

CONSTITUTION



THE STATE EMPLOYEES' ASSOCIATION
OF
NEW HAMPSHIRE, INC.

SEIU, LOCAL 1984

CTW, CLC

2015

CONTENTS

ARTICLE I ---- NAME AND HEADQUARTERS	1
SECTION 1. NAME	1
SECTION 2. HEADQUARTERS	1
ARTICLE II ---- OBJECTIVES	1
ARTICLE III ---- MEMBERSHIP	1
SECTION 1. TYPES OF MEMBERSHIP	1
(A) REGULAR MEMBERSHIP	1
(B) CONTINUING MEMBERSHIP	2
(C) RETIRED MEMBERSHIP	2
(D) HONORARY MEMBERSHIP	3
SECTION 2. RECOGNITION	3
ARTICLE IV ---- REVENUE AND EXPENSES	3
SECTION 1. DUES	3
SECTION 3. CONVENTION REGISTRATION FEE	3
SECTION 4. CONVENTION EXPENSES	3
SECTION 5. OTHER EXPENSES	3
ARTICLE V --- CHAPTERS	4
SECTION 1. FORMATION	4
(A) REGULAR CHAPTERS	4
(B) RETIRED MEMBERS CHAPTERS	4
SECTION 2. JURISDICTION	4
SECTION 3. MEMBERSHIP	4
SECTION 4. CHAPTER FUNDS	4
SECTION 5. MEETINGS	5
SECTION 6. ELECTION PROCEDURES	5
SECTION 7. OFFICERS	5
SECTION 8. COUNCIL MEMBERSHIP	5
SECTION 9. POWERS AND DUTIES	6
SECTION 10. CHAPTER DISSOLUTION	6
SECTION 11. DEFINITION	7
ARTICLE VI ---- COUNCIL	7
SECTION 1. ORGANIZATION	7
SECTION 2. MEETINGS	7
SECTION 3. POWERS AND DUTIES	7
SECTION 4. NOTIFICATION	7
ARTICLE VII ---- BOARD OF DIRECTORS	8
SECTION 1. FORMATION	8
SECTION 2. MEETINGS	8
SECTION 3. QUORUM	8
SECTION 4. ATTENDANCE	8
SECTION 5. POWER AND DUTIES	9
ARTICLE VIII ---- CONVENTIONS	10
SECTION 1. FORMATION	10
SECTION 2. WHEN CONVENED	10
SECTION 3. DELEGATES	10
SECTION 4. DELEGATE REGISTRATION FEE	10

SECTION 5. ELECTION OF OFFICERS AND DIRECTORS	10
SECTION 6. RESOLUTIONS.....	11
SECTION 7. CONSTITUTION AMENDMENTS.....	11
SECTION 8. OTHER POWERS AND DUTIES	12
ARTICLE IX ---- OFFICERS AND THEIR DUTIES	12
SECTION 1. OFFICERS OF THE ASSOCIATION.....	12
SECTION 2. PRESIDENT	12
SECTION 4. SECOND VICE PRESIDENT.....	13
SECTION 5. TREASURER	13
SECTION 6. SECRETARY.....	14
SECTION 7. VACANCIES	14
ARTICLE X ---- DUTIES OF COMMITTEES.....	14
SECTION 1. STANDING COMMITTEES.....	14
ARTICLE XI ---- AMENDMENTS TO THE CONSTITUTION	17
SECTION 1. REGULAR PROCEDURE.....	17
SECTION 2. EMERGENCY AMENDMENTS	17
ARTICLE XII ---- ASSOCIATION EMPLOYEES	17
PRESIDENT	17
ARTICLE XIII ---- PARLIAMENTARY AUTHORITY	17
(A) PARLIAMENTARY PROCEDURE.....	17
ARTICLE XIV---- INDEMNIFICATION	18
SECTION 1.	18
SECTION 2.	18
SECTION 3.	18
SECTION 4.	18
ARTICLE XV -- CHARGE AND TRIAL BOARD.....	18
SECTION 1. FORMATION AND RESPONSIBILITIES OF THE TRIAL BOARD.....	18
SECTION 2. PRE-CHARGE DISPUTE RESOLUTION	18
SECTION 3. FORMAL CHARGES	19
SECTION 4. FILING OF CHARGES.....	19
SECTION 5. THE TRIAL/HEARING PROCESS.....	20
SECTION 5. APPEALS.....	20

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ARTICLE I ---- NAME AND HEADQUARTERS

Section 1. NAME

The name of this organization shall be The State Employees' Association of New Hampshire, Incorporated, SEIU, Local 1984, CTW, CLC (Association).

Section 2. HEADQUARTERS

The headquarters of the Association shall be in Concord, New Hampshire.

ARTICLE II ---- OBJECTIVES

- (a) To uphold and defend the Constitution of the United States and of the State of New Hampshire and devote itself to the public welfare.
- (b) To provide a medium through which all members may express their views on legislation and regulations affecting their employment.
- (c) To effect cooperative effort of employees with all branches of government, political subdivisions, and employers on matters relative to employment.
- (d) To promote good personnel practices.
- (e) To promote good will and fellowship among the members by treating all members with dignity, respect, and as equally valued members.
- (f) To represent employees in collective bargaining.
- (g) To establish chapters and assist in carrying out the directives of the members.

ARTICLE III ---- MEMBERSHIP

Section 1. TYPES OF MEMBERSHIP

There are four types of membership within the Association:

- (a) **REGULAR MEMBERSHIP**
 - (1) Any Person holding one of the following positions may be eligible for regular membership:
 - a. an employee within a certified bargaining unit who is automatically eligible for membership under State or Federal law;
 - b. a classified employee who is excluded from being in a bargaining unit under RSA 273-A:1, IX, (c) – confidential employees, and (d) – probationary, temporary, or seasonal employees;
 - c. a classified employee within a unit that cannot be certified as a bargaining unit due to the minimum size requirement under RSA 273-A:8;
 - d. an employee of any employer for which the Association has granted regular membership eligibility, at its sole discretion, and under such conditions and time periods as the Association may create and change pursuant to standards duly created by the Board of Directors.
 - (2) To be a regular member, a person must affiliate with a chapter.
 - (3) The effective date of membership is the date on which the application is signed and authorization given by the applicant to deduct all Association dues. All rights and privileges as elsewhere provided in this constitution, deriving from membership thereupon become available to the new member. Application for membership shall be made on the prescribed form provided by the Association.
 - (4) A member in good standing shall be any person, a) whose Association dues and Chapter dues are current, and b) who is not currently serving a period of suspension as determined by a Trial Board in accordance with Article XV “Charge and Trial Board”.

- (5) A member not paying dues shall also be considered “in good standing” if the member:
- a. Is receiving workers’ compensation payments or has an active workers’ compensation claim in process;
 - b. Has applied for or is approved to receive Family Medical Leave (FMLA);
 - c. Is absent due to approved military leave;
 - d. Has an active appeal on a dismissal;
 - e. Is still considered a member of the bargaining unit by contract even during periods of not working.

(b) CONTINUING MEMBERSHIP

Upon retirement, a member in good standing, only if retired under the provision of the state-sponsored retirement system or a similar retirement system sponsored by the member’s employer, or if eligible to receive retirement benefits under the Social Security system, may choose to continue membership in the Association by continuing payment of all Association and Chapter dues.

