

BYLAWS

BUTTE COUNTY EMPLOYEES' ASSOCIATION (BCEA), LOCAL 1

ARTICLE I

The name of this Association shall be BCEA, Local 1. Unless otherwise indicated, the term "Association" as used in these bylaws, shall mean the Butte County Employees' Association, Local 1.

ARTICLE II

The principle office for the transaction of business of the Association shall be located in the County of Butte, State of California, at a site selected by the Board of Directors.

ARTICLE III Objectives

Section 1.

The objectives of this Association as described in the Articles of Incorporation, shall be as follows: The primary purpose of this Association shall be to maintain and improve wages, hours, and other terms and conditions of employment of the employees of the County of Butte, and to advance and improve the public service and to promote the interest and welfare of the membership individually and collectively. Other objectives are to provide liaison between the individual employees and the Association; to unite the employees for the betterment of the individual, as well as the group; to promote a cooperative spirit; to foster friendship and understanding among employees; to work for advancement and greater efficiency in public service; and to provide appropriate representation to public agencies.

ARTICLE IV Membership

Section 1.

Applicants for membership shall have completed an application form and submitted it to the Association. The Board of Directors shall act upon the application at the next regular Board of Directors meeting.

Upon approval and payment of dues, the applicant shall be deemed a member in good standing as long as dues are current.

As used in these bylaws, the terms "member" and "membership" refer to member in good standing only.

Section 2.

The membership of this Association shall be composed of Active, Life, Associate and Honorary members.

Section 3.

An **Active member** shall be any employee of the County of Butte, or other individual so designated by the Association's Board of Directors, who has been approved for membership in the manner prescribed. An Active member shall be entitled to all the rights and privileges of the Association including the right to vote and hold office in the Association. Eligibility to hold office requires a minimum of one (1) year membership in good standing and demonstrated prior commitment and prior involvement in union affairs.

Section 4.

Life members shall be those members retired from the County of Butte, or those members who take deferred retirement. They shall be entitled to all the rights and privileges of an "Active Member" except that they shall not be eligible for election to office, nor have voting privileges.

Section 5.

Honorary membership may be conferred upon anyone whose accomplishments in governmental matters, or whose interests in the Association's aims and purposes entitle them to the privilege.

Honorary membership shall be conferred by a two-thirds (2/3) vote of the Board of Directors. Honorary members shall not be eligible for election to office nor have voting privileges.

Section 6.

Associate membership shall be any public official or public employee, or other individual so designated by the Association's Board of Directors who has been approved for membership in the manner set forth in Section 1. Associate membership will be made available to employees in other bargaining units as set forth above. Associate members will have limited representational rights, but will be represented in grievances through the Department Head level. In rare instances, by a two-thirds (2/3) majority vote, the board; may authorize going to arbitration. Associate members cannot hold office in the Association nor have voting privileges, however they will be entitled to whatever services the Association provides.

ARTICLE V

Dues

Section 1.

The dues for all members of the Association shall be recommended by the Board of Directors and shall be paid at the time and in the manner prescribed by the Board of Directors. The Board of Directors shall, where necessary, recommend a change in dues, which is submitted to the general membership for approval.

Active membership dues conform to Public Employees Union, Local 1 Bylaws. Plus Special Unit Dues amount to one dollar (\$1.00) of the member's monthly gross salary. The cap shall be as determined by the Affiliation Agreement with Public Employees Union, Local 1.

Life members shall pay dues as set by the Board of Directors.

Honorary members shall be exempt from the payment of dues.

Associate members shall pay dues of \$20.00 per month.

Section 2.

Dues shall be paid in advance on no less than a monthly basis. Payment of dues and any other authorized fees shall be made by automatic payroll deduction. Members who are on an approved, noncompensated extended illness or injury leave, shall not be required to pay dues for the duration of that leave. Which means that BCEA, Local 1 will follow the Disability Policy of Local 1 which states: Members shall not be charged monthly dues while off the job and out of full salary status due to a disability. The first month of the disability, dues shall be pro-rated in relationship to the date of the disability. Members shall be entitled to refund of dues collected during the disability from the Union. The member shall file with the Union the Disability Verification Form.

