

Service Employees International Union
Florida Public Services Union (CTW)

CONSTITUTION AND BYLAWS

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Service Employees International Union
Florida Public Services Union (CTW)

CONSTITUTION AND BYLAWS

ARTICLE I

NAME

The name of this organization shall be the Service Employees International Union (SEIU) Florida Public Services Union (FPSU), Change to Win (CTW).

ARTICLE II

MISSION STATEMENT

We are a diverse community of public service employees dedicated to improving the lives of workers and their families today and to the next generation.

FPSU vision and values that are the foundation for our Union

We believe that the power of our united voices has the ability to change and improve lives. We are committed to building solidarity in order to raise collective standards for health, safety, and economic equality. We believe in spreading the wealth of knowledge and education through the freedom to participate in a union.

We will fight to empower all working people and to increase recognition and respect for quality public services in our communities and all across Florida. We will work to change laws that are contrary to our mission.

ARTICLE III

JURISDICTION

SEIU Florida Public Services Union (hereinafter FPSU or “the Union”) shall have exclusive jurisdiction over state, county, municipal and other public employees in the State of Florida, including school and child care workers, and over school and child care workers employed by private sector employers in the State of Florida.

Our jurisdiction covers all public employees in Florida and private sector school and childcare workers.

The jurisdiction of FPSU shall be defined by SEIU. Any change or expansion of that jurisdiction shall be approved by SEIU.

Any change in jurisdiction requires the approval of our parent union.

ARTICLE IV

AFFILIATIONS

FPSU shall be affiliated with the Service Employees International Union (SEIU), and with the proper central labor bodies, and any affiliations required by Change to Win (CTW).

FPSU belongs to labor federations..

The Executive Board may affiliate with other organizations deemed beneficial to the missions and goals of FPSU.

ARTICLE V

MEMBERSHIP CATEGORIES

Section 1. Regular Members

Employees within the jurisdiction of FPSU and staff employed by FPSU who pay the prescribed regular dues shall be considered regular members. Such members (who are in good standing) can vote, pursuant to Article IX Elections, so long as they have actually paid dues for a minimum of six (6) months within the twelve (12) months immediately preceding the month of the election and can hold office pursuant to Article IX Elections.

A regular member pays full dues and may enjoy all rights to participate, vote and hold office

Section 2. Associate Members

Persons not employed within the jurisdiction of, or employed by, FPSU but electing to pay the associate membership fee shall be eligible for Associate Membership status. Associate Members shall not have the right to vote or hold office in FPSU or to serve on its committees.

Individuals may participate in FPSU as associate members but cannot vote or hold office

Section 3. Retired Members

Any person retired from any employment within FPSU's jurisdiction may join as a Retired Member and pay the prescribed Retired Member dues, as determined by the Executive Board. Retirees paying the prescribed Retired Member dues may participate in FPSU as Retired Members but cannot vote or hold office, with the exception of voting for, being nominated for and serving in an advisory, non-voting position on the Executive Board as an elected representative of the Retiree Members Committee. Members retiring from any employment within FPSU's jurisdiction may choose to retain full membership rights in FPSU, including completing the remainder of a term as an elected officer, by paying the minimum level of full dues of an active, regular, working member of the union.

Retirees may participate in FPSU as retired members but cannot vote or hold office

Section 4. Organizing Members

At the Executive Board's discretion, persons working in a recently organized jurisdiction who are not yet covered by a collective bargaining agreement and have not yet started paying regular dues may be eligible to join as organizing members. Such members shall not have the right to vote or hold office in FPSU.

Newly organized workers may participate as organizing members but cannot vote or hold office.

Section 5. Members in Good Standing

Dues must be paid on or before the last day of each month in which they fall due. Any member failing to pay said dues and assessments or other financial obligations of this Union on or before the last day of the month in which the same are due, shall be delinquent and upon failure to pay dues for two successive months shall automatically be classified not in good standing and shall lose all rights and privileges of membership. Members who maintain a regular work schedule of less than twelve months per year are not required to pay full dues for months in which they do not work, provided that such members pay the required amount of dues in relation to base salary.

A member in good standing pays full dues on time.

Members not in good standing may be readmitted to membership upon payment of back and current dues not to exceed six months and a twenty-five dollar (\$25.00) re-admittance fee. For members paying dues through employer check-off, no member shall lose his/her good standing status for any month in which his/her dues have not been paid to FPSU through the fault of the employer.

Readmittance procedures for delinquent membership

Section 6. Exclusive Representation

*Member
representation rights*

Every regular member of FPSU, by virtue of membership in this employee organization, authorizes FPSU, as directed by the membership, to act as the exclusive representative with full and exclusive power to execute agreements with their employers governing terms and conditions of employment. Where there are disputes under such agreements, members authorize FPSU to act for them and have final authority in presenting, processing and adjusting any such dispute or grievance in such a manner as FPSU determines.

