

CONSTITUTION

PACIFICE GAS AND ELECTRIC COMPANY
UNIT
ESC-IFPTE Local 20 (AFL-CIO & CLC)

As Amended May 2011

CONSTITUTION

PACIFIC GAS AND ELECTRIC COMPANY UNIT OF ENGINEERS AND SCIENTISTS OF CALIFORNIA, IFPTE Local 20 (AFL-CIO &CLC)

ARTICLE I: NAME

Section 1: The name of this labor organization shall be “Pacific Gas and Electric Company Unit” of the Engineers and Scientists of California, IFPTE Local 20 (AFL-CIO & CLC), hereinafter referred to in this Constitution as the “Unit” and the “Union” respectively.

ARTICLE II: OBJECTIVES

Section 1: The Objectives of the Unit shall be:

- (a) To promote the general welfare of its members and to promote fair relations between them and their employer.
- (b) To protect and advance the status of professional and technical employees.
- (c) To assist members of the Unit in collective bargaining by negotiating with the employer to attain a just and equitable recognition of the work performed, together with the proper compensation and working conditions.
- (d) To cooperate with the other Units within the Union and with other unions to achieve common goals.

ARTICLE III: MEMBERSHIP

Section 1: Membership in the Unit shall be confined to employees of Pacific Gas and Electric Company holding positions within the certified bargaining units represented by the Union.

Section 2: A member in good standing shall be one who is not in arrears of dues or assessments nor under suspension pursuant to Article XIV of this Constitution.

Section 3: Only members in good standing shall have the right to vote, hold office in the Unit, or in any manner participate in the activities of the Unit.

ARTICLE IV: OFFICERS

Section 1: The Unit shall have the following officers who shall be the Executive Board:

- (a) President
- (b) Executive Vice President
- (c) Secretary (d) Treasurer
- (e) 4 – Area Vice Presidents

Section 2: The election of said officers shall be as follows:

- (a) The President, Executive Vice President, Secretary and Treasurer shall be deemed Officers-At-Large and shall be elected by the Unit as a whole.
- (b) The Area Vice Presidents shall be nominated from the members of and by members of each of the following areas: one by General Office; one by General Construction and Material Distribution; one by Nuclear Generation, and one by the remainder of the Divisions. The Area Vice Presidents shall then be elected by the Unit as a whole.

Section 3: Terms of Office

- (a) The officers-at-large shall be elected in odd-numbered years for a term of two (2) years, and the Area Vice Presidents shall be elected in even-numbered years for a term of two (2) years.
- (b) The elected officers shall be installed and shall assume their respective offices at the conclusion of the first regularly scheduled Executive Board meeting following the election.

Section 4: Candidates for office must be members in good standing, and officers shall continue in office only so long as they remain in good standing.

Section 5: Recall of Officers

- (a) Any officer is subject to recall. To initiate such recall procedure, a written petition stating the charges, and signed by at least ten percent (10%) of the members of the Unit, must be submitted to the Executive Board. Upon receipt of such petition, the Executive Board shall hold a recall election. Election shall be by letter ballot. A majority of the valid ballots cast will be necessary for recall.

Section 6: Continuity of Office

- (a) In the event that the office of the President becomes vacant during the term of office, the Executive Vice President shall fill this position until the next regular election.

(b) In the event of a vacancy in any other office, the Executive Board shall appoint a member in good standing to fill the vacancy for the remainder of the term.

ARTICLE V: DUTIES OF OFFICERS

Section 1: Duties of the President

- (a) To preside at and conduct meetings of the Unit Executive Board.
- (b) To preside at and conduct meetings of the unit as defined in Article VIII.
- (c) To appoint committee chairpersons for committees affecting the Unit as a whole.
- (d) To preside as Chairperson of the Unit Negotiation Committee.
- (e) To conduct business of the Unit as a whole when the Unit Executive Board is not in session, under the authority of the Unit Executive Board.
- (f) To make reports to the Unit Executive Board of business conducted between sessions and of the Union Executive Board meetings.
- (g) To consult with the Area Vice Presidents on matters affecting their respective areas.
- (h) To carry out the decisions of the Unit Executive Board and of the members in meeting or by letter ballot.

