

# **Constitution And By-Laws**

## **SEIU Local 205**



**As Adopted by the Local 205 Convention  
September 22, 2007**

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# SEIU LOCAL 205

## MISSION STATEMENT

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Our mission is to unite  
and improve the lives of  
Tennessee workers and  
their families by raising the  
collective standard by which  
work is valued.

## ARTICLE 1 ~ NAME

### Section 1

This Union shall be known as the Service Employees International Union Local 205, affiliated with the Service Employees International Union and the CTW also known as Change-to-Win.

## ARTICLE 2 ~ OBJECTIVE

### Section 1 – Objective of Union

The objective of the organization shall be to build economic, political and social power for its members, their families, and all working people. Through the promotion of solidarity the Union shall fight to improve conditions of its members, represent the members and organize and empower the membership to build democracy in the broader society. The Union shall seek to promote high standards of service and care in its industries. The Union shall be run by its members with the highest standards of democratic trade unionism.

### Section 2 – Objective of Bylaws

The objective of these Bylaws is to provide rules not in conflict with any higher authority in order to govern the local union. Its sole interest is to establish rules of acceptable self-government.

## ARTICLE 3 – JURISDICTION

### Section 1

This local union shall have such jurisdiction as granted and approved by the International Union in accordance with the Service Employees International Union Constitution and Bylaws.

### Section 2

Any non-management person employed in a bargaining unit represented by Local 205 or employed within the jurisdiction of the Union and a member of a Local 205 organizing committee, or as a worker described in Article 4, Section 7, below, shall be eligible for membership in accordance with these Bylaws. Any paid official or agent of the Local Union, the International or affiliate bodies shall also be eligible for membership. Management persons and individuals employed outside the Local's jurisdiction shall be eligible for associate membership.

## ARTICLE 4 – MEMBERSHIP

### Section 1 – General Membership

The term “general membership” as used by the Bylaws shall mean membership of all Chapters of Local 205.

A decision of the general membership shall require a majority of those voting.

The General Membership of the Union shall be the supreme authority of the Union in the following respects:

- A. It shall have the power and authority to adopt and/or amend the By-laws, rules, and regulations through the Local Convention.
- B. It shall elect all general Officers of the Union.
- C. It shall have the power and authority to set dues for the members of Local 205 subject to the applicable provisions of the International Union Constitution.
- D. It shall receive and act upon reports from the President of the Union.

### Section 2

There shall be no discrimination against any member by reason of race, creed, color, religion, sex, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age or disability, except that members of organizations that advocate such discrimination shall be banned from membership. All workers within the Union's jurisdiction shall be eligible for regular or associate membership.

### Section 3

#### **A. Regular Members**

A member in good standing of the Local Union is a person eligible for membership under Article 3, Section 2, of these Bylaws who has paid the current dues obligation, except when a member is laid-off without pay from employment or is absent from work due to an employer lockout or union-authorized strike 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. All such members enjoy full rights except that a member may only vote on ratification of agreements that apply to the bargaining unit in which he/she works.

In order to be eligible to receive credit for membership dues for the purposes of maintaining continuous good standing and death gratuity eligibility in accordance with Article XIX of the International Constitution and Bylaw a member shall be deemed to have been “laid-off from employment” where the loss of work is of an unanticipated nature and is for an indefinite period of time, due to cut-backs in protection or services or other unforeseen circumstances. The

provisions shall not apply where the loss of work is of an annual or otherwise regular nature.

#### **B. Associate Member**

A regular member who has terminated employment or vacated a represented bargaining unit with a jurisdiction represented by the union, or left employment of the Union, and was a member in good standing at such time may become an associate member subject to Executive Board approval. Such membership entitles the member to serve on Union committees and participate in Local-wide meetings. Such associate members will not be entitled to run for Union office nor to vote on agreements, or vote in local wide elections.

#### **C. Retired Member**

A regular or associate member as described in Sections A and B above who has been a member in good standing of Local 205 before retirement is eligible for membership in the Retired Members Chapter. Such membership entitles the member to participate fully within the Chapter as prescribed by the Retired Members chapter. Such membership entitles the member to participate fully within the Chapter as prescribed by the Retiree Chapter Bylaws and to serve on Local Union Committee and participate in Local-wide membership meetings. Such Retired Members will not be entitled to run for Local-wide office nor to vote on agreements that apply to any representation unit.

#### **D. Organizing Member**

Members of Organizing Committees shall have all the rights and privileges of Associate Members.

#### **Section 4**

Every member in a Local 205 bargaining unit, by virtue of membership in this Local Union, authorizes this Local Union to act as the exclusive bargaining representative with full exclusive power to execute agreements with members' employers governing terms and conditions of employment. Such member further authorizes this Local Union to act for members and have final authority in presenting, processing, and adjusting any grievance, difficulty, or dispute arising under a Collective Bargaining Agreement or out of his/her employment with such employer, in such manner as this Local Union determines.

#### **Section 5**

Each member shall adhere to the terms of pertinent Collective Bargaining Agreements or other applicable agreements and shall refrain from any conduct that would interfere with the performance by this Local Union of its contractual obligations.

#### **Section 6**

No member shall be a party to any activity to secure the disestablishment of this Local Union as the collective bargaining agent for any employer.

#### **Section 7 – Representation Rights**

- A. A worker who is not a member of the Union will not be represented regarding day-to-day problems, including grievances and disciplinary actions, except where required by law.
- B. Where the Union is required to provide representation to non-members by law, the Executive Board shall adopt a fee schedule for the provision of such services where allowed by law.
- C. A worker who joins the Union and requests representation for problems which originated prior to joining the Union will not be provided such representation, where allowed by law unless such worker can establish good cause for their not having joined the Union previously, or it is determined by the Chapter Stewards Council that the problem involves an important precedent or it is necessary to pursue to maintain the integrity of the Collective Bargaining Agreement. Such worker's application will be reviewed by the appropriate Chapter Stewards Council. An appeal of the Chapter Stewards Council decision may be made to the Executive Committee.
- D. When collective bargaining agreements provide for Agency Fees (service fees) or Charity Fees (in the case of religious objectors) to be paid, such person shall enjoy all representation rights such as grievance, negotiation and appeal service, but shall not be allowed participation in internal voting, the right to the International Death Gratuity or Scholarship Programs, nor any other internal benefits of membership such as publications, discounts, insurance, or legal referrals for personal matters.
- E. Each Chapter Stewards Council or Designee shall determine the status of grievances reaching this step. A negative decision may be appealed to the President in writing within ten (10) days. The Stewards Councils shall recommend to the President whether or not to consider a case for arbitration, an Administrative Law Judge or Civil Service Commission step. The President shall decide whether or not a case shall be

continued, appealed/settled or withdrawn at the latter steps. Such decisions shall be rendered in writing and either delivered personally or by registered mail (return receipt requested). A representational decision by the President may be appealed to the Executive Committee. Such appeals must be made in writing within ten (10) days of the member receiving notice of the decision.