- (1) While retaining membership in his/her own chapter under this section he/she shall be eligible to hold elective office in such chapter.
- (2) Continuing members shall not qualify for requirements, responsibilities, and obligation of the following articles of this Constitution - Article VII “Board of Director” and Article IX “Officers and their Duties”, except for the positions of immediate past president and immediate past treasurer under Article VII, Section 1 (c) and (d).
- (3) Continuing membership under this section shall be distinct from Retired membership under Article V “Chapters”, Section I (b) “Retired Members Chapters”.
- (4) Association dues for a continuing member will be the amount the member last paid as a regular member.

(c) RETIRED MEMBERSHIP

- (1) A current or previous member who is retiring under the provisions of the state-sponsored retirement system or a similar retirement system sponsored by the member’s employer, or who is eligible to receive retirement benefits under the Social Security system, may choose upon retirement to join a Retired Members Chapter as defined in Article V “Chapters”, Section 1 “Formation” (b) “Retired Members Chapters”, if he or she meets one of the following additional criteria:
 - a. Is a member in good standing at the time he or she retired; or
 - b. Was a member in good standing at the time his or her bargaining unit decertified;
or
 - c. Was a member in good standing at the time he or she accepted an unclassified or appointed state position.
- (2) Retired members shall enjoy all association benefit programs; shall be offered available/appropriate training programs; and shall receive Association publications, lobbying on behalf of appropriate issues, and consulting services as may be approved by the Association President or his/her designee.
- (3) Retired members may not qualify for benefits provided to regular members by SEIU International.
- (4) Retired members shall be eligible to hold elective office in his/her respective Retired Members Chapter, and/or the one (1) Association Board of Directors Retired Member seat, and/or the positions of immediate past president and immediate past treasurer under Article VII, Section 1 (c) and (d).

- (5) A member in good standing of a Retired Members Chapter shall be a member whose chapter dues and any applicable Association dues are current.

(d) **HONORARY MEMBERSHIP**

The Honorary Membership Committee may recommend and the Board of Directors may approve a lifetime Honorary Membership for any person that they wish to recognize for outstanding achievement or service in the labor field. This membership is honorary only, and does not entitle the holder to any of the rights, privileges, or obligations of any other type of membership.

Section 2. RECOGNITION

No distinction of nationality, race, creed, sex, age, handicap, sexual orientation, political affiliation, gender identity or expression shall be recognized or countenanced.

Section 3. FAILURE TO PAY DUES

- (a) Any member falling two (2) months in arrears in his/her dues shall be suspended from membership in the Association.
- (b) A member suspended for non-payment of dues may be reinstated to membership in the Association and chapter on payment of all arrearages or upon payment of such arrearages as may be determined by the Board of Directors.
- (c) Any member entering military service is exempt from the payment of dues for the period of first enlistment in active service, not to exceed four (4) years excepting when called to active service for a National or State emergency.

ARTICLE IV ---- REVENUE AND EXPENSES

Section 1. DUES

The chief source of revenue of this Association shall be the dues paid by its members. The Annual Convention or any Special Convention shall determine the dues of the Association.

Section 2. CHAPTER REBATES

Chapters with 25 or fewer members will annually be credited a total of \$100, and each additional 25 members an additional \$50 to a maximum of \$500 annually, accumulatively not to exceed \$1,000. Each chapter will be credited on a quarterly basis based on its membership at the end of the quarter. These funds will be held in a special account by the SEA central office. Chapter treasurers, with written authorization of their chapter presidents, may draw against their respective account; such draw shall be payable to the chapter treasury.

Section 3. CONVENTION REGISTRATION FEE

- (a) The Board of Directors shall authorize a registration fee for all registered delegates to the Convention. The fee shall not exceed ten (\$10.00) dollars. The Association shall pay any deficit not covered by such registration fees.
- (b) The Board of Directors shall determine the registration fee for alternates, members and guests.

Section 4. CONVENTION EXPENSES

The Association shall bear authorized Annual Convention costs for all chapter councilors and presidents, including retirees or authorized alternates in attendance.

Section 5. OTHER EXPENSES

Any other expenses of the Association other than budgeted items shall be made only at the direction of the Board of Directors. The Association shall not be liable for any expenses incurred that are not first approved by the Board of Directors.

ARTICLE V --- CHAPTERS

Section 1. FORMATION

(a) REGULAR CHAPTERS

- (1) Members may apply to the Board of Directors to form a new regular chapter in a proposed jurisdiction. Proposed jurisdiction shall mean the group of members seeking to form a chapter. Applications are valid when made by ten (10) members or fifty-one percent (51%) of the [proposed jurisdiction's] membership, whichever is greater.
- (2) The Board of Directors may, at its discretion, issue a certificate of affiliation for the formation of a chapter of the Association. The Board of Directors shall, at the same time, prescribe the jurisdiction of said chapter.
- (3) Upon approval of the Board and until their first quarterly rebate, newly formed chapters may apply for assistance from the Organization Committee. Such funds shall be drawn from the "New Chapter Establishment Fund".

(b) RETIRED MEMBERS CHAPTERS

- (1) The Board of Directors shall be empowered to create such chapter or chapters of retired members as it shall deem proper.
- (2) Each Retired Members Chapter shall elect the number of councilors to which it is entitled under Article V "Chapters", Section 8 "Council Membership".

Section 2. JURISDICTION

- (a) Insofar as is practicable the jurisdiction of a regular chapter shall conform to department, board, commission, institution and agency organization of the state, private sector employer, or combination thereof, and any political subdivision, or combination thereof and its accessibility for active participation.
- (b) A member may request the Association to join a chapter outside his/her assigned jurisdiction, and the Association shall forward that request to the chapter for approval.
- (c) No member may transfer to any chapter unless he/she is in good standing.

Section 3. MEMBERSHIP

All persons becoming members shall affiliate with a chapter as provided in Article III "Membership", Section 1, "Types of Membership".

Section 4. CHAPTER FUNDS

- (a) The chapter may at the discretion of its members charge dues in addition to Article IV "Revenue and Expenses", Section 1 "Dues".
- (b) The records of the chapter treasurer shall be audited annually in the month of April for the period ending March 31. The president of the chapter shall appoint a committee of three (3) chapter members in good standing, who are not chapter officers to audit the financial records of the chapter. A written report, on forms prescribed by the Association, shall be made by this committee at the annual meeting of the chapter in April. A copy of this report, signed by all three members of this committee and countersigned by the chapter president and treasurer, shall be mailed to the President of the Association no later than seven (7) days after said meeting. The President of the Association may request the records of a chapter treasurer be submitted to the Board of Directors at any time for the purpose of auditing such records.
- (c) Funds remaining either in a chapter treasury or in the Association treasury credited to a chapter after such chapter has been abolished shall be deposited to the credit of the Association or apportioned to chapter(s) that acquire the members per Article V "Chapters", Section 10 "Chapter Dissolution".

- (d) Any chapter failing to submit their annual audit report to the Association office by July 31 of each year shall have its quarterly rebates withheld until such time as the audit report is received.
- (e) Any chapter planning fundraising activities shall notify the Board.