The County shall transmit the member's dues and fees to the Association on a monthly basis.

**ARTICLE VI
Board of Directors**

Section 1.

The Board of Directors shall consist of the officers and the elected or appointed directors.

Section 2.

Members of the Board of Directors shall be elected as prescribed by Article X. The term of office shall be two (2) years commencing immediately upon the closing of the annual meeting.

Section 3.

The membership shall be counted once every calendar year to ensure equitable apportionment each September. The reapportionment formula shall be: one (1) director for up to the first 75 members, and one (1) additional director for each subsequent 75 members, or portion thereof above 75 members.

Section 4.

The Alternate Director shall be seated and function as the director in the excused absence of any director. The Alternate Director will be the first runner-up from the elections held at the annual meeting held in September of every year.

Section 5.

A majority of the Board of Directors shall constitute a quorum for the transaction of business. When a director abstains from voting, the vote shall be considered as a "no" vote, but that director shall be counted for a quorum.

Section 6.

The duties of the Board of Directors shall be to consider all matters affecting the Association, make recommendations to the membership and direct the affairs of the Association. The board shall take executive action and exercise powers within the limitations of the Articles of Incorporation and the bylaws. Board meetings shall be held at a time and place designated by the Board of Directors.

Section 7.

The Board of Directors shall establish and maintain a policy and procedure manual.

ARTICLE VII

Officers

Section 1.

The officers of the Association shall form the Executive Committee. Members of the Executive Committee shall be: the President, Vice-President, Secretary, Sergeant-at-Arms, and the Treasurer. The Immediate Past President shall serve as an ex-officio member of the Executive Committee for the year immediately after the termination of the presidency.

Section 2.

- a. The officers of the Association shall be elected by the Board of Directors as prescribed by Article X. If the office of Sergeant-at-Arms is absent during roll call, the Board of Directors shall designate an alternate.
- b. The term of office of each officer shall be for two years. No officer shall hold the same office for more than three (3) consecutive terms. No officer shall hold more than one office concurrently.

Section 3.

a. **Duties of the Officers:**

The officers of the Association shall act as an Executive Committee to exercise authority and assume responsibility as necessary, and to provide supervision and direction to the employees of the Association. All actions taken by the Executive Committee shall be subject to approval by the Board of Directors.

b. **President:**

The President shall be the chief executive officer of the Association, preside at all meetings, and exercise general supervision and direction of the Association's affairs in accordance with the bylaws. All actions taken by the President shall be subject to approval by the Board of Directors. The President shall have authority to administer all matters not otherwise expressly delegated, call special meetings, appoint all committees set forth in Article IX, and appoint Directors and officers to fill vacancies. The President shall assume responsibility for the finances of the Association, and exercise authority as directed by Article XI.

c. **Vice-President:**

The Vice-President shall assist the President in performing official duties, and serve as a permanent member of the Grievance Committee. In the absence of the President, or if the President is unable to serve, the Vice-President shall perform all the duties of the President, and shall preside at all meetings.

d. **Secretary:**

The Secretary shall keep, or cause to be kept, a correct record of the Minutes of all meetings of the Association, perform the usual duties of a secretary.

e. **Sergeant-at-Arms:**

The Sergeant-at-Arms shall be responsible to the presiding officer for the orderly running of Association meetings. The Sergeant-at-Arms will maintain order and has the authority to

remove any members, guest, or any other person who creates a disruption which prevents union business from being conducted.

f. Treasurer:

The Treasurer shall keep, or cause to be kept, a financial account of all monies of the Association; be responsible for the collection of all fees and dues; disburse funds of the Association as directed by Article XI; make, or cause to be made, a monthly report of all receipts and expenditures.

g. Immediate Past President:

To provide continuity to the leadership of the Association, the Immediate Past President shall act as an advisor to the Executive Committee and Board of Directors during the year immediately following the term of President.

Section 4.

A majority of the officers shall constitute a quorum for the transaction of business by the Executive Committee. The majority is simply fifty percent (50%) of the total number of officers plus one (1). Every act or decision by the quorum constitutes an official act of the Executive Committee.

