for questions and answers prior to the ratification of the contract.

## Section 4. Ratification

The new contract language shall be ratified at the Chapter level.

# Article XV – Trusteeships

## Section 1. Grounds for Trusteeship

(A) If the President of OCSEA finds (1) that a Chapter District Council, or Assembly has seceded or purported to secede, (2) that dissolution or secession of a Chapter, District Council, or Assembly is threatened, or (3) that dissipation or loss of the funds or assets of a Chapter, District Council, or Assembly is threatened, or (4) that the Chapter, District Council, or Assembly has deliberately filed false rebate forms or other financial or audit reports with OCSEA or (5) that a Chapter, District Council, or Assembly is acting in violation of OCSEA's State Constitution or State Laws, so that in the opinion of the OCSEA President an emergency situation exists or (6) that the Chapter, District Council, or Assembly or its officers or its members are conducting affairs so as to seriously undermine OCSEA and the President determines that the circumstances constitute an emergency, the OCSEA President is empowered to place such Chapter, District Council, or Assembly under trusteeship pending notice and hearing. Upon placing a Chapter, District Council, or Assembly in trusteeship, the OCSEA President shall refer the matter for hearing in accordance with the procedures set forth in Section 2 of this Article, shall notify the Chapter, District Council, or Assembly, and shall promptly submit a written report to all members of the Board of Directors notifying them of the imposition of the trusteeship and the reasons for taking such action.

(B) If the President of OCSEA has reasonable cause to believe that a Chapter, District Council, or Assembly or its officers or members are (1) engaged in financial malpractice, or (2) violating the obligations of a collective bargaining agreement between any employer and OCSEA, or (3) acting in violation of OCSEA's State Constitution or State By-Laws, or (4) conducting the affairs of the Chapter, District Council, or Assembly in such a manner as to directly and seriously jeopardize the fundamental rights and interests of the membership of the Chapter, District Council, or Assembly or OCSEA, and that such conduct cannot or will not be immediately remedied by the Chapter, District Council, or Assembly, but such action does not constitute an emergency situation, the OCSEA President shall refer the matter to the Judicial and Internal Affairs Committee (JIAC) for hearing in accordance with the procedures provided in Section 2 of this Article to determine if such actions have occurred and make recommendations necessary to impose a trusteeship.

(C) Where a member of the State Board of Directors requests the imposition of trusteeship, he/she must submit a written, detailed report documenting the issues and/or concerns to support the request to the Judicial and Internal Affairs Committee (JIAC). JIAC shall review the report along with prior years Board visitation reports to decide whether or not a hearing should be set or the request dismissed.

(D) The Judicial and Internal Affairs Committee, with the approval of the Board of Directors, shall have the power, after appeal and due process procedures as spelled out in the State By-Laws Article IX, Section 2(E), to place any Chapter, District Council, or Assembly under trusteeship if it determines that alleged grievances or irregularities are of sufficient importance.

## **Section 2. Due Process**

(A) After a matter is referred to the Judicial and Internal Affairs Committee pursuant to Section 1 of this Article, the chair of the Judicial and Internal Affairs Committee shall schedule the matter for hearing. At least ten (10) days' written notice shall be provided to all interested parties, prior to the hearing, which will be held not later than twenty-one (21) days after the imposition of any trusteeship pursuant to Section 1, paragraph (A) of this Article. All interested parties shall be given a fair opportunity to present evidence in support of their positions.

(B) After the hearing has been closed, the Judicial and Internal Affairs Committee will review the evidence and by a majority vote of those present at the hearing, based on the preponderance of the evidence, shall make a recommendation as to whether the Chapter, District Council, or Assembly has committed any of the acts stated in Section 1. If the committee determines that the Chapter, District Council, or Assembly has not committed any of the acts stated



in Section 1, the trusteeship shall be vacated, but the OCSEA President shall have the right to appeal such determination to the Board of Directors. If the committee determines that the Chapter, District Council, or Assembly has committed any of the acts stated in Section 1, the OCSEA President shall take such action as the President deems appropriate, provided, however, that the Chapter, District Council, or Assembly shall have the right to appeal such action to the State Board. The Judicial and Internal Affairs Committee is authorized to recommend such other action it deems necessary to remedy any violations of the State Constitution and State By-Laws.

### **Section 3. Authority of Trustee**

(A) In all cases where a Chapter, District Council, or Assembly has been placed under trusteeship, the OCSEA President shall assume charge of the affairs and business of such Chapter, District Council, or Assembly and may appoint a trustee for such purpose. All actions of the trustee shall be subject to the direction, instruction and approval of the OCSEA President. No member may be appointed trustee of his/her home chapter.

(B) Such trustee shall have the right, upon demand, to take possession of all the funds, properties, books and other assets of such Chapter, District Council, or Assembly for the period that the trustee is in charge, such assets to be held in trust for the benefit of the Chapter, District Council, or Assembly and to be expended only to the extent necessary for the proper conduct of the affairs of the Chapter, District Council, or Assembly. The trustee shall institute all necessary action to recover money or other property of the Chapter, District Council, or Assembly. The trustee shall be adequately bonded to safeguard the Chapter, District Council, or Assembly assets and for the faithful performance of the trustee's duties.

(C) The trustee shall be authorized and empowered to suspend from office any or all of the Chapter, District Council, or Assembly officers and appoint temporary officers, from among the members in good standing of such Chapter, District Council, or Assembly, for the duration of the trusteeship; to remove or replace representatives of such Chapter, District Council, or Assembly; and to take such other actions as in the trustee's judgment are necessary for the preservation of the rights and interests of the members of the Chapter, District Council, or Assembly and of OCSEA. The trustee shall be empowered to conduct and manage the affairs of the Chapter, District Council, or Assembly with the assistance of the officers or temporary officers herein provided for until the trusteeship is terminated.

(D) The trustee shall submit complete written, monthly reports of the trustee's actions and of the affairs of the Chapter, District Council, or Assembly to the Judicial and Internal Affairs Committee and the acting officers and

executive board of the affected body. Expenses of the trustee shall be paid out of the funds of the Chapter, District Council, or Assembly if they are available, otherwise they shall be borne by OCSEA. Expenses shall be submitted on the approved trustee expense report to the Comptroller's office.

#### **Section 4. Duration of Trusteeship**

(A) Such trusteeship shall be continued no longer than is necessary to remove the causes of its establishment. The Chapter, District Council, or Assembly shall have the right to appeal to the Judicial and Internal Affairs Committee for removal of the trusteeship on the ground that such trusteeship has been continued longer than is necessary. However, under no circumstances may such an appeal be made within six months of imposition or within six (6) months after a prior decision by the board of directors was made to continue the trusteeship.

(B) The Judicial and Internal Affairs Committee shall schedule a hearing on the appeal and permit all interested parties to present arguments in support of their positions. The Committee shall review all documents. In order to recommend to the Board of Directors that the trusteeship should continue, a majority of the members of the committee present at the hearing must vote to recommend such action. At the next meeting of the Board of Directors following any hearing, action shall be taken, on the committee's recommendation. A two-thirds (2/3) vote of the Board of Directors shall be required to continue the trusteeship.

#### **Section 5. Termination of a Trusteeship**

When a trusteeship is to be terminated, the trustee shall conduct elections of officers of the Chapter, District Council, or Assembly except for those elected officers whose terms shall not have expired and who have not been expelled, suspended or otherwise removed from office during the period of trusteeship and shall install such officers on the day the trusteeship is terminated. The trustee shall return all funds, books, property and other assets of the Chapter, District Council, or Assembly to its appropriate officers who shall give appropriate receipt for same. The trustee shall make a final accounting of the trusteeship and submit it to the Board of Directors and to the Chapter, District Council, or Assembly under trusteeship.

# **Article XVI – Amendment of OCSEA State By-Laws and Subordinate Body Constitution**

(A) The Union may adopt such State By-Laws and Subordinate Body Constitution changes as are necessary or desirable to implement the OCSEA State Constitution. Proposed changes to the OCSEA State By-Laws or the Subordinate Body Constitution shall be adopted by a majority of the certified delegates present and voting at a regular or special convention, or by a three-fourths (3/4) vote of the members present at a regular meeting of the OCSEA Board of Directors.

(B) Any proposed changes to the State By-Laws or Subordinate Body Constitution submitted by a subordinate body for the convention shall contain certification that it was approved for submission by the Chapter, District Council, or Assembly and shall be signed by at least two officers including executive board members of such body. The proposed changes shall be submitted to the OCSEA Central Office at least sixty (60) days prior to the convention.

(C) Any proposed changes submitted to the board of directors for review must be submitted in writing and shall contain certification that it was approved for submission by a Chapter, District Council, or Assembly and shall be signed by at least two officers of such body. The proposed amendments will be reviewed by the board at the next scheduled board meeting. After review, the proposed changes shall be publicized in the OCSEA publication not less than thirty (30) days prior to the Board meeting at which they shall be considered. The notice shall solicit comment from the membership. The proposed change(s) shall then be presented for vote by the Board of Directors.

(D) Any changes to the State By-Laws or Subordinate Body Constitution adopted pursuant to Article XVI shall automatically supersede any Subordinate Body By-Laws which conflict.