ARTICLE VI

MEMBER RIGHTS AND RESPONSIBILITIES

Section 1. Members' Rights

*Members have many
important democratic
rights in our Union*

- A. The right to have opinions respectfully heard, to be informed of union activity, to be educated in union values and union skills;
- B. The right to choose the leaders of the Union in a fair and democratic manner;
- C. The right to a full accounting of union dues and the proper stewardship over union resources;

- D. The right to participate in the Union's bargaining efforts and to approve union contracts; and
- E. The right to have members' concerns resolved in a fair and expeditious manner.

Section 2. Members' Responsibilities

*Members have
responsibilities to
build and strengthen
our Union*

- A. The responsibility to help build a strong and more effective labor movement, to support organizing of unorganized workers, to help build a political voice for working people, and to stand up for one's co-workers and all workers;
- B. The responsibility to be informed about the internal governance of the Union and to participate in the conduct of the Union's affairs;
- C. The responsibility to contribute to the support of the Union;
- D. The responsibility to treat all workers and members with fairness and respect;
- E. The responsibility to offer constructive criticism of the Union; and
- F. The responsibility to protect the Union from all harm and ensure its vitality.

ARTICLE VII

FPSU GOVERNANCE STRUCTURE

Section 1. Supreme Authority

The membership body is the supreme body of FPSU. It has the authority to adopt and amend the Constitution and Bylaws, elect the Executive Board, set dues, vote on contracts and elect negotiating teams, as well as affect decision making as set forth in this Constitution and Bylaws.

The membership is the supreme body and votes on major decisions.

FPSU shall hold a statewide Convention no less than once every three years. The Convention shall convene on the last Saturday in September, unless the Executive Board determines an alternate date upon recommendation of the President. Delegates to the Convention shall be selected by the membership in accordance with guidelines established by the Executive Board.

Section 2. Executive Board

The Executive Board shall be the governing body of this Union, subject to the membership. The Executive Board shall decide all matters affecting the policies, aims and means of accomplishing the purposes of this Constitution and Bylaws not specifically provided for in this Constitution and Bylaws or by action of the membership.

The executive board governs the Union subject to the membership

The Executive Board shall meet, at a minimum, every ninety (90) calendar days, or at the call of the President, or at the call of a quorum of the Executive Board. A quorum for the Executive Board shall be a majority of its voting members.

Executive Board must meet quarterly and may meet more often.

The Executive Board shall have the authority granted to it in these bylaws, including, but not limited to the following:

- A. Authorize an annual budget and monitor the finances of the Union;
- B. Approve the Union's budget, including staff compensation and contracts for services rendered such as rent, legal services, auditing or payroll services. The Executive Board has the authority to include a stipend for elected officials in the annual budget;
- C. Establish plans, policies, and procedures that are required for the direction and operation of the Union and the effective implementation of the decisions of the membership;
- D. Make recommendations for the rate of regular dues to the membership and set the rate of dues for non-regular categories of membership, such as organizing and retired members;
- E. In the event of a vacancy in the office of President, where the President has served or will serve for at least half of his or her term of office, the Executive Board shall appoint a qualified individual(s) within thirty (30) calendar days to provide all day-to-day direction for the operations of the Union and its staff for the duration of the President's vacancy. In the event of a vacancy in the office of President, where the President has or will serve less than half of his or her term of office, the Executive Board shall appoint a qualified individual within thirty (30) calendar days to serve as Interim President, and shall call a special election for the membership to elect a new president within ninety (90) calendar days. For all other vacancies in elected positions, the Executive Board shall appoint a qualified individual(s) to serve out the remaining term of office, consistent with this Constitution and Bylaws;
- F. Be responsible for adherence to and enforcement of the Constitution and Bylaws;
- G. At its discretion, form and determine the composition of, and appoint members to, union committees;
- H. Review recommendations from committees and decide on positions, programs and expenditures that promote the Union's mission;
- I. Develop positions on issues and direct the Union's interactions with central labor boards, SEIU International unions, and affiliated bodies.
- J. Ensure compliance with the SEIU Ethics Policy;
- K. Ensure that the Union is audited by an outside firm annually; and
- L. Establish policies that give Executive Board representation to newly organized units.

Executive Board authorizes the annual budget and is accountable to the membership for fiscal integrity.

Executive Board establishes the Union's direction to achieve the FPSU mission.

Procedure to fill vacancies

Authority over union committees and make decisions on committee recommendations

Ensure an ethical union operation

Section 3. Executive Board Composition

*Executive Board
consists of officers
and member
representatives*

- A. The Executive Board shall consist of the elected union officers (President, Vice President for Operations, Vice President for Finance, Vice President for Organizing, Vice President for Member Strength, and Vice President for Political Strength) and elected member representatives, as described below. Each member of the Executive Board shall have one vote.