Section 5.

The Executive Committee shall meet with the employees of the Association as directed by the President.

Section 6.

A record of all meetings of the Executive committee shall be kept. This record shall include the subject and disposition of each matter discussed. A copy of the record shall be given to each member of the Board of Directors at the next regularly scheduled board meeting.

**ARTICLE VIII
Job Site Representatives**

Section 1.

- a. To insure communication between the members and their director, Job Site Representatives may be appointed and removed by the President. Job Site Representatives shall serve to transmit information and recommendations to and from their director.
- b. Job Site Representatives shall be members in good standing of the Association.
- c. There shall be no limit as to the number of Job Site Representatives.
- d. Members desiring to be Job Site Representatives must contact their director.

**ARTICLE IX
Committees**

Section 1.

The Standing Committees of the Association shall be Negotiating, Grievance, and Scholarship.

a. Negotiating Committee:

The Negotiating Committee shall be picked by the President and the number shall be the same as in current M.O.U. If there is a vacancy, it may or may not be filled. The term on this committee shall be the length of the contract. To be on this committee, a member must be a member in good standing for at least a year and have shown prior commitment and prior involvement in the union affairs. There shall not be more than two negotiators from one department excluding the Social Services Workers unit.

b. Grievance Committee

The Grievance Committee shall serve in an advisory capacity throughout the grievance procedure. The Chairman is to be elected by the Committee. The Vice-Presidents shall be permanent members of this Committee.

c. Scholarship Committee:

The Scholarship Committee shall be made up of an odd number of at least five members in good standing who have been active members for at least a year.

The Butte County Employees' Association shall assist graduating high school students of members in good standing by awarding college scholarships of an amount to be determined by the Board of Directors. The Board of Directors may award additional scholarships, as they deem necessary.

Applicants must be the son, daughter, stepchild, grandchild, or legal ward of the BCEA, Local 1 member in good standing.

Applicants may attend a school of their choice – college, junior college, trade school, business school or any school approved by the Board of Directors.

The Scholarship Committee shall determine qualified applicants based on the required completed application with essay attached. The Committee shall recommend to the Board of Directors for their approval a list of applicants to be awarded scholarships.

Applicants for scholarships must be presented to the Scholarship Committee no later than the date requested.

Announcement of the recipients will be made at the Commencement Exercises or at the Awards Ceremony/Banquet Dinner of the school the applicant then attends, where possible.

Upon proof of enrollment into the school of their choice as outlined above, BCEA Local 1 shall issue a check in the amount of the scholarship award to the recipient.

Section 2.

Special Committees shall be appointed for specific purposes and terms as deemed appropriate by the President and ratified by the Board of Directors. Special Committees may include: Political Action

Committee (PAC), Bylaws, Safety, Child Care, Benefits Plan Review, Labor Management, Scholarship, Picnic, and others as needed.

ARTICLE X Election

Section 1.

Election of Directors:

- a. Nominations shall be made by written form to the Board of Directors by the August meeting. A nominee shall be an Active member in good standing for a minimum of one (1) year and be nominated by ten (10) members of the unit. The nominee must submit in writing a paragraph about themselves as to their qualifications and why they would make a good board member. A member who has been disciplined by the Union for openly advocating the decertification or dissolution of this Association or for causing a disruption which prevents union business from being conducted may be disqualified for election or appointment to the Board of Directors or to the Executive Committee. Also ineligible for election or appointment shall be any member who him/herself, or any immediate family member, works for another association of Butte County Employees.
- b. The Board of Directors shall establish election procedures in all other instances.
- c. Members of the Board of Directors shall be elected for terms of two (2) years. The terms shall be staggered so that not more than one-half (1/2) of the Board is elected at one time.
- d. New directors shall take office at the annual meeting.

Section 2.

Election of Officers:

- a. Officers of the Association shall be elected from the newly-seated Board of Directors.
- b. The officers of the Association shall be elected to a term of two (2) years by the Board of Directors at the annual meeting, and prior to the regular October board meeting.
- c. In the event of permanent incapacity, resignation, or removal of one (1) or more officers of the Association, the Board of Directors shall ratify the appointment to fill the vacated office(s) within thirty (30) days. Six (6) months of service in an office shall be considered as one (1) year of service in that capacity.

