Amendment to Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 25, Appendix A, B

**ARTICLE II: AFFILIATIONS**

Section 1. This organization shall be affiliated with the Communications Workers of America per the affiliation agreement signed April 18, 1993.

Section 2. This organization shall be affiliated with the California Federation of Labor, AFL-CIO.

~~Section 3. Campus locals affiliated with UPTE CWA Local 9119 are encouraged to affiliate with their county bodies of the California Federation of Labor.~~

**ARTICLE III: OBJECTIVES**

The objectives of this organization are:

a. to organize and unite employees in the University of California system, for whom UPTE is the exclusive representative and who are non-exclusively represented, in order to secure better wages and working conditions; to obtain participation in making decisions affecting our working lives; and for our mutual welfare, protection and advancement;

b. to better the welfare of the membership and provide members in the University of California system a voice in the determination of their terms and conditions of employment through the exercise of employee rights under HEERA and through legislative and political action;

c. to foster cooperation among ~~affiliated campus locals and other~~ University of California labor unions;

d. to provide research, educational and organizational services and activities designed to assist members and affiliates and to encourage non members to exercise their right of membership; and

e. to work with other labor organizations, other segments of our society, and people everywhere to improve conditions for working men and women in

particular and society in general;

f. to promote activities and policies which recognize and support University employees' talents, experience, and diversity to provide an exceptional

educational and research facility.

g. The specific and primary purpose of the organization is to operate a labor organization within the meaning of Section 23701A of the California Revenue and Tax Code. The organization does not contemplate pecuniary gain or profit to its members and is organized for nonprofit purposes.

h. Not withstanding any of the above statements of purpose and powers, this organization shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific

purposes of the organization.

**ARTICLE IV: MEMBERSHIP AND DUES**

Section 1. The jurisdiction of UPTE CWA 9119 shall be the University of California, including its campuses, hospitals, laboratories, and contingent faculty of Mt. San Jacinto College, Butte College, and College of Sequoias*,* and any privatized portion of the University of California, including those for whom UPTE CWA 9119 is the exclusive bargaining representative and all non-exclusively represented employees outside of the University of California’s executive compensation program. All such employees are eligible for membership in ~~a campus local union duly chartered by and regularly affiliated with~~ UPTE CWA 9119. Contingent faculty of Mt. San Jacinto College, Butte College, and College of Sequoias who have taught within the last rolling year are eligible for membership

Section 2. All employees in UPTE CWA 9119's jurisdiction, and all members who leave their place of employment to work for UPTE CWA 9119 or CWA, are eligible for membership in ~~a campus local union duly chartered by and regularly affiliated with~~ UPTE CWA 9119. Anyone who has left University *or* community college employment as a member in good standing to work for UPTE CWA 9119 or CWA, and leaves UPTE CWA 9119 or CWA employment shall not be eligible for membership. Members who have left UC or community college employment and work for CWA shall not be eligible to run for or hold elected office.

Section 3. This organization shall not discriminate against any person because of race; color; religion; political affiliation; marital status; national origin; ancestry; sex; sexual orientation; gender; physical or mental handicap; medical condition; status as a Vietnam-era veteran, disabled veteran, or veteran; age; or citizenship.

Section 4. The monthly membership dues ~~of all locals affiliated with this organization~~ shall be:

a. For members without a contract: 1.15% of gross monthly salary to a maximum of $22 per month. Members without a contract who are affiliated with the Lawrence Livermore National Laboratory local may elect to adopt a different dues rate but it shall not be less than the dues for other UPTE members without a contract.

b. For members with a contract: 1.30% of gross monthly salary with the following maximums:

i. The maximum as of January 14, 2018 shall be $75 for the RX/TX units, $80 for HX unit, $65 for Lawrence Berkeley National Laboratory, or $60 in the case of the Lawrence Livermore Skilled Trades.

ii. The maximum shall increase by $10 on the first full pay period of the following month if represented employees received at least a 2% pay increase until the 1.3% of gross monthly salary is reached. The increase provision of Lawrence Berkeley National Laboratory shall be in effect on January 1, 2019. The

increase for Lawrence Livermore Skilled Trades shall remain at $5 until the January 1 following the conclusion of Skilled Trades contract bargaining that is scheduled to begin July 1, 2019.

Section 5. UPTE CWA 9119 shall remit to CWA International all per capita payments due and owing each month. ~~Of the remaining dues income, 50% shall be rebated to campus locals on a per capita basis, and 50% shall be retained by UPTE CWA 9119 for systemwide operating expenses. The Systemwide Executive Board shall have the authority to make special assessments in order to fund organizing and other activities of UPTE-CWA 9119. It shall require a 2/3 majority of the Systemwide Executive Board for passage of any special assessment(s). At least 30 days prior to the effective dates of such assessments, the Executive Board will notify campus locals of the description of estimated expense and duration of the special assessment.~~

Section 6. All dues payable by members shall be paid directly to UPTE CWA 9119, through payroll deduction or by check. ~~From the amounts so received, the UPTE CWA 9119 treasurer shall, subject to the provisions of Article VII, Section 6 of this Constitution, rebate to each affiliated campus local the constitutionally established amount specified in Section 3 of this article. Rebates shall be distributed no later than the fifteenth day of the month following the month in which such dues are received by the organization. The treasurer shall transmit an accounting of such payments to each campus local, along with a copy of the University's payroll processing standard deduction report.~~

Section 7. Dues are payable monthly in advance and shall be paid by the 15th of the month. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent and, upon failure to pay dues for two consecutive months, shall, ten days after written notification, stand suspended. Any person who is paying his or her dues through a system of regular payroll dues deduction shall, for so long as he or she continues to pay through such deduction method, be considered in good standing.

Section 8. Any member suspended under the above section shall be reinstated to membership in the organization on payment of a reinstatement fee equal to two months dues plus the current month's dues.

Section 9. In the event that a member is involuntarily separated by the University, that member may remain in good standing for the duration of the internal grievance process, and dues payments shall be waived for that period.

Section 10. Any member who holds an elected office in UPTE CWA 9119 and whose employment is terminated from UC may finish out the term of that office.

Section 11. All elected offices in UPTE CWA 9119 shall be held by current UC employees, except those covered under Sections 9 and 10 of this article.

Section 12. Any UC employee on preferential rehire status who is rehired at UC during the preference period shall, upon re-joining UPTE CWA 9119, be reinstated to full member status.

~~Section 13. Systemwide Executive Board will not impose unreasonable restrictions on local’s ability to spend their share of UPTE dues. Subject to the provisions of the constitution and by-laws, locals will determine how best to provide for the needs of their campus.~~

**ARTICLE V: MEETINGS AND CONVENTIONS**

Section 1. ~~All campus locals are encouraged to hold regular monthly meetings.~~

~~Section 2.~~ UPTE CWA 9119 shall hold an annual convention at a time and place established by the UPTE CWA 9119 Executive Board. Conventions will be held at least every sixteen months.

Section 2. A special convention of this organization may be called by a two-thirds vote of the executive board, or by the President with the approval of a majority of the executive board. One-third of the ~~campus locals~~**Chapters** affiliated with UPTE CWA 9119 may, at any time, require a special convention by filing a petition therefore with the UPTE CWA 9119 President and Secretary, which petition shall specify the subject or subjects to be considered at the convention. In such an event, the Secretary shall issue a call for the special convention to be held at a time and place determined by the Executive Board. Such special convention shall be held no sooner than sixty days and no later than ninety days after the filing of the petition. The convention call shall specify those subjects included in the petition and any additional matters added to the agenda by the Executive Board, and no other subjects may be acted upon by the special convention.

Section **3**~~4~~. All sovereign powers of this organization shall be vested in the convention when it is in session. A convention call and credentials to the convention shall be mailed and e mailed to the **Executive Board** ~~President and Secretary of each affiliated local union~~ at least ninety (90) days prior to the convention.

Section **4**~~5~~. The basis of representation at the convention shall be based on the average number of members **in each chapter** ~~on which per capita tax was actually paid to UPTE CWA 9119 by each affiliated campus local~~ for the twelve month period ending with the fifth full month prior to the opening of the convention. In the case of any **Chapter** ~~campus local~~ organized or affiliated after the beginning of the twelve month period, the basis of representation shall be the average number of members ~~on which per capita tax was actually paid to UPTE CWA 9119~~ for the full number of months for which per capita tax has been paid.

