

CONSTITUTION

MEDICAL PROFESSIONAL UNIT

Engineers and Scientists of California,
IFPTE Local 20

Amended April 2009

ARTICLE I - NAME

- 1.01 The name of this organization shall be the “Medical Professional Unit (MPU) of the Engineers and Scientists of California, Local 20, IFPTE (AFL-CIO & CLC)”, hereinafter referred to in this Constitution as the “Unit” or the “Union”.

ARTICLE II - OBJECTIVES

- 2.01 The members of the Unit shall be governed by the Constitution of ESC-IFPTE Local 20 and this set of By-Laws in their relationship with the Union.
- 2.02 The objectives of the Unit shall be:
- (1) To support the principle of equal opportunity for all without regard to color, race, sex, marital status, ancestry, national origin, creed, age, handicap or sexual orientation.
 - (2) To represent members of the Unit in collective bargaining by negotiating with the respective Employers to attain a just and equitable recognition of the work performed, together with proper compensation and working conditions.
 - (3) To promote the professional status of the members.
 - (4) To cooperate with the other units within the Union and with other unions to achieve common goals.

ARTICLE III - MEMBERSHIP

- 3.01 Membership in the Unit shall be confined to Professional and Scientific employees in the health professions who are members of the Union, unless represented by another Unit of ESC Local 20.
- 3.02 With the consent of the MPU Executive Board, a member of this Unit may be a member of another union.
- 3.03 A member in good standing shall be one who is not in arrears of dues or assessments. A member whose dues or assessments are not paid within 60 days after they become due shall be deemed in arrears and may be suspended. Such member shall lose the privilege of voting or in any manner participating in the activities of the Union. He or she may be restored to good standing under regulations which the MPU Executive Board may institute.
- 3.04 Members may be disciplined by the MPU Executive Board for willful violation of the provisions of the Constitution, Bylaws, or lawful regulations of this Unit, or for acting in any manner or engaging in any practice which will tend to bring discredit on the honor/dignity of the health professionals. Such offense shall include the crossing of a sanctioned picket line. This MPU Executive Board shall not act upon such disciplinary proceedings until a period of thirty (30) days have elapsed after notice of such intended proceedings giving the purported grounds for discipline has been mailed to the last known address of the member by registered mail, during which period the member shall have the right to present his/her defense to the Board in person or in writing, and to present evidence or witnesses.

3.05 A member in good standing may file charges against another member by submitting such charges in writing to the President. The President shall forthwith notify the accused that charges have been preferred against him/her and shall convene a special meeting of the MPU Executive Board to hear the charges and the defense of the accused member in accordance with the provisions of 3.04.

The MPU Executive Board shall hear all relevant testimony and evidence and reach a determination as to the guilt or innocence of the accused member. A guilty verdict shall require a two-thirds vote of the MPU Executive Board.

Should that Board determine that a member is guilty of an offense, it may levy a fine not to exceed \$150.00 for each separate offense, or it may suspend or expel the offending member.

ARTICLE IV - OFFICERS

4.01: The officers of this Unit shall be:

President
Vice President
Secretary
Treasurer
District Directors (6)

District 1: Counties of:
Fresno
Placer
Sacramento
San Joaquin
Stanislaus
Yolo

District 2: Counties of:
Santa Clara
San Francisco
San Mateo

District 3: Counties of:
Marin
Sonoma

District 4: Counties of:
Alameda
Contra Costa
Napa
Solano

District 5 Counties of:
Marin
Sonoma
Napa
Solano
Placer
Sacramento
Yolo

District 6 Counties of:
Santa Clara
San Francisco
San Mateo
Alameda
Contra Costa
Fresno
San Joaquin
Stanislaus