Section 5. MEETINGS

- (a) Chapters shall meet at least four times annually. Chapters shall hold documented meetings within each calendar quarter in order to be eligible for the chapter rebate for that quarter. Such meetings shall be called and attended by the chapter president or his/her duly constituted representative. If, due to unforeseen circumstances a meeting cannot be held in compliance with this time frame, specific written permission must be obtained from the Second Vice President of the Association to hold a make-up meeting in order to qualify for that quarter's rebate.
- (b) Each chapter's annual meeting shall be held in the month of April.
- (c) The secretary of each chapter shall submit a draft or final copy of the minutes of meetings to the Second Vice President.
- (d) A quorum shall consist of members in good standing equal in number to the total number of duly constituted officers plus three, unless chapter bylaws specify a larger number.
- (e) Any chapter failing to comply with the above meeting requirements may be subject to action by the Board of Directors under the provisions of Article V, "Chapters" Section 10 "Chapter Dissolution".
- (f) If the chapter president does not call the required meetings of the chapter before the month of April, a majority of the officers of the chapter may call a special meeting of the chapter to transact chapter business and to prepare for the annual meeting in April.

Section 6. ELECTION PROCEDURES

- (a) The Board of Directors will adopt a policy of election procedures, which will comply with all applicable laws, regulations and rules. The chapters must follow these procedures whenever elections are held.
- (b) The secretary of each chapter shall send the names of the officers and councilors elected to the Second Vice President of the Association within ten (10) business days following their meeting, unless otherwise reported out by the Organization Committee.

Section 7. OFFICERS

- (a) The officers of each chapter shall be a president, vice president, secretary and/or treasurer, and such other officers, not to exceed two (2), as the chapter deems necessary to efficiently conduct chapter business. Officers shall be elected from the chapter membership for a term not to exceed three years. Officers so elected shall be installed at the annual meeting. All such officers and councilors may succeed themselves. The Secretary/Treasurer or Treasurer shall hold no other chapter officer positions.
- (b) Each chapter shall elect officers in accordance with the provisions of the Labor Management Reporting And Disclosure Act (LMRDA), this Constitution and the chapter bylaws.
- (c) Should a vacancy occur in any office, such vacancy shall be filled following the election procedures in Article V, "Chapters", Section 6 "Election Procedures".

Section 8. COUNCIL MEMBERSHIP

- (a) The chapter shall elect from its membership councilors and an appropriate number of alternates, to the Council.
- (b) To determine the number of councilors to which each chapter is entitled, the total number of members of the chapter, as determined by the Association, shall be divided by twenty (20) and any remainder of

eleven (11) or more shall entitle the chapter to one (1) additional councilor. Every chapter shall be entitled to at least one (1) councilor.

- (c) Each chapter shall elect its councilors and alternates for a term not to exceed three (3) years and they shall be installed at the annual meeting. Councilors shall be elected in accordance with the provisions of the Labor Management Reporting and Disclosure Act (LMRDA) and this Constitution in Article V “Chapters”, Section 6 “Election Procedures”.
- (d) It shall be the duty of a councilor to secure and collate the wishes of his/her chapter members relative to the Association’s activities, to voice such wishes to the Council, and to report back to his/her chapter’s membership the action of the Board of Directors and the Council. There may be such other duties as the Board of Directors, Council or Chapter may direct. In the event that he/she cannot attend a Council meeting, it shall be the responsibility of a councilor to designate a duly elected alternate from that chapter, who shall have voting privileges.
- (e) The Chapter may request from the association the attendance record of their councilors.
- (f) If the Chapter determines the councilor is not meeting the duties of this position it may remove the member from the position of councilor. The Chapter shall inform the member in writing of his/her removal as councilor and advised of his/her right to appeal the decision at the next regular Chapter meeting. It is the responsibility of the Chapter to fill the now open councilor position until another election can be held.
- (g) The secretary of each chapter shall send the names of the councilors and alternates elected to the Second Vice President of the Association, within seven (7) days following their meeting unless otherwise reported out by the Organization Committee.
- (h) Chapters may reimburse councilors and alternates for expenses incurred in the performance of their duties.
- (i) The chapter president shall be a member of the Council.

Section 9. POWERS AND DUTIES

- (a) A chapter may participate in the writing of a Collective Bargaining Contract in a department, division or institution where members under its jurisdiction are employed, as long as it is not in conflict with another chapter affecting the same department, division or institution.
- (b) Chapters shall adopt their own bylaws, subject to approval of the Board of Directors of the Association. A copy of such bylaws shall be filed with the Association.
- (c) Any grievance that cannot be settled by the chapter shall be referred, in writing, to the Association.

Section 10. CHAPTER DISSOLUTION

- (a) A chapter shall be considered dissolved when the following conditions have existed and the following procedures have been carried out.
 - (1) If a chapter has not elected a slate of officers and conducted an annual meeting as outlined in Article V “Chapters”, Section 6 “Election Procedures”, the President of the Association shall notify the Organization Committee of the Association within seven (7) days. The Association President shall thereupon give to the Committee the latest slate of officers and the names of all members still on the roster of said chapter. When the Association President sends all pertinent information about said chapter to the Committee, the Committee will have thirty (30) days within which to reactivate said chapter. After the receipt of such information an additional grace period of sixty (60) days shall be allowed for said chapter to elect a slate of officers and hold a meeting for the chapter. If no election takes place within the time specified, the Organization Committee shall report to the Board of Directors and recommend that said chapter be dissolved. The Board,

- at its next regularly scheduled meeting shall take action on the Committee's recommendation. The chapter will be deemed to be dissolved.
- (2) When a chapter is dissolved, the Board shall assign existing members in accordance with Article V, "Chapters", Section 2 "Jurisdiction".

Section 11. DEFINITION

Annual(ly). For the purpose of this article "annual(ly)" shall be defined as that period beginning on April 1st and ending on March 31st of the following year.

ARTICLE VI ---- COUNCIL

Section 1. ORGANIZATION

- (a) The Council shall be formed and shall be composed of the President of this Association, who shall serve as Chairperson; the First Vice President; the Second Vice President; the Treasurer; the Secretary; the Immediate Past President; the Immediate Past Treasurer; the Directors; the chapter presidents and councilors authorized in Article V "Chapters", Section 8 "Council Membership".
- (b) Officers of the Association shall serve as Officers of the Council.

Section 2. MEETINGS

- (a) Council meetings shall be held in December, March, June and September, providing conditions are safe for members to travel.
- (b) Safety conditions shall be determined by the majority decision of the Officers of the Council 6 hours, or earlier, before the scheduled start of the Council meeting.
- (c) If a meeting is unable to be held as scheduled, then the meeting shall be scheduled for the next available date that will allow for sufficient notification, and safe travel. The meeting does not necessarily have to be held in the same month as originally scheduled.
- (d) Sufficient notification shall be defined as one calendar week.
- (e) The Council shall also meet at the call of the President of the Association or at such times as seem expedient to a majority of the Association Officers or the majority of the Chapter Presidents.

Section 3. POWERS AND DUTIES

- (a) The Council shall be the highest legislative body of this Association except when the Convention is in session. It shall be the duty of the Council to support, interpret and carry out the action of the Convention. The Council shall possess all the legislative authority of the Convention except the power to amend the Constitution and to act as final authority over administrative appeals and the powers and duties of the Board of Directors as authorized by Article VII "Board of Directors", Section 5 "Power and Duties". The Council shall have the authority to make binding interpretations of this Constitution, and the rulings and decisions of the Council shall remain in full force and effect unless revised by the Convention.
- (b) The Council shall have the ability to override decisions of the Board of Directors on matters of policy and objectives, provided a majority of SEA Chapters are represented at the Council Meeting. Such override to be valid shall require two-thirds (2/3) approval of those Council members registered and eligible to vote at the meeting when the question is placed before the body for a vote.

