

CONSTITUTION AND BY-LAWS
of
SEIU Local 121RN, CTW, CLC

Article 1: Name

This Union shall be known as SEIU Local 121RN, CTW, CLC.

Article 2: Affiliations

The Local shall be affiliated with Service Employees International Union, appropriate SEIU Division, the California State Council of Service Employees and any other Joint Councils or Service Councils as determined by the International Union. The Local shall also be affiliated with the State Federation of Labor, AFL-CIO and the appropriate Central Labor Councils.

Article 3: Memberships

A. There shall be no discrimination against any member, or any applicant for membership, by reason of race, creed, color, religion, sex, gender expression, sexual orientation, marital status, national origin, citizenship status, ancestry, age, disability or political persuasion.

B. Categories of Membership

1. Regular members

A regular Member is an individual employed in a bargaining unit for which Local 121RN is the recognized bargaining agent for matters relating to wages, hours and other terms and conditions of employment.

2. Associate Member

An Associate Member must be an individual who is not part of a bargaining unit for which Local 121RN is the recognized bargaining agent and is part of a group or an individual that has been approved by the Local 121RN **Executive Board** ~~LWLC~~ being eligible for Associate Membership and not in conflict with the SEIU-CNA agreement. Minimum dues will be established by the Local. Associate members are not eligible to vote in Local Union elections.

3. Senior Members

A retired member is an RN who has retired from a bargaining unit represented by Local 121RN and joins the Local 121 RN Senior Members Chapter and pays the minimum dues for members as established by the **Executive Board** LWLG. Senior Chapter Members shall not be eligible to vote in Local Union elections or run for Local Union office.

4. Organizing Chapter Member

An Organizing Member is a person who is in a bargaining unit where the employer has recognized the unit or it has been certified by the NLRB and an employee (s) in the unit wish to participate in the operation of the local while a first contract is being negotiated. Organizing Members are not entitled to representation by the Local Union in any grievance or litigation matter. However, the Local Union may decide, at its sole discretion, to represent an Organizing Member if its Local Union **Executive Board** LWLG deems it to be in its collective interest to do so. Organizing members shall not be eligible to vote in Local Union elections and run for Local Union office. However, organizing members can vote on other Local Union matters. The dues rate for organizing members shall be one (1) dollar per month.

Article 4: Membership Rights

Every member of Local 121RN in good standing shall have the right to enjoy the full benefit of the Local without discrimination of any kind, as follows:

1. To work in a unionized establishment within the jurisdiction of the Local
2. To vote by secret ballot on Local contracts directly affecting him/her as an employee.
3. To vote by secret ballot on all strike calls and strike settlements directly affecting him/her as an employee.
4. To receive such strike benefits as the Local shall in its judgment, and based on a principle of equitable distribution of funds available, fix and determine.
5. To vote in all Local elections in accordance with these Bylaws.
6. To attend all regular and special membership meetings of the Local and/or his/her Chapter, and participate in discussion and vote on all questions.
7. To be a candidate for elective office and/or position in accordance with the provisions of these Bylaws and to serve on Local committees.
8. To utilize all services provided by the Local and to participate in all social, educational and cultural activities.

9. To receive fair and open hearing in accordance with the provisions of these Bylaws on any charge brought by him/her or against him/her.

C. Good Standing

Anyone eligible for membership under Article 4 who has filed an application and who is current with dues and initiation fees pursuant to a collective bargaining agreement shall be considered to be in good standing. Members in good standing, and only members in good standing, shall be eligible to participate in the Local including voting on strikes and contracts, running for office, serving on contract committees, attending Local meetings and voting on internal Local business. Organizing Chapter Members may vote on local union matters.

Article 5: Organization

1. Chapters

The fundamental structure of this Local shall consist of Chapters. A Chapter shall consist of a bargaining unit represented by this Local. Each Chapter shall have a President, Vice President and Secretary/Treasurer. Chapters shall elect or appoint stewards.