## **ARTICLE 5 ~ RIGHTS AND DUTIES OF MEMBERS**

### **Section 1 – Membership Rights**

Every member of Local 205 in good standing shall have the right to enjoy full benefits and rights of the Union without discrimination as follows:

- A. An absolute right to vote by secret ballot on all Union contract ratifications directly affecting him/her as an employee.
- B. An absolute right to vote in all Union elections in accordance with these Bylaws.
- C. The right to attend all regular and special meetings of their Chapter and/or organizing committee, to participate in discussions, and vote on all questions. All members shall have the right to attend and observe the Local Convention, all local committee meetings and the meetings of the Executive Board.
- D. The right to be a candidate for elective office and/or position in accordance with the provisions of the Bylaws and to serve on Union Committees.
- E. The right to utilize all services provided by the Union and to participate in all social, educational and cultural activities.
- F. The right to receive a fair and open hearing in accordance with the provisions of these Bylaws on any charge brought by him/her or against him/her.
- G. The right to receive such strike benefits as the Union shall in its judgment and based on a principle of equitable distribution of funds available, fix and determine.
- H. The right to be fairly represented by Stewards and Union officials.
- I. The right to have complaints heard by all appropriate bodies of the Union.
- J. The absolute right to elect Stewards and Chapter officers to represent him/her.

### **Section 2 – Membership Responsibilities**

- A. A member of Local 205 shall have the duty and obligation to strengthen and defend the Union and its membership. All members shall defend other members and act in solidarity to assist other workers in time of need.
- B. A member shall respect the rights of fellow Union members.
- C. A member shall comply with the decisions of the Union, made pursuant to these Bylaws.
- D. A member shall observe orderly procedure and decorum at all meetings.
- E. A member shall abide by and carry out all of the terms of Union Collective Bargaining Agreement.
- F. A member shall assist in organizing the unorganized and participate in such activities as he/she maybe called upon to perform by the Union.
- G. A member shall keep the Union advised of his/her current mailing address and phone number. Notice to the last address shall constitute notice to the members for all purposes under the Bylaws.

## **ARTICLE 6 ~ STRUCTURE ~ POWER OF THE MEMBERSHIP ~ POWER OF THE CHAPTER**

### **Section 1**

The structure of the Local Union shall consist of the general membership, an elected Local Convention, an elected Executive Board, an elected Executive Committee and the Chapters.

### **Section 2**

The Local Convention is the body of this organization authorized to take lawful action, consistent with these Bylaws, and to act in behalf of the Local Union. The Convention shall be empowered to amend these Bylaws on a two-thirds (2/3) vote.

### **Section 3**

The general membership shall elect the officers and trustees of the Local Union.

### **Section 4- Executive Board**

The affairs of the Local Union shall be conducted through the authority vested in the Executive Board, subject to approval of the Local Convention. The

Executive Board shall ensure that the policies and directives of the Convention are followed.

**Section 5- Executive Committee**

The Executive Committee shall meet monthly and transact local wide business as described in Article 9.

**Section 6**

The Executive Board shall report on all matters which in its judgment require consideration by the Local Union or which may have been committed to the Executive Board by the membership in addition. The actions of the Executive Board shall be made available upon request at the Local Union 205 Main Office.

**Section 7**

The Local Union shall be divided into Chapters by employer. The members employed in any one bargaining unit shall comprise a separate Chapter. The sole exception to this shall be that where the interest of the members would be better served by the creation of a Chapter comprising more than one or only part of a bargaining unit, with the consent of the members involved the Executive Board shall be empowered to create multiple unit and partial unit Chapters.

**Section 8**

Chapters are responsible for representation and organizing at their worksites, in concert with the staff organizers of the Union. They are responsible to carry out the policies of the Convention and the Executive Board. Members affected shall have the authority to ratify or reject the negotiated contract or agreements with their employer(s), to strike, to elect delegates to the Local 205 Convention and members to the Executive Board, to elect their Chapter officers and negotiating committee, and to meet and transact appropriate business within their jurisdiction, all in accordance with the appropriate procedures as set down in these Bylaws.

**ARTICLE 7 – EXECUTIVE BOARD**

**Section 1 – Composition**

The Executive Board is the governing body of the Local Union, elected every three years, and shall consist of the elected officers and trustees of the Local Union and the elected Chapter delegate. Each Chapter shall be entitled to one (1) delegate on the Executive Board.

Additional Chapter representation on the Executive Board shall be on the basis of 1 alternate for each chapter in the absence of the elected delegate.

**Section 2 – Meetings**

The Executive Board shall meet on a quarterly basis at the scheduled time and place known to the membership. The meetings for the next year, convention and state election dates shall be set by the Executive Board. Special meetings of the Executive Board may be called by the President, the Executive Committee or upon written request of five members of the board. Written notification with an indication of the reason for the meeting shall be given seven days in advance. Minutes of regular and special meetings shall be recorded and presented in writing at the next regular Executive Board meeting. Members of the Executive Board shall excuse themselves from voting on items or issues upon which they have a conflict of interest.

**Section 3 – Authority**

The Executive Board shall have all authority granted to it by these Bylaws, including, but not limited to, the following:

- A. Authorization of an annual budget.
- B. The establishment of plans, policies, and procedures that is required for the direction and operation of the Union and the effective implementation of the decisions of the Convention.
- C. Approval of all contracts for services rendered such as rent, legal services, auditing, payroll and staff contracts.
- D. Authorizing utilization of the solidarity and Defense Fund.
- E. The recommendation of the rate of dues to the membership and the setting of organizing committee and retired dues
- F. To establish policy for the legislative and political activities of the Union.
- G. To establish such standing committees as are necessary and consistent with the achievement of the purposes of the Local Union, ie, personnel and benevolent.
- H. The Executive Board shall elect the chairs of all committees. Members shall be appointed jointly by the President and the chairs, with the advice of the Executive Board.
- I. In the event of a vacancy in the office of the President, the Executive Board shall appoint a qualified individual(s) to provide day to day direction to the operations of the Local union and its staff.