Section **5**~~6~~. ~~Campus locals~~**Chapters** shall be entitled to delegates on the basis of membership, as follows:

| For 25 members of fewer | 1 delegate |
| --- | --- |
| More than 25 but not exceeding 50 members | 2 delegates |
| More than 50 but not exceeding 75 members | 3 delegates |
| More than 75 but not exceeding 100 members | 4 delegates |
| More than 100 but not exceeding 125 members | 5 delegates |
| More than 125 members | one additional delegate for each 100 members or fraction thereof |

**Chapters**~~Campus locals~~ may elect one alternate delegate for each delegate.

Section **6**~~7~~. Regardless of the number of delegates, ~~campus locals~~**chapters** shall be entitled to vote on the basis of one vote for each member or fraction thereof. ~~campus locals~~**Chapters** entitled to more than one delegate may send fewer than their quota of delegates, and the delegates present may cast the entire vote of the ~~campus locals~~**chapter** on all recorded votes and elections coming before the convention. The number of votes shall be divided equally among the delegates with any remaining votes to be cast by the chairperson of the delegation, as designated by the ~~campus locals~~**chapter**. No fractional votes shall be permitted.

Section **7**~~8~~. To vote, delegates must be on the convention floor when a vote is taken. Voting by proxy shall not be permitted.

Section **8**~~9~~. A delegate representing a ~~campus locals~~**chapter** must be a member in good standing ~~of the campus local represented by such delegate,~~ and must either be currently **employed on such campus or facility** ~~within the jurisdiction of such campus local~~ or an active retired member of said local.

~~Section 10. The organization shall not be responsible for the expenses of any delegate attending any UPTE CWA 9119 convention. In the event that an executive board member becomes a seated delegate during a convention, UPTE CWA 9119 shall not be responsible for the expenses of that member from that point in time through the conclusion of the convention.~~

~~Section 11. Delegates elected to attend conventions shall be certified by the President and either the Vice-President, Secretary, or Treasurer of their campus local.~~

Section **9**~~11~~. Prior to each convention, the President, subject to the approval of the Executive Board, shall appoint committees as are considered necessary and appropriate, and shall designate one or more members of each committee to serve as chairperson of such committee. The President shall notify ~~campus locals~~**chapters** and delegates in advance of such appointments, and of the meeting times and locations of the initial committee meetings.

**ARTICLE VI: OFFICERS AND ELECTIONS**

Section 1. The officers of UPTE-CWA 9119 shall be a President, an Executive Vice President, a Vice-President, a Secretary, and a Treasurer~~, no more than two of whom shall be members of the same campus local~~. Elections for these officers shall be conducted by a secret mail ballot of all UPTE CWA 9119 members-in-good-standing. These officers, together with the Executive Board members elected in accordance with the provisions of Section 2 of this Article shall constitute the UPTE-CWA 9119 Executive Board. In addition, there shall be elected three members who shall serve as trustees. The trustees shall be elected to three-year staggered terms of office.

An alternate trustee shall be elected at each annual UPTE-CWA 9119 convention to serve one year or until the next convention in years that do not have a convention. If multiple vacancies occur at a single convention, multiple trustees shall be elected to terms of staggered length of 1, 2, or 3 years. All other officers shall be elected for a term of three years.

Section 2. Each ~~chartered campus locals~~**chapter** ~~and UPTE-CWA Retirees Association~~ shall be entitled to one Executive Board member, plus one additional Executive Board member per campus for every one-thousand (1,000) members of such ~~campus locals~~**chapter**, to be elected as follows:

a. Executive Board members shall be selected from among the eligible members employed on such campus or facility and elected in accordance with Appendix B of this Constitution ~~(for Retirees Association see Article XII, Section 3f).~~

b. Beginning with the 2023 UPTE CWA 9119 election, Executive Board members will serve three (3) year terms and will be elected by members of their ~~campus locals~~**chapter** ~~or Retirees Association~~ in the same election as UPTE CWA 9119 Officers, regardless of the date of their most recent election, except as provided in Subsection d. below.

c. Beginning with the 2022 UPTE CWA 9119 Convention, the number of additional Executive Board members each **Chapter**~~campus local~~ is entitled to, if any, will be adjusted at the time of the UPTE CWA 9119 Convention, based on such ~~campus locals~~**chapter**’s membership as calculated for the purposes of representation at such Convention, per Article V Section 5.

d. If a ~~campus locals~~**chapter** becomes entitled to an additional Executive Board member a year or more from the next regularly scheduled UPTE CWA 9119 election, the initial election process for any additional Executive Board members will begin within 60 days. These members will serve an abbreviated term that will last until the next regularly scheduled UPTE CWA 9119 election.

e. If a ~~campus locals~~**chapter** becomes entitled to an additional Executive Board member less than a year from the next regularly scheduled UPTE CWA 9119 election, such additional Executive Board member will be elected in the next regularly scheduled UPTE CWA 9119 election.

f. If a ~~campus locals~~**chapter**’s Executive Board member entitlement is reduced based on the number of members in such ~~campus locals~~**chapter** per Subsection c. above, all current Executive Board members for such ~~campus locals~~**chapter** shall serve the remainder of their terms.

g. For ~~campus locals~~**chapters** with more than one Executive Board member, candidates for Executive Board member will be ranked in order of the highest votes to the lowest, with the winners being those candidates with the highest number of votes.

Section 3. The Executive Board shall appoint an Election Committee. Notifications of nominations shall be sent to all members four months prior to the convention in election years. The notification shall include a nomination form that must be returned to the Election Committee three months prior to the convention. The nomination form shall include the candidate's name, campus ~~campus locals~~**chapter** affiliation, and statement of qualification. Ballots shall be provided to all members at least two months prior to the convention and must be completed/returned to the Election Committee at least one month prior to the convention. The results of the election will be announced at the annual convention.

Section 4. A vacancy in office shall be filled for the remainder of the unexpired term as follows:

a. A vacancy in the office of President, Executive Vice President, Vice-President, Secretary, or Treasurer shall be filled as follows:

i. If the vacancy occurs more than 120 days before the end of the term, such vacancy shall be filled by secret ballot in accordance with Section 3 of this article.

ii. If the vacancy occurs less than 120 days prior to the end of the term of office, such office shall remain unfilled for the remainder of the term.

b. A vacancy in the office of ~~campus~~ Executive Board member shall be filled as follows:

i. If the vacancy occurs more than 120 days before the end of the term, such vacancy shall be filled by secret ballot in accordance with Section 2 of this article.

ii. If the vacancy occurs less than 120 days prior to the end of the term of office, such office shall remain unfilled for the remainder of the term.

Section 5. Eligibility for elected office in this organization shall be as follows: A nominee must have been, for one year preceding the election, a member in good standing ~~of a campus local or locals affiliated with this organization~~ and must remain a member in good standing ~~of his or her represented local~~ throughout the term of office, except specified under Article IV, section 9. ~~This provision shall apply only to members of UPTE CWA 9119 campus or facility locals that have been in existence for one year or more.~~ No Executive Board member may continue in office if such Executive Board member becomes ineligible for such office.

Section 6. Each member of the Executive Board is obligated to attend all regularly scheduled Executive Board meetings. ~~In the event that a campus representative is unable to attend a meeting of the Executive Board, the President of that representative's campus local shall have the authority to appoint from that campus local's executive board an alternate to serve in the Executive Board member's absence.~~ The UPTE CWA 9119 Executive Board shall have the authority to declare vacant the position held by any Executive Board member who fails to attend two consecutive meetings or three meetings in that board member's term of office. Prior to the action taking place, the member shall be notified and be given the opportunity to demonstrate that this action should not take place. If, according to policies established by the UPTE CWA 9119 Executive Board, the Board determines that the absences should be unexcused, the position shall be declared vacant and filled in accordance with Article VI, Section 4.