# **Article XVII – Amendment of OCSEA State Constitution**

## **Section 1. Procedure**

This State Constitution may be amended at any regular convention or at any special convention called for that purpose. Proposed amendments, when printed, must be of the same context as when they are submitted and shall be submitted to the central office for distribution to Chapter presidents in suf-

ficient quantity for distribution to convention delegates at least thirty (30) days prior to the convention date. A two-thirds (2/3) vote of the certified delegates present and voting shall be required for the adoption of amendments.

Any proposed changes to the State Constitution submitted by a subordinate body for the convention shall contain certification that it was approved for submission by the Chapter, District Council, or Assembly and shall be signed by at least two officers including executive board members of such body. The proposed changes shall be submitted to the OCSEA Central Office at least sixty (60) days prior to the convention.

## **Section 2. Effective Date**

Amendments adopted at the biennial or any special convention of this Union, unless otherwise provided, shall become effective on January 1, following said convention. Two (2) printed copies of the State Constitution, as amended, will be mailed to each Chapter, District Council and Assembly president following review and approval pursuant to Article VI of the Affiliation Agreement with AFSCME International. Any changes to the OCSEA State Constitution shall automatically supersede any Subordinate Body By-Laws which conflict.

# **Article XVIII – Miscellaneous Provisions**

## **Section 1.**

This local union shall at all times be subject to the provisions of the constitution of the American Federation of State, County and Municipal Employees.

## **Section 2.**

Except to the extent specified in this constitution, no officer of the local union shall have the power to act as agent for or otherwise bind the local union in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local union except to the extent specifically authorized in writing by the president of the local union or by the executive board of the local union.

## **STATE BY-LAWS**

### **Article I – Membership**

#### **Section 1. Effective Date - Dues**

**(A) Active Member:** Effective date of membership is the date the card is accepted by an OCSEA member or staff person.

**(B) Life Member:** Effective date of membership is the date the Chapter President signs the application. Dues shall be deducted ~~chareg~~ annually from the Chapter's per capita refund. The amount of dues shall be set by the State Board during the annual budget review at an amount not to exceed fifty dollars (\$50.00) per year.

**(C) Retired Member:** Effective date of membership is the date dues are received in the OCSEA Central Office. The amount of dues shall be set by the State Board during the annual budget review at an amount not to exceed \$50.00 per year. Dues must be submitted annually, by December 31<sup>st</sup>, to the Comptroller's Office for the following year.

**(D) Member-at-large:** Effective date of membership shall be the date dues are received in the OCSEA central office. Time spent as a member-at-large does not count toward eligibility for future office elections.

**(E) Honorary Member:** Effective date of membership is the date of Board approval.

#### **Section 2. Retiree Chapter Membership**

Upon request of either a life member or a retired member, OCSEA may take action to enroll that person in AFSCME Retiree Chapter 1184 and shall pay his/her first year's dues for the membership up to December 31<sup>st</sup> of the year in which the member retired. Thereafter, the member may annually request reimbursement for one-half the cost of the current Chapter 1184 dues. The request for reimbursement must be submitted to OCSEA Central Office, Attn: Comptroller's Office no later than March 31<sup>st</sup> of each year. Requests received after this date shall be denied. Such reimbursement shall be deducted from the first quarter rebate for the District Council in which the member resided. The remaining half of the dues shall be the responsibility of the member.

#### **Section 3. Membership Standing**

An individual shall remain a member in good standing as long as valid payroll deduction of dues authorization remains in effect or cash dues payments are made timely. Membership shall be suspended or terminated

only pursuant to the provisions of Articles XII or XIII of the OCSEA State Constitution.

#### **Section 4. Membership and Mailing Lists**

(A) Membership lists are those lists which contain member name, chapter data, agency, work location, county of residence (COR), and county of employment (COE). Mailing lists are membership lists which contain address information. Customized lists may be created upon appropriate request and approval. All mailing or membership lists shall only be used for the purpose(s) stated in the request, including the maintenance of a confidential membership list.

(B) Requests for lists must be made to the OCSEA IT Department by the Chapter, District Council or Assembly President or designee of record in writing. The request should detail the intended use of the list, type of list requested, date required and contact information.

(C) The following types of lists are generated in the usual course of business.

- (1) Mailing of OCSEA Publications, and Chapter, District Council, or Assembly newsletters.
- (2) Board of Directors approved and endorsed commercial ventures such as insurance plans, tours, etc.
- (3) Chapter membership lists shall be provided to all active Chapters on a quarterly basis.
- (4) No mailing list shall be used for campaigning for or against any candidate or candidates for union office except as required by the AFSCME International Constitution or applicable law.
- (5) When required to provide membership or mailing lists by a court of competent jurisdiction or by an administrative agency or government pursuant to applicable laws, rules or regulations, or when necessary to provide or acquire a sufficient current showing to win representational rights, for any other requirement under collective bargaining.
- (6) An Assembly or District Council President, or his/her designee of record, may obtain a mailing list of delegates under his/her purview upon written request.
- (7) All mailings regarding constitutional elections must be made through OCSEA and deducted from the body's rebate.

In the event the request is not related to a union-based activity, the request will be forwarded to the State President for review and presentation to the State Board. A majority vote of the Board of Directors shall be necessary to release such list.

(D) An administrative fee for providing membership and/or mailing lists shall be set by the Comptroller's office.

### **Section 5. Responsibilities of Members**

(A) All members shall abide by the Constitution and By-Laws of the Union, including the Subordinate Body Constitution and any revisions which may subsequently be made and duly enacted.

(B) No Chapter, District Council or Assembly shall, in any way, revise the Uniform Subordinate Body Constitution.

## **Article II – Board of Directors**

### **Section 1. Duties**

(A) Individual members of the Board of Directors shall be responsible for:

- (1) Promoting and maintaining the interests of the Union in the member's District;
- (2) Assisting Chapters in their activities;
- (3) Encouraging competent persons to seek Chapter offices;
- (4) Suggesting and helping to promote district-wide meetings;
- (5) Assisting and obtaining appropriate and interesting speakers and information for sharing and distributing at meetings;
- (6) Relaying to Chapters, District Councils, Assemblies and/or the Union office the problems of members which have been brought to their attention;
- (7) Assisting and advising in the Chapter's nominations and election;
- (8) Swearing in new officers and executive board members;
- (9) Visiting assigned Chapters;
- (10) Overseeing an internal controversy committee in an assigned Chapter, District Council, and/or Assembly;
- (11) Filing visitation reports;
- (12) Notifying OCSEA of any changes, including elections and removals, of assigned Chapter, District Council and Assembly Officers and Executive Board members;
- (13) Assisting new Chapter, District Council and Assembly Officers and Executive Board members in receiving the appropriate leadership and treasurer training;
- (14) Assisting the Treasurer of each assigned Chapter, District Council and Assembly in completing the process necessary for the Comptroller to be a signatory on every financial account within thirty (30) days of an election or other change of office.

(B) The retiree representative on the Board shall be a participating OCSEA member in retiree labor organization Chapter 1184.

(C) The President shall assign the Board of Directors members a number of Chapters. It shall be the responsibility of the Board of Directors members to assist his/her assigned Chapters.

(D) In the event a member of the Board of Directors or a District Representative agrees to serve in a management/exempt position on a temporary basis, he/she shall be removed from his/her position on the Board automatically.

(E) Board of Directors and District Representative members shall attend all regular and special Board meetings, standing and special committee meetings to which they are assigned unless excused. To be excused, the OCSEA Central Office or the Chairperson must be notified of the absence in advance. When an emergency precludes advance notification, the State President may retroactively grant an excused absence.

(F) The actual and necessary expenses of members of the Board of Directors in the pursuance of their duties will be paid by the Union in conformance with the policy established by the Board of Directors.

## **Section 2. Meetings**

(A) Special meetings of the Board of Directors may be called by the State President. At least ten (10) days notice shall be given for all regular meetings.

(B) The Board of Directors may also take official action when time is of the essence and upon unanimous prior authority of the Executive Committee, by causing the entire Board of Directors to be polled by telephone, text and/or e-mail. In taking the poll, the Executive Committee shall agree upon a common statement to be read and/or sent to each Board member. The results of the poll shall be the decision of the Board of Directors and be made a part of the minutes of the next regularly scheduled Board of Directors' meeting.

(C) The President shall call a special meeting of the Board of Directors upon written application by a majority of the members of the Board. At least three (3) days written notice of special meetings shall be given to each member of the Board together with a statement of the purpose of each meeting.

## **Section 3. Board Meeting Minutes**

(A) The minutes of all meetings of the Board of Directors shall be available to all members via the OCSEA website within fifteen (15) days of their approval.

(B) The minutes provided via the OCSEA website shall include an accurate record of each officer's and Board of Directors Member's vote on each matter presented to them for their vote.



#### **Section 4. Board of Directors Districts**

There shall be nine (9) geographic Districts from which the Board of Directors shall be elected on the basis of the formula provided in Article IV, Section 1 of the State Constitution. Such Districts shall be composed of the following counties:

District 1: Allen, Auglaize, Champaign, Clark, Darke, Defiance, Fulton, Hancock, Hardin, Henry, Logan, Lucas, Mercer, Miami, Ottawa, Paulding, Putnam, Sandusky, Seneca, Shelby, VanWert, Williams, Wood and Wyandot.

District 2: Butler, Clermont, Clinton, Greene, Hamilton, Montgomery, Preble and Warren.