ARTICLE XI Finance

Section 1.

Membership dues and all other receipts shall be deposited in the "General Fund" of Public Employees Union, Local 1, according to the Affiliation Agreement. All withdrawals from the Unit Fund shall be signed by two members of the Executive Committee or the BCEA, Local 1 Executive Director.

Section 2.

Officers, employees and members of the Association shall receive reimbursement and remuneration as may be provided by the Board of Directors.

Section 3.

The Treasurer shall audit the accounts of the Association annually, or when otherwise ordered by the Board of Directors.

Section 4.

All expenditures exceeding Two Hundred and Fifty-one Dollars (\$251.00) or more per year must be pre-approved by a majority of the Board of Directors.

ARTICLE XII
Suspension and Expulsion
Of Officers, Directors, and Members

Section 1.

The Board of Directors may suspend or expel a member from membership and/or from holding office in the Association if he/she violates a reasonable rule or regulation aimed at preventing disruption of union business or engages in actions inimical to the Association or which brings it into disrepute.

A member who disrupts a meeting of the Association such as to prevent union business from being conducted may be removed from the meeting on two occasions without the necessity of internal union charges being filed. After the second occasion, the member shall be charged with violation of the Association's rule which prohibits members from conducting themselves at Association meetings in a manner which prevents union business from being conducted. After a full and fair hearing on the charges, the member may be disciplined, including suspended from attending Association membership meetings for up to three years.

Section 2.

- a. Written charges of wrongful conduct against an officer, director, or member, must be filed with the President of the Association. The charges must be signed by five (5) members in good standing.
- b. The President shall select five (5) members (excluding members of the board) to act as a Hearing Board, appointing one member as chairman.
- c. The Chairman of the Hearing Board shall, within ten (10) days, set a date for a hearing to be held within thirty (30) days of the date charges are filed. Notice of the time and place of the hearing and a copy of the charges must be personally served on the member no less than fifteen (15) days prior to the hearing date.
- d. Failure to appear for the hearing shall result in automatic forfeiture of hearing rights, and the decision of the Hearing Board shall be final.
- e. The hearing must be held at the time and place set forth unless reasonable grounds for a continuance are made by the member charged. Once commenced, the hearing may be continued from time to time until concluded.

- f. The member charged shall have the right to a representative of his/her choice; the right to cross examine witnesses; the right to testify, subject to being cross examined; the right to present a concluding argument. The chairman shall appoint a member of the Hearing Board to take notes and shall provide a stenographic reporter or cause the meeting to be electronically recorded. The Association shall have the right to appoint a representative for said hearing who shall be responsible for the prosecution of the charges. Neither the charged party nor the Association may be represented by an attorney in these proceedings.
- g. A majority vote of the Hearing Board shall be required to sustain the charges. The Board must have at least three (3) members in attendance at the hearing, including the Chairman. The decision shall indicate the vote of each board member who took part in the decision. Within five (5) days of the conclusion of the hearing, the written decision must be filed with the President, and a copy sent by certified mail to the member charged, at his/her last known mailing address.
- h. The member charged shall have the right to appeal an adverse decision to the Board of Directors sitting as a Board of Appeal. Written request for an appeals hearing must be made to the President of the Association within ten (10) days of the receipt of the decision of the Hearing Board. The President shall make all arrangements for the Board of Directors to sit as a Board of Appeal within twenty (20) days of the receipt of the request from the member charged. The Board of Appeals shall consider oral and/or written arguments, and review the transcripts of the hearing before reaching a decision. The member charged may be represented by counsel or a representative of his/her choice. The Association shall appoint a representative to present its case. The Board of Appeal shall sit as a reviewing body only, and shall not hear or accept any evidence other than that to affirm or overrule the decision of the Hearing Board. The decision must be made by the majority of the Appeal Board in attendance at the Appeal Hearing. Written notice of the decision of the Board of Appeals shall be filed with the President and sent by certified mail to the member charged within five (5) days of the date the appeal hearing is closed.
- i. An adverse decision shall be effective upon filing and the member charged shall be suspended or expelled as of that date. If the Board of Appeals overrules the Hearing Board, no further action shall be taken and the member charged shall continue as an officer, director, or member in good standing with all the rights and privileges of membership or office.