Section 4. NOTIFICATION

- (a) Council members shall be notified by the current communication methods as far in advance as practicable for all regular Board meetings of the date, place, time, and agenda for said meetings.
- (b) Chapter presidents shall receive minutes of meetings of the Board of Directors within fourteen (14) days of approval of the minutes of such meeting.

- (c) Council members shall receive, in writing, not less than ten (10) days prior to Council meetings, an agenda, committee reports, financial statements and other information relevant to said meeting.
- (d) All resolutions to be voted on must be in writing and sufficient copies provided for all voting.

ARTICLE VII ---- BOARD OF DIRECTORS

Section 1. FORMATION

- (a) The Board of Directors shall be composed of the following:
 - (1) the Officers of the Association;
 - (2) one political subdivision member in good standing;
 - (3) one retired chapter member in good standing;
 - (4) one private sector member in good standing;
 - (5) one community college system of NH (CCSNH) member in good standing; and
 - (6) ten (10) members in good standing who are not members of any group in (2) through (5) above.
- (b) Chairpersons of Standing Committees will be members, ex-officio, of the Board of Directors without the power of a vote, but will be allowed the privilege of debating issues at the meetings of the Board of Directors.
- (c) The immediate past president shall be a member, ex-officio, with all privileges of an elected member, of the Board of Directors provided that he/she remains a member of the Association.
- (d) The immediate past treasurer shall be a member, ex-officio, with all privileges of an elected member, of the Board of Directors provided that he/she remains a member of the Association
- (e) The CCSNH Director designated in (a)(5), above, shall be elected at the first available Council meeting following the 2015 Convention, and shall serve until the 2017 Convention. Thereafter, the position shall be filled in accordance with Article VIII ---- CONVENTIONS, Section 5(c).

Section 2. MEETINGS

- (a) The Board of Directors shall meet within thirty (30) days following the close of the Annual Convention and monthly thereafter. The monthly meetings shall be scheduled in advance, with such schedule made readily available to all members.
- (b) The Board of Directors shall meet also at the call of the President of the Association or at the call of the majority of the Directors.

Section 3. QUORUM

A quorum of the Board of Directors shall be a simple majority of the Board.

Section 4. ATTENDANCE

- (a) Absences: Whenever a member of the Board of Directors is absent from any regularly scheduled Board of Directors, Convention, or Council meeting, that Board member, either before the meeting or within two weeks following the meeting, shall submit in writing (which includes email) to the President of the Association the reason for the absence. The President of the Association determines and so informs the Board member whether the absence is excused or unexcused. Criteria for excused absences shall be illness, temporary but necessary professional commitments, and personal commitments. Failure to submit properly the reason for an absence will automatically cause that absence to be considered unexcused.
- (b) An absence of a member of the Board of Directors from a regularly scheduled Board of Directors meeting for two (2) consecutive meetings of such Board shall be brought to the attention of the Board

of Directors by the President of the Association for whatever action the Board of Directors deems necessary.

- (c) Unexcused absence of an Officer or Director from three (3) consecutive meetings of the Board of Directors shall automatically vacate his/her office.
- (d) Unexcused absence of an Officer or Director from two (2) consecutive meetings of the Council shall automatically vacate his/her office.

Section 5. POWER AND DUTIES

- (a) The Board of Directors shall be the executive body of the Association when the Convention or Council is not in session. Their primary responsibility is to the Association as a whole, not any one chapter or group within the Association.
- (b) All matters affecting the policies, aims and means of accomplishing the purposes of the Association not specifically provided for in this Constitution or by action of the Convention or Council at a regular or special meeting shall be decided by the Board of Directors. This shall include approving the Association's organizational chart.
- (c) The Board of Directors after having received a recommendation from the Honorary Membership Committee, may grant an honorary membership in the Association. Voting on an honorary membership shall be by secret ballot and an affirmative vote of three-quarters (3/4) of all members present at a meeting of the Board of Directors shall be necessary for election. If at all possible, all honorary memberships shall be presented at the Annual Convention.
- (d) The Board of Directors may invest the surplus funds of the Association, after due consideration of the Treasurer's recommendations.
- (e) The Board of Directors may, at its discretion, issue a certificate of affiliation to a chapter of the Association, which certificate of affiliation becomes effective upon the filing and acceptance by the Board of Directors of a set of bylaws, and upon election of chapter officers. The Board of Directors shall, at the same time, prescribe the jurisdiction of said chapter, said jurisdiction so far as possible and practicable to conform to department, board, commission, institution, and agency organization of the state, or combination thereof, and its accessibility for active participation.
- (f) Where there is an insufficient member of state employees to establish a new chapter, applicants for membership in the Association shall affiliate with an already established chapter, most conveniently located to them, thus being able to participate actively in the activities of the Association.
- (g) The Board of Directors is empowered to authorize the appointment of any special committee it so desires.
- (h) The Board of Directors shall prior to the Annual Convention, approve a budget covering the new fiscal year of the Association. A copy of said approved budget covering the new fiscal year may be submitted to all councilors, chapter presidents, and Convention delegates twenty (20) days prior to the convention. Any changes in, or additions to, the budgeted accounts must be approved by the Board of Directors.
- (i) The Board of Directors have a fiduciary responsibility to and for the Association. This requires pure, thorough, and scrupulous processes in all decision making. Officers and Directors occupy positions of trust in the Association and must act in the best interest of the Association, in accordance with section 501(a) of the Labor-Management Reporting and Disclosure Act ("LMRDA"), 29 U.S.C. 501.
- (j) No individual Officer or Director shall have the power to bind the Association without the specific authorization of the Board of Directors or this Constitution.

- (k) The Board of Directors shall have other powers and duties as specified in other sections of the Constitution and bylaws.

Section 6. VACANCIES

- (a) When a vacancy occurs in a Director's position, the Council or Convention shall elect a new director who shall serve on the Board of Directors for the remainder of the unexpired term. This election will follow the rules described in Article VIII, Section 5 (e).

ARTICLE VIII ---- CONVENTIONS

Section 1. FORMATION

- (a) The Convention of the Association shall be formed by the delegates from the chapters, the Officers of the Association, the Directors of the Association, the immediate past president of the Association, the immediate past treasurer of the Association, and Chairpersons who are required by the Constitution to submit committee reports to the Convention.
- (b) Special Convention
 - (1) A special convention may be called by a majority vote of the Board of Directors acting on a motion which shall state the reason(s) for the call and name the date of the proposed convention which shall not be sooner than thirty (30) days following the date of said action.
 - (2) A special convention may be called by petition of one-third (1/3) or more of the total number of chapters. Such petition must be approved by a majority vote of each chapter at a regularly called meeting, and a copy signed by the secretary of each chapter must be filed with the president of the Association. Said petition shall state the reason for the call and name the date of the proposed convention which shall not be sooner than thirty (30) days following the date of the filing.
 - (3) When a special convention is ordered, the President of the Association shall issue to all chapters the call, which shall contain a true copy of the demand.
 - (4) The scope of a special convention shall be limited to the purpose(s) stated in the petition or minutes of the Board of Directors.

Section 2. WHEN CONVENED

The Annual Convention of the Association shall be scheduled at the discretion of the Board of Directors between October 1 and November 15. At one-day conventions, first day and last day shall be interpreted as the same day.

Section 3. DELEGATES

Delegates and alternates to the Convention shall be members in good standing of the Association and their respective chapters. Delegates shall be duly elected chapter presidents and councilors or a designated duly elected alternate councilor.