Section 2: The duties of the Executive Vice President shall be as follows:

- (a) To succeed to the office of President when vacated for the duration of the term.
- (b) To temporarily perform duties of the President during his/her absence or inability to serve.
- (c) To assist the President at his/her request in the performance of his/her duties.
- (d) To assist the Area Vice Presidents at their request in the performance of their duties.
- (e) To be responsible for membership and recruitment programs.
- (f) Ensure the maintenance of lists of current Area Stewards by the Union Staff and distribute to the Unit Executive board and to Area Stewards.
- (g) Ensure the maintenance of current membership records by the Union staff.

(h) To perform such other duties consistent with his/her office as may be delegated to him/her by the Unit Executive Board, or by the President.

Section 3: The duties of the Secretary shall be as follows:

(a) To keep minutes of meetings of the Unit Executive Board and meetings of the Unit as a whole.

(b) To distribute such minutes in a timely fashion to the Unit Executive Board and to Area Chairpersons for posting.

(c) To keep records and correspondence of the Unit except financial records.

(d) To maintain a current record of all standing motions or bylaws and distribute copies by request and to the Area Stewards by the Union website.

(e) To ensure that Area Stewards are certified to PG&E by Union Staff.

Section 4: The duties of the Treasurer shall be as follows:

(a) To maintain all necessary financial records and make available all financial information required to the Unit Executive Board, the Audit Committee, and to the Secretary/Treasurer of the Union.

(b) To review and report financial impacts of table agreements.

Section 4: The duties of the Area Vice Presidents shall be as follows:

(a) To carry out decisions of the members in their respective area and to conduct business pertaining only to their respective area when the Unit Executive board is not in session, subject to approval of the Unit Executive Board at its next meeting.

(b) To ensure that all facilities within their area are adequately represented by an Area Steward and/or Communication Volunteer..

(c) To be responsible for seeing that regular membership meetings are held in each sub-division or district of their area.

(d) To serve as or appoint an alternate to serve as a members of the Grievance Review Committee in the area represented and to maintain a file of all grievances in the area.

(e) To establish the following area offices to be filled by election or appointment as appropriate.

(1) An Alternate Area Vice President to perform the duties of Vice President in his absence or inability to serve, including, but not limited to, attending the Unit Executive Board meetings with the right to vote.

(2) Any other necessary offices to assist the Area Vice President in the performance of his/her duties.

(f) To consult and cooperate with other Area Vice Presidents and Officers-At-Large in order to achieve common goals of the Unit and the Union.

(h) To report business conducted within their respective areas at the next meeting of the Unit Executive Board.

ARTICLE VI: AREA STEWARDS AND COMUNICATION VOLUNTEERS.

Section 1: In order to provide for uniform and effective coordination between the officers and members of the Unit and to assist in the conduct of the Unit's affairs, the members in good standing in each headquarters and/or department of Pacific Gas and Electric Company shall choose an Area Steward and Communication Volunteer, as required, to represent each headquarters and/or department and certify their names to the Unit Secretary.

Section 2: In the event that the office of Area Steward is vacated, the Area Vice President will ensure the vacancy is filled.

Section 3: The duties and responsibilities of the Area Steward shall be as follows:

(a) To represent the Area Membership in the Headquarters in contacts with the local PG&E management, including the interpretation and application of the Agreement and Grievance procedure.

(b) To represent the Area Membership at the Unit meetings.

(c) To distribute correspondence to the headquarters Membership, including electronic communications.

(d) To serve as recruitment and membership organizer to prospective Union members and to forward membership applications and check-off cards to the Union Secretary-Treasurer.

(e) To encourage new members to participate in the Unit's affairs.

(f) To maintain continually all bulletin boards in the headquarters. This shall include posting notices of meetings, Union News Letter, and other appropriate announcements and literature.

(g) To report to the Area Vice President and Union Representative on activities in their headquarters.

Section 4: The duties and responsibilities of the Communication Volunteer shall be as follows:

(a) To distribute correspondence to the headquarters Membership, including electronic communications.

(b) To maintain continually all bulletin boards in the headquarters. This shall include posting notices of meetings, Union News Letter, and other appropriate announcements and literature.

(c) To report to the Area Steward, Area Vice President and Union Representative on activities in their headquarters.

ARTICLE VII: COMMITTEES

Section 1: Executive Board

The Executive Board of the Unit shall consist of the President, the Executive Vice President, the Secretary, the Treasurer, and four (4) Area Vice Presidents. Five (5) members shall constitute a Quorum. The duties and powers of the Executive Board shall be as follows:

(a) To conduct the business of the Unit.