Section 7. The UPTE-CWA 9119 President shall be a delegate to the CWA national convention as part of the officer’s duties. UPTE CWA 9119 shall elect other delegate(s) to the CWA national convention by a vote of every member. Such election shall be consistent with the CWA constitution and with the UPTE-CWA 9119 elections code (Appendix B of this constitution).

**ARTICLE VII: DUTIES OF OFFICERS AND EXECUTIVE BOARD**

Section 1. The UPTE CWA 9119 President shall:

a. preside at all meetings of the Executive Board and at all meetings of the convention;

b. be a member ex-officio of all convention or Board committees except the Election Committee;

c. appoint all standing and special committees of the organization, with the approval of the Executive Board;

d. sign all authorized orders of the treasurer and countersign all checks drawn against the funds of the organization, provided that the UPTE CWA 9119 Vice President, Executive Vice President, and Secretary may, with the approval of the Executive Board, act as alternative signatories on checks to the President and Treasurer;

e. serve as a delegate to CWA national conventions; and

f. submit a report to the delegates at each UPTE-CWA 9119 convention regarding the progress and standing of the organization and regarding the President's official acts.

Section 2. The Executive Vice President:

a. shall carry out the policies and decisions of the President and Executive Board; b. shall coordinate statewide activities, including organizing, negotiations, and political activity, as the President and/or Executive Board decides.

Section 3. The Vice-President shall:

a. assist the President in the performance of the President's duties; and b. in the absence or inability to serve of the President, preside at all meetings and perform all duties otherwise performed by the President.

Section 4. The Secretary shall:

a. keep or cause to be kept a record of the proceedings of all conventions and Executive Board meetings. The Secretary shall send ~~campus local Presidents~~ **Executive Board Members** a copy of the Executive Board agenda prior to each Executive Board meetings and a copy of the minutes of each Executive Board meeting after the Board meeting;

b. send a record of all conventions to all delegates and ~~campus local Presidents~~ **Executive Board Members** no later than 60 days after the conclusion of such convention; and

c. perform such other duties as the Executive Board or the convention may direct or as are required by this Constitution.

d. make the minutes available to all members upon request within 10 working days.

Section 5. The Treasurer shall:

a. receive and take charge of all money and property of UPTE CWA 9119; b. deposit all money of UPTE CWA 9119 in a bank selected by the Executive Board. Money so deposited shall be withdrawn only by checks signed in

accordance with this Constitution;

c. cause the payment of proper bills and expenses of the union, when evidenced by satisfactory statements or vouchers, by checks countersigned by the

President, Executive Vice-President or Vice-President. Prepare and sign

checks for such purposes as are required by the Constitution or authorized by the convention or the Executive Board, provided that the Vice President and Secretary may, with the approval of the Executive Board, act as alternate signatories to either the President, Executive Vice-President or Treasurer;

d. keep, or cause to be kept, an accurate record of receipts and disbursements and render a report thereon at each meeting of the Executive Board; and e. report fully on the financial standing of UPTE CWA 9119 to ~~each affiliated campus local union~~ **the Executive Board** at least quarterly.

Section 6. The Executive Board shall be the governing body of this organization when the convention is not in session. All matters affecting the policies, aims and means of accomplishing the purpose of this organization not specifically provided for in this Constitution or by action of the delegates at a regular or special convention shall be decided by the Executive Board. The Executive Board shall meet at least quarterly at the call of the President. Special meetings may be called by the President or by a majority of the members of the Executive Board. A report on all actions of the Executive Board shall be made at each convention. A majority of the members of the Executive Board shall be required for a quorum.

Section 7. The Executive Board shall be responsible for the development of a proposed annual budget, which shall be presented to the annual convention.

Section 8. The Executive Board may establish a system for the bonding of staff and officers ~~of~~ ~~campus locals~~ subject to law.

Section 9. The trustees shall make or cause to be made at least annually an audit of the organization's finances, and shall report to the membership on the results of such audit. They shall hold no other office. Audits shall be held within ninety days after the end of the fiscal year.

**Article VIII - Chapters and Representative Councils**

**Section 1. As of June 12, 2023, existing chartered campus locals shall instead be considered Chapters of UPTE. Any references to “Local” in this Constitution refer to UPTE as a Local of CWA. The Executive Board shall have the authority to establish additional Chapters or consolidate, reorganize, or abolish Chapters.**

**Section 2. Each Chapter shall have a single Chair or multiple Co-Chairs, who shall be responsible for building and supporting Unit and Workplace Representative Councils at that Chapter.**

**Section 3. Unit and Workplace Representatives shall be empowered to organize the employees in their respective areas and shall meet together regularly as a Council.**

**Section 4. Members of each chapter with 1,500 or fewer represented employees shall elect a Chapter Chair. Members of each Chapter with more than 1,500 represented employees shall elect a Co-Chair for each 1,000 represented employees or major portion thereof (eg. 2 co-chairs for 1,501-2,500 represented, 3 co-chairs for 2,5001-3,500 represented, etc). The number of Co-Chairs shall be determined by the number of represented employees reported by the employer 6 full months prior to the opening of nominations.**

**Section 5. Chairs and Co-Chairs shall be elected from among the eligible Chapter members employed on such campus or facility, in the same election as the Executive Board. Co-Chairs shall be nominated and elected only as a complete slate, not as individuals. As of June 12, 2023 existing Chapter/Local Presidents shall act as Chair until the next regular UPTE election.**

**Section 6. Chairs and Co-Chairs shall serve 3-year terms. In the case of a vacancy in the office of Chair or Co-Chair, the President shall appoint a replacement to serve the remainder of the term.**

**Section 7. The Executive Board shall allocate funds for expenditure by each chapter. The Executive Board may establish provisions and standards for expenditures in order to comply with fiduciary and legal standards.**

**ARTICLE VIII: ~~SUBORDINATE BODIES~~**

~~Section 1. The Executive Board shall have the authority to charter campus locals, in conformance with this Constitution. Such charter is the property of UPTE CWA 9119 and can be revoked by a two-thirds vote of the Executive Board.~~

~~Section 2. The Executive Board shall determine the proper jurisdiction for the charter, in accordance with the provisions of Article IV. The Executive Board shall assign the local number, name, and jurisdiction.~~

~~Section 3. The application for an UPTE CWA 9119 charter shall include the names, addresses, and membership forms of at least ten eligible members.~~

~~Section 4. All campus locals shall have a constitution, which must be approved by the Executive Board. The campus local constitution must conform to this Constitution and must include the provisions indicated in Appendix A, including the statement found in Article IX, Section 1 of this Constitution.~~

~~Section 5. Financial and legal obligations and liabilities incurred by each campus local are the responsibility of that campus local. UPTE CWA 9119 shall not be responsible nor shall it assume such liabilities or legal obligations. Such expenses and legal obligations include but are not limited to: arbitration costs; law suits arising from local activities; unpaid bills; staff salaries; or credit obligations.~~

~~Section 6. The accounting period for campus locals shall be January 1 to December 31. Campus locals shall provide UPTE CWA 9119 with a Financial Report, on a form provided by UPTE CWA 9119 on a quarterly basis with dates to be established by the Treasurer. The financial reports shall be signed by duly elected trustees and by the Treasurer of each campus local. Each campus local shall also provide copies of the campus local checking account signature card as evidence that it is maintaining a valid account requiring two signatures on each check. Each campus local shall provide to the Treasurer on a quarterly basis copies of its monthly bank statements. The UPTE CWA 9119 Treasurer shall not distribute any dues rebates to any campus local that does not conform to this section.~~

~~Section 7. The financial records of each campus local shall be open for inspection upon request by the President or Treasurer of UPTE CWA 9119.~~

~~Section 8. No campus local shall expend dues funds directly or indirectly for the purpose of influencing the outcome of a public election. Non-dues funds may be expended for such purposes in accordance with applicable law.~~

~~Section 9. No funds or property of a campus local shall be divided among members. Such funds or property shall remain with the campus local, or shall become the property of UPTE CWA 9119 upon dissolution of the campus local.~~

~~Section 10. All elections of officers and delegates shall be in conformance with the provisions outlined in Appendix B of this Constitution.~~

~~Section 11.This Constitution shall constitute a contract between University Professional and Technical Employees CWA 9119 and each of its subordinate bodies individually. All subordinate bodies shall at all times be subject to the provisions of this Constitution.~~