Section 4. DELEGATE REGISTRATION FEE

Registered delegates or alternates shall pay a registration fee as provided in Article IV "Revenue and Expenses", Section 2 "Convention Registration Fee".

Section 5. ELECTION OF OFFICERS AND DIRECTORS

- (a) Eligibility. No member shall be eligible to be an Officer or a Director in the Association unless he/she has been a member in good standing of the Association for at least one (1) year immediately preceding his/her election.
- (b)
 - (1) On the first day of the 2014 Annual Convention, nominations shall be made from the floor for a President of the Association, First Vice President, Second Vice President, Secretary and Treasurer who shall serve three (3) year terms.

- (2) Commencing with 2017, on the first day of the Annual Convention in odd-numbered years, nominations shall be made from the floor for a President of the Association, First Vice President, Second Vice President, Secretary and Treasurer who shall serve two (2) year terms.
- (c) On the first day of the Annual Convention, nominations shall be made for the necessary Directors for a three (3) year term.
- (d) All Officers and Directors may succeed themselves.
- (e) Election procedure.
- (1) The name of any member seeking election shall not appear on the printed ballot unless a declaration of candidacy has been filed with the Membership Clerk of the Association no later than thirty (30) days before said meeting is to convene.
 - (2) The presiding officer of the meeting shall name a monitor of the election and shall appoint sufficient tellers for each polling place.
 - (3) Officers and Directors must be nominated from the floor to be included on the ballot. Write-ins after nominations are closed are invalid.
 - (4) If the election is contested, nominated candidates shall be elected by secret ballot on a majority vote of the delegates present and voting on the last day of the meeting, in accordance with the following steps.
 - The polls shall be open on the last day of the meeting.
 - Voting delegates shall have their membership confirmed against the lists compiled by the credentials committee of the meeting.
 - When a majority vote is not obtained, the candidate receiving the lowest number of votes shall be dropped until a majority is obtained.
 - Only Officers and Directors who are also elected as a Chapter President, Councilor or Alternate Councilor at a Chapter level may vote for Officers and Directors.
 - (5) If the election is uncontested and all nominated candidates agree, the presiding officer shall declare the nominees elected by acclamation.
- (f) All Officers and Directors shall be installed by the presiding officer of the meeting at which they are elected.

Section 6. RESOLUTIONS

- (a) Resolutions to be acted upon by the Convention shall be submitted in writing to the President of the Association at least sixty (60) days in advance of the Annual Convention, and copies of such resolutions submitted to all chapters at least twenty (20) days before the Annual Convention.
- (b) In the case of extreme emergency, additional resolutions may be brought in on the first day of the Convention, provided that they are presented by the delegate sponsoring the resolution and accompanied by a statement of the emergency, and that a copy of the emergency resolution and the cause of the emergency be published by the sponsor so that each delegate at the Convention will have a copy at the time it is presented, and further provided that three-quarters (3/4) of the delegates present vote submission of the proposed resolutions.
- (c) The Resolutions Committee shall be responsible to track the status of all resolutions passed at a Convention and provide written reporting to the membership at the next Convention.

Section 7. CONSTITUTION AMENDMENTS

The Convention shall act upon amendments to the Constitution, according to the procedure provided in Article XI "Amendments to the Constitution".

Section 8. OTHER POWERS AND DUTIES

- (a) All sovereign powers and authority of the Association shall originate at the Convention.
- (b) The Convention shall determine all matters of policy.
- (c) The Convention shall be the court of last resort for all appeals which may be made by any member in good standing, from any decision of any body or Committee of this Association.

ARTICLE IX ---- OFFICERS AND THEIR DUTIES

Section 1. OFFICERS OF THE ASSOCIATION

The Officers of this Association shall be a president, a first vice president, a second vice president, a treasurer and a secretary.

Section 2. PRESIDENT

The President shall be a full time employee of the Association.

(a) POWERS

- (1) The President or his/her designee shall preside at all Conventions, and at all meetings of the Board of Directors and of the Council.
- (2) The President shall appoint such committees as are provided for in the Article X “Duties of Committees”, Sections 1 “Standing Committees” and 2 “Special Committees”.
- (3) The President shall be a member ex-officio of all standing committees, but shall not be the chair of any standing committee. When acting as such, he/she shall not be counted in determining a quorum. The President will not be a voting member of any contract negotiation team representing the Association.
- (4) The President shall submit an annual report to the Association at the Annual Convention regarding the progress and standing of the Association and regarding his/her official acts during his/her term in office.
- (5) The President shall appoint such committees as are required for the Convention, which committees shall be submitted for approval by the Convention on the first day of the Convention.
- (6) The President may call a special meeting of the contributing employees and members in a “unit” for which the Association has been certified as exclusive representative for the purpose of ratifying a negotiated contract or supplements to the basic contracts.

(b) RESPONSIBILITIES

- (1) The President shall provide day-to-day direction to, and supervision of, the Association’s Management staff and direct reports, in accordance with the Board of Directors’ decisions, and subject to the Board of Directors’ approval.
- (2) The President shall be the Association’s chief spokesperson and public face.
- (3) The President shall provide leadership for advancing the goals and objectives of the Association as set by the Convention, Council, and Board of Directors.
- (4) The President and/or his/her designee(s) shall represent the Association in connection with labor and other organizations.
- (5) The President shall appoint representatives of the Association to other organizations, subject to the approval of the Board of Directors, except where elections of delegates are required; e.g., under the terms of the Association’s Constitution, SEIU’s Constitution, and/or applicable laws or statutes.

- (6) The President shall perform such additional duties as are assigned to him/her by the Board of Directors, the Council, or the Convention.

Section 3. FIRST VICE PRESIDENT

- (a) In the absence of the President or his/her inability to serve, the First Vice President shall perform all duties otherwise performed by the President.
- (b) In the case of a vacancy in the office of President, the First Vice President shall fill the position for the remainder of the term.
- (c) The First Vice President shall perform such other duties as may be required by this Constitution, the Board of Directors, the President or the Council.
- (d) The First Vice President shall be Chairperson of the Convention Arrangements Committee.
- (e) The First Vice President shall be the Chairperson of the Grievance Committee.
- (f) Upon application of any member in good standing who has been dismissed from service, the Office of General Counsel shall investigate the facts in such cases and take such action on behalf of the Association as he/she deems advisable. The General Council will share appropriate information with the First Vice President. The First Vice President shall report same to the Board of Directors.

Section 4. SECOND VICE PRESIDENT

- (a) The Second Vice President shall be the Chairperson of the Organization Committee.
- (b) The Second Vice President shall perform such other duties as may be required by this Constitution, the Board of Directors, the President or the Council.
- (c) Within fourteen (14) days of receipt of the results of chapter elections, the Second Vice President shall notify each chapter president, councilor and alternate that the Association Constitution, policies, handbooks and manuals are posted on the Association website and are available to all members at the SEA Headquarters. Amendments to these documents shall be updated on the web site and the notifications redone to the above-mentioned persons within fourteen (14) days.
- (d) The Second Vice shall submit an annual report to the Association at the Annual Convention regarding the status of the membership of the Association.