B. Member representatives shall be elected to the Executive Board based on consideration of geographic region, type of unit employer, size of unit, and union density in unit, as follows: *Representatives based on four considerations*

1. The Union shall be divided into four geographic regions: Northern, Eastern, Western, and Central. Each region shall be entitled to up to three (3) representative seats on the Executive Board, based on the presence of the three following types of unit employer: (a) school districts, (b) municipalities, and (c) other, except those employed by a university or college (See (B)(4) below). *Geographic consideration*

(a) In each region, members employed by school districts shall elect one school district representative for their region; municipal employee members shall elect one municipal representative for their region; and members whose employers are neither municipalities, school districts, nor a college or university shall elect one other representative for their region. *Type of employer consideration*

(b) In regions where one or more type of unit employer is absent, there will be no regional representative for that type of unit employer.

(c) Regions will be determined as follows:

(1) The Northern region will consist of all units in Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrest, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Putnam, St. Johns, Santa Rosa, Suwanee, Taylor, Union, Wakulia, Walton, and Washington Counties;

(2) The Eastern Region will consist of all units in Broward, Glades, Hendry, Highlands, Indian River, Martin, Miami-Dade, Okeechobee, Palm Beach and St. Lucie Counties;

(3) The Central Region will consist of all units in Brevard, Citrus, Hernando, Lake, Marion, Orange, Osceola, Pasco, Polk, Seminole, Sumter, and Volusia Counties; and

(4) The Western Region will consist of all units in Hillsborough, Pinellas, and Manatee Counties.

(d) In the event that a new unit is established outside the counties described above, the Executive Board shall exercise its authority to place the new unit within an existing region.

2. For bargaining units covered by subsection 1 (above) and 4 (below), an employer unit with five hundred (500) or more members is entitled to one (1) additional representative for every five hundred (500) members, to be elected by members in that unit. *Size of membership consideration*
Union density consideration
3. For bargaining units covered by subsection 1 (above) and 4 (below), an employer unit whose collective bargaining agreement covers fifty-one (51) or more employees shall be entitled to one (1) additional representative seat, to be elected by members in that unit, if at least forty-five percent (45%) of the unit employees are union members. An employer unit whose collective bargaining agreement covers fifty (50) or fewer employees shall be entitled to one (1) additional representative seat, to be elected by members in that unit, if at least fifty percent (50%) of the unit employees are union members.
4. Higher education employees employed by a college or university shall be entitled to four (4) representative seats on the Executive Board with one coming from each of the following regions: Central Region, Eastern Region, Northern Region, and Western Region. These regions are composed of the Counties as identified in Subsection (1)(c) above.
5. One Retiree Representative shall be elected by Retired Members, to serve only in an advisory, non-voting position on the Executive Board, as a representative of the Retired Members Committee.

Section 4. Duties and Responsibilities of Officers

A. Officers

The Officers of this Local shall be a:

*Six principal officers
of the Union*

1. President;
2. Vice President for Operations;
3. Vice President for Finance;
4. Vice President for Organizing;
5. Vice President for Political Strength; and
6. Vice President for Member Strength.

Each officer shall be a member of the Union's Executive Board and his/her term of office shall be three (3) years. No officer shall hold two offices simultaneously.

*Term for elected
office is three (3)
years.*

The President shall be the only officer who receives a salary from the Union. The Executive Board shall have the authority to include stipends for elected officials in the annual budget. The Executive Board may determine policies for reimbursing reasonable expenses incurred in the course of union business by elected officers and Executive Board representatives.

B. Duties of the President

The President shall:

1. Act as the Union's chief administrator and principal officer;
2. Preside over Executive Board and statewide general membership meetings;
3. Direct the program of the Union, including organizing, political action, member action, and community engagement, subject to direction provided by the Executive Board and the membership;
4. Develop procedures for the day-to-day affairs of the Union to facilitate the implementation of the Union's programs and goals;
5. Submit annually to the Executive Board a proposed budget for the coming fiscal year. The proposed budget shall be subject to revision and adoption by the Executive Board;
6. While operating within an approved budget and policies established by the Executive Board, the President shall have the authority to manage his/her staff including but not limited to employing, compensating, evaluating, and/or disciplining/terminating such staff, in order to ensure the efficient administration of the Union;
7. Represent the Union at meetings with employers, governmental agencies, community organizations and labor organizations;
8. Report regularly on union activities to the Executive Board and the membership;
9. Be one of the responsible financial officers of the Union and be authorized to co-sign financial instruments and authorize regular and usual disbursements of funds;
10. Be authorized to sign contracts, Partnership Agreements and other official documents on behalf of the Union;
11. Prepare monthly reports in conjunction with the Vice President for Finance and designated staff to be presented to the Executive Board for approval;
12. Make recommendations to the Executive Board for strategic planning;
13. Serve as an ex-officio member of all union committees;
14. Appoint ad hoc committees as needed; and
15. Perform other such duties as required by this Constitution and Bylaws or as assigned by the Executive Board.