- 4.02a Candidates for office must be members in good standing, and officers shall continue in office only so long as they remain in good standing.
- 4.02b Candidates for the offices of District Director 5 and 6 may not be employed by the same employer as other incumbent Board Director representing the same counties. Further, representatives of Districts 5 and 6 must be employed in clearly distinct job classifications. Determination of “distinct” shall be made by the Election Committee, with the purpose of obtaining as broad a representation of health professional job classifications on the Board as possible; the intent of the distinction within counties is to ensure that there is a broad representation of all employer bargaining units on the Board.
- 4.03 The elected officers shall be installed and shall assume their new positions at the next regularly scheduled MPU Executive Board meeting after the election.
- 4.04 Any officer is subject to recall. To initiate such recall procedure a written petition stating the charges purporting to justify the recall, signed by at least ten percent (10%) of the members in good standing of the Unit or by at least two-thirds (2/3) of the members of the MPU Executive Board, must be submitted to the MPU Executive Board which shall forthwith order a recall election. The officer shall be informed in writing of the charges and shall have the right of rebuttal. Recall election shall be by letter ballot and a majority of the valid ballots cast shall be necessary for recall. The ballot shall be accompanied by a statement of the charges upon which the recall petition is based and by any rebuttal of these charges which may be offered. The MPU Executive Board may, by motion, suspend the accused from the performance of the duties of his/her office pending the outcome of the vote.
- 4.05 In the event s/he is responsible for handling funds, the Treasurer shall be bonded.

ARTICLE V - DUTIES OF OFFICERS

- 5.01 The President shall preside at all meetings of the MPU Executive Board and the General Membership. He/she may be a member of each committee ex-officio, except the Election Committee.
- 5.02 The Vice President shall perform the duties of the President during his/her absence and perform other duties as assigned by the President. The Vice President shall succeed to the presidency if it is vacated.
- 5.03 The Secretary shall keep minutes of the meetings conducted by the MPU Executive Board and ensure that officers are informed of all meetings.
- 5.04 The Treasurer shall be responsible for maintaining accurate and adequate financial records, including reviewing expense claims. The Treasurer shall review and report the bi-monthly audit of the membership to the MPU Executive Board
- 5.05 The District Directors shall be responsible for liaison between their District and the MPU Executive Board.

ARTICLE VI - EXECUTIVE BOARD

- 6.01 The MPU Executive Board of the Unit shall consist of the President, the Vice President, the Secretary, Treasurer and six (6) District Directors. Four (4) members shall constitute a quorum for the MPU Executive Board. The MPU Executive Board shall meet at least six (6) times per annum.
- 6.02 The duties of the MPU Executive Board shall be:
 - (a) To conduct all business of the Unit as provided in the Constitution.
 - (b) To report all business transacted to the membership at the next subsequent general meeting of the Unit.
 - (c) To appoint such committees, as may be required.
 - (d) To act as liaison between the Unit and the Union.
- 6.03 Any act of the Board except those involving admission, suspension, or expulsion of a member or members shall be subject to review by the membership of the Unit, by presentation of a petition to the MPU Executive Board, signed by twenty-five percent (25%) of the members, within thirty (30) days after said act has been reported to the Unit. The Board shall, not later than thirty (30) days after presentation of the petition, submit the matter in question to all members by letter ballot to determine whether or not the membership sustains or repeals the action.
- 6.04 If the office of Vice President, Treasurer, Secretary or Director is vacated, the MPU Executive Board shall within thirty (30) days conduct an election by mail ballot in accordance with the requirements under this Constitution for Officers and Directors. In

the event no nominations are received, the MPU Executive Board shall be empowered to appoint a member in good standing to serve the remaining term.