**Section 4 – Quorum and Agenda**

A majority (fifty percent plus one) of the filled seats on the Executive Board shall constitute a quorum.

The President shall cause an agenda to be prepared for each meeting of the Executive board before that meeting and, whenever possible, a copy of the agenda shall be mailed together with the notice of the meeting to all Board members. The Executive Board may add to or restructure that agenda by a majority vote.

**Section 5 – Attendance and Vacancies**

All elected officers and delegates shall make every effort to attend all Board meetings. Any member of the Executive Board who cannot appear at Board meetings shall notify the President that they shall be absent and state a bona fide reason for such absence. The President may excuse the member subject to the approval of the Executive Board. In the event any member of the Executive board fails to attend two consecutive meetings, without excuse, the President may declare that member's seat vacant. The absence from two consecutive meetings without an excuse may subject the member to be removed from office.

**Section 6 – Member Rights**

Members shall have the right to address the Executive Board on unresolved problems or issues of concern in accordance with reasonable procedures established by the Board.

**Section 7- Membership Complaints and Hearings**

The Executive board shall act as a hearing board for any complaints of individual members who wish to contest actions of members, officers, Chapter delegates, or employees of this Union, including Chapter election protests and appeals of members' regarding decisions of their Stewards Councils, President and/or his/her staff on grievances or representation matters. Between Executive Board meetings, the Executive Committee shall act as the hearing panel for the Board.

In the event that the individual members are not satisfied with the ruling of the Executive Board or its delegated committee as to complaints brought against officers, the members shall act according to the provisions of Section 8 below.

**Section 8 – Appeal of Executive Board Decisions**

Members not satisfied with a ruling of the Executive Board or its designated committee, including Chapter election protests, may petition the International President within fifteen (15) days after the act complained of, or may petition the International Executive board within fifteen (15) days after the action of the International President thereon, to review the action of the Executive Board or its designated committee, pursuant to provision of the

International Constitution and Bylaws or may petition the Local Convention within fifteen (15) days of said action.

**ARTICLE 8 –OFFICERS**

**Section 1**

- A. The Officers of this Local shall be a President, Executive Vice President, Vice President for Organizing, Secretary-Treasurer and Recording Secretary. Each of these Officers shall be a member of the Executive Board and their term of office shall be three years. Only general members as defined by these Bylaws shall be eligible to run for office. The President shall be the only paid officer.
- B. No officer shall hold two offices or a permanent staff position and an office simultaneously.

**Section 2 – Duties of the President**

The President shall be the presiding officer of the Local Union and shall preside over all Executive Committee, Executive Board and Convention meetings. The President shall be one of the persons authorized to sign contracts and agreements. The President and elected co-chairs shall appoint the membership of committees with advice from the Executive Board. He/She shall give a full report of his/her activities at each regular Executive Committee, Executive Board and Convention meeting. He/She shall sign contracts on behalf of the Union. He/She shall be an ex-officio member of all committees.

The President shall act as the Union's chief administrative and principal officer. The President shall direct all organizing, political action, representation, and negotiations of the Union subject to the policies authorized by the membership, Convention, Executive Board and Executive Committee. He/She shall serve as staff director and chief negotiator unless he/she delegates that authority to others. The President shall represent the Union before all boards, commissions, departments, employers, and Union organizations, and such other official bodies as may be designated by the Board. He/She shall receive all complaints and grievances and seek solution of same. He/She shall report his/her activities to the Executive Board, Convention, and membership at regular meetings and at special meetings when asked to do so. The President shall sign contracts and collective bargaining agreements on behalf of the Union. The President shall make recommendations to the Board for strategic planning and policies for the increased strength and effective administration of the Union.

With the aid of his/her staff, it shall be the duty of the President to maintain an accurate record of the members of the Union, showing their classification, address, and phone number, regular, associate, or retired members and Agency, Service, and Charity Fee payers and the names of Chapters and bargaining units in which the members are employed; all initiations; expulsions, suspensions, and rejections.

The President shall send to the International Secretary Treasurer of the International Union copies of all annual financial reports and LM-2 reports, the correct names, addresses, and social security numbers of all members initiated, readmitted, and suspended for non-transfer or withdrawal cards. The proper zip codes including e-mail address and phone number, if available, shall be included for each address. He/She shall notify the International Union in writing when any collective bargaining agreements or memorandums of understanding have been concluded and the number of employees covered, and send copies of Collective Bargaining Agreements and contracts entered into by the Local Union to the Research Department of the International Union. The membership list shall be provided to the State Council with which it is affiliated.

While operating within an approved budget, the President has the authority to arrange his/her staff, including hiring and firing, in whatever manner deemed efficient for the administration of the Local Union, after consultation with the personnel committee. All staff including lost and release time staff or officers shall serve under direction and appointment of the President.

All salaries and expense allowance to be paid the President shall be determined by the Executive Board. The Executive Board shall be empowered to draw up, approve, and co-sign a contract of employment with the President governing his/her salary and benefits for a period not to exceed his/her term of office.

### **Section 3 – Duties of the Executive Vice President**

The Executive Vice President shall perform as presiding officer in the absence of the President and shall assist the President in the operation of all the affairs of the Local Union. He/She shall carry out duties assigned by the President and assist in implementing the Union's leadership training program.

### **Section 4 – Duties of the Vice President for Organizing**

The Vice President for Organizing shall serve as Chair of the statewide volunteer committee. He/She shall help recruit and train the committee, work with organizers to coordinate contacts and membership for organizing and other related duties as assigned by the Executive Board or Executive Committee.

### **Section 5 – Duties of the Recording Secretary**

The Recording Secretary shall keep a correct and accurate record of proceedings of all Executive Committee, regular and special Executive Board and General Convention Meetings of the Local Union. The Recording Secretary shall furnish the chairperson of each committee a copy of such resolutions as may be adopted by the Local Union, applicable to its respective duties. The Recording Secretary shall notify the International Union of the newly elected officers within fifteen (15) days of their taking office.