Section 5. TREASURER

- (a) The Treasurer shall oversee the proper handling and disposition of the Association's money, property and securities.
- (b) The Treasurer shall keep the Board of Directors informed of all banks in which Association assets are deposited.
- (c) The Treasurer shall make recommendations to the Board of Directors on how to invest any surplus funds of the Association.
- (d) The Treasurer shall oversee and ensure proper handling of all disbursements when such disbursement can be legitimately charged against a budgeted account of the Association in which there is a balance on hand.
- (e) The Treasurer shall review the records of receipts and disbursements and shall render a monthly report thereon to the Board of Directors.

- (f) The Treasurer shall submit the Association's books and records for audit annually or when required by the Board of Directors.
- (g) The Treasurer shall be the Chairperson of the Financial Advisory Committee.
- (h) A bond shall be furnished by the Association to cover the Treasurer in the amount established by the Board of Directors and the cost shall be paid by the Association.
- (i) With the approval of the Board of Directors, the methods by which the records of his/her office shall be prepared and maintained, shall be prescribed by the Treasurer
- (j) The Treasurer shall submit an annual report to the Association at the Annual Convention regarding the financial condition of the Association.
- (k) The Treasurer shall be obligated to comply with all State and Federal fiscal regulations.

Section 6. SECRETARY

- (a) The Secretary shall record the proceedings of the Convention, of the Board of Directors and of the Council meetings and produce draft minutes of all meetings no later than 14 calendar days after the meeting so recorded.
- (b) The Secretary shall perform such other duties as may be required by this Constitution, the Board of Directors, the President or the Council.

Section 7. VACANCIES

- (a) When a vacancy occurs in the office of the First Vice President, Second Vice President, Treasurer or Secretary, the Council or Convention shall elect a new officer who shall serve the remainder of the unexpired term. This election will follow the rules described in Article VIII, Section 5 (e).

ARTICLE X ---- DUTIES OF COMMITTEES

Section 1. STANDING COMMITTEES

The president of the Association shall, with the advice and consent of the Board of Directors, appoint the following standing committees: Grievance, Organization, Resolutions, Retirement, Social Activities, Financial Advisory, Constitution and By-Laws, Honorary Membership, Member Benefits, Collective Bargaining Advisory, Political Education, Operation Santa Claus, Ethics, Steward, Convention Arrangements, Information Technology Advisory Committee, Lavender Caucus and Dispute Resolution Committee.

(a) Duties of Standing Committees:

(1) Grievance Committee

- a. The Grievance Committee shall consist of five members, one of which shall be the First Vice President who shall serve as Chairperson.
- b. The Grievance Committee, with the approval of the Board of Directors, shall establish a procedure for all grievances.
- c. The Grievance Committee shall investigate the facts in all grievances which may be submitted from the Chapters through the President of the Association. It shall take such action on behalf of the member or members, providing such members are in good standing, as it deems advisable.
- d. Any member in good standing shall have the right to appeal to the Board of Directors.

- (2) Organization Committee: It shall be the duty of the Organization Committee to study, prepare and carry out such activities as will build up the membership of this organization. The Organization Committee will be responsible for all aspects of chapter formation, dissolution, chapter elections and the monitoring of chapter compliance with constitutional chapter meeting requirements.

- (3) Resolutions Committee: It shall be the duty of the Resolutions Committee to study all resolutions presented to the Convention and submit its recommendations. This Committee may hold meetings prior to the Convention to obtain information on the resolutions to be presented. It shall submit resolutions to the Convention, in the prescribed manner on the first day of the Convention that may be necessary for the good and welfare of the Association.
- (4) Retirement Committee: The Retirement Committee shall make a study of the retirement laws of this state and such other matters affecting these laws as it deems expedient. All resolutions passed by the Convention affecting the State Employees Retirement System shall be referred to this Committee which shall make a study thereof and report its findings to the Board of Directors. This Committee shall also be an advisory committee to the legislative committee on all matters affecting the retirement system of other employees.
- (5) Social Activities Committee: The duties of the Social Activities Committee shall be to develop the social activities of the Association and its Council and its Annual Convention.
- (6) Financial Advisory Committee: The Financial Advisory Committee shall prepare the annual budget for the Association and shall submit it to the Board of Directors for approval at its regularly scheduled August meeting, unless otherwise directed by the Board of Directors. This committee shall consider all requests for expenditures not included in the budget that are referred to it by the Board of Directors, and shall submit its recommendations to said Board of Directors at the next regularly scheduled meeting of the Board of Directors or sooner if so instructed.
- (7) Constitution and Bylaws Committee: It shall be the duty of the Constitution and Bylaws Committee to assist the Board of Directors in approving chapter bylaws by making a study of them and reporting its findings to the Board of Directors. It shall study the Constitution of the Association and present such amendments to the Convention as it deems expedient. It shall study all other proposed amendments and report its findings thereon to the Convention. It shall prepare the "Rules of Order" for the Annual Convention. It shall act as an advisory group when called upon by the Council and chapters working to aid in preparing bylaws and rules of order. It shall be the duty of this Committee to insure the Constitution is updated if it has been amended by the Convention.
- (8) Honorary Membership Committee: The Honorary Membership Committee shall investigate all persons recommended for honorary membership in the Association, and shall report its recommendations to the Board of Directors at the regular September meeting, or sooner, if requested to by the Board of Directors.
- (9) Member Benefits Committee: The Member Benefits Committee shall study all benefit programs, including insurance, referred to this Committee by the Board of Directors of the Association and shall recommend to the Board of Directors its findings, policies and procedures to improve the benefits accrued by the membership.
- (10) Collective Bargaining Advisory Committee: It shall be the duty of the Collective Bargaining Advisory Committee to meet and study, prepare and initiate all Association policies and programs relative to collective bargaining. The Committee shall from time to time, submit reports to the Board of Directors. The Committee shall recommend proposed revisions to statutes relative to collective bargaining to the Convention through the Resolutions Committee. This Committee shall carry out all other additional duties and responsibilities as are delegated to it by the Board of Directors.
- (11) Political Education Committee: It shall be the duty of the Political Education Committee to meet and study, prepare and initiate the political education and political action programs of the Association. The Committee shall develop programs to make members and the public aware of the records and platforms of candidates for public office. It shall encourage and assist in voter registration and inform and encourage member participation in the political process. The Committee shall advise the Board on political issues and make recommendations on the endorsement of candidates for local, state and national office. In its efforts to encourage political education and awareness, the Committee may, with Board approval, sponsor forums, informational pamphlets and develop other appropriate information resources. The Committee shall carry out other duties and responsibilities as are delegated to it by the Board of Directors.
- (12) It shall be the duty of the Operation Santa Claus Committee to prepare and coordinate the Association's fund raising efforts at Christmas time for needy children throughout the State.
- (13) Ethics Committee: The Committee shall accept proposals for changes to the Code of Ethics from any member. The Committee shall review the Code and make proposals for amendments to the

Board of Directors as necessary. The Committee shall enter advisory opinions on questions of ethics and will provide guidance to members of the Association. The Committee shall propose policies for use by the Board of Directors which will further define the scope of the Code of Ethics. No opinion concerning a violation of the Code of Ethics shall be rendered until all administrative and civil remedies in any applicable personnel action have been exhausted.