2. System Leadership Councils

There shall be Systems Leadership Council whenever Local 121RN represents more than one RN unit within a common healthcare system. The purpose of the System Leadership Council shall be to provide a forum for communications and strategic coordination between the Chapters. The System Leadership Council shall be composed of all Chapter Presidents and one additional representative for every 200 members within the bargaining units appointed or elected by the Chapter. The System Leadership Council shall annually elect a chairperson. This Council shall meet at least semi-annually.

3. ~~Local Wide Leadership Council (LWLC)~~ **Executive Board**

The ~~Local Wide Leadership Council~~ **Executive Board** shall be empowered, subject to these bylaws, to act upon any matter affecting members of the Local, including adopting policies, approve the Local's budget, and hire an Executive Director who shall be responsible to and report to the ~~LWLC~~ **Executive Board**. The ~~LWLC~~ **Executive Board** shall be composed of Local Union officers, all Chapter Presidents, or permanent designee, plus one elected Representative for every 400 members, or portion thereof, represented by the Chapter. The ~~LWLC~~ **Executive Board** shall also be empowered to recommend committees, and to enact such rules and regulations as in its judgment will best

effectuate in the aims and purposes of the Local, to receive and act upon all reports, and to endorse candidates recommended by the COPE Committee. The actions of the LWLG **Executive Board** shall become effective immediately and shall be considered the action of the Local.

The LWLG **Executive Board** shall meet monthly and meetings will be open to all members. The actions of the LWLG **Executive Board** shall be recorded in minutes and the minutes shall be transmitted to each Chapter and shall be available to the members of each Chapter upon request. All meetings of the LWLG **Executive Board** shall be conducted in accordance with the current edition of Robert's Rules of Order.

4. Standing Committees of LWLG the **Executive Board**

- a. The LWLG **Executive Board** shall appoint a Civil and Human Rights Committee to assist in carrying out the civil and human rights programs and policies of the International Union.
- b. The LWLG **Executive Board** shall appoint a Committee On Political Education to assist it in carrying out a program of sound political education and political action and encouraging its members and their families to register and vote. This Local shall not establish its own registered federal political committee or any political candidates fund for contributions in connection with federal elections, provided however, that the International President may, in his or her discretion, waive this provision or establish such conditions as the International President may deem necessary.
- c. The LWLG **Executive Board** shall appoint a Senior Members Committee to assist it in developing a program for senior members, retired members, and retired affiliates.
- d. The LWLG **Executive Board** shall appoint an Organizing Committee to assist in developing organizing programs.
- e. The International Secretary-Treasurer shall be notified promptly by the Local of the composition of the Civil and Human Rights Committee, the Committee On Political Education, the Senior Members Committee, and the Organizing Committee.

4. Annual Leadership Conference

Each year a Leadership Conference shall be held to discuss issues, policies, and programs of concern to the membership. The first Leadership Council shall be the Founding Convention of this Local. The conference shall review the work of the Local from the preceding year and adopt goals for the coming

year. The conference shall include items that relate to all members as well as those that relate to System Leadership Councils and Chapters.

Article 6: Officers

The elected officers of the Local shall be the President, Vice President, and Secretary-Treasurer who shall serve for a term of three (3) years.

1. President

The Presidents' duties shall include but are not limited to:

- A. Presiding at all meetings of the LWLG **Executive Board** and at the Annual Leadership Conference.
- B. Calling special meetings of the LWLG **Executive Board**, membership or specific committees and other bodies of the Local as necessary.
- C. Together with the Executive Director, represent the Local in the community, in the media and at meetings, conferences or conventions of organizations that the Local is affiliated with.
- D. Together with the Executive Director and/or Secretary/Treasurer, sign all checks, vouchers, and financial contracts.
- E. Serve as an ex-officio member of all committees of the Local.
- F. Serve as the Local's first delegate to the SEIU International Convention and to all other conferences and conventions in which Local 121RN is eligible for participation.