### **Section 6 – Duties of the Secretary/Treasurer.**

The Secretary-Treasurer shall be responsible for all financial affairs of this Local Union. He/She shall counter-sign all checks, whenever possible along with any officer other than the President, He/She shall submit, at least monthly, appropriate financial statements to the Executive Committee and trustees, at least quarterly submit appropriate financial statements of expenditures and income to the Executive Board and general membership. His/Her report shall be subject to verification by the Trustees of this Local Union and supportive data must be supplied if requested.

He/She shall receive all dues or other monies due and payable to the Union, giving his/her receipts as required, and thereafter he/she shall deposit all such monies or direct the staff to do the same. The Secretary-Treasurer shall maintain records which show the receipts and disbursements pertaining to each fund of the Union and said receipts shall be open for inspection and verification at any time as authorized by the Executive Board. The Secretary-Treasurer is responsible for producing monthly reports of all spending under the itemized category. He/She may designate the President or through him/her the appropriate staff to assist in these duties. He or she will assist the President in the preparation of an annual budget for submission to the Executive Committee and Executive Board

## **ARTICLE 9 – EXECUTIVE COMMITTEE**

### **Section 1-Membership**

The Executive Committee shall be composed of the statewide officers of the local and the three trustees. The President shall be the presiding officer of this body.

### **Section 2-Authority**

The Executive committee shall meet monthly at a time and place known to the membership. The Executive Committee shall act as the regular conduit for decisions relating to standing union business. In between Executive Board meetings this committee shall exercise the following powers:

- A. Supervising the handling of all funds within the approved budget.
- B. Determining when a group of members is considered a functioning Chapter for the purposes of representation on the Board. The Committee shall approve all Chapter Bylaws.
- C. The establishment of plans, policies, and procedures which are required for the direction and operation of the Union and the effective implementation of the decisions of the Convention and Executive Board.
- D. Authorizing utilization of the Solidarity and Defense Fund, as well as, emergency cash reserve as set by the Executive Board.
- E. Act as hearing committee of the Local.

### **Section 3- Meetings**

Special meetings of the Executive Committee may be called by the President or upon written request of five members of the board. Written notification with an indication of the reason for the meeting shall be given seven days in advance, except in the case of emergency. Minutes of regular and special meetings shall be recorded and presented in writing at the next regular Executive Committee and Executive Board meetings. Executive Committee meetings shall be open to all members, except for the personnel matters referred to Executive Session. Members of the Executive Committee shall excuse themselves from voting on items or issues upon which they have a conflict of interest.

### **Section 4– Quorum and Agenda**

A majority (fifty percent plus one) of the filled seats on the Executive Committee shall constitute a quorum. The President shall cause an agenda to be prepared for each meeting of the Executive Committee before that meeting and, whenever possible, a copy of the agenda shall be mailed

together with the notice of the meeting to all Board members. The Executive Committee may add to or restructure that agenda by a majority vote.

## **ARTICLE 10 – TRUSTEES**

### **Section 1 – Duties of the Trustees**

There shall be three (3) Trustees whose primary function is to act as guardians of the welfare of the Local Union. They shall see that the officers fulfill their duties and obligations, that the Local Union's Bylaws are followed, and that parliamentary procedure is followed. The Trustees shall annually engage the services of a Certified Public Accountant. They shall make reports to the Executive Board and Local Convention. The Trustees shall also make recommendations to the officers, Executive Committee, Executive Board, General membership and the Local Convention regarding the financial health of the Local. Auditors' findings and recommendations shall be published in a state-wide newsletter.

Trustees shall be provided training at the beginning of their term and shall meet at least monthly with the Secretary-Treasurer and President. In the former capacity they shall also serve as the finance committee of the Local union. Their report of findings shall be presented to the Executive Committee, Executive Board and Convention.

### **Section 2 – Term of Office**

Trustees shall serve three (3) year terms and be elected in accordance with these Bylaws and at the same time as the statewide officers.

## **ARTICLE 11 – CHAPTERS**

### **Section 1**

Chapters are the primary focus of activity, representation and action in this Local union. The jurisdiction, composition and authority of Chapters shall be defined in Articles 5, 6, 7 and 17 of the bylaws.

### **Section 2**

The President shall appoint or supervise the election of a temporary steering committee to act on behalf of any group of members proceeding to the acceptance into the Local Union of such group as a permanent Chapter.

### **Section 3**

New Chapters shall be formed and given titles by the Executive Board with the approval and

recommendation of the President. Their Bylaws must be approved by the Executive Board.

**Section 4**

To be a functioning unit eligible for representation on the Executive Board, a Chapter must adopt Bylaws and elect officers, which shall include at least a Chief Steward and Stewards Council, and must hold monthly membership meetings at times which do not conflict with the Local Union's Executive Board meetings or Convention.

Each Chapter shall keep a copy of the minutes of each Chapter Meeting. Minutes of the Chapter must be opened upon request of the Executive Board or membership.

**Section 5**

Chapters are responsible to represent their members, enforce their Collective Bargaining Agreement, and organize their members for day-to-day struggles. All officers, delegates, and bargaining committee members shall be elected by the Chapters in a secret ballot. The Chapter shall have the authority to meet and transact appropriate business within their jurisdiction.

**Section 6**

No Chapter or bargaining unit herein shall call a strike without a majority vote of those voting by a secret ballot of the membership of that Chapter or bargaining unit.

**Section 7**

All Chapters must maintain an active steward structure, and steward's council that must meet monthly.

**Section 8**

Membership in a Chapter shall be defined as limited to working members of a bargaining unit, or units of a Chapter membership shall be limited to working members of the appropriate bargaining unit.

**ARTICLE 12 – ELECTIONS**

**Section 1 – Terms**

The officers and trustees of this Local Union shall be elected every three years during the month of November. Their term of office shall commence on January 1 the next year.

**Section 2 – Nominations**

Nominations for all Local Union officers and trustees shall be made at the Convention of the Union held triennially at least twenty-one (21) days prior to the

election. Nominations shall be from the floor at the nomination meeting. Notice of the nominations and elections shall be given to members in documents published for the Convention and by notices posted on all Union bulletin boards in all bargaining units represented by the Union at least thirty (30) days before the Convention.