President is the chief administrator and principal officer

President directs the day to day operation of the Union and directs the staff

President reports to and is accountable to the executive board

C. Duties of the Vice President for Operations.

The Vice President for Operations shall:

1. Serve as the presiding officer in the absence of the President;
2. Assist the President on affairs of the Union;
3. Co-sign contracts, agreements and other official documents on behalf of the Union;
4. Maintain the non-financial files, official correspondence and records of the Union, except as the Executive Board may direct otherwise;
5. Be the custodian of the seal and charter of the organization;
6. Ensure that accurate minutes of meetings of the chapters, the Executive Board and the statewide general membership meeting are recorded and submitted to the Executive Board and the membership;
7. Issue calls for statewide general membership meetings at least once every three years, and work with staff and the Executive Board to ensure successful and productive meetings; and
8. Perform other duties as required by this Constitution and Bylaws, as delegated by the President, or as assigned by the Executive Board.

VP for Operations assists the President and maintains the record of the board

D. Duties of the Vice President for Finance

The Vice President for Finance shall:

1. Assist the President in preparing an annual budget to be approved by the Executive Board;
2. Work with appropriate staff to ensure that accurate financial records and a monthly operating statement of the financial transactions of the Union are kept and submitted to the Executive Board and the membership;
3. Work with appropriate staff to ensure that monthly financial reports, per capita tax checks, and other reports are filed as required by the SEIU International Constitution and Bylaws;
4. Be one of the responsible financial officers of the Union and be authorized to co-sign financial instruments and authorize regular and usual disbursements of funds;

VP for Finance assists with budget preparation and financial oversight

5. Oversee:
 - (a) Financial records and the depositing of all dues monies and other income in the name of the Union;
 - (b) Maintenance of accurate membership records;
 - (c) Issuance of membership cards and notices of delinquency; and
 - (d) Maintenance of all financial records of the Union;
6. Arrange for an independent audit of the finances of the Union annually and provide the resulting auditing report to the Executive Board and the membership; and
7. Perform other duties as required by this Constitution and Bylaws, as delegated by the President, or as assigned by the Executive Board.

E. Duties of the Vice President for Organizing

The Vice President for Organizing shall:

1. Serve as chair of the Organizing Committee;
2. Serve as chair of the Community Mobilization Committee;
3. Recommend programs to recruit and train leadership to serve on the Organizing and Community Mobilization Committees;
4. Prepare reports and recommendations for the Executive Board with regard to Organizing and Community Mobilization; and
5. Perform other duties as required by this Constitution and Bylaws, as delegated by the President, or as assigned by the Executive Board.

VP for Organizing chairs two standing committees on organizing and mobilization

F. Duties of the Vice President for Political Education

The Vice President for Political Education shall:

1. Serve as chair of the Political Education Committee;
2. Recommend programs to recruit and train leadership to serve on the Political Education Committee;
3. Prepare reports and recommendations for the Executive Board with regard to Political Education;
4. Work with assigned staff to make recommendations to the Executive Board about endorsements and candidate contributions;
5. Along with the President and his/her designee, represent the Union with elected officials; and
6. Perform other duties as required by this Constitution and Bylaws, as delegated by the President, or as assigned by the Executive Board.

VP for Political Education chairs Political Education Committee

G. Duties of the Vice President for Member Strength

The Vice President for Member Strength shall:

1. Serve as chair of the Quality Bargaining Standards Committee;
2. Serve as chair of the Member Strength Committee;
3. Recommend programs to recruit and train membership to serve on the Quality Bargaining Standards and Member Strength Committees;
4. Prepare reports and recommendations for the Executive Board with regard to Quality Bargaining Standards and Member Strength; and
5. Perform other duties as required by this Constitution and Bylaws, as delegated by the President, or as assigned by the Executive Board.

VP for Member Strength chairs two standing committees on quality bargaining standards and member strength

Section 5. Chapters

- A. Chapters shall be the primary focus of worksite activity, representation and action in this Union. Chapters shall hold membership meetings at least once every ninety (90) calendar days, which do not conflict with the Union's Executive Board meetings or statewide general membership meetings.
- B. The Executive Board shall determine the requirements and procedures for recognizing a bargaining unit(s) as a Chapter and for authorizing members' selection of Chapter leaders. The Executive Board shall form and give titles to new Chapters upon recommendation by the President.
- C. Chapters shall be responsible to represent their members, enforce their Collective Bargaining Agreement(s), and organize their members for day-to-day struggles. Each Chapter shall have the authority to meet and transact appropriate business within its jurisdiction.
- D. Each Chapter shall keep minutes at chapter membership meetings and shall provide a copy to the Vice President for Operations and the President upon request.
- E. Membership in a Chapter shall be limited to working members of the appropriate bargaining unit(s).
- F. Members of the Union are welcome to attend meetings of any chapter, in accordance with Executive Board policies.