2. Vice-President

The duties of the Vice-President shall include, but not be limited to:

- A. Assuming the duties of the President in his/her absence and assisting the President as he/she requests.
- B. Representing the Local in the community, in the media and at meetings, conferences or conventions of organizations that the Local is affiliated when requested by the President to do so.
- C. Oversee the Local's Steward Program by helping identify, promote, recruit, train, and mentor stewards.

3. Secretary/Treasurer

The duties of the Secretary/Treasurer shall include, but, not limited to:

- A. Working with the professional staff, to aid and assist in maintaining accurate records of all the financial affairs, membership records and information of the Local.
 - B. Keeping an accurate accounting of all receipts and disbursement of all monies, savings, securities and/or property owned by the Local and depositing all monies in a bank approved by the LWLC **Executive Board**.
 - C. Together with the President and/or Executive Director, signing all checks, vouchers, financial contracts and agreements subject to the policies of the LWLC **Executive Board** and these Bylaws.
 - D. Assisting with the preparation, presentation and adoption of an Annual Budget by the LWLC **Executive Board**.
 - E. Assuring the accurate minutes of each LWLC meeting is kept and presented at the next LWLC meeting.
 - F. He/she shall keep all membership records and application cards, and a record of all members admitted by initiation or otherwise, as well as rejections and suspended or expelled members. He/she shall send to the International Union an accurate record of all dues payments and other revenue and he or she shall forward to the International Secretary-Treasurer of the International Union and to any state council with which this local is affiliated the correct names and addresses and Social Security numbers (including e-mail address and telephone number, if available) of all members initiated or readmitted, and of all other persons from whom revenue is derived, as well as those suspended for non-payment of dues or for any other membership information specified by the International Executive Board. He/she shall furnish the chairman of each committee a copy of such resolutions as may be adopted by the Local Union, addresses (with zip code) of all officers elected to office within fifteen (15) days after the election. He/she shall, on behalf of the Local Union, receive all official communications and correspondence.
 - G. The Secretary-Treasurer shall promptly forward to the International Secretary-Treasurer copies of all annual audit reports and copies of all financial reports setting forth a statement of assets and liabilities and a statement of receipts and disbursements, which are required by law.
 - H. By April 1 of each year, the Secretary-Treasurer shall forward to the International Secretary-Treasurer information and supporting documentation showing the average gross wage rate of its membership for the previous calendar year.
4. In the event the office of President is vacant, the Vice-President shall assume that office for the remainder of that term.

5. Should the office of Vice-President and/or Secretary/Treasurer become vacant due to resignation, death, termination of membership, or for any other reason, including the inability to serve, the President shall appoint a successor, the successor to be confirmed by the LWLG Executive Board at its next meeting.
6. All officers and employees handling any moneys of this Local Union shall be bonded in the amounts and the form required by applicable statutes, said bond or bonds to be procured immediately upon assuming office or employment, the premiums to be paid for by this Local Union. The International Secretary-Treasurer of the International Union may direct the increase or decrease in the amount of the bond when he or she deems it advisable and may direct bonding of any Local Union not required by statute to obtain a bond.

Article 7: Executive Director

The Executive Director shall have general supervision and direction over the affairs of the Local subject to the policies of the LWLG Executive Board, these Bylaws and the day to day direction of the President. His/her duties should include but, not limited to the following:

- a. Hiring, firing and overall supervision of the staff.
- b. Working with the Secretary/Treasurer, and subject to the policies adopted by the LWLG Executive Board, fiscal management of the Local
- c. The Professional administration of the office operation, including the accurate maintenance of Local membership and other record.
- d. Along with the President and Secretary/Treasurer, the Executive Director shall be one of the three persons authorized to countersign all orders on funds, financial contracts, and agreements covering the Local.
- e. The Executive Director shall be appointed by the LWLG Executive Board.
- f. Compensation and length of term, not to exceed three (3) years, shall be determined by contract.