(b) To report to the membership in writing through the Area Stewards on business transacted.

(c) To submit actions of the Executive Board to the membership for discussion at the annual Unit meeting.

- (d) To appoint such committees as may be required.
- (e) To act as intermediary between the Unit and the Union.
- (f) To hold regular monthly meetings.
- (g) To promote the objectives of the Unit and the Union.
- (h) To render decisions on internal membership complaints and/or charges submitted to them.
- (i) To represent the Unit at the Union's annual meeting.
- (j) To submit to the members of the Unit for approval or disapproval by letter ballot all collective bargaining agreements affecting them before they may be executed.
- (k) To request the Union to submit grievances to arbitration.
- (l) To submit for the consideration of the Membership business pursuant to Article VIII.

Section 2: Election Committee

The election Committee shall consists of four (4) members, the chairperson appointed by the President and one (1) by each Area Vice President, but no member of the Executive Board nor candidate for office shall be a member. The duties of the Election Committee shall be as follows:

- (a) To administer all elections and other letter balloting by the Unit.
- (b) To certify and transmit all nominating petitions to the Unit Secretary.
- (c) To ensure that at least one candidate for each elective office to be filled in that year is nominated.
- (d) To supervise the sending, receiving, checking, counting, tallying, and tallying of the votes cast in each and every duly-authorized letter ballot, reporting the results to the President without delay.

Section 3: Negotiating Committee

The Negotiating Committee shall consist of not less than six (6), nor more than eight (8) members and must include members from each Area (General Office, General Construction, Nuclear Generation, and Divisions). To provide for the benefits of experience and in the interests of greater efficiency, a minimum of three (3) members should be re-appointed from the previous year's committee. Appointments to the Negotiating Committee shall be made by the Executive Board. The President of the Unit

shall serve as the chairperson. The duties and powers of Negotiating Committee shall be as follows:

- (a) To act as representatives of the Unit in all collective bargaining negotiations with PG&E involving rates of pay, hours of employment, and all other conditions affecting the welfare of the unit members.
- (b) In all conferences with the Company at least one (1) member of the Negotiating Committee shall be designated as observer to study the proceedings and take such notes, memos, etc..., as may be necessary to clarify disputed points occurring in any place or phase of the negotiations.
- (c) The Negotiating Committee shall select a Spokesperson who shall be acceptable to the Unit Executive Board. In the event that any spokesperson so selected is not satisfactory to the Unit Executive Board, a new and acceptable spokesperson must be chosen.
- (d) The Negotiating Committee shall hold such meetings as necessary to adequately prepare for the conduct negotiations.
- (e) To establish such sub-committees to be appointed by their appropriate Area Vice President to ensure that all subdivisions within the Unit are adequately represented.
- (f) To submit results of any negotiations to the Unit Executive Board for approvals and/or recommendations.

ARTICLE VIII: MEETINGS

Section 1: Regular meetings of the Unit Executive Board shall be held monthly.

- (a) Special meetings of the Unit Executive Board may be called by the Unit President or by a majority of the Executive Board as necessary.

Section 2: There will be an annual Unit membership meeting to be held by November of each year.

Section 3: Special membership meetings of the Unit may be called at the discretion of the Executive Board and must be called within thirty (30) days of the receipt by said Board of a petition for such meeting signed by not less than ten percent (10%) of the members in good standing in the Unit for Unit meetings.

Section 4: Notice of membership meetings shall be handled as follows:

(a) Suitable bulletins giving notice of any business to be put to the Membership, the date, time and place of each regular and special meeting of the membership shall be distributed to the appropriate Area Stewards. Such notices shall be sent out not less than ten (10) days prior to the date of said meeting.

(b) The Area Stewards and Communication Volunteers shall post and distribute copies of such meeting notices on the proper bulletin boards and/or electronically.

(c) Unless such notice is given, no action of said meeting shall be effective and binding upon the Unit.

Section 5: All meetings will be open to all members in good standing of the Unit and the Union members shall be encouraged to attend.

ARTICLE IX: NOMINATIONS AND ELECTIONS

Section 1: Nominations in odd numbered years for the office of President, Executive Vice President, Secretary and Treasurer shall be submitted by letter signed by not less than (10) members of the Unit in good standing. Nominations in even numbered years for the office of Area Vice President must be made from within the particular Area, and shall be submitted by letter signed by not less than (10) members of the Unit in good standing from within that area. Such letters shall be filed with the Secretary on or before April 15th.

