



**United Professors of Marin**  
American Federation of Teachers • Local 1610  
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## BY-LAWS

### **ARTICLE 1**

### **MEMBERSHIP**

#### SECTION 1:

Application for membership shall be on a regular form.

#### SECTION 2:

Membership shall begin upon receipt by the designated executive council officer of an application for membership and payment of dues.

#### SECTION 3:

No officer or member shall furnish a list of the membership of this union to any person not authorized to receive it.

#### SECTION 4:

A. UPM will automatically "re-up" any temporary employee after said employee has completed a semester/quarter of employment and is rehired by the District for the next consecutive semester/quarter. The member does not need to complete a membership application, and enrollment will be effective with the start of the next semester/quarter. This "re-up" procedure will continue for consecutive semesters/quarters unless the member notifies the Union in writing that he/she no longer wishes this procedure to continue.

B. Temporary employees who wish to remain members during intersession may do so by paying the dues that would be owed during the intersession period. This payment must be made in advance in full and is due the last day of the last month before the intersession begins.

## **ARTICLE TWO**

### **FINANCES**

#### **SECTION 1:**

Any changes in dues or assessments shall be established by a majority vote of the membership in accordance with the Constitutions of the United Professors of Marin, the California Federation of Teachers, and the American Federation of Teachers.

#### **SECTION 2:**

A. Members who are in arrears in the dues for two (2) months shall be notified that unless their dues are paid by the end of the current month, they will be listed as suspended.

B. Suspended members shall be duly notified of their suspension by the Executive Council, with a copy of the notification going to the President or other designated officer.

C. Suspended members shall forfeit all rights and benefits of the local.

D. Members who have been suspended because of being in arrears in their dues may be reinstated by paying back all back dues in addition to one (1) month's dues in advance at the time of reinstatement.

E. If, however, the delinquency is allowed to run for six (6) months, the member shall be dropped from the rolls and shall not attain good standing except by paying all unpaid dues and fees and joining as a new member.

#### **SECTION 3:**

A. All money spent by the Union shall be paid by check or credit card signed by the President and/or the Union Treasurer.

B. All money paid out of funds of this organization to an amount not exceeding three hundred dollars (\$300.00) per month must be approved by a majority vote of the Executive Council except the per capita taxes to affiliations, office expenditures, Hudson report and mailing, and legal expenses (not to exceed \$2,000).

## **ARTICLE 3**

### **EXECUTIVE COUNCIL OFFICERS**

#### **SECTION 1:**

To be eligible for nomination as an officer or delegate, a member must have been in good standing in the local for a period of at least three (3) months prior to the election.

#### **SECTION 2:**

Should any officer, delegate or committee person fail to discharge the duties of his office for three (3) consecutive meetings without notifying the Executive Council in writing, giving just cause, the office shall be declared vacant and election held at the next regular meeting of the Executive Council.

#### **SECTION 3:**

A. Permanent vacancies occurring in any Executive council office of the local shall be filled by the Executive Council until the next election of officers by the membership. Nominations shall be held on the meeting date on which the office is declared vacant and an election held at the next regular meeting or by mail ballot prior to the next regular meeting.

B. During the temporary absence of any officer or delegate, the President shall appoint a member to fill the vacancy pro tem, subject to approval by a majority of the Executive Council.

C. In the absence of the President, any officer may call the meeting to order and the voting members shall elect a president pro tem.

#### **SECTION 4:**

Each officer of the local shall turn over all records, books, papers and property of the local to their successor in office when duly elected and qualified to receive the same.

#### **SECTION 5:**

No Executive Council member or appointee shall serve while actively applying for a management/supervisory position with the Marin Community College District. Any such application shall constitute a resignation from the Executive Council of UPM/AFT or any appointed position.

## **ARTICLE 4**

### **MEETINGS**

#### SECTION 1:

A. The Executive Council shall meet at least once per month or UPM call of the President or any five officers.

B. In the event of the absence of the President, the voting members of the Executive Council shall elect a President pro tem.

C. It shall be the duty of the Executive Council to make recommendations to the local, and to act between meetings, when necessary for the welfare of the organization. All recommendations and actions shall be reported to the local at the next subsequent meeting. The Executive Council shall transact any and all business referred to it by the local.