Article 8: Elections

- A. The term of office for the elected officers of the Local shall be three (3) years.
- B. All officers shall be elected by means of a secret mail ballot conducted among all members in good standing. The ballot shall be mailed to the

address recorded in the Local office as the last known address of the member.

- C. The Election Committee shall conduct the election for officers. Members of the LWLG **Executive Board** shall volunteer to become members of this committee and then be approved by the LWLG **Executive Board**. The committee shall consist of three (3) members.
 - 1. Members of this committee may not be candidates for office in the election.
- D. The Election Committee shall adopt all rules and regulations to comply with the law and to assure a fair and honest election.
- E. Nominations for officers of the Local Union shall be made by means of a petition signed by no less than ten (10) members in good standing. To be eligible to be a candidate for office in the Local Union, the nominee must have been a member in continuous good standing of the Local for at least two (2) years immediately preceding the nomination. When a candidate for office in the Local Union is member of a Chapter which has been affiliated with this Local Union for less than two (2) years, the candidate shall be eligible if s/he has been a member in continuous good standing for the length of time the Chapter has been chartered. The International President may waive the foregoing requirements in his or her discretion for good cause shown.
- F. In the event a member in good standing fails to receive a ballot in the mail, the member may secure a substitute ballot from the Election Committee but shall be required to execute a statement to the effect that the member has not received a ballot and has not cast the same. Write-in candidates and proxy voting shall not be permitted.
- G. The candidates receiving a plurality of valid votes cast by secret ballot for each office shall be declared elected.
- H. Officers shall take office at the first LWLG **Executive Board** meeting of each calendar year and hold the same until their successor take office. Installation of the officers shall be conducted at this LWLG **Executive Board** meeting.
- I. No person who has been convicted of a felony as defined in Section 504 of the Landrum-Griffin Act shall in accordance with the provisions of applicable law be eligible for nomination under the terms of this section.
- J. No candidate (including a prospective candidate) for any office in this Local Union or affiliated body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the International Union.

Article 9: Recall

Officers, LWLC Executive Board members, System Leadership Council members, and Chapter Officer, may be recalled by a vote of the constituency that elected him/her to his/her office. It shall require a two thirds (2/3) of that constituency to recall that person.

- A. A vote to recall shall be held within sixty (60) days of receipt of:
 - 1. A petition signed by at least 35 percent of the membership of the above referenced constituency requesting a recall vote.
 - 2. All signatures shall be dated and shall be no more than ninety (90) days old at the time of submission in order to be considered a valid signature.
 - 3. If a recall takes place in accordance with this article, the position shall be declared vacant and filled in accordance with the provisions contained within these Bylaws.
 - 4. Recall election shall not be scheduled if a petition is received within 180 days of the conclusion of the person's term.

Article 10: International Convention

- A. The President of the Local Union, by virtue of election to that office, shall automatically be considered as a delegate to the convention of the International Union, SEIU State Council, and SEIU Western Conference, provided that the Local Union chooses to send a delegate or delegates to said conventions.
- B. Additional delegates to the convention of the International Union, SEIU State Council, and SEIU Western Conference shall be elected by a secret ballot in the Local Union's regular election in accordance with the applicable law and the provisions of the Constitution of the International Union. The ballot shall specify delegates(s) for each of these SEIU conventions and the terms and duties of said delegates. If elected delegates are not able to serve, the Local Unions officers shall serve as alternates by virtue of their office in the following order: Vice President, Secretary-Treasurer, then Presidents of Local Chapters in accordance with respective membership numbers, largest membership chapter first.

Article 11: Property Rights

The title to all property, funds and other assets of this Local shall at all times be vested in the LWLC Executive Board for the joint use of the membership of this Local. No member shall have any severable proprietary right, title or interest and membership in this Local shall not vest any member with any right, title or interest in or to the property of this Local, including the funds of this Local.

Article 12: Strike and Work Actions

Strikes are extraordinarily difficult in a health care setting and the policy of this Local shall be to always make every effort to resolve disputes without resorting to strike or and action that may endanger the patients that we serve.