Section 2: Elections shall be by letter ballot.

Section 3: Ballots shall be sent to all members of the Unit in good standing not later than May 1st.

Section 4: To be valid, ballots must be received on or before 6:00 p.m. May 24th.

Section 5: Ballots shall be opened and counted by the Election Committee following the close of the balloting prior to May 30th.

Section 6: A plurality of the votes cast shall be required for election.

Section 7: In case of a tie, the Executive Board shall decide which candidate shall be elected. Executive Board members involved in such tie shall abstain from voting on such issue.

ARTICLE X: LETTER BALLOTS

Section 1:

Elections shall be by mail ballot or secure electronic ballot. Letter ballots shall be mailed to all members in good standing. Each ballot shall state the closing date of the poll, which shall not be less than twenty (20) days after the date the ballots are mailed. Only those ballots returned not later than the closing date shall be counted. Unless otherwise provided in this Constitution, each issue on the ballot shall be determined by a majority of the valid votes cast thereon. 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 ballots or secure electronic ballot shall be so administered as to ensure the validity of the votes, cast and the secrecy of the ballot. Ballots shall be returned in the confidential envelope provided, received in a designated impartial depository, held by such depository until at least one (1) member of the Election Committee signs for them and transports them in a sealed container to the place designated for counting.

ARTICLE XI: DUES AND ASSESSMENTS

Section 1: Monthly membership dues of the Unit will be in accordance with the Union Constitution.

Section 2: Assessments for the Unit shall be determined by three-fourths (3/4) of the valid votes cast in a letter ballot, such ballot requires prior authorization of the Unit Executive Board. The ballot shall clearly state the amount of the proposed assessment and shall be accompanied by a complete statement of the reasons necessitating such assessment and the specific purpose for which it shall be used.

Section 3: Distribution of dues collected and financial responsibility for services rendered shall be arranged by mutual agreement of the Executive Boards of the Unit and the Union.

ARTICLE XII: TRANSFER OF PROPERTY

Section 1: At the expiration of their terms of office, the officers and all committee members shall deliver to their respective successors, or whomsoever the Unit may appoint, all records and property of the Unit in their possession.

ARTICLE XIII: FUNDS

Section 1: The funds and other property shall remain with the Unit for its legitimate use so long as there are five (5) members.

Section 2: On dissolution of the Unit all funds, and other property shall become the property of the Union, provided that the Executive Board of the Union will accept them.

Section 3: The unit shall not without prior consent of the Union hold the Union in any manner liable for any debt or expense incurred by the Unit.

ARTICLE XIV: SUSPENSION/DISCIPLINE

Section 1: Any member whose dues or assessments are not paid within sixty (60) days after they become due shall be deemed in arrears, and shall automatically be suspended. A member shall lose the privilege of voting or in any manner participating in the activities of the Unit. A member may be restored to good standing under the regulations which may be effected pursuant to this Constitution.

Section 2: Members may be disciplined by the Unit 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/professionalism of the Unit. Such offense shall include the crossing of a sanctioned picket line. The Unit 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.

The Unit 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 Unit 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.

Section 3: 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 Unit Executive Board to hear the charges and the defense of the accused member in accordance with the provisions of Article XIV Section 2.

The Unit 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 Unit 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 XV: AMENDMENTS

Section 1: This Constitution may be amended, after due notice has been given to all members of the Unit, by affirmative vote by letter ballot of two-thirds 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.

ARTICLE XVI: INTERNAL COMPLAINT PROCEDURE

Section 1: Any member in good standing of the Unit may file a complaint concerning any action of the Unit Executive Board or its Officers, or by the Union staff by reducing the complaint to writing and transmitting it to the Secretary of the Unit within sixty (60) days of the action. The Executive Board shall consider the complaint at its next meeting and shall notify the complainant, who shall have the right to appear and present his/her case before the Board. The Board shall make a written response to the member within ninety (90) days of the meeting at which the complaint is first considered. The member shall have the right to appeal the decisions of the Unit Executive Board to the Executive Board of the Union within thirty (30) days of his/her receipt of the decision.

ARTICLE XVII: RULES OF ORDER

Section 1: The Parliamentary procedure of meetings of the Unit and its committees shall be guided by Roberts Rules of Order; except that in any conflict with this Constitution this Constitution shall take precedence.