**Section 3 – Eligibility**

A person shall be eligible to be nominated and to serve as an elected Local Union officer who has been a member in good standing in the Local Union for at least two (2) years immediately preceding the nomination and who has during all of that time paid the full dues required for the working members of the Local Union within each month when due. However, if any candidate's Chapter has not been in existence the time herein required, a candidate for office must have been a member in continuous good standing for the entire time since affiliation of the Chapter. No member may be a candidate for more than one local wide office at a time. The Local Union Convention may waive the forgoing requirements.

**Section 4 – Election Committee**

An Election Committee of at least five (5) members shall be appointed by the President prior to the Convention of the appropriate election year. The Committee shall select one of their members as chair. The duties of the Election Committee shall be:

- A. Conduct the affairs of the election;
- B. Validate the qualifications of the nominees;
- C. Act as the initial judge in all matters concerning the election procedures;
- D. Be responsible to tabulate the results of the elections;
- E. Certify the results of the election.

No member of the Election Committee may be a candidate for office, or a member of the Executive Board. Members not satisfied with a ruling of the Election Committee may petition the International President within fifteen (15) days after the act complained of, or may petition the International Executive Board within fifteen (15) days after the action of the International President thereon, to review the actions of the Election Committee, pursuant to the provisions of the International Constitution and Bylaws.

**Section 5 – Information**

Within one (1) week of the close of nominations the President with the approval of the election committee will cause a newsletter to be printed and distributed to all members who shall include notice of all balloting times and places and statements by all

candidates for statewide office. Notice of election and candidates shall be posted on Union bulletin boards in all worksites.

**Section 6 – Election Process**

Balloting shall take place by paper ballot at the worksite or customary meeting place of the Chapter. There shall be no write-in candidates or proxy voting of any kind. The election committee may designate individuals to assist in the conduct of the election under their authority. Ballots from each unit shall be sealed until all balloting is completed. Each candidate may send an observer to the count. The candidates receiving the plurality of votes for an office shall be elected. Should there be only one candidate for an office, then the Election Committee shall cast one ballot for the candidate and said candidate shall be duly elected. The Committee shall publish the results of the election promptly. Absentee voting will be permitted for members who will be out of state on their appropriate election date. Members must apply to the chair of the Election Committee for a ballot.

**Section 7 – Fairness**

The Local Union shall not discriminate against any candidate. Candidates shall be supplied with lists of eligible voters at their request. Any information made available to one candidate will be made available to other candidates upon request.

**Section 8 – Vacancies**

Vacated offices shall be filled by appointment of the Executive Board. Nomination and election shall take place at the next meeting of the Executive Board. Vacancies of Executive Board Chapter delegates shall be filled by Chapter elections. In the event of a vacancy in the office of President a special meeting of the Executive Board shall be called immediately, or within thirty (30) days to conduct an election.

**Section 9 – Law**

No member shall be eligible for office in this Local Union if he/she has been convicted of a felony as defined by Article 504 of the Landrum Griffin Act.

**Section 10 – Finances**

No candidate (including a prospective candidate) for any office or delegate in this Local or affiliated body or supporters of a candidate may solicit or accept financial support or any kind from any non-member of the International Union.

**Section 11 – Elections to the International Convention and Intermediate Bodies**

The Executive Board shall budget to send at least one delegate to the quadrennial International Convention, intermediate body convention or conference and to Executive Board of the Tennessee State Council of SEIU. If possible, a full delegation shall be sent by the local.

The officers and trustees shall in order of precedence serve as delegates to these bodies. The President shall serve as head delegate or designate another delegate to act in that capacity.

Additional delegate positions set by the Executive Board shall be elected in the same process as officers elections and be concurrent with those elections.

**Section 12**

A person shall be eligible for nomination and serve as an elected Chapter Officer who has been a member in good standing in the Local Union for at least six months immediately preceding the nomination and who has during all that time paid the full dues required for working members of the Local Union within each month when due. However, any person nominated for a Chapter position which holds an automatic seat on the Local Union Executive Board, and any member nominated for a Chapter position which holds an automatic seat on the Local Union Executive Board, and any member nominated for Board Member to the Local Union Executive Board must be a member in continuous good standing in the Local Union for at least two years immediately preceding the nomination. However, if the Chapter has not been in existence the time herein required a candidate for office must have been a member in continuous good standing for the entire period of time since the Chapter was affiliated with the Local Union.

**ARTICLE 13 – HEARING AND APPEALS BOARD**

**PREAMBLE**

*In order to ensure members’ protection from the filing of frivolous charges, the following procedures shall apply:*

**Section 1**

Local 205 will provide a democratic and orderly procedure for its members in order to hear and determine grievances, complaints, and/or charges and appeals brought by or against a member, organizer, representative or officer. Attorneys shall not

participate in these proceedings unless they are the charged or charging member.

The grounds for filing such complaints:

- A. Failure to enforce the collective bargaining agreement;
- B. Corrupt or unethical practices;
- C. Incompetence of steward, organizer, representative, or officer.
- D. Scabbing or strike breaking;
- E. Violation of Local policies, Local Bylaws and/or International Union Constitution.

### **Section 2 – Hearing and Appeal Board Procedures**

- A. The Executive Committee shall be the Trial Board.
- B. If a member of the Executive Committee is charged or is a charging party, the Executive Committee shall temporarily appoint an impartial member to substitute.
- C. All charges shall be filed in writing in duplicate with the Recording Secretary.
- D. A written copy of such charges specifying the nature of the offense shall be served on the accused when possible and by certified mail directly to the last known address of the accused within ten (10) days of receipt of the charges by the Recording Secretary. The charges must specify the events or acts which the charging party believes constitute a basis for charges and must state which subsection(s) of Section 1 of this Article or Section 1 of Article XVII of the International Constitution, the charging party believes has been violated. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section. No charges may be filed more than six months after the charging party learned, of the act or acts, which are the basis of the charges.
- E. A hearing shall be held on all complaints within thirty (30) days of the receipt of the complaint by the Recording Secretary.
- F. The Recording Secretary shall notify the Executive Board within forty-eight (48) hours of complaint.
- G. The Accused, within ten (10) days from the date of notification, may file a written answer to such charges, with the Recording Secretary and has the right to one (1) continuance, without cause of the trial date, not to exceed thirty (30) days. The Recording Secretary shall forward such answer to the Trial Board-Executive Committee.
- H. The Accused shall have the right to be present at the time of this trial and be represented by a

fellow member to confront his/her accusers, to cross examine witnesses, to supply supportive material, and to compel the production of Union records pertinent to the case.

