

CONSTITUTION

OPTOMETRY UNIT

Engineers and Scientists of California Local 20,
IFPTE AFL-CIO & CLC

Amended April 2012

ARTICLE I - NAME

- 1.01 The name of this organization shall be the “Optometry Professional Unit” of the “Engineers and Scientists of California Local 20, IFPTE AFL-CIO & CLC”, and 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 Local 20, IFPTE and this set of By-Laws in their relationship with the Union.
- 2.02 The objectives of the Unit shall be:
- (a) 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.
 - (b) To represent 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 proper compensation and working conditions.
 - (c) To promote the professional status of the members.
 - (d) 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 Optometric field who are members of the Union.
- 3.02 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 Unit Executive Board may institute.
- 3.03 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 of the Optometric professionals. Such offense includes 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 Unit Executive Board in person or in writing, and to present evidence or witnesses.

3.04 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 3.04.

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 the Unit Executive 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
District Representatives (7)
ESC Board Representative

District 1
Santa Clara
Santa Theresa
Mountain View
Milpitas
Redwood City
Gilroy

District 2
San Francisco
South San Francisco
San Rafael
Petaluma
Novato
Santa Rosa

District 3
Walnut Creek/Park Shadelands
Martinez
Antioch (Deer Valley, Delta Fair)
Pleasanton
Livermore
Vallejo
Napa
Fairfield
Vacaville

District 4

Fresno
Stockton
Modesto
Tracy

District 5

South Sacramento
Elk Grove
Sacramento
Roseville
Davis
Point West
Folsom
Rancho Cordova

District 6

Fremont/Hayward
(Greater Southern Alameda Area or "GSAA")
Union City
Oakland
Richmond

District 7

Optometric Assistant (At Large)

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

4.03 The elected officers shall be installed and shall assume their new positions at the next regularly scheduled Unit Executive Board meeting after the election.

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 of the members of the Unit Executive Board, must be submitted to the Unit 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. Two-Thirds of the valid ballots cast shall be necessary for recall. The Unit Executive Board may, by motion, suspend the accused from the performance of the duties of his/her office pending the outcome of the vote.

4.04 In the event s/he is responsible for handling funds, the District Representative shall be bonded.

ARTICLE V - DUTIES OF OFFICERS

- 5.01 The President shall preside at all meetings of the Unit Executive Board and the General Membership. He/she may be a member of each committee ex-officio, except the Election Committee.
- 5.02 An appointed District Representative shall perform the duties of the President during his/her absence and perform other duties as assigned by the President.
- 5.03 A District Representative shall be designated Secretary-Treasurer to keep minutes of the meetings conducted by the Unit Executive Board and ensure that officers are informed of all meetings.
- 5.04 The designated Secretary-Treasurer shall be responsible for maintaining accurate and adequate financial records, including reviewing expense claims.
- 5.05 The District Representatives shall be responsible for liaison between their District and the Unit Executive Board. He/she shall attend and/or serve as a delegate to the Labor Council as assigned by the Executive Board.
- 5.06 The ESC Vice President for the Optometry Unit Board shall attend Optometry Unit Board meetings not as an officer but to act as a liaison without voting rights. The ESC Vice President shall be required to attend the Executive Board, General Membership and their respective Unit Executive Board meetings. The ESC Vice President shall submit a report of their Unit at the Executive Board and General Membership meetings.

ARTICLE VI - EXECUTIVE BOARD

- 6.01 The Executive Board of the Unit (hereinafter Unit Executive Board or UEB) shall consist of the President, an appointed Secretary-Treasurer from the standing District Representatives, and seven (7) District Representatives. Four (4) members shall constitute a quorum for the Unit Executive Board. The Unit Executive Board shall meet at least four (4) times per annum.
- 6.02 The duties of the Unit 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 and members of such committees as may be required.
 - (d) To act as liaison between the Unit and the Union.

- 6.03 Any act of the Unit Executive 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 Unit 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 Unit Executive 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 any office of the Unit Executive Board with the exception of an ESC Board Representative is vacated, the Unit Executive Board shall within sixty (60) 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 Unit 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 and District Representatives 2, 4 and 6, shall be held in the even numbered years. Election for the offices of District Representatives 1, 3, 5 and 7 shall be held in the odd numbered years (except that District 7 Representative shall first be elected in 2012).
- 7.02 The President shall not hold office longer than three (3) consecutive terms.
- 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-Treasurer on/or before September 30th.
- 7.04 Election shall be by mail ballot.
- 7.05 Ballots shall be sent to all members in good standing of the Unit not later than October 15th. To be valid, ballots must be received on/or before 5:00 p.m. on October 31st.
- 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.

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 ballots shall be so administered as to ensure the validity of the votes cast and the secrecy of the ballot. If electronic means of ballots and votes cast is used, the Executive Board of ESC Local 20, IFPTE, will determine use and execution rules.

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 Representatives 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 shall 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 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 Unit 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 Local 20, IFPTE.

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 Assessments for the Union 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.
- 11.04 The aggregate of such assessments in any calendar year shall not exceed twenty-five dollars (\$25.00) per member. The amount collected from each assessment shall be expended only for said stated purpose unless and until other disposition is authorized by letter ballot. No assessments shall apply retroactively to new members of the Union.
- 11.05 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:
- (a) By a formal resolution of a majority of the members of the Unit Executive Board:
 - (b) By a petition, signed by 30% of the members in good standing, which shall be submitted to the Unit Executive Board for study.

Proposed Amendments shall be submitted to the entire membership of the Unit by letter ballot. Ballots shall be sent out to all members of the Unit in good standing. To be valid, ballots must be received on or before 15 days from the date of the mailing. Amendments submitted by membership petition shall be submitted for vote of the members within 60 days of receipt by the Unit Executive Board.

An affirmative vote of 50% plus one (1), will be required for adoption of the Amendment(s), and will 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 Unit Executive Board or to the Unit in meeting and included in the minutes of said meeting.

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.