D. The Executive Council shall have no power to incur any indebtedness or dispose of any funds or property of this local unless authorized by the local (except as stated in Article 2, Section 3b).

E. Executive Council meetings shall be open to the membership except as in Part J. below, who shall be entitled to address the council with its consent.

F. Minutes shall be taken at all Executive Council meetings and presented to the membership upon demand of any member.

G. A quorum for Executive Council meetings shall consist of five (5) members. A majority vote of the Executive Council shall be necessary to transact business.

H. All members of the Executive Council shall be duly notified of all Executive Council meetings.

I. The regular meeting date(s) shall be determined at the first regular meeting following the election of the Executive Council.

J. The Executive Council may enter into executive session to consider personnel matters, grievances, or collective bargaining negotiations.

## **ARTICLE 4**

### **MEETINGS**

#### SECTION 2:

- A. When called for at a general membership meeting or special meeting a quorum shall consist of twenty (20) percent of the members in good standing.
  
- B. No motion involving dues or assessments can be voted on at the same meeting at which it is introduced. At least five working days must elapse before the first meeting at which such a previously introduced motion can be voted on.

#### SECTION 3:

- A. A special meeting of the membership shall be called (1) by a majority vote at a regular meeting; or (2) by a majority vote of the Executive Council; or (3) by the President upon the written request of ten (10) members in good standing. The President shall receive the request and notify the appropriate officers within 24 hours.
  
- B. The appropriate officers shall send written notice to all members at least two (2) working days before the date set for said meeting.
  
- C. The specific business for which a special meeting is called shall be stated in the notice of the meeting, and no other business shall be transacted at said meeting.

#### SECTION 4:

Attendance at all meetings is limited to unit members only. Only Union members in good standing may vote.

**ARTICLE 5**  
**PARLIAMENTARY AUTHORITY**

Robert's Rules of Order, Revised shall govern in all questions of parliamentary procedure not otherwise provided by this local.

**ARTICLE 6**  
**DUTIES OF THE EXECUTIVE COUNCIL**

**SECTION 1:**

All officers of the local are agents thereof and shall conduct their offices in accordance with the expressed will of the majority of the members of the local. The duties of the officers, except as otherwise stated in the constitution and by-laws, shall be as shown below.

**SECTION 2:**

- A. The President shall preside at all meetings of the local. That person shall preserve order and enforce the constitution and by-laws and other rules of the organization and shall decide all questions of order. That person shall be an ex-officio member of all non-contractual committees without vote, except for the deciding vote in case of a tie.
- B. The Executive Council shall by a vote of the majority, designate a member of the Union to serve as UPM Treasurer. The Treasurer, if not an elected Executive Council member, shall be a non-voting member of the Executive council. The term of office shall be for one year. The Treasurer shall make an itemized statement on the first and last meeting of each year for the preceding period and report to the local union all monies received and disbursed and shall submit records and reports as required (e.g., by the Executive Council, by PERB Regulations, IRS Codes and Court Summons).
- C. The President or Treasurer shall sign all orders for disbursement authorized by majority vote of the local or by the by-laws.

**SECTION 3:**

The Executive Council shall be responsible for the processing of all grievance cases related to Union activities.

**ARTICLE 6**  
**DUTIES OF THE EXECUTIVE COUNCIL**

SECTION 4:

- A. The Executive Council shall keep records and preserve accurate minutes of all meetings of the Local and Executive Council.
  
- B. There shall be on file for reference in the office of the local a master copy of this constitution and by-laws and all amendments as they may be added or repealed.

SECTION 5:

- A. The Executive Council shall receive and record all monies paid in to the local and shall deposit the funds in such banks or institutions as may be designated by the local.
  
- B. The Executive Council shall keep a correct account for each member, maintain the official record of membership, and issue all membership cards.
  
- C. The Executive Council shall collect initiation fees, dues, special assessments, etc.
  
- D. The Executive Council shall make no disbursements, except as in Article 2, Section 3b without the authority of the local.
  
- E. The Executive council shall keep a record of all applications for membership and may mail membership cards to all qualified applicants within five (5) days of their compliance with Article 1, Section 2 of the By-Laws.
  
- F. Records shall be open for inspection by the officers of the Local union at any time.
  
- G. The Executive council may delegate routine duties to an employee of the local (e.g., Executive Secretary) with approval of, and under conditions set by, the Executive Council, and the membership.