- I. The Accused shall be presumed innocent until proven guilty and may not be compelled to testify against him/herself.
- J. The Accused shall have the choice of an open or closed hearing.
- K. The Executive Committee decision is final except as provided in Sections 4 and 5 below.

### **Section 3**

The trial body, after requisite due process has been afforded, may impose such penalty as it deems appropriate and as the case requires.

### **Section 4**

Either the Accused or the Accuser shall have the right to appeal, in writing and in duplicate, the decisions of the Executive Board to the Membership of the Local within fifteen (15) days. In accordance with the provisions of Article 17, Section 6, of the International Constitution and Bylaws, members may then appeal to the International President.

### **Section 5**

Anyone appealing a decision of the Executive Board shall be permitted to present his/her case to the Local Convention and shall thereafter be temporarily excused from the meeting during the discussion and voting following his/her presentation. A two-thirds (2/3) vote of the convention delegates present shall be required in order to overrule the decision of the Executive Board. The members of the Executive Board shall have a voice but no vote in connection with appeals.

### **Section 6**

The SEIU Member Bill of Rights and Responsibilities in the Union shall be enforced exclusively through the procedures provided in this Article and any decision rendered pursuant to the procedures provided for herein including any appeals, shall be final and binding on all parties and not subject to judicial review.

## **ARTICLE 14 – RECALL**

### **Section 1**

An officer, board member, steward, or Chapter officer may be removed from office at a Recall Election to be called in the following manner:

Upon written petition of twenty percent (20%) of the affected members to the President, or if the President

is involved the Executive Vice President, a notice of a Recall Election shall forthwith be mailed to each affected member of the Union, stating the time and place of the recall vote, and must be mailed at least ten (10) days prior to the meeting or scheduled balloting (in the case of statewide officers).

### **Section 2**

The petition must be headed "Recall Petition" and must specify the person to be recalled and the charges on each page. Only the signatures of members in good standing shall be counted.

### **Section 3**

A simple majority of those voting in favor of recall shall result in recall of the officer or elected representative of the Local or Chapter. A new election will be set by the Executive Board.

## **ARTICLE 15 - STEWARDS**

### **Section 1**

With the consent of the members of a designated unit, one member is chosen to act in a position known as Steward. The Steward has no greater rights than any of the members of his/her unit. The responsibilities of Stewardship, however, do outweigh those of ordinary members.

- A. The Steward is the day-to-day organizer in their workplace. They are the first line defenders of the workers against management.
- B. In the absence of the members, the Steward represents his/her unit in all meetings of the Union.
- C. Subject to these Bylaws, the first line of contact with management is the Steward.
- D. All matters of importance to any member of his/her unit become of importance to the Steward.
- E. The health, vitality, and enthusiasm of his/her unit are the responsibility of the Steward.
- F. Stewardship requires complete subordination of all interests to those interests that represent the highest good to the members of his/her unit.
- G. Members may present complaints regarding Stewards to the Stewards Council of their Chapter. Such complaints will have to be investigated. The Steward will have made known to them all complaints presented about them prior to any action by the Stewards Council and will have an opportunity to defend themselves against such complaints and the members making the complaints.

- H. Any Steward may be replaced at any time by the simple majority vote of members in the Steward's unit. No others may replace a Steward except through procedures established for Recall or the annual election process.
- I. All Stewards shall have copies of the Local and International Bylaws and necessary working agreements and titles pertinent to their bargaining unit available for use at all times.
- J. Stewards are expected to attend Stewards council and Union training conferences.

## **ARTICLE 16 – FUNDS OF THE UNION**

### **Section 1**

The Local Union shall strive to operate on a balanced budget. Regular Union dues shall only be established or changed by a secret ballot vote of the members in each Chapter. The dues shall be at least the minimum established by the International Union's Constitution and Bylaws.

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 the Convention of the International Union, shall when proposed, 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 of the Chapter at which the membership will consider the question of whether or not such dues, initiation or reinstatement fees, general or special assessments shall be changed or levied. The notice shall indicate that such an increase is going to be voted on. Such meeting may be regular or special.
- B. At the regular or special meeting called as provided in this section, balloting 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.

### **Section 2**

The Executive Board shall be responsible for recommending a level and structure of dues to the membership that will ensure fairness among members and fund the Union's ability to fight.

### **Section 3**

Organizing Committee and Retiree dues shall be set by the Executive Board.

**Section 4**

Upon the Executive Board or Convention determining that the Union has reached an appropriate level of funding, the following shall be triggered:

A. Local 205 shall participate in the International Union's Health Care Division Strike Fund on behalf of our private sector members.

At such time as other International divisions generate such funds, appropriate measures will be taken to include members in the appropriate division funds including public sector members if and when we achieve the right to strike for public employees.

Further the Union shall maintain adequate funding to our local Solidarity and Defense funds based on a fixed portion of each month's dues. In no case shall the effort by the local union fall below \$.60 cents per member per month.

The combined effort shall be no less than 2% of dues.

B. 1% of dues after per capita taxes shall be held in accounts for each Chapter to utilize based on their membership for such activities as the Chapter sees fit.

**Section 5**

Membership dues shall be paid through payroll deduction wherever it is available. It shall be the responsibility of the individual member to notify the Union of any change in their employment status which might require an adjustment in their dues obligation. Organizing committee and retiree members without dues checkoff may pay by bank draft or by cash if they do not have a checking account.

**Section 6**

In order to remain a member in good standing, any member who is receiving income from disability or unemployment shall pay the minimum dues required for working members for the duration of the period they receive such income. Terminated members receiving income from unemployment or working are similarly required to pay minimum dues. Dues will be waived for up to six months for members who are laid off without income or terminated without benefits or work or on leave of absence without pay.

At the member's request, a "temporary withdrawal" from membership shall be granted and no dues shall be required for the duration of said leave or layoff. Any member on temporary withdrawal shall not be considered a member in good standing for the purposes of internal Union voting (including contract ratification votes), benefits, and discount programs

(including SEIU Scholarship and Death Gratuity programs), or running for a holding Chapter.