- A. A Chapter may not initiate a strike without a majority concurrence vote of the total membership by secret ballot and in compliance with the International Union Constitution.
- B. The strike vote may be conducted at a membership meeting or through a mail ballot.
- C. Meeting location(s) shall be selected to maximize member convenience and encourage a large vote.
- D. Strike sanction shall be received from the ~~LWLC~~ **Executive Board**, the Central Labor Council and the International Union.

Article 13: Initiatives and Referendum

- A. An initiative may be originated by a petition signed by at least (10%) of the members in good standing of the Local.
- B. After an initiative has been originated, the ~~LWLC~~ **Executive Board** shall refer the matter to the membership for a vote by secret ballot.
- C. Any member of the ~~LWLC~~ **Executive Board** may introduce an amendment for consideration by the appropriate committee; the amendment will be voted upon by the ~~LWLC~~ **Executive Board**. If it is approved by a majority, then it shall be referred to the membership of the Local for a vote by secret ballot at the next regular election.
- D. All initiatives or referendums must be approved by a two-thirds (2/3) vote.

Article 14: Charges, Trials, Penalties, and Appeals

All charges, trials, penalties, and appeals shall be conducted as set forth in the Constitution of the International Union and by policy adopted by the ~~LWLC~~ **Executive Board**.

Article 15: Finances

- A. The funds of this Local shall be raised by dues and by such other means as the ~~LWLC~~ **Executive Board** of the Local may direct. To the extent permitted by the International Constitution, all changes in the Local's dues structure shall be submitted to the membership for approval.
- B. Each member shall pay dues on the following formula:

1. 1.65% of base pay, excluding overtime, differentials, premiums and bonuses.
- C. The Secretary-Treasurer shall ensure that the monies shall be accurately recorded. The Local shall pay the per capita tax to the International Union for any person from whom the Local, either directly or through a Chapter, receives dues. The Local shall not have any right to pay any bills before it pays its full per capita obligation to the International Union
 - D. All fiscal records shall be kept for a period of at least six (6) years or longer if required by applicable law. The Treasurer shall ensure the preparation, in accordance and cooperation with an accountant, of a financial report on quarterly basis and the report shall be submitted to the LWLC Executive Board. The report shall contain receipts and expenditures for the period. In addition, an annual audit shall be made by a Certified Public Accountant.
 - E. Any Local accounts can be drawn out only by check of the Local and all checks, financial contract, and agreements concerning the Local must be signed by two (2) of the 3 persons authorized to withdraw funds in accordance with this Constitution. The three (3) signatories are: (1) the President, (2) the Treasurer, (3) the Executive Director.
 - F. A majority vote of the LWLC Executive Board members present and voting the LWLC Executive Board shall be required on financial matters.
 - G. Any member failing to pay dues and assessments of the Local Union on or before the last day of the month in which the same are due, shall stand automatically suspended from membership in this Local Union, and from all right and privileges of such membership. Any suspended member may be readmitted to membership within thirty (30) days after automatic suspension upon payment of back and current dues, but in no event shall such readmission restore any privileges, death gratuities or other benefits. Any member who has been in suspension for a period greater than thirty (30) days can be readmitted upon the payment of a readmission fee of \$10 in addition to the amount of dues, fines, and assessments owed, but in no event shall such readmission restore any privileges or other benefits. However, when a member is laid-off from employment or is absent from work due to employer lockout, union-authorized strike or seasonal closure for more than twenty days in any calendar month, such member will be credited for membership dues for the period of unemployment but not to exceed six months in any calendar year.
 - H. All members of the Local Union are under a positive duty to see that their dues and other payments are remitted on or before the last day of the month in which the same are due at the office of the Local Union.
 - I. Any increase in the rate of dues or initiation fees or the levying of any general or special assessment, which have not been mandated by a

Convention of the International Union, shall when required by applicable law be made only in accordance with the following procedure:

(a) Reasonable notice shall be given by the Secretary-Treasurer to the membership at least fifteen (15) days prior to the meeting at which the membership will consider the question of whether or not such dues, initiation or reinstatement fees, general or special assessment, shall be changed or levied. The notice shall indicate that an increase or assessment is to be voted on. Such meeting may be regular or special.