**ARTICLE IX: ~~BARGAINING CONFERENCE~~ CONTRACT NEGOTIATIONS**

**Section 1. A Bargaining Committee shall be established for each bargaining unit for which UPTE CWA 9119 is the certified bargaining representative. Members shall elect their bargaining committee directly.**

**Section 2. Members shall communicate their priorities for contract negotiations directly, through the use of a bargaining survey or similar tools.**

~~There shall be established within UPTE CWA 9119 a bargaining conference composed of two types of committees: one such committee shall be established for each bargaining unit for which UPTE CWA 9119 and its affiliated campus local unions are the certified bargaining representatives and a second type of committee to be established for each non-certified bargaining unit(s) or group(s). Whenever possible these conferences shall meet together.~~

~~Section 2. The first meeting of the bargaining conference shall be held no later than thirty (30) days prior to the date the committees must submit proposals to the employer.~~

~~Section 3. The Bargaining Conference shall be chaired by the President of UPTE CWA 9119 who shall appoint a secretary. Minutes will be taken and distributed to campus local presidents and delegates to the Conference. The President and the UPTE CWA 9119 Executive Board shall be responsible for drafting the Bargaining Conference agenda.~~

~~Section 4. Campus Local Bargaining Conference delegates shall be elected by campus local unions based on the following formula:~~

~~a. All bargaining conference delegates shall be members in good standing of their campus local union. For certified bargaining unit committees there shall be:~~

| ~~For 25 members of fewer~~ | ~~1 delegate~~ |
| --- | --- |
| ~~More than 25 but not exceeding 50 members~~ | ~~2 delegates~~ |
| ~~More than 50 but not exceeding 75 members~~ | ~~3 delegates~~ |
| ~~More than 75 but not exceeding 100 members~~ | ~~4 delegates~~ |
| ~~More than 100 but not exceeding 125 members~~ | ~~5 delegates~~ |
| ~~More than 125 members~~ | ~~one additional delegate for each 100 members or fraction thereof~~ |

~~b. For non-certified bargaining units or groups, two (2) delegates shall be elected per campus until such time as that unit is certified for bargaining. These~~

~~delegates shall be non-voting in all issues pertaining to the bargaining issues and process of the certified bargaining unit(s).~~

~~c. Bargaining units encompassed entirely by a single local will elect one voting delegate for every ten bargaining unit members, up to a maximum of fifteen voting delegates to the Conference. The delegates will be elected by UPTE members in good standing within the bargaining unit.~~

~~Section 5. Regardless of the number of delegates, campus locals shall be entitled to vote on the basis of one vote for each member of the bargaining unit or fraction thereof. Campus locals entitled to more than one delegate may send fewer than their allotment of delegates, and the delegates present may cast the entire vote of the local. The number of votes shall be divided equally among the delegates with any remaining votes to be cast by the chairperson of the delegation, as designed by the campus local. No fractional votes shall be permitted.~~

~~Section 6. The Bargaining Conference shall convene with all unit committees present to determine the priorities for bargaining. Bargaining committees shall be elected by the unit committee delegates at the bargaining conference.~~

Section **3**~~7~~. The Chief Negotiator shall be appointed by the ~~systemwide~~ Executive Board and subject to confirmation by the bargaining committee.

Section **4**~~8~~. Bargaining committees shall generate, receive, and act on matters concerning the bargaining process and other matters of direct concern to the particular group of members represented in accordance with the priorities established by the **membership** ~~delegates at the bargaining conference~~ and parameters set by the ~~systemwide~~ Executive Board.

Section **5**~~9~~. The bargaining committee shall report to the ~~system wide~~ Executive Board at all regularly scheduled meetings and any other special meetings with bargaining issues on the agenda. The bargaining committee report shall include possible substantive changes in the contract. The ~~system wide~~ Executive Board may set parameters on issues that impact the union as a whole. A tentative agreement shall not include substantive changes that have not been previously presented to the ~~system wide~~ Executive Board or its designees. The ~~system wide~~ Executive Board or its designees shall be required to sign off on a tentative agreement prior to it being accepted as a final agreement with the employer. This signature is only for the purpose of confirming that all substantive changes have been previously presented to the ~~system wide~~ Executive Board.

Section **6**~~10~~. The ~~systemwide~~ Executive Board shall ensure that adequate contract mobilization resources are allocated and shall set up all necessary means of communications between mobilizers, bargainers, and union officers.

Section **7**~~11~~. As soon as possible after the achievement of a tentative agreement on a final employer offer, a vote shall be conducted among the members covered by such bargaining. The membership will be informed of the bargaining committee's recommendation of either acceptance or rejection. Written and electronic copies of the results of the bargaining process shall be made accessible to the membership covered by such bargaining before any ratification vote. UPTE-CWA local 9119 shall not put forward for ratification by members any tentatively negotiated agreement that is not a final offer from the employer.

Section **8**~~12~~. Ratification requires a simple majority of those voting in each bargaining unit. UPTE-CWA Local 9119 shall not put forward for ratification by members any tentatively negotiated agreement that is not a final offer from the employer. In the case that the ratification vote covers more than one (1) unit, the votes shall be tallied across all units together resulting in either ratification or rejection for all units.

**ARTICLE X: STRIKES**

Section 1: Strike Authorization

a. Strike Authorization: A strike vote authorization shall be held upon motion of the ~~Systemwide~~ Executive Board ~~or upon the petition of the majority of the affected bargaining unit members at 4 individual UPTE campus locals. Strikes for selected campuses/facilities may be authorized by the local bargaining unit members~~. The ~~systemwide~~ Executive Board shall consider a recommendation of the majority of the members of a bargaining committee to take a strike authorization vote. Notice will be mailed to all union members of the affected unit if a majority of the ~~Systemwide~~  Executive Board approves.

b. Notice of a Strike Authorization: Notice will be mailed to all union members in the affected unit at least 10 days before balloting on the issue of whether to strike. The notice will include the announcement schedules for balloting, vote counts, and scheduled meetings.

c. A motion for strike authorization will be voted on by union members in the affected unit/units. Balloting will be in person at meetings by secret ballot. A majority of those voting shall be required for the motion to pass.

d. A strike may be called by a majority of the ~~systemwide~~ elected officers and the chair of the affected bargaining unit team.

e. Ending the Strike: A decision to end the strike shall be made by the body described in section d.

Section 2: Strike Fund

a. UPTE-CWA will place 50 cents per member and feepayer in the UPTE-CWA strike fund each month. This amount will be deducted from the total dues UPTE receives ~~prior to dividing it between systemwide and locals~~.

b. Funds in the UPTE-CWA strike fund will only be used for strike gifts unless the delegates of the UPTE-CWA convention authorize otherwise. The UPTE treasurer shall provide at least quarterly reports on the status of the strike fund.

c. Strike gifts shall be $60 for each day on strike.

d. The ~~systemwide~~ Executive Board shall establish procedures for eligibility for and implementation of strike gifts.

**ARTICLE XI: REFERENDUM**

Section 1. By petition signed by at least 10% of the membership of at least two-thirds of UPTE CWA 9119 ~~campus locals~~**chapters**, a member may require the Executive Board to conduct a referendum vote on a proposed constitutional change. The petition shall contain the exact wording of the proposed change and shall be submitted to the President of UPTE CWA 9119. No petition shall be accepted if it is submitted to the President seventy-five days or less in advance of a regularly scheduled UPTE CWA 9119 convention.

Section 2. Within 15 days of the receipt of a referendum petition, the President shall send a copy of the petition to ~~campus locals~~ **the Executive Board**. Within 30 days of the receipt of the petition, the Executive Board shall verify petition signatures. Within 45 days of the receipt of the petition, the Executive Board shall mail to each UPTE CWA 9119 member, at his/her home address, a ballot.

Section 3. The vote shall be by secret mail ballot. The ballot shall contain the proposed constitutional change, the name of the proposer, the names and ~~campus locals~~**chapter** affiliations of all signers of the referendum petition, all arguments for or against by members, limited to 500 words each, a copy of this Article, and balloting instructions. Members shall have a minimum of 15 days and a maximum of 30 days to return ballots.