Workers who are disciplined for more than thirty (30) days, including termination, and are represented by the Union and subsequently reinstated with back pay, shall be required to pay appropriate back dues or fees.

**Section 7**

Upon proper application and payment of such fee as may be determined by the Executive Board, a member may be granted an honorary withdrawal, which will allow reaffiliation without penalty.

**Section 8**

All monies collected, except as specifically designated, shall be placed in a general fund to be used for the payment of all charges against the Union legally authorized by the Executive Board or the membership.

**Section 9**

The funds of the Union shall be raised by dues, and by such other means as the Union may from time to time determine.

**Section 10**

The funds and property of the Union cannot be divided in any manner among the members individually, but shall remain the funds and property of the Union for its legitimate purposes.

**Section 11**

The Local Union shall pay per capita tax, and other obligations to the International Union for any person from whom the Local Union receives revenue, whether called dues or otherwise. The Local Union shall have no right to pay any bills before it pays its full obligation to the International Union each month.

**Section 12**

This Local Union shall pay to the SEIU Affiliates Officers and Pension fund an amount determined by the International Union of the gross monthly compensation of each paid officer and employees.

**Section 13**

The budget of this Local Union shall be developed by the President, and Secretary-Treasurer. It must be approved by the Executive Board. It may be amended by the Convention.

**Section 14**

All records of financial transactions shall be kept for no less than six (6) years or longer if required by applicable law.

**Section 15**

All officers shall deliver to their respective successors, at the conclusion of their term of office, all property in their possession belonging to this Local. All funds and property of the Local shall be deemed held in trust for the benefit of the members, to be used in accordance with the directions of the membership and the Executive Board.

**Section 16**

The title of all property, funds and other assets of this Local Union shall at all times be vested in the Local Executive Board for joint use of the membership of this Local Union; but no member shall have any severable proprietary right, title or interest therein, except that all affiliating Chapters shall retain all properties, real or otherwise, as provided for in their affiliation agreements.

Membership in this organization shall not vest any member with any right, title or interest in or to the funds, property or other assets of this Local Union now owned or possessed or that may hereafter be acquired, and each member hereby expressly waives any right, title, or interest in or to the property of this Local Union.

**Section 17**

All officers and employees handling monies of this Local Union shall be bonded by a licensed surety company for such amount as the Executive Board may deem sufficient to fully protect the Local Union in accordance with the requirements of applicable statutes. The cost of the bond is to be paid by the Local Union.

**Section 18**

A financial statement of the Union shall be made available, including the salaries of the Union staff for inspection by members.

**Section 19 – Union Property**

Any member, officer or staff person using Union property or taking that property off the Union's premises shall return such property in good condition to the Union and be held responsible for any loss or damage due to carelessness.

**Section 20 – Lost Time**

Trustees shall evaluate and report on the use and payment of lost time wages in their report to the Executive Board and Convention.

**ARTICLE 17 ~ COLLECTIVE  
BARGAINING AND REPRESENTATION  
RIGHTS**

**Section 1**

All Chapters are charged with electing a Bargaining Committee by secret ballot before the expiration of the contract. All Chapter members shall have fifteen (15) days notice of the election.

**Section 2**

All Chapters shall vote on bargaining priorities before negotiations.

**Section 3**

The Chief Steward and Bargaining Committee for a Chapter shall recruit a Contract Action Team with a goal of one (1) member for every fifteen (15) members, at least six (6) months before the contract expiration date.

**Section 4**

The President or his/her designee shall serve as Chief Negotiator.

**Section 5**

Ratification of a Collective Bargaining Agreement shall be by secret ballot of the affected members. Modification or additions to a Collective Bargaining Agreement shall be voted on by a secret ballot vote of the affected members.

**ARTICLE 18 ~ CONVENTION**

**Section 1 – Nature and Jurisdiction**

The Local Convention shall be the highest body of the Union and shall be held each 18-months at a time and place selected by the Executive Board.

**Section 2**

Delegates shall be elected on a Chapter basis with one (1) delegate for every twenty (20) members and one (1) alternate for every forty (40) members or fraction thereof. Delegate candidates must have two members in good standing submit a nomination on their behalf.

**Section 3**

The Executive Board shall issue the call to the Convention three months before to all members by

mail and state issues it wishes to place before the Convention so as to provide for discussion by the membership.

**Section 4**

Delegate nominations shall be held two months before at Chapter meetings.

**Section 5**

Delegates shall be elected at meetings of the Chapter one month before the Convention and the names of candidates shall be published to the membership.

**Section 6**

Any delegate or Chapter may place before the Convention any resolution or amendment.

**Section 7**

The Convention shall be presided over by the President and he/she shall administer the Convention with the use of Roberts Rules of Order.

**Section 8**

The Convention shall be open to all members to attend.

**ARTICLE 19 ~ UNION STAFF**

**Section 1 – Responsibilities**

Union staff members have the privilege of working for the membership and shall uphold the highest standards of solidarity.

**Section 2 – Chain of Command**

All staff, full time, lost time and release time, shall work under the direction of the President. (No staff member shall be paid more than the highest paid member.)

**Section 3– Union Membership**

All staff is eligible to be regular members of the Union. All staff is encouraged to be members of the Union. Staff members are regular general members of the union. Staff may not be members of chapters or hold office or be elected to a seat on the Executive Board.

**ARTICLE 20 ~ AMENDMENTS**

**Section 1**

Proposed amendment(s) of the Bylaws may be originated by a two-thirds (2/3) vote of the Executive Board, or by a petition from the majority of a Chapter.

**Section 2**

The President shall see that all delegates are notified of such proposal(s) before the Convention.

**Section 3**

The proposed amendment or amendments shall be adopted or rejected by a two-thirds (2/3) vote of the Convention.

**Section 4**

All amendments shall be subject to ratification in accordance with the provisions of the International Constitution and Bylaws of the Service Employees International Union. No amendment shall be valid or become effective until approved by the International Union.

**ARTICLE 21 ~ STRIKES AND LOCKOUTS**

This Local Union shall not strike without the previous notification to the International President, or, prior notice is not practicable, without notification as soon as possible after the commencement of the strike, in which notice this Local Union or affiliated body has stated that it has complied with all applicable notice requirements. If the Local Union or the International President may withhold sanction from a strike called by the Local Union or affiliated body.

