

**CONSTITUTION FOR THE UNIVERSITY PROFESSIONAL AND TECHNICAL EMPLOYEES,
LOCAL 9119 OF THE COMMUNICATIONS WORKERS OF AMERICA**
(amended January, 2017)

ARTICLE I: NAME

Section 1. The name of this organization shall be University Professional and Technical Employees CWA Local 9119 (UPTE CWA 9119).

Section 2. The headquarters for this organization shall be in Berkeley, California.

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. Notwithstanding 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 University 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 shall be \$35 per month
 - ii. The maximum shall increase by \$5 on January 1 of every year if represented employees received at least a 2% pay increase the previous year, and shall be removed entirely at such a time as it would otherwise have reached \$80 for the RX/TX/HX units, \$70 for Lawrence Berkeley National Laboratory, or \$60 in the case of the Lawrence Livermore Skilled Trades..

- 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 3. 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 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 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 President and Secretary of each affiliated local union at least ninety (90) days prior to the convention.

Section 5. The basis of representation at the convention shall be based on the average number of members 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 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 6. Campus locals 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

Campus locals may elect one alternate delegate for each delegate.

Section 7. Regardless of the number of delegates, campus locals shall be entitled to vote on the basis of one vote for each member or fraction thereof. Campus locals 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 local 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 local. No fractional votes shall be permitted.

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

Section 9. A delegate representing a campus local must be a member in good standing of the campus local represented by such delegate, and must either be currently employed 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 12. 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 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 terms of office. An alternate trustee shall be elected at each annual UPTE-CWA 9119 convention to serve one year. All other officers shall be elected for a term of three years.

Section 2. Each chartered campus local and UPTE-CWA Retirees Association shall be entitled to one Executive Board member to 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). In election years, campus local delegation chairs shall bring to the convention a certification

from the local president and secretary attesting to the election of the Executive Board member.

Section 3. The Executive Board shall appoint an Election Committee. Notifications of nominations shall be mailed to all members four and one-half 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 local 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 to the President of each local 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 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 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: 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

- Section 1. 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 7. The Chief Negotiator shall be appointed by the systemwide Executive Board and subject to confirmation by the bargaining committee.
- Section 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 delegates at the bargaining conference and parameters set by the systemwide Executive Board.
- Section 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 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 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 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. For the period from November 1, 2010 through October 31, 2010 the strike fund deduction will be diverted to UPTE-CWA's systemwide's general fund. (This language will be automatically removed from the constitution after October 31, 2012).
- 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, 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 local Presidents. 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 local 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 or to assume the status of associate members. Associate members lose voting privileges and the right to run for elected office.

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. Dues for Associate members shall be \$15.00 per calendar year and shall be paid annually to the systemwide Office. Dues for associate members will not be pro-rated.
- c. There shall be a onetime fee of \$25 for enrollment in the CWA Retired Members Council, due at time of enrollment. This fee shall be paid by both full and associate retiree members.

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 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 XIII: MISCELLANEOUS PROVISIONS

Section 1. Except to the extent specified in this Constitution, no officer of this organization shall have the power to act as agent for or otherwise bind this organization 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 this organization except to the extent specifically authorized in writing by the President or the Executive Board of this organization.

Section 2. 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.

Section 3. In cases of investigation and discipline, Members will be afforded full Due Process and shall be further protect by Robert's Rules of Order, Newly Revised.

ARTICLE XIV: AMENDMENTS

Section 1. This Constitution may be amended by either of the following methods:

- a. Proposed amendments to this Constitution shall be submitted in writing to the Executive Board at least sixty (60) days prior to the regular or special convention at which a vote is to be taken. The proposed amendments and the recommendations of the Executive Board shall be submitted to the convention. A majority vote of the delegates present and voting at the convention shall be necessary for adoption.
- b. A proposed amendment which is not submitted to the Executive Board at least sixty (60) days prior to the convening of a regular or special convention may be initiated on the floor of the convention upon the consent of a majority of the delegates present at the convention. Such an amendment, however, shall require a two-thirds vote of the delegates present and voting for adoption.
- c. Proposed amendments may also be voted on by referendum vote consistent with Article XI (Referendum).

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.