District 3: Ashland, Crawford, Erie, Huron, Lorain, Medina, Richland, and Wayne.

District 4: Ashtabula, Columbiana, Mahoning, Portage, Stark, Summit, and Trumbull.

District 5: Belmont, Carroll, Coshocton, Fairfield, Guernsey, Harrison, Holmes, Jefferson, Knox, Licking, Muskingum, Perry, and Tuscarawas.

District 6: Delaware, Fayette, Franklin, Madison, Marion, Morrow, Pickaway, and Union.

District 7: Cuyahoga, Geauga, and Lake.

District 8: Athens, Gallia, Hocking, Meigs, Monroe, Morgan, Noble, Vinton, and Washington.

District 9: Adams, Brown, Highland, Jackson, Lawrence, Pike, Ross, and Scioto.

## **Article III – Conduct of Board of Directors’ Elections**

#### **Section 1. Definition**

(A) The number of vacancies within each District shall be determined at the regular Board of Directors’ meeting preceding March 1 of each year.

(B) No more than nine (9), one from each District, of the elected Board of Directors members, exclusive of the Executive Committee members and retiree representative, shall be employed by any one governmental entity or be from the same Chapter.

(C) The Board of Directors shall determine when the aggregate membership of a statewide bargaining unit or non-state bargaining units equals or exceed one/twenty-fifth (1/25) of the total active Union members in the state. Should such group be not otherwise represented on the Board of Directors, the

position shall be filled in accordance with the rules for filling of vacancies as provided in Section 5 below.

## **Section 2. Nominations**

(A) Nominations for membership on the Board of Directors shall be made on nominating petitions which shall be available in the Union office and shall be furnished to any member upon written request during the period March 1 through May 1, of each election year. If May 1 falls on a Saturday, Sunday or holiday, the petitions must be furnished to the member by the close of business on the next regularly scheduled business day. The petition must be completed and returned to the Union office by the close of business on May 15. If May 15 falls on a Saturday, Sunday or holiday, the petition must be returned to the Union office by the close of business on the next regularly scheduled business day.

(B) All nominating petitions shall, when returned, be accompanied by a written Chapter endorsement, from the District where the candidate is currently assigned as a member, which shall be obtained at a regular or special Chapter meeting at which a quorum is present and entered into the minutes of such Chapter. The written endorsement must be signed by one of the Chapter's elected officers or board members present, and the secretary recording such minutes at such meeting.

(C) Nominating petitions for Board of Directors candidates must contain the signatures of at least one hundred (100) members or ten (10) percent, whichever is less, of the members in good standing in the District which includes the Chapter to which the candidate is permanently assigned. For the purpose of this section, a member shall be considered in good standing based upon the records in the Union office as of January 1 of the particular year.

## **Section 3. Eligibility/Election Committee**

(A) Not later than March 15<sup>th</sup>, the State President shall appoint a committee from among the members of the Judicial and Internal Affairs and Membership Committees for the purpose of determining the eligible candidates and overseeing the election. If any irregularities are found with the petitions, this committee shall meet on the Saturday following May 15<sup>th</sup>. Candidates' names shall be listed in alphabetical order on the ballots. The committee shall remain in session until all eligible candidates are declared elected.

(B) Candidates whose petitions are rejected for any reason shall be notified in writing as to the reason for the rejection. Any registered petition rejected shall be so certified by the State Secretary-Treasurer and a copy of such certification shall be forwarded to the State President.

#### **Section 4. Ballot Information and Mailing**

Not later than June 10<sup>th</sup>, ballots for the election of Board members from each district shall be mailed to each member who is in good standing on May 15<sup>th</sup> of the election year at the mailing address on record with the Union as of that date. Ballots shall contain the name and employing agency for all candidates in the district, which includes the Chapter to which the member is permanently assigned as determined by union records on May 15<sup>th</sup>. Written instructions, a plain ballot envelope and a postage-paid, pre-addressed return envelope shall be included with the mailing of ballots to eligible voters. A deadline for the return of ballots shall be clearly indicated in the voting instructions, which deadline shall be at least twenty (20) calendar days after the date ballots are mailed to eligible voters.

#### **Section 5. Vacancies**

Should any Board of Directors member's position be vacated for any reason, the following steps shall be taken to fill the vacancy.

(A) All Chapters within the District from which the vacant position exists will be given at least thirty (30) days notice of the vacancy. This shall be done by publishing such vacancy in the OCSEA Publication(s) and/or a special bulletin and letter to this effect to be sent to each Chapter President and Secretary.

(B) Any Chapter within the District may endorse, at a regular or special Chapter meeting, in writing, a candidate for the vacancy provided that the candidate is willing to serve, if elected by the Board of Directors, and is qualified under the provisions of Article IV of the State Constitution.

(C) Nominees shall, prior to the Board meeting after publication of the vacancy, submit to the Judicial and Internal Affairs Committee (JIAC) the Chapter endorsement, a brief statement of qualifications and a signed statement indicating willingness to serve on the Board of Directors, if elected.

(D) The Judicial and Internal Affairs Committee will examine and report to the Board of Directors the names of all qualified candidates. The Board of Directors will, by secret ballot, elect the candidate to the unexpired term of the vacant position. Each Board Member shall cast one vote and a majority of the votes cast shall be required to be elected. In the event no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the highest number of votes in the previous elections.

# Article IV – Chapters, District Councils, and Assemblies

## Section 1. Establishment of Chapters

(A) A group of members sharing a community of interest may petition the Board of Directors for approval of Chapter formation and the granting of a Charter.

(B) Each Chapter shall adopt and follow the Uniform Subordinate Body Constitution. Chapters shall also be subject to the State Constitution and State By-Laws. Chapter By-Laws may be adopted after submission to the Judicial and Internal Affairs Committee (JIAC) for approval. The name of the Chapter should be identifiable with the community of interest the members share.

(C) No Chapter shall be created where the cost of its existence exceeds the revenue produced by that proposed Chapter.

(D) Petitions for Chapter formation shall be forwarded to JIAC for recommendation to the Board of Directors. The decision of the Board shall be final.

## Section 2. Assignment of Members to Chapters

After review and recommendation of JIAC, authority for assigning members to active Chapters shall rest with the President. Decisions of the President may be appealed to the Board, which shall resolve the matter by a majority vote.

## Section 3. Chapters

**(A) Newly Chartered Chapters.** For newly chartered Chapters, a notice of the formation of the Chapter and the requirements for an election of permanent officers shall be mailed to the affected members by the Secretary-Treasurer as soon as possible after the Board of Directors' meeting granting the charter.

**(B) Deactivated Chapters.** Reassignment of members from deactivated Chapters or to correct an error shall be done as soon as possible. Any such reassignments shall be reported to the Judicial and Internal Affairs Committee and Board of Directors. All reassigned members shall be notified in writing at the time of the reassignment.

**(C) Transfers.** Members may, individually or as a group, request transfer to a more appropriate Chapter. If the request is for any reason other than a change in public employer, work location, or change of residence, the request must be made to the Board of Directors through the Judicial and Internal Affairs Committee. Such requests shall be written and shall contain reasons

the member(s) feel(s) a Chapter assignment should be changed. Requests shall be heard at the next regular Board of Directors' meeting after receipt. Ease of attendance shall be considered. The Board of Directors' decision on the request shall be final.

**(D) Appeal Procedures.** Should a member be dissatisfied with his/her chapter assignment, he/she may appeal such assignment to the Board of Directors through the Judicial and Internal Affairs Committee. The appeal must be in writing and shall contain the current chapter assignment, an explanation of reasons for requesting another assignment and a more appropriate chapter assignment. Action on such appeals shall be taken at the next regular Board of Directors' meeting following receipt of appeal. The Board of Directors' decision shall be final.

#### **Section 4. Assemblies**

(A) All active Chapters containing a member of the agency that forms the Assembly shall hold membership in the Assembly.

(B) Only members who are current employees, life members, or retirees of the agency that form the Assembly may be voting delegates in the Assembly.

(C) Reassignment of members from deactivated assemblies or to correct an error shall be done as soon as possible. Any such reassignments shall be reported to the Judicial and Internal Affairs Committee and Board of Directors. All reassigned members shall be notified in writing at the time of the reassignment.

#### **Section 5. District Councils**

(A) All active Chapters within the district shall hold membership in the District Council.

(B) Only members who are current employees, life members, or active retirees of the chapters that form the District may be voting delegates in the District Council.

(C) Reassignment of members from deactivated District Councils or to correct an error shall be done as soon as possible. Any such reassignments shall be reported to the Judicial and Internal Affairs Committee and Board of Directors. All reassigned members shall be notified in writing at the time of the reassignment.

#### **Section 6. Rules common to all Chapters, District Councils, and Assemblies**

The provisions of the State Constitution and these State By-Laws shall apply to all Chapters, District Councils, and Assemblies. Additionally, the following rules apply:

(A) A quorum must be present at each meeting in order to conduct official business. Additionally, a quorum must be present for at least one general body or executive board meeting within two (2) consecutive quarters in order to be considered active pursuant to OCSEA Constitution Article VII, Section 7. A quorum for each Chapter, District Council, and Assembly is defined in Article X, Section 1 of the Uniform OCSEA Subordinate Body Constitution.