Chapters shall be the primary focus of worksite activity, representation and action for members

Executive Board oversees chapter formation and leadership selection

ARTICLE VIII

FPSU STANDING COMMITTEES

Standing Committees are advisory to, and make recommendations to, the FPSU Executive Board. The following shall be established as FPSU Standing Committees:

Section 1. Organizing Committee

The purpose of this committee is to make recommendations to the Executive Board to both sustain and expand the membership of the Union. To achieve this purpose, this committee shall:

The Organizing Committee promotes union growth

- A. Promote growth goals toward achieving full membership;
- B. Focus on both obstacles to and opportunities for membership growth; and
- C. Recommend specific plans to achieve growth goals and oversee their execution.

Section 2. Political Education Committee

The purpose of this committee is to make recommendations to the Executive Board to elect and ensure that our political leaders stand up for working families and protect and enhance quality public services for all Floridians. To achieve this purpose, this committee shall:

The Political Education Committee elects politicians accountable to our mission

- A. Get members involved in politics through communication, education and mobilization;
- B. Recommend endorsement of candidates based upon members' endorsement criteria;
- C. Lobby for pro-worker legislation;
- D. Hold elected officials accountable;
- E. Build our COPE contributions; and
- F. Educate and work with the community on pro-worker issues.

Section 3. Member Strength Committee

The purpose of this committee is to make recommendations to the Executive Board to enhance membership through stronger education and communication. To achieve this purpose, this committee shall:

The Member Strength Committee enhances member participation through education and communication

- A. Create a member maintenance plan;
- B. Build two-way communications between members and leaders;
- C. Identify and develop new leaders;
- D. Create diverse opportunities for members to develop leadership skills;
- E. Develop strategies to increase union participation in all worksites;
- F. Promote sustainability through membership retention;
- G. Promote training for stewards;
- H. Develop programs to enhance members' understanding of contracts and labor laws; and
- I. Educate, educate, educate.

Section 4. Quality Bargaining Standards Committee

The purpose of this committee is to make recommendations to the Executive Board to improve local units' ability to bargain effectively and achieve quality standards in all our contracts. To achieve this purpose, the committee shall:

The Quality Bargaining Standards Committee improves bargaining standards in contracts

- A. Review contracts and make recommendations about universal contract improvements; and
- B. Recommend training programs for effective contract bargaining.

Section 5. Community Mobilization Committee

The purpose of this committee is to make recommendations to the Executive Board to promote mutual education and cooperation of our Union and our community. To achieve this purpose, the committee shall:

The Community Mobilization Committee promotes education and cooperation within our community

- A. Commit to work together with community groups on shared, common goals;
- B. Invite or solicit invitations from community members/leaders to discuss our common interests and aspirations; and
- C. Learn from each other in the spirit of cooperation and compromise.

Section 6. Retired Members Committee

The Retired Members Committee shall consist of all Retired Members of FPSU who pay the prescribed dues for such members, pursuant to Article V, Section 3. The purpose of this committee is to assist the Executive Board in developing a program for retired members by encouraging the development of relevant programs and activities; helping FPSU chapters develop chapter-based Retired Member Committees; and electing one Retiree Representative to serve as an advisory, non-voting member of FPSU's Executive Board.

ARTICLE IX

ELECTIONS

Section 1. Term of Office for Elected Union Officials

The term of office for elected officers and Executive Board member representatives shall be three years. Officials elected and qualified shall hold office until their successors are duly elected and installed, except that any outgoing President and Vice Presidents shall be retained as an employee of FPSU at their then-current salary and benefit levels for a period of ninety (90) days from the first day their successor assumes office in order to ensure a smooth transition from one President or Vice Presidents to the next. During this ninety (90) day transition period, the outgoing President or Vice Presidents shall work with the incoming President or Vice Presidents and FPSU, including a transition committee, to facilitate a smooth transfer of power and take whatever steps necessary to have the incoming President or Vice Presidents installed and recorded on any and all records that must be changed to reflect the transition.

The term of office is three (3) years

Section 2. Election Committee

- A. An Election Committee shall oversee all FPSU Elections.
- B. The President shall appoint regular members to an Election Committee. The Election Committee shall consist of at least five (5) and no more than eleven (11) members, and shall include at least one member from each geographic region in the Union. Members of the Election Committee are prohibited from seeking office or participating in campaigns for office while serving on the Committee.

A Member election committee oversees the conduct of the election

- C. The duties of the Election Committee include:
1. Administering the election and assuring that it complies with this Constitution and Bylaws;
 2. Validating the eligibility of nominees, tabulating ballots, and certifying the results of the election;
 3. Acting as the initial judge in all questions and matters arising from the election;
 4. Setting dates, times and locations for the election;
 5. With the approval of any financial commitment, the Election Committee shall be authorized to contract with an outside entity to assist in any part of the election procedure as it deems necessary and appropriate; and
 6. All other duties necessary and appropriate to the proper conduct of FPSU elections.