(b) At the regular or special meeting called as provided in this section, voting shall be by secret ballot of the members in good standing.

(c) A majority vote by secret ballot of the members in good standing voting at such meeting shall decide the issue.

Article 16: Chapter Stewards

- A. Stewards are the worksite leaders of the Local. A strong, democratic and effective Local is built on a solid foundation of Stewards at each worksite.
- B. The diversity and complexity of the Local allow for a general description of the Stewards roles and responsibilities in this Constitution and Bylaws.
- C. Stewards are members in good standing. They may be appointed or elected.
- D. The responsibilities of Steward shall include, but are not limited to:
 - 1. Supporting the Local efforts to process grievances and resolve worksite issues.
 - 2. Orienting new workers to the Local.
 - 3. Maintaining the Local's internal organization at the worksite.
 - 4. Completing core steward training.
 - 5. Participating in the grievance appeal process, as appropriate.
 - 6. Distributing and posting all appropriate information he/she receives from the Local.
 - 7. Representing his/her worksite at appropriate meetings of the Local and representing the interests of the members in their absence.
 - 8. Effectively leading members to defend and advance the interests of the membership.
 - 9. Communicating and leading members to implement the policies and programs of the LWLG **Executive Board**.

10. Stewards shall be reelected or reconfirmed by a petition of support at least every three years.

Article 17: Meetings

- A. This Local Union shall hold a meeting of the membership on a general, division, chapter or worksite basis at least once every two months, except during the months of July and August. The LWLC Executive Board of this Local Union shall in any case meet at least once a month, except if waived by the International President.
- B. A quorum shall consist of seven (7) members at a regular or special meeting called in accordance with this Constitution, and they shall be qualified to transact such business as may properly be considered at such meeting.

Article 18: Dissolution

This Local Union cannot dissolve, secede or disaffiliate while there are seven (7) dissenting members and in accordance with the procedures contained in Article XXV of the International Constitution and Bylaws. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of this Local Union shall become the property of the International Union. Under no circumstances shall this Local Union distribute its funds, assets, or properties individually among its membership.

Article 19: Amendments

- A. The Constitution and Bylaws may be amended by a two-thirds (2/3) vote at any regular meeting of this Local Union, provided the amendment to be voted on has been presented in writing and read at least one regular meeting before the regular meeting at which action is taken. No amendment shall be valid or become effective until approved by the International Union.
- B. The Constitution and Bylaws of this Local Union shall at all times be subordinate to the International Constitution and Bylaws, as it may be amended. If any conflict should arise between the Constitution and Bylaws of this Local Union, or any amendments thereto, and the International Constitution and bylaws, or any amendments thereto, the provisions of the International Constitution and bylaws shall control.

Article 20: Collective Bargaining

- A. The authority to bargain collectively for the Local Union shall be vested in a Negotiating Committee, which shall consist of one officer of the

Local Union and not less than three elected members, subject to the mandate of the membership of the Chapter.

- B. The results of any collective bargaining negotiations shall be subject to ratification by the members affected.
- C. The International Union shall be notified in writing when any collective bargaining negotiations or memorandum of understanding have been concluded and be advised of the number of employees covered.
- D. A true copy of all collective bargaining agreements and contracts entered into by this Local Union shall, immediately upon execution, be filed with the International Department of Research.

**ADOPTED AT THE FOUNDING CONVENTION OF SEIU LOCAL 121RN
ON TUESDAY, AUGUST 10, 2004**

AMENDED BY THE LEADERSHIP COUNCIL ON MARCH 11, 2008

Amended by the Leadership Council on March 13, 2010.

Amended by the Leadership Council (Executive Board) March 2012