(B) Qualifications for officers, elected delegates to any Chapter, District Council, or Assembly, Executive Board members are as described in Article IV, Section 3 of the Subordinate Body Constitution.

(C) The qualifications for stewards are the same as those qualifications as described in Article IV, Section 3 of the State Constitution except that it's only necessary that they be active union members at the time of appointment or election and during the time that they serve as a steward.

(D) Each Chapter, District Council and Assembly shall be solely responsible for its financial affairs. No liability may be placed on any other Chapter, District Council or Assembly, the Board of Directors or the Union as a whole. Any fund raising activity shall be the exclusive responsibility of the Chapter, District Council or Assembly promoting such activity.

(E) It shall be the responsibility of the officers and executive board members to ensure proper record keeping with regard to any business conducted by the Chapter, District Council or Assembly or any funds received or expended by the Chapter, District Council or Assembly.

(F) All business shall be conducted following proper parliamentary procedure as set forth in *Robert's Rules of Order, Newly Revised*.

(G) All members in good standing are eligible to hold office in any Chapter, District Council, and Assembly pursuant to B of this section.

(H) Voting members of District Councils and Assemblies shall consist of the District Council and Assembly's Officers, Board of Directors members or State Officers (who are members from the District or work in the agency represented by the Assembly), Executive Board members and Chapter Delegates.

(I) All records maintained by any Chapter, District Council or Assembly shall be open for review by any member of that Chapter, District Council or Assembly upon reasonable advance written request. The request shall specify the records and time period to be reviewed. The request shall be submitted to the keeper of the records (Secretary or Treasurer) who shall make arrangements for the review. The review shall be scheduled within thirty (30) days of the request, unless other arrangements are mutually agreed upon.

(J) Executive Board meetings of each Chapter, District Council or Assembly shall be open to any member of that Chapter, District Council or Assembly. In the case of a District Council or Assembly, the term member

shall include all active members who could qualify as a delegate to that District Council or Assembly.

(K) The Executive Board of a Chapter, District Council or Assembly may deliberate in executive session but take no official action or vote during executive session.

## **Article V – Criteria for Oversight**

**Section 1.** Oversight may be imposed by the State Board of Directors as an alternative to trusteeship. Chapters, District Councils and Assemblies who are having organizational issues will be reviewed by the Judicial and Internal Affairs Committee (JIAC) on a case by case basis for presentation to the State Board of Directors. The decision of the Board of Directors to impose oversight is not appealable.

**Section 2.** The existence of two or more of the following issues may lead to the imposition of oversight: (1) Two or more quarters in arrears for quarterly rebates; (2) Failure to have a quorum during at least one general body or executive board meeting within two consecutive quarters; (3) Lack of meetings; (4) Lack of minutes/reports;s (5) Resignation of officers and executive board members; (6) Lack of the constitutionally mandated number of officers/executive board members; (7) Late elections; (8) Lack of communication with board member and/or staff representative; (9) Complaints from membership with appropriate investigation; (10) Failure to comply with audit requests or recommendations from the Comptroller’s office; (11) Reports from other staff personnel with appropriate investigation; and (12) Failure to ensure Comptroller’s signature is on all bank accounts.

**Section 3.** Where a member of the State Board of Directors requests the imposition of oversight for a subordinate body, he/she must submit a written, detailed report documenting the issues and/or concerns to support the request to the Judicial and Internal Affairs Committee (JIAC). JIAC shall review the report along with prior years board visitation reports to decide whether or not a hearing should be set or the request dismissed.

**Section 4.** The assigned Board Member shall submit monthly written reports on the progress of the Chapter, District Council or Assembly under his/her Oversight to Judicial and Internal Affairs Committee (JIAC). He/She shall be authorized to (1) Schedule meetings; (2) Direct that mailing costs be deducted from the Chapter’s, District Council’s or Assembly’s rebate; (3) Approve or disapprove financial expenditures; (4) Implement JIAC recommendations; and (5) To take such other actions as in the assigned Board Member’s judgment are necessary for the preservation of the rights and interests of the members of the

Chapter, District Council and Assembly and of OCSEA. (6) No Board member shall be assigned Oversight of his/her home chapter.

**Section 5.** Oversight shall not be imposed for longer than four (4) months.

**Section 6.** Failure of the Chapter, District Council or Assembly to alleviate the problems which initiated the Oversight may result in the imposition of trusteeship and/or possible deactivation

**Section 7.** Failure of the Chapter, District Council or Assembly elected leadership to cooperate with the assigned Board member, while under oversight, is a chargeable offense pursuant to Article XIII of the OCSEA State Constitution.

## **Article VI – Financial Matters**

### **Section 1.**

The Fiscal Year of this Union shall be from January 1 through December 31.

### **Section 2. Rebates**

Rebates to Chapters, District Councils or Assemblies shall be paid on a quarterly basis as promptly as possible after the following requirements are met:

(A) Each Chapter, District Council and Assembly must be in active status as defined in Article VII, Section 7 of the State Constitution.

(B) A complete quarterly financial report including copies of all bank statements must be submitted to the Comptroller and must have all information requested as well as the proper signatures.

(C) Funds distributed to Chapters, Assemblies and/or Councils for rebates along with any other monies in the possession of the Bodies shall be deposited in Federally Insured Banks or Savings and Loan Institutions. Chapter, District Councils, or Assemblies shall adhere to the financial standards code of the International Union.

(D) The Comptroller shall be a signatory on every Chapter, District Council, and Assembly account along with the Chapter, District Council, and Assembly President and Treasurer. The comptroller's signature shall not be required to conduct regular financial business of the Chapter, District Council, and Assembly. Rebates to Chapters, District Councils or Assemblies shall be withheld if they fail to comply with this procedure.

### **Section 3. Audits**

Upon notice to any Chapter, District Council, or Assembly, the financial records of such Body shall be furnished to the Comptroller, who at least once during any two (2) year period, shall audit each Chapter, District Council and



Assembly financial records and report the results of such audit to the Finance Committee and Board of Directors. The Comptroller shall complete the audit within thirty (30) days. The audit report shall include the signature of the Secretary-Treasurer.

Upon completion of an election or other change in the Office of President, Secretary and/or Treasurer, the unaudited portions of the Chapter, District Council or Assembly records shall be forwarded to the Comptroller's Office for audit. Said records shall be audited and returned to the Chapter, District Council or Assembly Treasurer upon completion. Treasurer's and/or Leadership Training shall be arranged by the State Secretary-Treasurer, if requested.

#### **Section 4. Review of Records Maintained by the OCSEA Secretary-Treasurer**

The Secretary-Treasurer shall cause an accurate accounting of all income and expenses to be made on an annual basis and in conjunction with each regular meeting of the Board. Such accounts shall be open for review by any member upon reasonable advance request.

The expense records of the officers and Board shall be open for review by a member, provided an advance written request specifying the records and time periods to be reviewed is submitted to the Secretary-Treasurer. Upon receipt of such request, the Secretary-Treasurer shall make arrangements for the review during normal business hours and shall afford all persons whose records are being reviewed with the right to be present during such inspection. Financial or expense records shall not be removed from the union offices and copies may be made only with the consent of the officers or Board member involved.

#### **Section 5. Financial Transactions**

No loan shall be made to officers, agents or members of the Union and no business or financial transaction involving an officer, agent, or employee of the Union, or their spouse, children, parents or other family member, shall conflict with the fiduciary responsibility of such persons to the Union.

## **Article VII – OCSEA Publication**

The Union shall publish a publication for distribution, online and/or print, to members of the Union and other appropriate persons and organizations.

# Article VIII – Strike Activity

## Section 1. Definition

No strike activities by any member or group of members of the Union shall be authorized, condoned, endorsed or supported by the Union unless such activities are in accord with the Ohio Public Employee Collective Bargaining Law.

## Section 2. Violations

Any union member found crossing an authorized OCSEA/AFSCME picket line shall be subject to charges and sanctions as defined by the Constitution. Members who are legally prohibited from striking shall be exempt from this provision.

# Article IX – Charges

## Section 1. Basis for Charges

Charges may be brought against a member or officer solely for the reasons set forth in Article XIII of the State Constitution. The person bringing the charge shall file the original charge in sufficient detail as to afford the accused person full opportunity to prepare a defense.

## Section 2. Due Process

(A) When charges are filed against a member, they shall be reviewed by the Judicial and Internal Affairs Committee (JIAC) and, if actions are to be taken, a hearing shall be scheduled. All members involved shall be given written advance notice of the date, time and location of any hearing to be held, together with a written copy of the allegations and an invitation to attend the hearing.

(B) In such hearing, the JIAC will hear and review all evidence and, by a majority vote of those present, based on the preponderance of the evidence, shall determine the guilt or innocence of the affected member to each allegation in the charge. At the hearing, no member or charging party may be represented by any person who is a member of, representative of, or in any way connected with a competing organization. The hearing shall be conducted pursuant to rules established by the JIAC.

(C) If the member is found guilty, the committee may recommend to the Board of Directors that the member be warned, fined, suspended from membership for a period certain, removed from office, or expelled from membership permanently. No suspension, fine, removal from office, or expulsion from membership shall be effective until the Board of Directors concurs in the recommendation.