Section 3.

The office of an officer or a director shall be declared vacant if absent from three (3) regular meetings within one term year without prior excuse by the President.

Section 4.

The office of any officer or director shall be declared vacant when that person ceases to be a member of the Association.

ARTICLE XIII
Meetings

Section 1.

Monthly Board/Membership meetings shall be held every fourth Tuesday of the month, unless changed by the Board of Directors. The Board of Directors shall set the date, time and place of meetings. At least ten (10) days advance written notice and agenda shall be given to the members.

Section 2.

The President shall have the authority to call special meetings of the Board of Directors, the Executive Committee, Special Committees, and Individual Chapters as the need arises. Special meetings to be held within 48 hours (2 days) may be called by telephone or email. The U.S. Postal Service may be used whenever time permits.

Section 3.

Special meetings of the membership shall be called by the President as needed, and upon the written request of ten percent (10%) of the total membership as of the last tabulation. No special meeting of the membership shall be called unless announced by the President at the preceding regular Board meeting, or unless notice is mailed or delivered personally to each member at least seven (7) days prior to such special meeting. The required notice shall state the time, date and place of the meeting and the subject to be considered.

Section 4.

No person shall take part in any meeting or election of the Association unless he/she is a member in good standing. Proxy votes shall not be allowed. Absentee ballots shall be accepted if requested from, and received by, the Association office prior to the date of the ballot count.

Section 5.

All meetings shall be conducted in accordance with the current edition of "Robert's Rules of Order, Newly Revised" as applicable and not inconsistent with these bylaws. The President may appoint a Parliamentarian to advise on procedural matters.

Section 6.

Disruptive conduct which prevents union business from being conducted, such as unruly behavior or foul and obnoxious language, will not be tolerated at any union meeting and may cause the member to be removed from the meeting and/or subject to internal union charges.

**ARTICLE XIV
Office Staff**

The Association's staff shall be hired by the Public Employees' Union, Local 1 General Manager with approval of the BCEA, Local 1 Board of Directors. No member of the staff may be related by blood or marriage to any other member of the staff or member of the Board of Directors.

**ARTICLE XV
Association Affiliations**

Section 1.

- a. Membership shall be maintained in such leagues, associations or organizations as deemed appropriate by the Board of Directors.
- b. Any affiliation shall be subject to ratification by a majority vote of the Association membership voting.
- c. The Affiliation Agreement between the Association and the Public Employees' Union, Local 1, is incorporated herein and attached hereto as a part of these bylaws.

Section 2.

The President may appoint members to attend any annual convention of any league, association, or organization of which this Association is a member, and may appoint representatives to attend other meetings pertaining to the interests of the Association.

Section 3.

The Board of Directors may waive any section of these bylaws if a situation arises that conflict with these bylaws or the bylaws of any associate or affiliate until such time as the situation is resolved or the bylaws are amended.

Section 4.


The general membership may initiate amendments to the bylaws by petition, containing signatures of at least twenty-five percent (25%) of the general membership. The Bylaws Committee may initiate amendments to the bylaws with approval of the Board of Directors. Changes in the bylaws will be posted at least sixty (60) days prior to any vote by the Board of Directors. The amendments shall take effect upon approval of a majority of the Board of Directors voting and adopted by the Board of Directors.

ARTICLE XVII
Continuity

All lawful acts, resolutions and negotiations in force at the time these bylaws shall take effect and consistent with these provisions, are hereby continued in force until the same shall have been duly amended, repealed or suspended.

THIS IS TO CERTIFY that I am the duly qualified Secretary of the Butte County Public Employees Association, Local 1, and that the above Constitution and bylaws are the duly authorized Constitution and bylaws for this Association.

IN WITNESS THEREOF, I have hereunto set my hand this 26th day of October 2010.



Leslie Roberts, Secretary
Butte County Public Employees' Association, Local 1