Section 4. Ballots shall be counted within five days of the voting deadline by the President or designee and the proposer or designee, each of whom may be accompanied by observers.

Section 5. A majority vote shall be required for the adoption of the constitutional change. If adopted, the change shall take effect 30 days after the vote count.

**ARTICLE XII: RETIRED MEMBERS**

Section 1. Eligibility. Members of UPTE CWA 9119 who are or may be retired for any reason may elect to be full retiree members.

Section 2. Dues.

a. Active retiree members who wish to maintain full membership in UPTE-CWA 9119 shall pay monthly dues in the amount of $15 to the Systemwide office.

b. There shall be a onetime fee of $25 for enrollment in the CWA Retired Members Council, due at time of enrollment.

c. Retiree members who wish to remain active members of CWA shall pay an additional dues payment equal to the current monthly UPTE Retiree dues rate. These dues shall be remitted directly to CWA.

Section 3. UPTE-CWA 9119 Retirees Association

a. The UPTE-CWA 9119 Retirees Association shall be a systemwide organization of UPTE-CWA Local 9119.

b. The UPTE-CWA 9119 Retirees Association shall conduct elections of an Executive Board that shall include a President, Vice President, Treasurer, Recording Secretary and three (3) Members-at-Large. The Retired Members **Association** ~~Chapter~~ shall also elect one (1) Trustee. The terms of all offices will be 3 years.

~~c. In accordance with Appendix B (Elections Code) of the UPTE-CWA Local 9119 Constitution, the UPTE-CWA 9119 Retirees Association shall elect a representative to the UPTE-CWA Local 9119 Executive Board with a three year term of office.~~

**ARTICLE XV: BY-LAWS**

Section 1. The UPTE CWA 9119 ~~Systemwide~~ Executive Board may adopt By-Laws to specify regulations that bind its own functioning. Such By-Laws can in no way supersede or be inconsistent with this Constitution. In case of any question or conflict, this Constitution always takes precedence.

Section 2. All By-Law amendments shall be presented to the UPTE CWA 9119 ~~systemwide~~  Executive Board ~~and forwarded to the presidents of all UPTE CWA 9119 campus locals~~. No decision on acceptance or rejection of By-Law changes may take place until the ~~systemwide~~ Executive Board meeting following the meeting at which such amendments are presented. There must be a minimum of one month’s time between the meeting at which the amendments are presented and the meeting at which a decision is taken with regards to them.

Section 3. Amendments to the By-Laws may themselves be amended without requiring that a decision be postponed until a subsequent UPTE CWA 9119 ~~systemwide~~ Executive Board meeting as long as such amendments do not substantially change the content of the original amendment.

Section 4. The UPTE CWA 9119 ~~systemwide~~ Executive Board shall be empowered to make decisions of interpretation and application of the By-Laws. Any such decision may be appealed to the UPTE CWA 9119 annual convention, which is the highest decision making body of UPTE CWA 9119.

**~~APPENDIX A: Model Local Constitution~~**

~~This constitution shall be binding on locals which have not yet adopted an approved Constitution.~~

~~Article I: Name~~

~~The name of this organization shall be University Professional and Technical Employees (UPTE) CWA 9119 [Local #].~~

~~Article II: Affiliation~~

~~This local shall be affiliated with the University Professional and Technical Employees CWA 9119.~~

~~Article III: Objectives~~

~~The objectives of this local shall be to carry out on a local basis the objectives of UPTE, CWA 9119.~~

~~Article IV: Membership and Dues~~

~~All non-exclusively represented employees of the University of California [UC Campus] are eligible for membership in this organization.~~

~~This organization shall not discriminate against any person because of race, color, religion, political affiliation, marital status, national origin, ancestry, sex, sexual orientation, physical or mental handicap, medical condition, status as a Vietnam-era veteran, disabled veteran, or veteran, age, or citizenship.~~

~~An application for membership shall be made on a standard application form accompanied by signed payroll deduction form or a check for the first month's dues.~~

~~The monthly dues of this local shall be $15.00 for full time employees and $7.50 for those employed twenty hours per week or fewer.~~

~~Article V: Meetings~~

~~Regular meetings of this local shall be held once a month at a time and place to be fixed by the membership or executive board.~~

~~Special meetings may be called by the local President, the local executive board, by a petition filed with the president and signed by [\_\_\_\_%] of the membership, or by the UPTE CWA 9119 President or his/her representative.~~

~~Article VI: Officers, Nominations and Elections~~

~~The officers of this local shall be a President, Vice-President, Recording Secretary, Treasurer, and three Executive Board Members At Large. These officers shall constitute the Executive Board of this local. In addition, three trustees shall be elected to three year terms, except that in the initial election, one shall be elected for one year, one for two years, and one for three years.~~

~~Nominations shall be made at a regular meeting of the local. Members must be notified in writing at least 15 days prior to the nomination meeting. All regular elections shall be held in the month of April.~~

~~Eligibility for elected office in this organization shall be as follows: a nominee must be employed within the jurisdiction of a local affiliated with the organization and, except in the initial election, must have been, for one year preceding the election, a member in good standing of a local or locals affiliated with this organization. No executive board member may continue in office if such executive board member becomes ineligible for such office.~~

~~Officers shall be elected by secret ballot. Members must be notified at least 15 days in advance of the election. The time, place and manner of conducting the election must allow all members a reasonable opportunity to vote.~~

~~If a vacancy in an office occurs within 90 days of a regular election, it shall be left unfilled until such election. If it occurs prior to this time, it shall be filled at a regularly scheduled membership meeting. Such meeting will be held no fewer than 15 days and no more than 60 days from the date of notification to the membership.~~

~~Article VII: Duties of Officers and Executive Board Members~~

~~The President shall:~~

~~preside at all meetings of the executive board and at all meetings of the local;~~

~~be a member ex-officio of all committees of the local;~~

~~appoint all standing and special committees of the local, with the approval of the executive board;~~

~~sign all authorized orders of the Treasurer and countersign all checks drawn against the funds of the local, provided that the local Vice-President and Recording Secretary may, with approval of the executive board, act as alternative signatories on checks to the President and Treasurer; and~~

~~submit a report to the local meetings regarding his/her official acts.~~

~~The Vice-President shall:~~

~~assist the President in the performance of the President's duties; and~~

~~in the absence or inability to serve of the President, preside at all meetings and perform all duties otherwise performed by the President.~~

~~The Recording Secretary shall:~~

~~keep or cause to be kept a record of the proceedings of all local membership and executive board meetings. The Recording Secretary shall submit copies of the minutes of membership and executive board meetings to the membership; and~~

~~perform such other duties as the Executive Board may direct or as are required by this Constitution.~~

~~The Treasurer shall:~~

~~receive and take charge of all money and property of the local;~~

~~deposit all money of this local in a bank selected by the Executive Board. Money so deposited shall be withdrawn only by checks signed in accordance with this Constitution;~~

~~prepare and sign checks for such purposes as are required by the Constitution or authorized by the membership or Executive Board, provided that the Vice-President and Recording Secretary may, with the approval of the Executive Board, act as alternative signatories to the President and Treasurer;~~

~~keep, or cause to be kept, an accurate record of receipts and disbursements and render a report thereon at each meeting of the local; and~~

~~report fully on the financial standing of the local once each year.~~

~~The Executive Board shall be the governing body of the local between membership meetings. All matters affecting the policies, aims and means of accomplishing the purpose of this organization not specifically provided for in this Constitution or by action of the membership shall be decided by the Executive Board. The Executive Board shall meet at least once a month at the call of the President. Special meetings may be called by the President or by a majority of the members of the Executive Board. A report on all actions of the Executive Board shall be made at each membership meeting. A majority of the members of the Executive Board shall be a required quorum.~~

~~The Trustees shall make or cause to be made, at least annually, an audit of the local's finances, and shall report to the membership on the results of such audit. Trustees shall hold no other elected office. Audits shall be held within ninety days after the end of the fiscal year.~~

~~Article VIII: Miscellaneous~~

~~This local shall at all times be subject to the provisions of the Constitution of the University Professional and Technical Employees CWA 9119.~~

~~Except to the extent specified in this Constitution, no officer of a local shall have the power to act as agent for or otherwise bind the local in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local except to the extent specifically authorize in writing by the President of the local or by the Executive Board of the local.~~

~~Robert's Rules of Order, Newly Revised shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this Constitution and special rules of this organization.~~

~~Amendments to this Constitution may be made in accordance with the provisions for amending the Constitution of UPTE CWA 9119.~~

**Appendix A ~~B~~: Election Code**

I. UPTE CWA LOCAL 9119 ELECTION RULES

This Election Code is for use in UPTE CWA Local 9119 ( ~~systemwide~~) elections as provided in the CWA constitution. ~~It is also for use in elections in the various UPTE campus locals.~~

~~Each chartered UPTE campus local shall use this Election Code which is incorporated into each UPTE campus local constitution. When changes are made to this Election Code, they will be automatically reflected in each campus local constitution as well.~~ The Election Code helps keep election procedures consistent and legal. A copy of the Election Code shall be given to each member of the Election Committee.