(D) Where JIAC recommends to fine, suspend, remove or expel a member, JIAC shall present their recommendation in writing to the Board of Directors no later than one (1) day prior to the Board voting on JIAC's recommendation and shall include at least the following separate items:

1. A statement of charges;
2. A summary of the evidence;
3. A finding of fact;
4. The recommendation of a penalty.

(E) At the next meeting of the Board of Directors following any hearing, action shall be taken on the committee recommendation. A two-thirds (2/3) vote of the Board of Directors present shall be required to modify the recommendation of the committee. The member involved shall be permitted to attend such Board of Directors' meeting and state his or her views, before both the Judicial and Internal Affairs Committee and the Board of Directors.

(F) Appeal and due process procedures shall be provided to all interested parties when any matter pertaining to irregularities and/or disputes in the various Chapters, District Councils, or Assemblies is brought before the Judicial and Internal Affairs Committee. All interested parties shall be afforded the following procedural rights: (1) timely notice of hearing, (2) an opportunity to testify before the committee at the hearing, (3) the right to have representation, if desired, (4) the right to appeal, and (5) the right of the accused to choose either an open or closed hearing.

(G) Should the Judicial and Internal Affairs Committee determine that dissolution of a Chapter, District Council or Assembly is imminent; the Committee may consider the internal irregularities and make a recommendation to the Board of Directors relative to imposition of trusteeship without affording interested parties one or more of the procedural rights set forth above.

## **Article X – Recall of Board Members**

(A) A recall vote shall be conducted when a petition requesting a recall has been signed by at least thirty-five percent (35%) of the active members of the District from which the Board member was elected. The membership in such District is to be determined by the last monthly report from central office.

(B) A two-thirds (2/3) vote by secret ballot of the active members voting is required to recall the Board member.

(C) Balloting shall be conducted in the same manner as that of the Board of Directors' election, at the expense of the District involved.

## **Article XI – Non-Discrimination**

It shall be a continuing goal of this Union to promote non-discrimination in the workplace as well as in all union activities. No union member or staff person shall, during the course of their duties, engage in any legally prohibited act of discrimination because of race, age, color, sex, religion, creed, sexual orientation, gender identity and expression, military status, national origin, ancestry, disability or political affiliation.

## UNIFORM OCSEA

# SUBORDINATE BODY CONSTITUTION

(CHAPTERS, DISTRICT COUNCILS AND ASSEMBLIES)

## Article I – Name

The name of this Chapter, District Council, or Assembly shall be

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## Article II – Purpose

This Chapter, District Council, or Assembly shall be non-partisan and non-sectarian and its purposes shall be:

**Section 1.** To unite all members with a common interest into this Chapter, District Council, or Assembly to promote their social and economic welfare through unity of action, mutual cooperation, and representation.

**Section 2.** To promote and maintain efficiency in public service, to safeguard and strengthen the public employees' retirement system in Ohio and to bargain collectively on behalf of union members in order to secure, retain and improve the union's principles and employee rights.

**Section 3.** This Chapter, District Council, or Assembly shall act to promote and expedite communication and cooperation between Chapters, District Councils or Assemblies of common interest.

**Section 4.** Upon completion of negotiations of any Chapter, District Council, or Assembly or bargaining unit, any ratification of such negotiations shall be in accordance with the union State Constitution and State By-Laws.

## Article III – Membership

**Section 1.** Membership in the Union and its Chapters, District Councils, or Assemblies shall be restricted to those employees as stipulated by the Union State Constitution and State By-Laws.

**Section 2.** Members shall hold membership in a District Council and Assembly through their Chapter as stipulated in the Union's State Constitution and State By-Laws.

**Section 3.** Chapters, District Councils, and Assemblies shall receive rebates as stipulated in the Union State Constitution and State By-Laws.

**Section 4.** All State Board of Directors members shall be voting members of their respective Chapters, District Councils, and Assemblies.

## Article IV – Officers and Executive Board

**Section 1.** The officers of this Body shall consist of at least a President, Vice President, Secretary and/or Treasurer.

**Section 2.** The Executive Board of a Chapter, District Council or Assembly shall consist of a minimum of three elected members plus the officers.

**Section 3.** Qualifications for nomination or election to and maintenance of office are the same as for the State Board of Directors with the following exceptions:

(A) Only such employees who are active members of the union for a period of at least one (1) continuous year immediately prior to election or appointment shall be eligible for election or appointment as subordinate body officers or executive board members.

(B) In the initial election held in the establishment of a newly chartered Chapter, District Council, or Assembly, it is not necessary to have been an active member of the Union for any length-of-membership to be eligible to be elected to office.

(C) Life and Retired members may be nominated for, elected to and maintain any office except (1) President or Vice President in any Chapter, District Council, or Assembly, and (2) run for or maintain a seat on the State Board of Directors.

(D) For a subordinate body position: Where (1) there is only one nominee; and (2) that nominee would be ineligible only because of the length-of-membership requirement, that nominee may be declared elected and may serve the full term of that office. If there is more than one nominee and all of them are ineligible only because of the length-of-membership requirement, they should be considered eligible and their names placed on the ballot. This includes delegates to an Assembly or District Council.

**Section 4.** All officers or Executive Board Members shall comply with all provisions of the Union's State Constitution and State By-Laws and the Constitution and By-Laws of the Body, and they shall not violate, or willfully attempt to violate, the Union's State Constitution and State By-Laws or the Constitution and By-Laws of this Chapter, District Council, or Assembly.

**Section 5.** Affiliation with a competing labor organization by any officer, Executive Board member of this Chapter, District Council, or Assembly after election, shall be deemed an automatic resignation from the office. Affiliation of any officer, Executive Board member with a non-competitive labor organization as a result of work other than public service shall not be deemed an automatic resignation.

**Section 6.** All officers of this Chapter, District Council, or Assembly shall be ex-officio members of all committees. No officer or executive board member shall be a member of any election committee overseeing an election wherein they are a candidate.

## Article V – Stewards

**Section 1.** Qualifications for stewards are those described in Article IV, Section 6 (C) in the State By-Laws.

**Section 2.** Stewards may be organized by Chapter; as provided for in the By-Laws of a Chapter; by agency work site members within their geographic districts as defined by master contracts; in a multiple agency work site, within such work site by members.

**Section 3.** Depending on which basis stewards are organized, those stewards may decide on their own selection method of a Chief Steward.

**Section 4.** Stewards shall be appointed by the Chapter president. The Chapter president shall respond to requests for appointment, in writing, within fifteen (15) calendar days. A member may petition the Chapter executive board, in writing, within fifteen (15) calendar days, if not appointed. The executive board shall respond, in writing, to a petition from a member within fifteen (15) calendar days of receipt.

**Section 5.** The term of office for stewards shall run concurrently with the term of office of the appointing Chapter president. Stewards must be appointed or reappointed by each Chapter president at the beginning of his/her term.

**Section 6.** Stewards may be removed by written notice from the Chapter president. The removal may be appealed, in writing, to the Chapter executive board within fifteen (15) calendar days of receipt of the notice of removal.

**Section 7.** Appeals to the Chapter executive board shall be heard within sixty (60) days of receipt. Appeals shall be forwarded to the Chapter secretary.

**Section 8.** The decision of the Executive Board shall be forwarded to the member, in writing, and shall be final. No further appeal shall be made to OCSEA and/or AFSCME.

**Section 9.** The results of the appeal(s) shall be made part of the minutes of the executive board and a copy of the decision forwarded to OCSEA Central Office.

**Section 10.** All stewards shall comply with all provisions of the union's State Constitution, State By-Laws, the Uniform Subordinate Body Constitution and any By-Laws of the body. Stewards shall not violate, or willfully attempt

to violate, the Union's State Constitution, State By-Laws, the Uniform Subordinate Body Constitution or any By-Laws of this Chapter, District Council, or Assembly.

**Section 11.** Affiliation with a competing labor organization by any steward after appointment shall be deemed an automatic resignation from the office. Affiliation of any steward with a non-competitive labor organization as a result of work other than public service shall not be deemed an automatic resignation.

**Section 12. ODOT District Stewards**

A. District Stewards are subject to all Article V conditions, with the following differences:

1. Only stewards in the Ohio Department of Transportation (ODOT) are eligible to be an ODOT District Steward.

2. ODOT District Stewards are elected from among those stewards from Chapters within each ODOT geographical district. Any expense incurred for an election shall be borne proportionally by those Chapters which contain ODOT employees.

3. The election shall be overseen by the president of the District Council within which the majority of Chapters are affiliated as listed in Section 11 of this article.

4. If a vacancy occurs in the position of ODOT District Steward, a new election must be held within forty-five (45) days.

5. To be eligible for a District Steward position, the member must have been an active, certified Steward for at least one year prior to the election date.

6. No Chapter President may remove an ODOT District Steward from his/her position as District Steward. However, pursuant to section 6 of this article, Stewards may be removed from the Chapter roster.

7. A District Steward may be removed by the ODOT Stewards pursuant to Article XII of the OCSEA subordinate body constitution. The removal may be appealed to the ODOT Assembly Executive Board within fifteen (15) calendar days of the removal. The Executive Board has sixty (60) days to respond. The decision of the Executive Board shall be final.

8. All ODOT District Stewards shall be voting delegates to the ODOT Assembly.

9. The State Secretary-Treasurer shall determine and have oversight of the process for recouping expenses incurred by ODOT district stewards for representing members in Chapters other than their own.