- (14) Convention Arrangements Committee: It shall be the duty of the Convention Arrangements Committee to recommend a Convention site to the Board of Directors. In addition to the site selection, the Committee insures that accommodations and program arrangements meet the needs of the delegates.
- (15) Steward Committee: It shall be the duty of the Steward Committee to coordinate, plan, present or approve for presentation, steward training as required. The Committee shall establish and maintain a means by which stewards may receive assistance with any aspect of the duties of a steward. The Committee shall recommend to the Board of Directors any changes in these duties as is deemed appropriate.
- (16) Information Technology Advisory Committee: Shall be responsible for reviewing the technology needs and assessments, including the collection and use of data, and making the necessary recommendations to the Association Board of Directors to maintain the efficiency of the State Employees' Association of New Hampshire.
- (17) Lavender Caucus: It should be the duty of the Lavender Caucus to encourage participation of gay, lesbian, bisexual and transgender employees in union activities; to study benefit policies; policies of the organization and state policy and make recommendation and to otherwise promote equal and fair treatment of all members.
- (18) Strategy and Outcomes Committee: Shall be responsible for overseeing the development and maintenance of the SEA "Strategic Framework" document that is adopted and periodically updated by the Board. Such maintenance shall include receipt and consideration of proposed changes to the SEA "Strategic Framework" from any Member, Officer, Committee Chair, and staff person of SEA. Proposed changes that are approved by the Committee for Board consideration shall be worded to ensure compatibility and consistency with the structure and style of the SEA "Strategic Framework" document. The Committee is responsible for monitoring the implementation of the SEA "Strategic Framework" framework to include reporting back findings and determinations regarding such factors as scope, depth, consistency, to the Board. The Committee is responsible for participating in activities to promote the purpose, content, and meaning of the SEA "Strategic Framework" to SEA Membership, Committees, staff, the Chapters, and as requested by the President and/or the Board.
- (19) Dispute Resolution Committee: The purpose of the Dispute Resolution Committee is to provide an alternative process for resolving disagreements and/or conflicts, and to create goodwill amongst members. The committee will be available to review and/or identify potential concerns reported by one or more employees represented by the SEA. The committee may assist an inquiring party with low-level resolutions. The committee may advise an inquiring party of his/her rights and/or resources available through the SEA or other entities. The committee does not have the authority to take, nor recommend punitive action. The committee serves in an advisory capacity only, offering advice or opinion regarding organizational policy, practices, and governing guidelines. Dispute resolution is a voluntary and informal process. It is not an arbitration process.

(b) Standing Committee members shall serve until successors are appointed.

(c) With the exception of the Resolutions and Constitution and Bylaws Committees, which report also to the Convention, no Standing Committee shall undertake any project until approved by the Board of Directors. All expenses incurred by the Chairperson of these Committees in reporting to the Convention, unless sent by their chapters as delegates, shall be born by the Association.

Section 2. SPECIAL COMMITTEES

(a) The President of the Association shall appoint such special committees as may be authorized by the Board of Directors.

(b) These special committees shall perform such duties as are assigned to them.

Section 3. EXPENSES OF COMMITTEES

No Committee shall incur an expense against the Association over and above their budgeted allotment except with the approval of the Board of Directors.

ARTICLE XI ---- AMENDMENTS TO THE CONSTITUTION

Section 1. REGULAR PROCEDURE

- (a) Amendments to the Constitution shall be submitted in writing to the President of the Association at least sixty (60) days in advance of the Annual Convention, and copies of such proposed amendments shall be submitted to all chapters at least twenty (20) days before the Annual Convention.
- (b) These proposed amendments shall be voted upon at the Convention.
- (c) A two-thirds (2/3) vote of the delegates present on the Convention floor, providing a quorum is present, shall be necessary for adoption.

Section 2. EMERGENCY AMENDMENTS

- (a) In the case of extreme emergency, additional amendments may be brought in on the first day of the Annual Convention, provided that three-quarters (3/4) of the delegates present vote submission of the proposed amendments.
- (b) Copies of the amendments thus presented to the Convention, if favorably acted upon by the Convention, a two-thirds (2/3) vote shall be necessary for favorable action, shall be made and sent to each chapter.
- (c) Each chapter shall, within sixty (60) days following the Convention, discuss and vote on these proposed changes.
- (d) The results of the votes shall then be recorded with the Secretary of the Association.
- (e) A two-thirds (2/3) favorable vote of the membership voting shall be necessary for adoption.
- (f) Any chapter failing to record its vote within sixty (60) days shall lose its franchise right on that particular amendment.

ARTICLE XII ---- ASSOCIATION EMPLOYEES

PRESIDENT

The employment of any person by the Association shall be made only with the approval of the Board of Directors and such person must be employed only in the service of the Association as a whole. All persons employed, other than the President shall be under the supervision and direction of the President.

ARTICLE XIII ---- PARLIAMENTARY AUTHORITY

(a) PARLIAMENTARY PROCEDURE

The rules contained in "Robert's Rules of Order Newly Revised" shall be the governing rules of the Association on any matter not provided for in this Constitution in all cases to which they are applicable, and in which they are not inconsistent with the Constitution of the Association.

- (b) **One Person, One Vote** In any voting situation where a member holds more than one position or office that would entitle the member to a vote, the member is entitled to cast only one vote in total, not one vote for each position. When applicable, the member may name an alternate member(s) to cast their additional ballots.

ARTICLE XIV---- INDEMNIFICATION

Section 1.

For the purposes of this Article the term “person” shall mean and include:

- (a) Each member of the Board of Directors and the Board of Directors as an entity,
- (b) Each Officer of the Association, and
- (c) Each employee of the Association employed in accordance with Article XII “Association Employees”.

Section 2.

With respect to all matters arising out of or resulting from a person’s status or activities on behalf of the Association, the Association shall indemnify and hold harmless such person from any and all expenses, judgments, fines, penalties, damages and other liabilities which may be incurred and the Association shall defend any claim, action, law suit or similar proceeding brought against any such person.

Section 3.

This Article shall be inapplicable with respect to any such person in any particular instance wherein the independent non-Association tribunal having jurisdiction over the basic claims against such person shall finally determine that such person did not act in good faith in the reasonable belief that his/her action or inaction was in the best interest of the Association.

Section 4.

The Board of Directors is hereby authorized, empowered and directed:

- (a) to establish reasonable, non-discriminatory procedures whereby a person may claim the protection afforded by this Article “Indemnification”;
- (b) to provide in such manner as it may deem advisable, including the acquisition of one or more policies of insurance, for the Association’s potential obligations under this Article “Indemnification”.

ARTICLE XV -- CHARGE AND TRIAL BOARD

Section 1. FORMATION AND RESPONSIBILITIES OF THE TRIAL BOARD

- (a) The Trial Board: The Board of Directors shall appoint a Trial Board Chairperson at its first meeting after the annual convention. Within three months of this appointment, the Chairperson will recruit a five-member trial board pool to be approved by the SEA board of directors. Current members of the SEA board of directors will not be allowed to serve on the trial boards. The trial board chairperson may, with approval of the SEA board of directors, replace a member of the trial board pool, provided that no such replacement shall affect the course of an ongoing trial proceeding. The trial board chairperson may request from the SEA board of directors the appointment of additional trial pools members to serve on an ad hoc basis if there are not enough members of the trial pool.
- (b) The Chairperson: The Chairperson shall serve as the presiding officer at all hearings before the Trial Board and shall have the authority to issue rulings and decisions concerning the conduct of such hearings. The Chairperson will act in neutrality and transparency in all processes of the trial board. Before reviewing any cases the Chairperson will produce procedures that will govern the conduct of any hearings brought before the trial board. These procedures will be reviewed and approved by the SEA board of directors. These procedures will remain in effect until the next Chairperson is selected after the next annual convention.