1. Nominations.

a. These nominating procedures shall govern nomination and election of officers, delegates and alternate delegates; the appointment, selection or election of stewards and committee members; and the filling of vacancies.

b. Any member ~~of the local~~ eligible to hold office ~~under the Local’s constitution~~ may be nominated for election provided the nominee consents. Nominations may be submitted to the ~~Systemwide or Local~~ Election Committee ~~at the membership meeting(s) called for the purpose of making nominations. Hereafter, all references to the Election Committee imply both Systemwide and Local Election Committees.~~

~~Nominations shall also be accepted~~ by mail, email, website or fax, during the nomination period, subject to confirmation by the ~~Systemwide or Local~~ Elections Committee. Nominations require the following: 1) name of nominee, 2) position intended for nominee, 3) statement from or on behalf of nominee, 4) name of nominator.

c. Members of the Election Committee are not eligible to run for office. If an Election Committee member wishes to run for office, that person must resign from the committee before the beginning of the nomination period.

d. All members shall receive a minimum of 15 day’s notice of the opening of the nomination period. The nomination period itself shall last at least 15 days.

e. At the close of the nomination period, the Election Committee will provide each candidate with a copy of the Election Code and a list of the members of the Election Committee. In the event of change in Election Committee personnel during the election period, all candidates will be notified immediately.

f. Any member may challenge the eligibility of a nominee by filing ~~2~~such a challenge with the Election Committee. The Election Committee will make a determination regarding the challenge and report its determination to the membership prior to the election. The membership will vote on whether to accept or reject the Committee’s ruling.

2. Campaigning.

a. Each candidate will be afforded a reasonable opportunity to have campaign materials distributed by ~~the local~~ **UPTE-CWA** to the membership. The expense of such distribution shall be borne by the candidate. There will be a maximum spending limit of $10,000 for any single candidate for any single office for all campaign expenses. If requested by the ~~Systemwide~~ Executive Board, candidates shall submit a full expense report to the Election Committee at the conclusion of the Election. ~~The Systemwide Elections Committee recommends that all campus locals submit expense reports to Local Election Committees.~~

b. Each candidate will be treated equally with respect to the conditions and expenses of the distribution of campaign literature and access to membership lists. ~~For this purpose, each UPTE campus local will compose and maintain a list of member approved contacts (home and work phone numbers, email, and US Postal addresses) for campaign use.~~ The Election Committee may authorize the inclusion of candidate campaign literature with the Official Election mailing (with printing at the candidate’s expense).

c. No ~~UPTE local or~~ UPTE-CWA funds nor employer funds shall be used to promote the candidacy of any individual. The use of employer stationery, facilities, equipment or personnel in connection with any campaign is prohibited. Use of plain union stationery, facilities, equipment or personnel in connection with any campaign is prohibited, with the following exception: a limited number of electronic mailings can be distributed via the systemwide office. Use of union stationery ~~with the local’s name, insignia or other mark identifying the local~~ is prohibited. Use of UPTE or UPTE-CWA 9119 or CWA logo on campaign literature is prohibited. No UPTE publication shall endorse any candidate for UPTE office.

d. No member may campaign during time that is paid for by any ~~local, the national~~ union or any employer. Campaigning incidental to regular union business would not be a violation of this section or federal law.

3. Eligibility to Vote.

A. All members ~~of the local~~ in good standing are eligible to vote. The membership list will be based on the most recently available dues deduction list from the employer, augmented by a list of additions. The ~~campus local~~ secretary shall furnish the Election Committee with a listing of eligible members not appearing on the dues deduction list. This listing will include:

i. members who pay their dues directly to the union, including active retirees.

ii. members who are on medical or maternity leave.

iii. members who are on furlough up to four months.

iv. members who have been involuntarily separated from the University and are currently involved in the internal grievance process.

v. new members whose names do not yet appear on the dues deduction list. ~~Campus locals should keep a photocopy of the membership application on file to verify their membership status.~~

B. Questions on the membership status of an individual whose name does not appear on the membership list should be resolved by the Election Committee in conjunction with the ~~local~~ treasurer. Questions concerning the identity of a member may be resolved by the presentation of a membership card, driver’s license, or similar form of identification.

C. In the case of an election covering a particular bargaining unit (such as a contract ratification vote) where there is a dispute between the union and management as to the make-up of the bargaining unit, eligibility to vote will be consistent with the union’s position in the dispute.

4. Challenging a Voter.

a. Any member may challenge the right of a person to vote.

b. Some reasons for such challenge are:

1. The person is not a member in good standing.

2. The person attempting to vote is not the member on the list.

3. The member has already voted.

c. The Election Committee shall by vote decide each challenge.

5. Observers.

Each candidate may have observers at each meeting of the Election Committee and at each polling place on the day of the election and at the location(s) where the ballots are being counted. Such observers must be members of UPTE-CWA 9119. Observers may speak at Election Committee meetings, may challenge a voter or the counting of a ballot, but may not conduct any campaigning while acting as an observer.

6. Notice of Election.

A notice of election will be mailed to each member by paper and electronically to the last known preferred addresses not less than 15 days prior to the election. This notice shall include a request to specify if a paper ballot is preferred.

7. Ballots.

a. The ballots shall contain the office and the names of the nominees. Write-in votes are not permitted.

b. Position on the ballot shall be determined by a drawing conducted by the Election Committee.

c. Each ballot mailing (by post of electronically) shall contain a 200-word limit candidate statement and rebuttal. No censorship of campaign statements or rebuttals is permitted.

8. Voting Procedure

A. Mail Ballots

1. Each member eligible to vote by mail will be sent:

a. One notice of election with instructions.

b. One secret ballot.

c. One ballot envelope. This envelope will be marked “Secret Ballot Envelope: Make no marks on this envelope.”

d. One return addressed, postage-paid mailing envelope. The return address should be to a post office box. The upper left hand corner of this envelope will be printed with three lines for the voter to print their name and their campus, and sign their signature.

2. Each voter must:

a. Mark the ballot as provided in the instructions.

b. Fold and place the ballot in the ballot envelope and seal it.

c. Place the sealed ballot in the return addressed envelope, seal it and affix his/her name, campus and signature on the upper left-hand comer of the return addressed envelope. An individual’s ballot may not be counted unless there is sufficient information on the return addressed envelope to identity the individual and verify his/her eligibility to vote.

d. In order to insure the security of the ballots, mail ballots should be returned to a post office box. If ~~the local~~ **UPTE-CWA** chooses to have ballots returned to ~~the local~~ **the UPTE-CWA** office, the Election Committee must make arrangements to provide security for the returned ballots.

B. Voting Procedure–By Electronic Means or at a Meeting or Polling Place

1. The polls should be opened at the time stated in the notice.

2. The voter must be identified and checked off on the membership list before a ballot is issued to the voter.

3. A member of the Election Committee shall initial each ballot as it is presented to a voter.

4. The voter then marks the ballot, folds it, and places the ballot into the ballot box.

5. A voter who spoils his or her ballot may exchange it for another ballot by surrendering the spoiled ballot to the Election Committee.