SECTION 6:

The Executive Council shall delegate officers to the CFT Community College Council to act as official representative and spokesperson of the local at all meetings of the council.

## **ARTICLE 6**

### **DUTIES OF THE EXECUTIVE COUNCIL**

#### **SECTION 7:**

The Executive Council shall delegate a representative to the Central Labor Council to serve as principal delegate and chief spokesperson for UPM/AFT to the Central Labor Council.

#### **SECTION 8:**

A. The Executive Council shall by majority vote appoint representatives of the Collective Bargaining team (including Chief Negotiator), Union-District Workload Committee, Professional Standards Committee, Staff Development Committee, Bay 10 Representative, Safety Committee, Grievance Officer, Newsletter Editor, and any other committees provided for by contract or as determined by the Executive Council.

B. The Executive Council shall determine compensation (if any) for these and any other appointments.

#### **SECTION 9:**

In addition to those duties assigned by the Executive Council, the following positions will have the duties listed below:

#### **PRESIDENT**

1. Maintain current understanding of the Collective Bargaining Agreement (CBA).
2. Interpret with District management the CBA.
3. Assure proper application of the CBA by District management.
4. Maintain current understanding of Board of Trustee rules and regulations.
5. Interpret with District management the Board of Trustee rules and regulations.
6. Assure proper application of the Board of Trustee rules and regulations by District management.
7. Maintain current understanding of appropriate state laws, administrative rules, and regulations relevant to the UPM as the Collective Bargaining Agent.

**ARTICLE 6**  
**DUTIES OF THE EXECUTIVE COUNCIL**

**PRESIDENT, continued**

8. Develop and/or conduct training workshops, informational meetings, flex time activities and/or conference programs for the membership.
9. Assist in the development of programs to build and strengthen UPM's departmental/discipline and committee representatives.
10. Communicate with community and labor contacts (local, state or national; as appropriate), memo of understanding.
11. Communicate, when appropriate, with UPM's legal counsel.
12. Communicate when appropriate, with District managers on matters relevant to UPM.
13. Report to the UPM Executive Council as required.
14. Chair meetings of the general membership and UPM Executive Council.
15. Attend regularly scheduled meetings of the District Board of Trustees.
16. Serve as a voting member on the Board of Directors of the UPM Certificated Retirement Account Trust Fund.
17. Serve as a UPM representative on the District Insurance Committee.
18. Negotiate contract language, including but not limited to, re-openers, sidebars, settlement language, and memos of understanding.
19. Demonstrate commitment to the social goals and political strategies of the American trade union movement.

**ARTICLE 6**  
**DUTIES OF THE EXECUTIVE COUNCIL**

**TREASURER**

1. Maintain current understanding of the Collective Bargaining Agreement (CBA).
2. Maintain current understanding of Board of Trustee rules and regulations.
3. Maintain current understanding of appropriate state laws, administrative rules, and regulations relevant to the UPM as the Collective Bargaining agent.
4. Receive and disburse in a timely fashion all financial payments for UPM.
5. Maintain a balanced checkbook for UPM.
6. Provide the Executive Council with bi-weekly financial reports.
7. Provide the general membership with monthly financial reports.
8. Provide in a timely fashion, the bookkeeper with all the necessary information and documents to assist in the preparation of quarterly reports.
9. Provide in a timely fashion, the accountant with all the necessary information and documents to assist in the preparation of tax returns.
10. Provide in a timely fashion, the accountant with all the necessary information and documents to assist in the preparation of tax returns.
11. Provide in a timely fashion, the auditors with all the necessary information and documents to assist in the preparation of any necessary audits.
12. Maintain a working relationship with counterparts in state or national affiliates to assure proper and timely payment and receipt of funds to or from those organizations.
13. Make timely payments of monies owed to state or national affiliates.
14. Assist the Executive Secretary to maintain an accurate membership list.
15. Communicate in a timely fashion with the appropriate representatives of the District on financial matters relevant to UPM.
16. Report to the UPM Executive Council as required.

## **ARTICLE 6**

### **DUTIES OF THE EXECUTIVE COUNCIL**

#### **TREASURER, continued:**

17. Demonstrate commitment to the social goals and political strategies of the American Trade Union movement.
18. Attend Executive Council meetings.