Section 2. PRE-CHARGE DISPUTE RESOLUTION

- (a) The Association’s goal is to resolve disputes between members at the lowest possible level. All parties involved in a dispute that may result in the filing of formal charges are requested to exhaust all informal dispute resolution remedies before filing formal charges under this procedure.
- (b) An individual member who has a complaint against another member regarding a union-related activity which he/she believes rises to the level of a formal complaint should first attempt to resolve the

problem by discussing it with the member. A neutral member may be present at the discussion at the request of either member.

- (c) If the parties cannot mutually resolve the disagreement, the parties involved may request the assistance of a mediator to be appointed by the chairperson of the trial board. If this option is requested, the parties will be required to agree to good faith mediation within thirty (30) calendar days of the request.
- (d) If there is no resolution following the above steps, a member may then file formal charges.

Section 3. FORMAL CHARGES

- (a) Any member may be charged with acts considered detrimental to the Association.
- (b) Acts considered detrimental to the Association include, but are not limited to, the following:
 - (1) Violation(s) of any specific provision(s) of the SEIU Constitution SEIU Local 1984 Constitution, SEIU Local 1984 Policies or Chapter Bylaws;
 - (2) Violation(s) of an oath of office;
 - (3) If an officer, gross inefficiency, which might hinder and impair the interests of the Union;
 - (4) Financial malpractice;
 - (5) Engaging in corrupt or unethical practices or racketeering;
 - (6) Advocating or engaging in dual unionism, including but not limited to aiding a rival labor organization in actions against the interests of the Association;
 - (7) The wrongful taking or retaining of any money, books, papers or any other property belonging to the Association; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers, or other property belonging to Association;

Section 4. FILING OF CHARGES

- (a) Whenever charges are preferred against any member or SEIU Local 1984, the charges shall be filed with the Chairperson of the Trial Board.
- (b) All charges shall be in writing and shall set forth the specific facts that are the basis of the complaint, including the nature, date or timeframe and/or when applicable, the location of the offense. The written charge must also identify the provisions of the SEIU or SEIU 1984 Constitution, Board Policy, or Chapter By-laws that have been allegedly violated.
- (c) No charges may be filed more than six months after the charging party learned or could have reasonably learned of the act or acts that are the basis for the charges.
- (d) Upon receipt of the charges, the Chairperson of the Trial Board shall send copies to the person(s) accused in the charge and members of the trial board.
- (e) Before proceeding to a formal hearing, the Chairperson and one member of the Trial Pool will perform a preliminary review of all submitted documents to determine if they provide clear examples of what provisions of the SEA rules or policies have been violated and how they were violated. Should it be determined that the submitted documents are vague and do not clearly identify the details of the charges and applicable provisions of the Association's rules or policies, the charges will be deferred and the submitting party will be provided with a written reason for the decision of the Trial Board Chairperson. *The intent of Section five should not be construed to mean that the Trial Board has the authority to make summary judgments or dismiss any charges brought before them without conducting a hearing.
- (f) In the case that a charge is deferred, the charging party has the right to re-file a more detailed charge in compliance with this section. Should the charging party fail to re-file the complaint within the prescribed six month time frame outlined in Section 3 (d) (3) the charges will be considered vacated and the Chairperson will issue a written notice to the parties involved documenting the closure of the case.

Section 5. THE TRIAL/HEARING PROCESS

- (a) In the event that a hearing is to be held on formal charges brought by one member against another, the Chairperson shall appoint two members of the Trial Board pool to serve as a Trial Panel. The Trial Board will be made up of the appointed members and the Chairperson.
- (b) The Trial board members shall hear and decide charges. All charges shall be decided by a majority vote.
- (c) Trial board members with potential conflicts of interest should voluntarily remove themselves from consideration. The Chairperson shall make the final determination of conflict of interest.
- (d) No Trial Board member who has heard and decided charges on a particular case shall be appointed to serve on the Trial Panel that rehears the same case. In the event that any member of the Trial Board is disqualified during a trial, the Chairperson shall appoint a replacement from among the Trial Pool.
- (e) If the Trial shall conduct a hearing on the charges the Chairperson of the Trial Board shall provide all involved parties with a copy of the charges, Trial Board procedures and written notice of the time and place of hearing at least 10 days prior to the holding of such hearing. Any decision of the trial panel shall be in writing.
 - (1) The Trial Board shall have access to all witnesses and materials pertinent to the charges under consideration.
 - (2) The Trial Panel shall base its decision solely upon the evidence presented during the hearing.
 - (3) No evidence shall be accepted after the close of the hearing.
- (f) In case the charges are sustained, the Trial Panel shall reprimand, suspend, or expel the guilty party.

Section 5. APPEALS

- (a) Either the plaintiff or the defendant may appeal the ruling of the Trial board to the Board of Directors. All appeals must be in writing, filed with the SEA, SEIU Local 1984 Secretary within thirty days of receipt of the decision. While an appeal is pending, the decision appealed shall remain in effect.
- (b) The SEA, SEIU Local 1984, Secretary shall notify the parties in interest, the Local President, the Board of Directors, and Trial Board that an appeal has been filed. The appeal must be specific as to:
 - (1) The decision or portion of decision being appealed;
 - (2) The charges that gave rise to the appealed decision(s); and
 - (3) The grounds for appeal.

The grounds for appeal shall be:

- (1) Procedural error which substantially affected the outcome of the decision;
 - (2) The discovery of significant new evidence which was not available at the time of trial; and/or
 - (3) That the decision was procured by fraud or other undue means.
- (c) Within fifteen days of the notice of appeal, the SEA Board of Directors will conduct an official hearing to listen to arguments of the parties to the appeal. However, any such hearing shall not be in the nature of a de novo review. Final rulings on the appeal shall be decided by a majority vote of the Board of Directors. The Chairperson of the Trial Board or his/her designee shall represent the Trial Board during the appeal.
 - (d) The Board of Directors may uphold or reverse the decision of the Trial Panel, or may return it to the Trial Board due to procedural error or the presentation of significant new evidence.
 - (e) Either party to a complaint has the right to request an appeal of said ruling of the Board of Directors to a Special Association Council Meeting. The request for appeal needs to be submitted in writing to the SEA President. Within 60 calendar days of receiving a request for appeal, the President of the Association will call for the Council meeting in accordance with Article VI, Section 2 (e) of the SEA

Constitution. The President (or his/her designee) will send to the members of the Council an overview of the case being presented and any supportive documentation for their review.

- (f) Members present at the Council meeting will designate a presiding officer for the hearing portion of the meeting. The procedures used for the hearing will be established based on the procedures used by the Board of Directors and be limited to the past testimony and evidence presented to the Trial Board and the Board of Directors appeal. The Chairperson of the Trial Board (or his/her designee) will represent the Trial Board and an appointed Director who was present for the appeals hearing will represent the Board of Directors. The parties to the complaint will be allowed equal opportunity to present their case to the Council.
- (g) The ruling on the appeal shall be decided by a majority vote of the Council members registered. The members involved with the complaint and any witnesses previously called in the matters being presented will not be allowed to vote on the appeal. The Council may vote to uphold or reverse the decision of the Trial Board and the Board of Directors.
- (h) Replacing the Chairperson: In the case that the Chairperson resigns or is unable to continue in their current position, the board of directors shall appoint an interim Trial Board Chairperson at their next meeting. The interim Trial Board Chairperson has all the rights and privileges of the original Chairperson with the exception of producing procedures.