10. The term of office for a District Steward shall be three (3)



years except for those elected prior to January 1, 2014

11. District Steward elections shall be held in conjunction with the assigned District Council elections. ODOT Districts are assigned to OCSEA Districts as follows:

**District Council assignments**

OCSEA	ODOT
1	1
1	2
1	7
2	8
3	3
4	4
5	5
5	11
6	6
7	12
8	10
9	9

## **Article VI – Elections**

**Section 1.** All candidates for officer, executive board or delegate positions must meet the qualifications for nomination or election pursuant to Article IV of the Uniform Subordinate Body Constitution.

**Section 2.** All candidates for officer, executive board or delegate in this Chapter, District Council, or Assembly shall be nominated from the floor at a regular or special meeting called for that purpose and only after having given at least fifteen (15) days notice through OCSEA to the membership of such Chapter, District Council, or Assembly prior to the nomination meeting.

**Section 3.** All voting shall be by secret ballot. All active members shall be notified of the nominations and election by mail at least fifteen (15) days prior to the date of the nominations and election meeting(s). The notice shall include a set date, time, and location for any potential run-offs.

**Section 4.** An Election Committee shall be appointed by the Chapter, District Council, or Assembly president to receive nominations, ensure eligibility of nominees, prepare and issue the ballots, count the votes, and report the results of the election in writing to the Chapter, District Council or Assembly for approval. The appropriate president shall designate one member as chairperson. Upon approval, the report shall be made a permanent part of the Chapter,

District Council, or Assembly's Minutes. No candidate for office may serve on the Election Committee.

**Section 5.** No write-in, proxy, or absentee voting shall be permitted.

**Section 6.** Voting shall be done pursuant to the OCSEA Election Guidelines. The method (mail, in-person, electronic, etc) used for balloting must be consistent for the entirety of the Subordinate Body's election. If an electronic voting system is used, it shall adhere to the written policy in Appendix D, Section 2G, of the International Constitution.

**Section 7.** After nominations for an office are closed, and in the event only one candidate is nominated for that office, the election committee chairperson will then declare that candidate elected, provided that the candidate has accepted the nomination. No further motion is necessary and the elected candidate's name does not appear on the ballot.

**Section 8.** All election notices shall include the following language: "Circumstances such as receipt of workers' compensation benefits, disability benefits, assignment to project staff, etc. may affect your eligibility to run for office in this election. If you are considering running for any office, executive board, or a delegate position, please contact OCSEA central office prior to the nomination date."

**Section 9.** The candidate(s) receiving the highest number of valid votes for their respective office or position shall be declared elected and sworn into office, using the approved oath of office. Those elected shall assume their duties upon completion of the initial ballot or run-off count, whichever is later. No partial assumption of office shall be permitted. The election report shall be presented to the body at the general body meeting following the election.

**Section 10.** If a run-off is necessary, it shall occur no later than seven (7) days after the counting of the ballots.

**Section 11.** In the event of a tie vote, the Election Committee of the Chapter, District Council, or Assembly shall cause a new secret ballot to be taken. Should the second ballot result in a tie for any office or other position, the Election Committee shall declare the election closed and appoint one of the tied candidates to the position in question by the flip of a coin by the election committee chair. The last name of the candidate closest to the letter A shall be heads. If the last names are the same, the candidate whose last four digits of the social security number is lower shall be heads.

**Section 12.** Within five (5) days after the election, the results shall be reported by the Secretary or the State Board member, in writing, to the Secretary-Treasurer of the Union, giving the name, social security number, payroll or

employee ID, the department where employed, the business and home address and telephone numbers and the office to which each was elected.

**Section 13.** Any candidate whose name appears on the ballot has the right to an observer of his/her choosing so long as that person is a member of OCSEA. In no case may a candidate be an observer for him/herself or any other candidate.

**Section 14.** The term of office for Chapter, District Council, or Assembly officers shall be three years. Any elected position may succeed itself.

**Section 15.** The Election Committee chairperson shall keep all ballots, tally sheets, and any unopened challenged ballots and copies of other election material sealed for one year in a safe place.

**Section 16.** OCSEA shall notify each Chapter, District Council and Assembly at least ninety (90) days in advance of the expiration of their term of office. Failure to hold an election within the month of the expiration of the current term of office may be grounds for the imposition of emergency trusteeship. Thereafter, all offices shall be vacated and subject to appointment by the trustee.

## **Article VII – Internal Controversy**

(A) In the case of any internal controversy, including but not limited to, differences in points of view, alleged constitutional or parliamentary irregularities, roles and duties of officers, propriety of expenditures, etc., that directly or indirectly concern the operations of the Chapter, District Council or Assembly, a special committee of Chapter, District Council or Assembly members shall be elected at a Chapter, District Council or Assembly meeting.

(B) An Internal Controversy Committee should be utilized pursuant to this Article prior to charges being filed with JIAC. The Chairperson of JIAC may refer any charges filed without an attempt at resolution back to the Chapter, District Council or Assembly concerned.

(C) The Internal Controversy Committee shall be elected pursuant to Article VI of the Subordinate Body Constitution. The Committee shall be composed of three (3) or five (5) members. The assigned Board of Directors' member shall be notified of the election of the Committee and oversee its activities.

(D) The sole purpose of this Committee shall be determining the fair and reasonable solution to the controversy. The Internal Controversy Committee shall not have authority over election protests.

(E) The Committee shall present a written report containing recommendation(s) and solution(s) to the full Chapter, District Council or Assembly within thirty (30) days of their election. The Chapter, District

Council or Assembly shall vote on the recommendations. The report and the vote shall be made part of the minutes.

(F) Should the Internal Controversy Committee be unable to recommend a solution to the controversy to the Chapter, District Council or Assembly, or the Chapter, District Council or Assembly is unable to reach agreement on the recommendations, the matter or matters shall be referred in writing and in detail, to the Judicial and Internal Affairs Committee within fifteen (15) days of the Chapter, District Council or Assembly's meeting.

(G) The recommendations of JIAC on the issue shall be presented to the State Board of Directors for adoption. The ruling of the State Board of Directors shall be final.

## Article VIII – Vacancies

**Section 1.** In the case of a vacancy in the office of the President, the Vice President shall assume the office of President and the resulting vacancy of the office of Vice President shall be filled by action of the Body Executive Board and approved at a regular Chapter, District Council, or Assembly meeting.

**Section 2.** Should the office of Vice President, Secretary or Treasurer become vacant, the office shall be filled by action of the Body Executive Board and approved at a regular Chapter, District Council, or Assembly meeting.

**Section 3.** Should a vacancy occur on the Executive Board or for a delegate to an Assembly, District Council or AFL-CIO, the vacancy shall be filled by a member appointed by the President of this Chapter, District Council, or Assembly and approved by the Executive Board. Changes in the Executive Board shall be reported to the Secretary-Treasurer of the Union within five (5) days giving the name of and the department of the replacement, together with the name, social security number, payroll or employee ID, address and department of the person replaced.

**Section 4.** Vacancies filled pursuant to this Article shall be in force until the next general election.

**Section 5.** Should any elected person fail to attend two consecutive meetings of this Chapter, District Council, or Assembly without being excused by this Chapter, District Council, or Assembly, such position shall be deemed vacant. When an emergency precludes advance notification, the Chapter, District Council, or Assembly may retroactively grant an excused absence.

## Article IX – Duties

**Section 1.** The Chapter, District Council, or Assembly President shall:

(A) Preside over all meetings.

(B) Transfer to the succeeding officer within seven (7) days of election any and all records, books, and property of the office and/or Chapter including and not limited to the records of the Chapter's chief steward.

(C) Except as otherwise provided herein, the president shall appoint all committees needed to conduct this Chapter's, District Council's or Assembly's business. At least one (1) Chapter, District Council, or Assembly executive board member other than the Chapter, District Council, or Assembly officers shall be appointed on each standing committee.

(D) Chapter president shall appoint representatives to the district grassroots committee. The District president shall appoint the district grassroots committee chairperson and vice-chairperson.

(E) Through the chapter secretary, shall provide a list to OCSEA Central Office of all current stewards within ten (10) days of his/her election. Any new appointments or removals of stewards thereafter must be reported to OCSEA within seven (7) days of the action.

**Section 2.** The Vice President shall:

(A) Assist the President when called upon to do so and, in the case of absence or disability of the president, shall act as President.

(B) Transfer to the succeeding officer within seven (7) days of election all records, books, and property of the office.

**Section 3.** The Chapter, District Council, or Assembly Secretary shall:

(A) Keep

(1) All records in books or files; the location of which is known by the President at all times; and

(2) A copy of the State Constitutions and State By-Laws of the OCSEA, and By-Laws of the Chapter, District Council, or Assembly, if any, and the Board policies; and

(3) A current membership list of the Chapter, District Council, or Assembly; and

(4) A record of the minutes of all the meetings of the Chapter, District Council, or Assembly, its Executive Board and Committees after they have been approved; and

(5) All communications initiated by the Chapter, District Council, or Assembly.

(B) Prepare and forward all supporting documentation regarding the unaudited portion of the Chapter, District Council or Assembly records to the Comptroller's office after an election or other change of office of the Secretary.

(C) Transfer to the succeeding officer all other records and books of the office within seven (7) days of election or taking office.