**ARTICLE 22 ~ AFFILIATIONS**

This local Union shall affiliate with the Central Labor bodies, and the State Federation of Labor, where they exist, and with the appropriate Service Employees Joint or Service Council, as determined by the International Union.

**ARTICLE 23 ~ COMMITTEES**

**Section 1**

The Executive Board and Executive Committee may establish such standing committees as are necessary and consistent with the purpose of the local union.

**Section 2**

All committees will be monitored by the President to assure that committee duties are carried out.

**Section 3 See (Article 7 Section 3 Authority)**

The Executive Board shall elect the chairs of all committees. Members shall be appointed jointly by the President and the chairs, with the advice of the Executive Board.

## **ARTICLE 24 ~ DISSOLUTION**

This Local Union cannot dissolve, secede, or disaffiliate while there are seven (7) dissenting members. 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.

### **APPENDIX A: SEIU MEMBER BILL OF RIGHTS AND RESPONSIBILITIES ON THE JOB**

- The right to have work that is worthwhile to society, personally satisfying to the worker, and which provides a decent standard of living, a healthy and safe workplace, and the maximum possible employment security.
- The right to have a meaningful and protected voice in the design and execution of one's work and in the long-term planning by one's employer as well as the training necessary to take part in such planning.
- The right to fair and equitable treatment on the job.
- The right to share fairly in the gains of the employer.
- The right to participate fully in the work of the union on the scope, content and structure of one's job.
- The responsibility to participate in the union's efforts to establish and uphold collective principles and values for effective workplace participation.
- The responsibility to recognize and respect the interests of all union members when making decisions about union goals.
- The responsibility to be informed about the industry in which one works and about the forces that will affect the condition of workers in the industry.
- The responsibility to participate fully in the union's efforts to expand the voice of workers on the job.

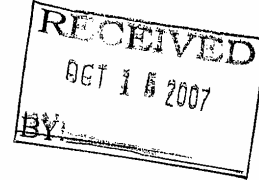
- The responsibility to fully and fairly of one's talents and efforts on the job and to recognize the legitimate goals of one's employers.

### **SEIU MEMBER BILL OF RIGHTS AND RESPONSIBILITIES IN THE UNION**

- The right to have opinions heard and respected, to be informed of union activity, to be educated in union values and union skills.
- The right to choose the leaders of the union in a fair and democratic manner.
- The right to a full accounting of union dues and the proper stewardship over union resources.
- The right to participate in union's bargaining efforts and to approve union contracts.
- The right to have members' concerns resolved in a fair and expeditious manner.
- The responsibility to help build a strong and more effective labor movement, to support the organizing of unorganized workers, to help build a political voice for working people, and to stand up for one's co-workers and all workers.
- The responsibility to be informed about the internal governance of the union and to participate in the conduct of the union's affairs.
- The responsibility to contribute to the support of the union.
- The responsibility to treat all workers and members fairly.
- The responsibility to offer constructive criticism of the union.



October 5, 2007



Doug Collier, President  
SEIU Local 205T  
521 Gallatin  
Nashville, TN 37206

Dear Brother Collier:

The office of the International President has carefully reviewed the amendments to the Constitution and Bylaws of SEIU Local 205T as submitted and I am authorized to advise you that they are approved, conditioned on the following change being made to Article 4, Section 2:

In accordance with Article III, Section 4 of the SEIU Constitution and Bylaws, the beginning of this section should be amended to read as follows:

“There shall be no discrimination against any member by reason of race, creed, color, religion, sex, gender expression, sexual orientation, national origin, citizenship status, marital status, ancestry, age or disability, ...”

After the foregoing amendment has been made, the Constitution and Bylaws of your Local Union should be resubmitted to the office of the International President for final and formal approval.

In unity,

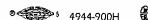
Anna Burger  
International Secretary-Treasurer

cc: Ed Burke, Special Assistant to International Executive Vice President  
for the South/Southwest

ANDREW L. STERN  
International President  
  
ANNA BURGER  
International Secretary-Treasurer  
  
MARY KAY HENRY  
Executive Vice President  
  
GERRY HUDSON  
Executive Vice President  
  
ELISEO MEDINA  
Executive Vice President  
  
TOM WOODRUFF  
Executive Vice President

SERVICE EMPLOYEES  
INTERNATIONAL UNION  
CTW, CLC  
  
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Washington DC 20036

202.730.7000  
TDD: 202.730.7481  
www.SEIU.org





**MEMO**

TO: Steve Ury  
FROM: Doug Collier  
DATE: October 9, 2007  
SUBJ.: Constitution and Bylaws

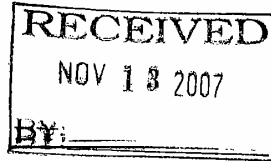
As requested by International Secretary-Treasurer Anna Burger, we are amending Article 4, Section 2 of our Constitution and Bylaws by inserting the recommended language from the International Constitution and Bylaws Article III, Section 4.

We are resubmitting the attached final document for approval.

521 Gallatin Ave.  
Nashville, TN 37206  
Phone: 615.227.5070  
Toll Free: 800.447.1330  
Fax: 615.227.7674

SERVICE EMPLOYEES  
INTERNATIONAL UNION





November 1, 2007

Doug Collier, President  
SEIU Local 205T  
521 Gallatin  
Nashville, TN 37206

Dear Brother Collier:

The office of the International President has carefully reviewed the Constitution and Bylaws of your local union as resubmitted.

I am authorized by the International President to advise you that the revised Constitution and Bylaws are approved.

When printed copies of your Constitution and Bylaws are available, please furnish the International Union with two copies for its files. Also, printed copies must be made available to the membership of your Local Union pursuant to Article XV, Section 4 of the International Constitution.

In unity,

Anna Burger  
International Secretary-Treasurer

cc: Ed Burke, Special Assistant to International Executive Vice President for the South/Southwest

- ANDREW L. STERN  
International President
- ANNA BURGER  
International Secretary-Treasurer
- MARY KAY HENRY  
Executive Vice President
- GERRY HUDSON  
Executive Vice President
- ELISEO MEDINA  
Executive Vice President
- TOM WOODRUFF  
Executive Vice President

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