Section 3. Eligibility for Elected Positions

A member must be in good standing for two years to run.

- A. No member shall be eligible to be nominated and serve in any elected position in the Union, unless he or she has been a member of the Union in continuous good standing for at least twenty-four (24) months immediately preceding the nomination and actually paid dues for a minimum of six (6) months within the twelve (12) months immediately preceding the month of the nominations. Upon request by the Executive Board, the International President may waive the foregoing requirements in his or her discretion for good cause shown.
- B. Associate, retired, and organizing members paying less than the full dues required for working members of the Union shall not be eligible to be nominated for or serve in any elected position in the Union. Union staff are not eligible to be nominated for or to serve in any elected position in the Union except for the position of President.

Section 4. Elections for FPSU Elected Officers

A. Elections for FPSU elected officers shall be by a secret ballot vote of the regular membership. Procedures for Elections

B. Nominations

1. Nominations for elected officers shall be submitted by mail. For the initial officer elections (occurring in 2010), a notice of nominations shall be mailed to the last known address of all regular members at least thirty (30) calendar days prior to the meeting. For all subsequent elections, a notice of nominations shall be mailed to the last known address of all regular members at least twenty-one (21) calendar days prior to the close of nominations, as designated by the Election Committee. Members may nominate themselves or any other eligible member for office. Mail nominations must be received by the Union no later than the date of the close of nominations. No member shall be a candidate for more than one elected position at a time. Members may nominate themselves or any other eligible member for office.

C. Election Procedure

1. *Method of Voting* - The elections will be by mail ballot of the membership. Candidates may run on slates which may be designated on the ballot. An election notice must be sent with the mail ballots to the last known address of all members. Mail ballots must be returned on a date determined by the Election Committee, but not less than twenty-one (21) calendar days after the mailing of the ballots. Write-in candidates and proxy voting shall not be permitted. Election is a secret vote by mail ballot
2. *Election*
 - (a) If any office receives only one nomination, that person shall be declared elected. For offices in which more than one candidate will be elected, if the number of nominees is less than or equal to the number of available positions, the nominees will be declared elected.
 - (b) For each contested office on the ballot, the candidate receiving a plurality of the votes cast will be declared elected.
 - (c) Elected Officials shall be installed and shall take their positions immediately upon the tabulation of the vote by the Election Committee.

Section 5. Election Conduct Applicable to All Elections

- A. No funds of this Union, any other local or International Union, or any employer may be used to support the candidacy of any member for elective office. *Safeguards to ensure a fair election*
- B. No candidate (including a prospective candidate) for any office in this Union or affiliated body, or supporter of any such candidate, may solicit or accept financial support or any other direct or indirect support from any non-member of the International Union.
- C. The Union will comply with all reasonable requests of any candidate to distribute by mail, at the candidate's expense, campaign literature. All clerical work for this request shall be done by the Union and no home addresses, e-mail addresses or telephone numbers will be released to any candidate for office.
- D. Any candidate whose name is to appear on the ballot shall have the right to have an official election observer of the candidate's own choosing who must be a regular member of the Union. The Observer shall have the right to attend and observe all proceedings in which ballots bearing that candidate's name are cast or counted. *Candidates have a right to observe the counting of ballots.*
- E. The Union shall refrain from discriminating in favor of or against any candidate.
- F. No person who has been convicted of a felony as defined in Section 504 of the Landrum-Griffin Act (or an indictable offense in Canada) shall in accordance with the provisions of applicable law be eligible for nomination under the terms of this Article. (Felonies listed under Section 504 of the Landrum-Griffin Act include, but are not limited to, the following: burglary, grand larceny, robbery, bribery, embezzlement, murder, assault with intent to kill, assault that inflicts grievous bodily injury, violation of narcotics laws, and felonies involving abuse or misuse of an individual's position or employment in a labor organization to seek or obtain an illegal gain at the expense of the members of the labor organization.)

Section 6. Election Protests

*Rights and procedure
to protest election
conduct*

Challenges and objections to the election must be submitted in writing, with a statement of supporting reasons that includes specific facts as well as any documentation, to the Election Committee within seven (7) calendar days of the tabulation of election results. The Election Committee shall have the authority to conduct a hearing, where it deems it necessary, request evidence and render a decision regarding the objections within thirty (30) calendar days of the submission of the challenge. Appeals of the decision of the Election Committee may be lodged with the International President pursuant to the International Union's Constitution & Bylaws.

Section 7. Vacancies of Office

In the event of a vacancy in the office of President, where the President has served or will serve for at least half of his or her term of office, the Executive Board shall appoint a qualified individual(s) within thirty (30) calendar days to provide all day-to-day direction for the operations of the Union and its staff for the duration of the President's vacancy. In the event of a vacancy in the office of President, where the President has or will serve less than half of his or her term of office, the Executive Board shall appoint a qualified individual within thirty (30) calendar days to serve as Interim President, and shall call a special election for the membership to elect a new president within ninety (90) calendar days, to serve out the remaining term of office.