ARTICLE VII - NOMINATIONS AND ELECTION OF OFFICERS

- 7.01 The term of office for each officer shall be two years. Election for the offices of President, Secretary, and District Directors 1, 3 & 5 shall be held in the odd numbered years. Election for the offices of Vice President, Treasurer and District Directors 2, 4 & 6 shall be held in the even numbered years, except that there shall be a special election for District Director 6 held in 2009 only.
- 7.02 District Directors shall be nominated by members in the District in which they and the nominee are employed and election shall be by the membership at large.
- 7.03 Nominations shall be submitted by letter signed by not less than ten (10) members in good standing of the Unit. Such letter shall be filed with the Secretary on/or before March 15th.
- 7.04 Election shall be by mail ballot or secure electronic ballot (e.g. on-line).
- 7.05 Ballots shall be sent to all members in good standing of the Unit not later than March 31st. To be valid, ballots must be received on/or before 5.00p.m. on April 30th.
- 7.06 Ballots shall be opened and counted by the Election Committee following the close of the balloting, under the supervision of a neutral arbitrator.
- 7.07 A plurality of the votes cast shall be required for election. Write-in votes shall not be permitted.
- 7.08 In case of a tie, a run off election shall be held.
- 7.09 The election shall be conducted by the Election Committee, consisting of three members, none of whom shall be candidates or incumbents. The Committee shall be appointed by the President (or Vice-President in years that the office of President is open for election) of the MPU Board.

ARTICLE VIII - LETTER BALLOTS

- 8.01 Each ballot shall state the closing date of the poll, which shall not be less than thirty (30) days after the date the ballots are mailed. Unless otherwise provided in this constitution, each issue on the ballot shall be determined by a majority of the valid votes cast. The Election Committee shall count the ballots and certify the results to the Executive Board of the Unit, which shall incorporate said certification in the minutes of its next meeting, whereupon the result of the ballot shall become effective. Letter or secure electronic ballot shall be so administered as to ensure the validity of the votes cast and the secrecy of the ballot.

ARTICLE IX - FACILITY REPRESENTATIVES

9.01 Facility Stewards

The members in each facility shall select at least one Facility Steward. The Steward will assist the District Director and Business Agent in keeping the members in the facility aware of the activities of the Union by, but not limited to, maintaining Union bulletin boards, attend to members' grievances, inform members of their rights and responsibilities under the contract and encourage new members to participate in their Union and Unit affairs.

ARTICLE X - MEETINGS

10.01 Annual Meeting

The Annual General Membership meeting may be held in conjunction with the Annual Meeting of the entire membership of the Union. Notice of the date, time and place of the annual meeting shall be provided not less than ten (10) days before the date thereof.

10.02 Special Meetings

Special Meetings of the Unit membership may be called at the discretion of the MPU Executive Board but must be called by the Board within thirty (30) days of the receipt of said Board of a petition for such meeting signed by not less than twenty (20%) of the members in good standing. A quorum for the transaction of business at the meeting shall be ten percent (10%) of the members in good standing.

10.03 MPU Executive Board, Annual and Special meetings are open to the general membership.

ARTICLE XI - DUES AND FINANCES

11.01 The amount of dues and the use and distribution of funds shall be in accordance with the Constitution and By-Laws of ESC/IFPTE Local 20.

11.02 Dues shall be payable to the Union in advance on the first day of each semi-annual period beginning March first and September first of each year; except that they may be paid by monthly payroll deductions authorized by the member under an agreement with the employer.

11.03 At the expiration of their terms of office, the officers and all committee members of the Unit shall deliver all records and property in their possession.

ARTICLE XII - AMENDMENT

12.01 This Constitution may be amended after due notice has been given to all members of the Unit, by affirmative vote by letter or secure electronic ballot of two-thirds (2/3) of the members voting. An amendment shall be declared adopted and become effective when a true copy thereof, together with a record of the count of votes, shall have been certified by the Election Committee to the MPU Executive Board in meeting and include in the minutes of said meeting. Letter or secure electronic ballot shall be in accordance with Article VIII and conducted under the supervision of a neutral arbitrator.

ARTICLE XIII - RULES OF ORDER

- 13.01 The Parliamentary procedure of meetings of the Unit shall be guided by Roberts Rules of Order to the extent practicable except that in any conflict with this Constitution, the Constitution shall take precedence.

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