#### **CHIEF NEGOTIATOR:**

1. Maintain current understanding of the Collective Bargaining Agreement (CBA).
2. Interpret with District management the CBA.
3. Assure proper application of the CBA by District management.
4. Maintain current understanding of Board of Trustee rules and regulations.
5. Interpret with District management the Board of Trustee rules and regulations.
6. Assure proper application of the Board of Trustee rules and regulations by District management.
7. Maintain current understanding of appropriate state laws, administrative rules, and regulations relevant to the UPM as the Collective Bargaining Agent.
8. Negotiate in a timely fashion contract language, including but not limited to, full contract, re-openers, sidebars, settlement language, and memos of understanding.
9. Communicate, when appropriate, with UPM's legal counsel.
10. Communicate, when appropriate, with District managers on matters relating to contract language.
11. Report to the UPM Executive Council as required.
12. Report to the membership as required.
13. Report to the Grievance Officer as required.
14. Provide information suitable for publication to the Editor.

## **ARTICLE 6**

### **DUTIES OF THE EXECUTIVE COUNCIL**

#### **CHIEF NEGOTIATOR, continued:**

15. Chair the Collective Bargaining team, and advise new members of the team.
16. Demonstrate commitment to the social goals and political strategies of the American Trade Union movement.

#### **GREIVANCE OFFICER:**

1. Maintain current understanding of the Collective Bargaining Agreement (CBA).
2. Maintain current understanding of Board of Trustees rules and regulations.
3. Maintain current understanding of appropriate state laws, administrative rules, and regulations relevant to the UPM as the Collective Bargaining agent.
4. Act as primary contact and liaison for unit members in the grievance process, as defined in the CBA.
5. Advise unit members on the grievance process.
6. Solely or in conjunction with the unit member and/or the Executive Council, prepare in a timely fashion written grievances.
7. Communicate, when appropriate, with UPM's legal counsel.
8. Communicate, when appropriate, with District managers on matters relating to grievances.
9. Report to the UPM Executive Council as required.
10. Demonstrate commitment to the social goals and political strategies of the American Trade union movement.

## **DUTIES OF THE EXECUTIVE COUNCIL**

### **EDITOR:**

1. Maintain current understanding of the Collective Bargaining Agreement (CBA).
2. Maintain current understanding of Board of Trustee rules and regulations.
3. Write and edit a monthly newsletter for the membership of UPM.
4. Deliver to the person responsible for distribution, by the last working day of the month, a newsletter for the membership of UPM.
5. Produce and design any required notices, flyers, advertisements or announcements.
6. Report to the UPM Executive council as required.
7. Demonstrate commitment to the social goals and political strategies of the American Trade union movement.

## **ARTICLE 7**

### **ELECTIONS OF EXECUTIVE COUNCIL OFFICERS**

#### **SECTION 1:**

The President with a majority vote of the Executive Council shall appoint an election committee of three (3) members who are not candidates, and they shall have charge of the election and the ballot boxes.

Its duty also shall be to solicit nominations of candidates for election to the Executive Council to be presented at the first regular meeting in February.

#### **SECTION 2:**

Nominations shall be accepted in writing in the manner indicated on the nomination form distributed to all members. Elections shall take place by mail ballot prior. Elections of officers shall be by secret ballot or by electronic ballot (e.g., fax or e-mail) that can produce a hard copy and includes the assigned ballot number. It is understood that an electronic ballot may not preserve the secrecy of the vote. The chairperson of the election committee shall have printed ballots prepared and distributed to qualified members and establish a schedule for nominations and voting so that ballots will be counted no later than the last Executive Council meeting of May.

### SECTION 3:

A. After the polls have been closed the election committee shall collect and count the ballots cast and tabulate same on tally sheets prepared by the recording officer for that purpose and enter their report to the local, setting forth in detail the total number of ballots used, the total number cast, and a correct record of the number of votes cast for each candidate.

B. Challenged ballots will be set aside. The Executive Council will determine the eligibility of these disputed ballots only if their number would alter the outcome of the election. At this time, the disputed ballots determined by the Executive Council, to be qualified, will be counted and their tally added to the total.

### SECTION 4:

A. Candidates receiving the largest number of votes cast in each category shall be declared elected.

B. Candidates receiving a plurality of the votes cast shall be declared elected. In the case of a tie vote for the last remaining position in any category, the election committee shall hold a runoff election to fill that position.