*Procedures for filling
vacant offices*

In the event of a vacancy in any office other than President, the Executive Board shall appoint a qualified individual(s) to serve out the remaining term of office, consistent with this Constitution and Bylaws.

Section 8. Recall

*Procedures to recall
elected officers.*

- A. Executive Board members, including Officers, may be recalled by a vote of the constituency that elected her/him to office.
- B. A vote to recall an elected official shall be held within sixty (60) calendar days of receipt of a petition signed by at least forty percent (40%) of the membership of the constituency that elected her/him to office.
- C. All signatures shall be dated and be no more than ninety (90) calendar days old at the time of submission in order to be considered a valid signature.
- D. A special election committee shall be designated by the Executive Board to conduct the recall election pursuant to the provisions for elections contained within this Constitution and Bylaws.

- E. If an Executive Board member or officer is recalled, her/his office shall be declared vacant and filled in accordance with the provisions contained within this Constitution and Bylaws.
- F. Recall elections shall not be scheduled if a petition is received within one hundred eighty (180) calendar days of a general election.
- G. If a recall vote is not approved by a majority of those voting in the recall election, no new petition shall be considered valid if received within one year from the date that the recall election results were certified.

Section 9. International Convention Delegates

- A. The officials of the Union elected in conformity with applicable statutes shall, by virtue of such election, be considered to be eligible delegates to the quadrennial SEIU International Convention. The elected officials shall serve as delegates in the following order: President, Vice President for Operations, Vice President for Organizing, Vice President for Member Strength, Vice President for Political Strength, Vice President for Finance, and Executive Board member representatives (in an order to be determined by lottery). *Delegates to International Convention shall be the duly elected officers*
- B. If at the time of the receipt of the convention call it shall appear that such number of elected officers is less than the number of delegates to which the Union will be entitled and intends to send to an International convention, additional delegate positions shall determined by the Executive Board and elected by the membership, in accordance with this Constitution and Bylaws, the International Union’s Constitution and Bylaws, and applicable law.

ARTICLE X

REVENUE

Section 1. Sources

The revenues of FPSU shall be derived from, but not limited to, dues, voluntary contributions, assessments, agency shop or fair share fees, and such other sources as may be approved by the Executive Board. *Our Revenue comes largely from members’ dues.*

Section 2. Dues Collection

- A. All members of FPSU are under a positive duty to see that their dues are paid on or before the last day of each month in which they are due.
- B. All union dues payable by members shall be paid through payroll deduction, if available. In the event payroll deduction is not available, the Executive Board will establish a method of dues collection and may require members to comply with an alternative method of dues collection, including a requirement to provide whatever information may be necessary in order to allow the same.

Members have a duty to pay dues through prescribed dues collections systems like payroll deduction or, if payroll deduction is not available, another form of automatic payment as established by the Executive Board.

Section 3. Dues Rates

- A. FPSU shall maintain a dues structure that is sufficient to meet the minimum dues requirements applicable to a subordinate body of SEIU.
- B. This dues structure for Regular Members shall be based upon the formula set forth in Paragraph 3(C) below, plus per capita amounts owed to the International Union. In the event payroll deduction is not available as a method of dues collection, the dues structure for Regular Members shall be as provided in Paragraph 3(D) below.
- C. Members shall pay dues in the amount of 1.56% of base salary up to a cap of fifty-two dollars (\$52) every four (4) weeks, plus per capita amounts owed to the International Union.
- D. In the event the payment of dues by payroll deduction is not available, as determined by the Executive Board, dues shall be paid at a flat rate of thirty-five dollars (\$35) per month, plus per capita amounts owed to the International Union. Such flat rate shall be increased annually on April 1 by a percentage equal to the over-the-year increase in the Consumer Price Index for All Urban Consumers (CPI-U) for Miami-Fort Lauderdale-West Palm Beach as reported by the U.S. Bureau of Labor Statistics for the immediately preceding calendar year. In no event shall such change in dues be less than zero percent (0%) nor more than five percent (5%).

FPSU must set a dues structure sufficient to operate a self-sustaining union that can accomplish our mission.

Members shall pay dues in the amount of 1.56% of base salary up to a cap of \$52 every 4 weeks.

If dues cannot be paid by payroll deduction, dues shall be \$35 per month.

- E. Any change in the rate of dues for regular members from what is specified herein or the levying of any general or special assessments shall occur only:
 - 1. As a result of a vote by an International Convention; or
 - 2. Through a secret ballot vote by members in accordance with this Constitution and Bylaws and applicable law, in which a majority of those voting approve the increase.
- F. The Executive Board shall establish a dues schedule for all other membership categories within FPSU and shall have the authority to establish a reduced dues structure for part-time employees and adjunct faculty.