(D) The Secretary or Secretary-Treasurer, where applicable, of the Chapter shall notify, in writing, the assigned Staff Representative of the Union, and the assigned State Board of Directors member, at least ten (10) days in advance of each Chapter's meeting.

(E) The Secretary or Secretary-Treasurer, where applicable, of the District Council and Assembly shall notify the Secretary-Treasurer of the Union, in writing, at least ten (10) days in advance of each District Council's or Assembly's meeting.

(F) Sign all certified copies of activities of the body, such as minutes, unless otherwise specified in the documents.

**Section 4.** The Chapter, District Council, or Assembly Treasurer shall:

(A) Receive and hold all monies, securities, vouchers and such other property of the Chapter, District Council, or Assembly as may pertain to the Treasurer's office.

(B) Keep an accurate account of all financial transactions of the Chapter, District Council, or Assembly.

(C) Report all financial transactions at each regular meeting of the Chapter, District Council, or Assembly and submit in writing to the Secretary. The report, including Board polls and Executive Board actions, shall be attached to the minutes after approval by the Chapter, District Council, or Assembly.

(D) Submit all necessary financial reports to the Comptroller, as required in the State Constitution Article XII, Sections 3 and 4.

(E) Shall pay out monies only after the Chapter, District Council, or Assembly or Executive Board has authorized payment or as the State By-Laws prescribe.

(F) Submit all financial records upon request of the Chapter, District Council, or Assembly's duly appointed and elected audit committee or the Comptroller.

(G) Not authorize any expenditures or incur any obligations for which funds are unavailable.

(H) Forward all unaudited portions of the Chapter, District Council or Assembly's financial records to the Comptroller's Office after an election or other change in the office of Treasurer.

(I) Transfer to the succeeding officer all monies, securities, vouchers and all other property, including audited records, within seven (7) days of a change in the office of Treasurer.

(J) Sign as evidence of certification all financial transactions of the Chapter, District Council, or Assembly.

(K) Ensure that the Comptroller is a signatory on all chapter, District Council or Assembly bank accounts within thirty (30) days of taking office.

## **Article X – Business**

**Section 1.** No Body business shall be conducted without a quorum present.

(A) A quorum for a Chapter shall be a majority of the Chapter’s Executive Board Members.

(B) A quorum for a District Council shall be a majority of the Executive Board plus 35% of the active Chapters within the Council.

(C) A quorum for an Assembly shall be a majority of the Executive Board plus three (3) other delegates representing at least two separate Chapters of the Assembly.

**Section 2.** No funds shall be disbursed or expended without the prior approval of the Chapter, District Council, or Assembly or its Executive Board, and the vote duly recorded in the minutes of the meeting. All Chapter, District Council, or Assembly and executive board meeting minutes shall contain detailed motions and seconds and be presented at the next regular Chapter, District Council, or Assembly meeting for approval.

**Section 3.** All checks and financial reports shall be signed by the President and the Treasurer. Should either be incapacitated, the Chapter, District Council, or Assembly shall designate an alternate to sign checks until the incapacitated officer resumes office or is replaced. By motion and approval of the General Body, additional signatory(ies) may be added to the account(s). At all times financial accountability and reporting shall comply with provisions of OCSEA’s State Constitution and State By-Laws.

**Section 4.** All Officers and Executive Board members shall be responsible for their actions in handling the Chapter, District Council, or Assembly’s funds. Where any one (1) or more of said Officers and Executive Board members fails to properly handle Chapter, District Council, or Assembly funds, each shall be held fully accountable and must repay such improperly handled funds to the Chapter, District Council, or Assembly or to the Union’s Comptroller.

## **Article XI – Meetings**

**Section 1.**

(A) The Chapter shall hold at least one regular meeting and one Executive Board meeting per quarter and hold other meetings as called by the Chapter President at a time and place specified by the President and approved in advance by the Chapter Executive Board.

(B) District Councils and Assemblies shall hold a minimum of one meeting per quarter and hold other meetings as called by the District Council or Assembly President.

**Section 2.** A meeting shall be called upon written petition to the Chapter, District Council, or Assembly's President, signed by (1) a majority of the District Council, or Assembly's delegates or Executive Board Members or (2) Chapter Executive Board Members. The petition shall specify the time and place of such meeting.

**Section 3.** In the event the President will not call a meeting, or the District Council, or Assembly's delegates or Executive Board Members or Chapter Executive Board will not petition for a meeting, the State President and/or the State Board of Directors' member assigned to that Chapter, District Council, or Assembly may order that a meeting be held.

**Section 4.** All Chapter delegates to the State Biennial Convention shall be elected at a regular or special Chapter meeting, from among the active members, in good standing, of the Chapter excepting the President, who by virtue of the office, is a Delegate-at-Large. In the event that the Chapter president is unable to attend the convention as the Chapter's representative, the delegate-at-large position shall be filled pursuant to Article IX, Section 1 of the State Constitution.

**Section 5.** All meetings shall be conducted in accordance with *Robert's Rules of Order; Newly Revised*, except where such rules conflict with this Subordinate Body Constitution or OCSEA's State Constitution and State By-Laws.

**Section 6.** All officers, delegates, and Executive Board members of the Chapter, District Council, or Assembly shall be notified of all meetings of this Chapter, District Council, or Assembly.

**Section 7.** In the event of unforeseen circumstances (to include but not be limited to emergencies such as inclement weather) whereby a subordinate body (Assembly, Chapter or District) meeting could not be held or timing does not permit members coming together, OCSEA shall recognize all virtual media meetings held in lieu of a physical meeting (Executive and General Body meetings) as an official meeting. A virtual meeting includes audio and/or video teleconferencing, such as including, but not limited to, telephone bridge lines, web conferencing services, Face time, Skype, OOVVO or other similar applications.

Before a subordinate body may convene such a virtual meeting, its executive board and the State Board shall adopt and adhere to the written policy contained in Appendix F of the International Union Constitution. In addition, the State Board shall adopt provisions on how such meetings will be held and



made accessible to all participants. Audio and/or video teleconference meetings shall not be permitted for conventions or elections.

## **Article XII – Removal from Office**

(A) Any person may be removed from office for the reasons set forth in Article XIII, Section 1 of the OCSEA State Constitution or by a vote of two thirds (2/3) of the membership present and voting by secret ballot at any regular or special meeting. The notice shall be delivered in writing to such person no later than seven (7) days in advance of the meeting and opportunity to be heard in his or her defense shall be given to the affected person. The entire Chapter, District Council, or Assembly membership shall be notified in writing at least seven (7) days in advance of any such meeting. A person may only be removed pursuant to Article XIII, Section 1 of the OCSEA State Constitution if due process is provided in accordance with Article IX, Section 2 of the OCSEA State By-Laws. Every member of the Chapter, District Council, or Assembly shall be notified in writing at least seven (7) days in advance of any regular or special meeting called for the purpose of removing a person from office

(B) In order to begin the process, a petition signed by a minimum of thirty-five percent (35%) of the active members of a Chapter or thirty-five percent (35%) of the delegates of an Assembly or District Council shall be forwarded to the Judicial and Internal Affairs Committee (JIAC). The petition shall list: (1) the name(s) and office(s) of the person(s) they wish to remove; (2) the reason(s) for the request; and (3) the proposed date(s), time(s) and location(s) for the vote on the matter. Names on the petition must be legible and verifiable. One member or delegate shall be identified as the contact person.

(C) Upon review of the petition, JIAC shall authorize, by majority vote, the appropriate mailing. The cost of the mailing shall be deducted from any forthcoming rebate for the Chapter, District Council or Assembly. A Board Member shall be assigned by the State President to oversee the matter. No Board Member or District Representative shall be assigned to monitor a removal under this article in his/her home Chapter, District Council or Assembly.

## **Article XIII – Subordinate Body By-Laws**

**Section 1.** This Chapter, District Council, or Assembly shall in no way revise this Constitution. However, By-Laws which are consistent with the Union's State Constitution and State By-Laws, as well as this Constitution, may be adopted by this Chapter, District Council, Assembly.

**Section 2.** By-Laws proposed by this Chapter, District Council, or Assembly shall require the approval of a simple majority of members present and voting at a regular Chapter, District Council, or Assembly meeting or special meeting called for that purpose to be effected. Such proposals shall be filed in writing with the State Board of Directors' for its approval.

**Section 3.** Amendments to the Chapter's, District Council's, or Assembly's By-Laws may be made by motion and seconded at any regular Chapter, District Council, or Assembly meeting. Such amendment shall be filed in writing with the State Board of Directors for its approval.

# **AFFILIATION AGREEMENT BETWEEN AFSCME AND OCSEA**

This agreement entered into between the American Federation of State, County and Municipal Employees, AFL-CIO (“AFSCME”) and the Ohio Civil Service Employees Association (“OCSEA”) for the mutual and common purpose of both parties as follows from the OCSEA Constitutional Article II:

## **Section 1.**

### **Unity**

To unite all employees of the State of Ohio or any governmental or political subdivision thereof, into the union in order to promote their social, economic and political welfare through unity of action, mutual cooperation and representation.

## **Section 2.**

### **Merit Principles**

To promote, strengthen and defend the principles of merit system in the public service: to promote and maintain efficiency in the public service and to safeguard and strengthen the public employee retirement systems of Ohio and to bargain collectively on behalf of union members in order to secure, retain and improve these principles and rights.