6. The following pertains to electronic balloting.

a. Electronic voting will provide ano**n**~~m~~ymity and security to members that is equal to or better than the paper ballot methodology.

b. The Election Committee will notify members of vendor choice at least 90 days prior to the election.

c. No electioneering is allowed in the voting area.

d. The polls will be closed promptly at the time stated in the notice for election. Any voter in line at that time will be permitted to vote.

e. Absentee paper ballot provisions – UPTE ~~locals~~ may adopt an absentee ballot provisions by vote of the membership prior to conducting a ~~local~~ election. Note: While **UPTE-CWA is** ~~locals are~~ not required to adopt an absentee ballot provision, they will be required to do so where **UPTE-CWA** ~~the local~~ knows in advance that a substantial number, or a particular segment of the members, will not be able to exercise their right to vote in person. In the event absentee ballots are necessary, **UPTE-CWA** ~~a local~~ must provide its members with reasonable notice of the availability of such ballots.

A member must make a written request for an absentee ballot to the Election Committee Chair no later than 7 days prior to the election. Absentee ballots may be dispensed by the Chair. Absentee ballots will be received until noon on Election Day. The polls will be closed promptly at the time stated in the notice for election. Any voter in line at that time will be permitted to vote.

9. Counting the Ballots.

A. Electronic ballots will be tallied by the vendor chosen to provide the balloting service. A summary of the results will be compiled and provided to the Election Committee.

B. Paper ballots:

1. Check the upper left-hand corner of the return addressed envelope to see that the name corresponds with the name on the eligibility list.

2. Open the return addressed envelope and remove the ballot envelope, keeping the return addressed envelope as part of the election record.

3. Open ballot envelopes and stack the ballots for counting purposes in lots of 10, 25, and 50.

4. Ballots missing the ballot envelope will be considered blank ballots.

5. Ballots or ballot envelopes with identifying marks (name or signature) will be considered blank ballots.

C. Meeting or Polling Place :

1. If used, absentee paper ballots must be checked against the voting list, using the mail ballot procedure. Absentee ballots received from members who have not voted are opened, left folded, and placed in the ballot box.

2. Open all ballot boxes and empty the contents onto a table. Stack the ballots for counting purposes in lots of 10, 25, or 50.

D. General:

1. Each candidate may have observers present at the counting of the paper ballots. Observers may request to see electronic vote tallies once they are available to the Election Committee from the balloting vendor after the close of the voting period.

2. Questions regarding voter intent in marking a ballot, if questioned, will be decided by a vote of the Election Committee.

3. Irregularities in marking the ballot for one office will void the vote for that office only.

4. The Election Committee shall tally the ballots in all elections and notify the membership of its tentative certification of the results. Absent a challenge to the election, the tentative certification shall become final ten days thereafter.

5. Any challenge to the conduct of an election must be filed in writing with the Election Committee within 10 days of the tentative certification of the results. The Election Committee shall rule on any such challenges and shall within 20 days of the tentative certification of the results make a final determination or certification.

6. Both the tentative certification and the final certification shall be given to the ~~Local~~ President and Secretary ~~and to UPTE-CWA~~ as soon as possible. The results shall also be reported at the next membership meeting.

10. Election Record.

The Election Committee shall turn over to ~~Systemwide or local~~ **the** Secretary all records, including eligibility list, used and unused ballots, tally sheets, etc. The Secretary shall keep them for one year from the date of the election At the end of one year, the secretary and the chair of the Election Committee shall destroy the entire record.

II. COUNTING BALLOTS

1. All ballots cast by eligible voters, except blanks, must be counted.

2. Blank ballots

a. Blank ballots are simply ignored; they are neither counted for any purpose nor are they reported.

b. Ballots for obvious non-candidates (i.e., Mickey Mouse, Donald Duck) are treated as blank ballots because these type of votes are viewed as expressing a desire not to vote and therefore equal blanks.

3. Illegal ballots and void votes

a. Ballots cast by individuals not entitled to vote are recorded as void and are not counted for any purpose.

b. If a member leaves one or more choices blank on the ballot containing more than one office to be filled, the blank spaces in no way affect the validity of the spaces he/she has marked correctly. For purposes of the offices not marked, the ballot is treated as a blank and not counted for any purpose.

c. If the member votes for too many candidates for a given office, that particular section of the ballot is illegal (or void) because it is not possible to determine for whom the member desired to vote. It is therefore not counted for any candidate. However, such a ballot is counted for purposes of computing the number of votes needed to win.

d. Small errors, like the misspelling of a word or name, do not make a vote illegal (or void) of the meaning of the ballot is clear.

e. Unintelligible ballots are treated as illegal (or void) votes. They are counted for purposes of computing the number of votes needed to win, but are not counted for any candidate.

4. Spoiled paper ballots

A spoiled paper ballot is one where the voter marked it wrong and turns it in and asks for another ballot Spoiled ballots are reported as spoiled ballots and are not counted for any purpose.

5. Challenged ballots

The Election Committee shall, by vote, decide each challenge. Challenged ballots need not be resolved or counted for any purpose unless they may affect the outcome of the election, either because they might change the number needed to win or because they might make a difference in determining the top vote getter.

If challenged ballots must be resolved, they are recorded as both challenged and as whatever the resolution is.

FOR MORE INFORMATION ON COUNTING AND REPORTING OF BALLOTS, SEE “ROBERTS’ RULES OF ORDER”

III. ELECTION COMMITTEE RESPONSIBILITIES

1. All locals establish an Election Committee. The committee’s job is to conduct all elections and make sure that they comply with:

a. The UPTE-CWA 9119 Constitution and Election Code

b. CWA Constitution

Candidates for any office or for delegate to CWA’s convention are not permitted to serve on the Election Committee.

2. The Election Committee must identify and check off on the official membership list each voter. The committee must verify that the individual voting is a member in good standing and make certain that each member votes only once.

3. Any member may challenge the right of a person to vote. The election committee shall, by vote, decide each challenge.

4. The Election Committee receives electronic voting tallies from the balloting vendor and also tallies paper ballots in all elections and notifies the membership of its tentative certification of the results. The nominee for any office who receives the majority of the votes cast is declared elected. If no nominee has a majority on first ballot, a new vote is taken with only the names of the two candidates having received the greatest number of votes appearing on the second ballot.

Candidates may be elected by a plurality of votes cast for any office except that of President, Executive Vice President, Vice President, Secretary, Treasurer, or Secretary-Treasurer; these shall be elected by majority vote.

5. In any case where there is only one nominee for office, such nominee shall be declared elected. In all other cases, voting shall be by secret ballot.

6. Election of delegates and alternates to the UPTE Convention shall be in accordance with the provisions of this Elections Code, with the following exception: candidates will be ranked in order of the highest votes to the lowest, with delegate positions going to those candidates with the highest number of votes.

7. The Election Committee handles and decides all questions concerning the conduct and challenges of elections. Any challenge to the conduct of an election must be filed within 10 days of the tentative certification of the results. The Election Committee must rule on any such challenges and must within 20 days of the tentative certification of the results make a final determination or certification. The Election Committee’s decision on these matters is subject to appeal to the ~~local~~ executive board~~, and campus local membership at the next membership meeting. A quorum of 5% of the general membership must be present at such a meeting~~. No UPTE funds shall be used to institute legal action outside the union to challenge election rulings.

8. All ballots, including used, unused and challenged ballots, envelopes used to return marked ballots in a mail ballot election, tally sheets, and related election documents, must be kept for one year by the election official designated in the bylaws or by the local secretary if no other official is designated. The election records should be sealed.

IV. GENERAL RULES FOR CONDUCTING ELECTIONS

1. ~~Every campus local must elect its officers not less often than once every year by secret ballot among the members in good standing. Officers of UPTE CWA shall be elected every two years.~~

~~2. Every campus local and its officers, and~~ UPTE-CWA and its officers, must comply with all reasonable requests of any candidate to distribute campaign literature at the candidate’s expense to all members in good standing of the union and to refrain from discrimination in favor of or against any candidate with respect to the use of its of members. Whenever a union or its officers authorize the distribution of campaign literature on behalf of any candidate or of the labor organization itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by such labor organization and its officers, with equal treatment as to the expense of such distribution.

3. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.