Democratic methods for changing dues.

Section 4. Financial Obligations

- A. FPSU shall pay per capita tax to SEIU based on its entire membership.
- B. FPSU shall have no right to pay any bills before it pays its full obligations to the International Union each month.

Per capita obligations to SEIU

Section 5. Financial Accountability

- A. FPSU shall be audited on an annual basis by an independent audit firm. The results of such audit and any additional audits shall be made available for review by members. The budget, as approved by the Executive Board, shall also be made available to all members for review.

FPSU ensures financial transparency & accountability

ARTICLE XI

PROPERTY RIGHTS

- A. All officers shall deliver to their respective successors at the conclusion of their term of office, all property in their possession belonging to FPSU. All the funds and property of FPSU shall be deemed held in trust for the benefit of the members, to be used in accordance with the direction of the Executive Board or the membership and subject to the International Constitution and Bylaws of SEIU.

Protection of Union funds and property

- B. The title of all property, funds and other assets of this Union shall at all times be vested in this Union for the joint use of the general membership of this Union, but membership in this organization shall not vest any member with any severable proprietary right, title or interest in or to the funds, property or other assets of this Union, now owned or possessed or that may hereafter be acquired and each member hereby expressly waives any right, title or interest in or to the property of this Union, including the funds of this Union.
- C. The funds or property of this Union shall not be divided among the members but shall remain intact for the use of this Union for its legal and legitimate purposes while this Union exists.

ARTICLE XII

CHARGES, TRIALS & APPEALS (INTERNAL DISCIPLINE)

Section 1. Discipline

- A. Members and elected officials of FPSU may be charged with any of the offenses set forth in the SEIU Constitution and Bylaws or violations of the FPSU Constitution and Bylaws. Charges must be specific and in writing.

Section 2. Procedures

- A. Charges against any member or elected official of FPSU shall be filed in duplicate with the Vice President for Operations, who shall serve a copy thereof on the accused by service in person, unless waived by the accused, and by registered or certified mail, directed to the last known address of the accused, at least fifteen (15) calendar days before the hearing upon the charges, along with a copy of this provision. The charges must specify the events or acts which the charging party believes constitute a basis for charges and must state which offence(s) set forth in the SEIU Constitution and Bylaws that the charging party believes has/have been committed. No charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the bases of the charges. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section within ninety (90) calendar days of dismissal.

Internal procedures to resolve serious charges involving members or officers

Section 3. Trial Body

Trial body is composed of regular members appointed by the Executive Board

- A. The Executive Board of FPSU shall appoint a Disciplinary Committee, consisting of three (3) regular members to act as the trial body and to conduct hearings. If the member filing charges or the accused is a member of the trial body he or she shall be ineligible to participate in the consideration of or the decision on such charges. The accused shall be afforded due process and a full and fair hearing, including the right to appear in person and with witnesses, to answer the charges against him or her, and to face his or her accuser. The accused may select a regular member of FPSU to represent him or her in the presentation of a defense. If the accused is unable to or unwilling to be present at the hearing, a defense may be presented in writing. In default of appearance or written defense, the trial body shall proceed with the hearing regardless of the absence of the accused.
- B. If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose such penalty as it deems appropriate and as the case requires, including but not limited to fines, suspension, expulsion, and the removal from office. If the charges are not sustained, the same shall be dismissed and the accused shall have full rights of membership in FPSU. In all matters, the charging party shall have the burden of proof.

The accused has certain rights and the charging party has the burden of proof.

Section 4. Appeals

Procedure for appeal

- A. An appeal to the International Executive Board may be brought by either the accused or the member filing the charges from any final decision of FPSU with respect to such charges. Any such appeal shall be filed in writing with the International President of SEIU within fifteen (15) calendar days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision appealed shall remain in full force unless stayed by approval of the International President. The International Executive Board may decide the appeal on the record made by the trial body or may in its discretion, upon at least ten (10) calendar days notice, hear arguments or hold a rehearing either itself or before a hearing officer or officers designated by it. The International Executive Board may affirm, reverse or modify the decision that is the subject of the appeal and, pursuant to Article XVII, Section 7 of the International Union Constitution and Bylaws, the final decision of the International Executive Board may be taken to the next International Union Convention.

ARTICLE XIII

AMENDMENTS

Amendments to the Constitution and Bylaws may be proposed by a two thirds (2/3) vote of the Executive Board. After an amendment has been properly proposed, the Executive Board shall call a special general membership meeting of the Union within ninety (90) calendar days. The call for this general membership meeting shall include the text of the amendment and a clear exposition of the issues involved. A vote by secret ballot on the amendment shall take place at this meeting. The amendment must be approved by two-thirds (2/3) of the Regular Members voting at this meeting. No amendment shall be valid or become effective until approved by the International Union.

*Procedure to amend
our constitution by
member vote*

*FPSU must be in
compliance with the
SEIU Constitution at
all times.*