AFSCME and OCSEA in signing this agreement hereby pledge their full cooperation from this day forward in fulfilling the above objectives and AFSCME expressly understands and endorses the objectives, function, aims and goals of the OCSEA particularly as they are spelled out in the Constitution and By-Laws of OCSEA.

## **ARTICLE I**

1. Upon execution of this Agreement, OCSEA shall be affiliated with AFSCME and AFSCME shall charter OCSEA as Ohio Civil Service Employees Association, Local No. 11, AFSCME, AFL-CIO (hereinafter “OCSEA”).

2. AFSCME recognizes and approves OCSEA’s status as a non-profit corporation, chartered under the laws of the State of Ohio which shall remain in force in perpetuity. AFSCME recognizes and approves of OCSEA as a statewide organization comprised of many intermediate and subsidiary bodies and that all the provisions of this agreement shall remain applicable to all such intermediate and subsidiary bodies as may now or in the future be created and over its existing or future members.

3. OCSEA shall be chartered as an unaffiliated statewide, local union and shall not be required to affiliate with an AFSCME council in the future unless mutually agreed.

## **ARTICLE II**

An OCSEA legislative district shall be established for OCSEA and one International vice-president shall be elected from such district by OCSEA's Board of Directors within ninety (90) days from the date of the execution of this agreement. The vice-president so elected shall serve until the next regular AFSCME convention, at which time he/she shall be either re-elected or his/her successor elected in conformance with the normal election procedure as set forth in AFSCME's Constitution. The eligibility requirement of three years membership in a local within the legislative district shall be waived until three years from the effective date of this affiliation.

## **ARTICLE III**

OCSEA's jurisdiction as an affiliate of AFSCME shall be all members in the jurisdiction within which they are employed. The parties recognize that such jurisdiction may subsequently be restructured following passage of a public employee collective bargaining law in the State of Ohio or, as collective bargaining units may be required pursuant to the provisions of applicable law.

## **ARTICLE IV**

This Agreement shall become effective upon approval by AFSCME and OCSEA in the manner required by their respective constitutions.

## **ARTICLE V**

All of the assets, real and personal, tangible and intangible of OCSEA at the time of the execution of this agreement, including but not limited to pension funds, benefit funds, wherever situated, which are currently the property of OCSEA and any Chapters, District Councils, or assemblies, including appreciation of existing property and any accretion, additions, or accumulations thereto, are acknowledged to be the property of OCSEA and shall remain its property in perpetuity. AFSCME further agrees that the name Ohio Civil Service Employees Association shall remain the property of OCSEA in perpetuity. The funds and property of OCSEA shall remain under the direction and control of the properly constituted officers of OCSEA in accordance with its Constitution and By-Laws. Any agreements or contract negotiated by OCSEA shall be in the name of OCSEA only and AFSCME International Union shall not be a signatory to such an agreement. Any such contracts or agreements shall remain the sole and exclusive property of OCSEA.

## **ARTICLE VI**

As an AFSCME affiliate, OCSEA shall retain its identity consistent with its own policies and have full autonomy in accordance with the provisions of

this agreement. OCSEA autonomy shall include, but it is not limited to, the right to establish its own dues structure, select its own staff, conduct work actions, vote, make its own decisions regarding contract demands and negotiations, including joining coalitions for bargaining purposes and economic actions by vote of its own membership, engage in political activity on behalf of its members, retain professional services including accountants and attorneys, the right to organize within OCSEA's jurisdiction without the need of approval from AFSCME, as well as make policy determinations concerning OCSEA. AFSCME hereby approves the Constitution and By-Laws of OCSEA presently in existence. All future amendments thereto by OCSEA following affiliation with AFSCME shall be subject to, and not in conflict with, the AFSCME Constitution.

### **ARTICLE VII**

OCSEA as an affiliate of AFSCME shall have all rights, benefits, and privileges of membership in AFSCME, including affiliation with the AFL-CIO. AFSCME shall pay to the AFL-CIO the required per capita tax on each regular active member represented by OCSEA and associate member. In addition to paying the required AFL-CIO per capita tax as agreed to above, AFSCME agrees to assure that at all times AFSCME and OCSEA meet the requirements for protection under Article XX of the AFL-CIO Constitution.

### **ARTICLE VIII**

Upon the effective implementation of this Agreement, OCSEA agrees to pay the per capita payments to AFSCME in accordance with International Constitution of AFSCME on behalf of all active and associate members of OCSEA, as well as on behalf of all persons making service or other similar payments in lieu of dues under agency shop or similar provisions. OCSEA shall not be obligated to pay any per capita payments to AFSCME on behalf of retired or life members of OCSEA. OCSEA shall not be obligated to pay an initiation fee or any special assessments on behalf of any OCSEA member.

### **ARTICLE IX**

1. In order to give all possible assistance to OCSEA in representing employees, AFSCME agrees, beginning immediately upon issuance of the aforesaid charter, to rebate to OCSEA, on a monthly basis, the entire per capita tax received from OCSEA for a period of three years.

2. AFSCME also agrees to provide, upon the request of OCSEA, other forms of assistance, including, but not limited to, grants, assistance in organizing, public relations, research, education, legislation, legal services, accounting, and such additional services and resources as may from time to time be available from AFSCME for its subordinate bodies generally.

## **ARTICLE X**

Every OCSEA member shall have all the membership rights afforded by AFSCME.

## **ARTICLE XI**

AFSCME agrees to assist OCSEA in a professionally conducted program to assure the implementation of this Agreement.

## **ARTICLE XII**

Upon passage of a public employee collective bargaining law, OCSEA will engage in a comprehensive organizing campaign for which AFSCME agrees to provide the necessary funds, organizers, public relations staff, technical assistance and professional services.

## **ARTICLE XIII**

1. During the life of this Agreement, AFSCME shall, upon OCSEA's request, provide the following services to OCSEA at no cost to OCSEA: education and training of OCSEA members, officers, Board of Directors and staff; research; collective bargaining assistance; political action; federal legislative and administrative advocacy; public relations; publications and advertising assistance; assistance in defense of OCSEA's jurisdiction and collective bargaining relationships, and such other services as AFSCME customarily provides.

2. All full-time employees of OCSEA will be eligible for enrollment in the AFSCME health, hospital, dental and life insurance plans, as well as AFSCME employee pension and retirement programs.

## **ARTICLE XIV**

Disputes concerning the interpretation of the terms and conditions of this Agreement shall be settled in the first instance by good-faith discussion between the parties. If such discussions fail to settle the disputes, such disputes shall be submitted to an impartial arbitrator mutually selected by the parties.

## **ARTICLE XV**

The duration of this Agreement shall be perpetual unless the parties mutually agree to modification.

## **ARTICLE XVI**

OCSEA agrees to complete the steps required for affection of this Agreement under its Constitution no later than 45 days after the date of the execution of this Agreement.



# AFSCME®

**American Federation of State, County and Municipal Employees**  
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Houston, Texas

February 14, 1986

Mr. Robert Brindza, President  
AFSCME Ohio Council 8  
741 East Broad Street  
Columbus, Ohio 43205

Mr. Ron Alexander, President  
AFSCME OCSEA Local 11  
995 W. Goodale Boulevard  
Columbus, Ohio 43212

Dear Presidents Brindza and Alexander:

Inasmuch as the representation elections for state employees have almost been completed, it is my responsibility to make a determination with respect to the jurisdictions of Ohio Council 8 and OCSEA Local 11.

It is my decision, which will be presented to the International Executive Board at its March 3, 4, and 5 meeting, that the jurisdictions of Ohio Council 8 and OCSEA Local 11 be as follows:

Name: Ohio Council 8

Jurisdiction: All AFSCME local unions in the state of Ohio, excluding Ohio Local 4 and Ohio Local 11.

Name: Ohio Civil Service Employees Association, Local Number 11, AFSCME, AFL-CIO

Jurisdiction: All employees of the state of Ohio, excluding university and college employees; all employees of the Franklin County Department of Human Services and the Hamilton County Department of Human Services;

**in the public service**

page 2  
2-14-86  
Mr. Robert Brindza  
Mr. Ron Alexander

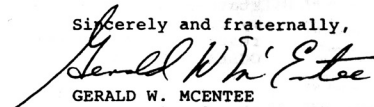
and all other non-state employees for whom OCSEA is the sole and exclusive bargaining representative as certified by the State Employment Relations Board as of May 1, 1986

This decision will be effective May 1, 1986.

Further, to guarantee satisfaction of the requirements of the Bill of Rights for Union members contained in the International Constitution, I have determined that all AFSCME members employed within the new jurisdiction of OCSEA Local 11 will be able to participate as nominators, candidates and voters in the nomination and election of officers in the reconstituted chapters of OCSEA Local 11 which will take place between February 15, 1986 and May 1, 1986.

If you should have any questions regarding this decision, please feel free to contact the Director of the Department of Field Services, Mr. Tom King.

Sincerely and fraternally,



GERALD W. MCENTEE  
International President

GWMC:r

cc: Secretary-Treasurer Lucy  
International Executive Board  
Executive Board, Council 8  
Board of Directors, OCSEA  
Presidents of affected Ohio Council 8 Locals



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