4. A reasonable opportunity shall be given for the nomination of candidates. Every member in good standing shall be eligible to be a candidate and to hold office and shall have the right to vote for or otherwise support the candidate or candidates of his/her choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by a union or any member thereof.

5. Notice of the election must be sent to each member at his or her last known home address at least fifteen days prior to the election.

6. Each member in good standing shall be entitled to one vote.

7. No member whose dues have been withheld by his employer for payment to a union pursuant to his/her voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or be a candidate for office in a union because of alleged delay or default in the payment of dues.

8. The votes cast by members of each local labor organization shall be counted; and the results published separately.

9. The ballots and all other records pertaining to the election must be preserved by the election officials designated in the constitution and bylaws or the secretary, if no other official is designated, for one year.

10. The election shall be conducted in accordance with the constitution and bylaws of the union insofar as they are not inconsistent with the provisions of the law.

11. No money received by any labor organization by way of dues, assessment, or similar levy, and no money of any employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such money of labor organizations may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

V. THE ROLE OF OBSERVERS

1. Each candidate is allowed to have observers at each polling place on the day of the election, at the mailing and at the counting of ballots. A candidate may have as many observers at the counting of the ballots as may be necessary to observe the actual counting and ensure a fair election.

2. In mail ballot elections, candidates must be permitted to have an observer present at the preparation and mailing of the ballots.

3. Observers must be members of the local.

4. Observers may speak at Election Committee meetings and may challenge a voter or the counting of a ballot.

5. Observers should be allowed to stand in a place where they can clearly observe the tally process but should not be allowed to interfere with that process.

6. Observers are not allowed to touch the ballots or the membership lists

7. Observers may not conduct any campaigning while acting as an observer.

VI. CWA CONSTITUTIONAL REQUIREMENTS FOR UNION ELECTIONS

(Applicable to UPTE-CWA Elections)

Article XV of the CWA Constitution governs the administration of CWA local elections.

1. ~~The Systemwide Elections Committee recommends that UPTE -CWA 9119 and the campus local officers shall be nominated and elected during the months of May, June, July, and August.~~

~~2.~~ Officers of a UPTE-CWA 9119 ~~and campus local~~ shall be at least a President, Vice President, and Secretary-Treasurer or Secretary and Treasurer. Beginning with elections held in 1987, no member shall be permitted to hold more than one such office.

3. Beginning with the elections held in 1972, the term of office for local officers shall be three years or until their successors have been duly elected and qualified.

4. ~~Campus l~~**L**ocals shall adopt bylaws or rules to govern the nomination and election of officers, members of a governing body, delegates and alternate delegates; the appointment, selection or election of stewards and committee members; and the filling of vacancies.

5. ~~Campus l~~**L**ocals shall select an election committee which shall conduct all elections and referenda in accordance with the constitution, local bylaws or rules and federal law.

6. All questions concerning the conduct and challenge of elections shall be determined by the election committee subject to the right of appeal to the governing body and membership of the local.

7. The election committee shall tally the ballots in all elections and notify the membership of it tentative certification of the results. Absent a challenge to the election, the tentative certification shall become final in ten days thereafter.

8. Any challenge to the conduct of an election must be filed in writing with the election committee within 10 days of the tentative certification of the results. The election committee shall rule on any such challenges and shall within 20 days of the tentative certification of the results make a final determination or certification. Such determination or certification shall be subject to the right of appeal to the governing body and to the membership of the local.

9. While a challenge to an election is pending, the officers certified by the election committee in its final determination shall be the elected officers of the local. Those officers shall remain in office unless the election committee’s determination is reversed by the Executive Board of the union or a new determination is made pursuant to the results of a properly ordered rerun election.

10. Only members of the union in good standing shall be eligible to vote or hold elective office. No elected officer of the union or of a local shall take office unless the elected officer is eligible under the constitution and federal law.

11. The election by locals of officers, members of a governing body and delegates and alternate delegates to the union convention shall be by secret ballot among the members in good standing. The nominee in any election receiving a majority of the votes cast shall be declared elected; provided, however, that locals may provide in their bylaws or rules for the election of candidates by a plurality of the votes cast in any election, other than an election of local president, (executive) vice president, secretary, treasurer or secretary-treasurer.

VII. DELEGATES TO CWA CONVENTIONS

The CWA Constitution provides in Article XV, Section 4(e) that delegates and alternate delegates to the CWA Conventions must be elected by the membership by secret ballot among members in good standing. The federal law requires that when officers are to be nominated and chosen by a convention of delegates, the delegates must be elected by secret ballot.

Delegates to CWA Conventions must be elected by the membership of UPTE-CWA 9119 they represent at the Convention. The UPTE CWA 9119 President, having been elected by the full membership during election years, will serve as one delegate to CWA national conventions, as declared in the duties of the Office of the President. Additional delegates may be elected by geographic, craft, shift, or similar reasonable basis, only if each such category is to be represented at the Convention by a delegate and every member of the local is represented by one such category. However, Table officers of UPTE-CWA 9119 such as President, (Executive) Vice President, Secretary, and Treasurer must be elected by the entire membership.

~~Campus locals under temporary administration and organizing committees may be represented at the Union Convention by delegates chosen by secret ballot by the local membership in the same manner as locals which are not under temporary administration.~~

Proxy Voting – The law does not prohibit voting by proxy, and the CWA Constitution permits proxy voting for locals composed of less than 200 members which may assign its vote to a delegate from another Local attending the Convention. No Local should be allowed to vote more than one such assignment.

The assignment must be made pursuant to a formal vote of the membership of the assigning Local on the following questions: (1) whether the Local desires to send a delegate from the Local to the CWA Convention; (2) if not, does the Local desire to have its votes cast at the CWA Convention by a delegate from another CWA Local; and (3) does the local desire to elect an alternate delegate if, for any reason, the elected delegate cannot attend the Convention. Nomination and election procedures for the delegate and alternate delegate, if any, who will be assigned to vote the proxy of the assigning local must meet the requirements of the law and the CWA Constitution with respect to nomination, the statutory 15 day mail notice of election and the secret ballot. Basically, the same nomination, election and voting procedures for choosing delegates in locals with 200 or more members should be followed for locals of less than 200 members. The only difference is the limitation of candidates to delegates of another local who would cast the proxy of the assigning local.

VIII. SUGGESTED ELECTION DAY SUPPLIES AND PROCEDURES FOR LOCAL USE

The local election procedures that follow cover elections conducted at polling places, at meetings, and mail ballot elections. Each local should determine which method it desires to follow.

A. Mail Ballot Election

1. Preparation and Supplies

Membership list

A set of address labels corresponding to the membership list

Notice of Election.

Ballots (no candidates for office can have control or access).

Postage-paid mailing envelopes.

Ballot envelopes.

Return address envelopes to a Post Office box.

Post Office box. Ballots should be collected by no fewer than two members of the election committee.

At least two election committee members should mail the ballots. It is recommended that the actual mailing take place at the Post Office and that the election committee members secure a receipt for the number of pieces mailed.

Copies of ~~local constitution,~~ the Election Code, and the UPTE-CWA Constitution.

2. Election Day Procedure

Election Committee members (at least two) should collect the ballots from the Post Office on the scheduled day in the presence of the candidates or their observers. The ballots should be taken directly to the designated place and counted promptly.

B. Manual Ballot Election

1. Preparation and Supplies

Membership list

Ballots

Ballot boxes. A cardboard box large enough to accommodate the maximum number of ballots possible makes a fine ballot box. The ballot box should be left open for inspection by all members of the Election Committee and by any other interested parties until fifteen minutes before the voting is to begin. Then the ballot box should be sealed with tape, leaving one opening on top for ballots. The members of the election committee should affix their signatures to the tape on various sides of the box. In the event the ballot box is removed from the voting area, the ballot slot should be sealed by sealing tape (scotch tape is unacceptable), and the election committee members should sign that seal. The sealed box is unsealed only after inspection of the seal shows that it was in fact the seal placed by the election committee.

Tables and chairs.

Miscellaneous supplies. Pencils and/or pens, paper, identification badges for committee, scotch tape, masking tape, rubber bands, large envelopes, and a large carton.

Copies of ~~local constitution,~~ the Election Code, and the UPTE-CWA.

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