

CONSTITUTION
MICHIGAN STATE EMPLOYEES ASSOCIATION
AFSCME LOCAL 5, AFL-CIO

August 12, 2018
(As Amended at General Assembly 2018)

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3 **PREAMBLE**
4

5 We, the rank and file employees of the State of Michigan, establish a union to engage in
6 collective bargaining, promote the general welfare, advance and protect the rights, and
7 promote the security of the membership.
8

9 **ARTICLE I: NAME**
10

11 The name of this union shall be the Michigan State Employees Association, AFSCME
12 Local 5, and AFL-CIO, hereinafter referred to as the Union.
13

14 **ARTICLE II: PURPOSE**
15

16 The purpose of the Union shall include but not be limited to the following:
17

18 (1) To unite, represent, defend, and promote the interest of all members of the Union;
19

20 (2) To represent the interest of the Union and fulfill the Union's obligation to its
21 members;
22

23 (3) To receive, manage, invest, expend, and otherwise use monies and property of this
24 Union to achieve the objectives set forth in the Constitution;
25

26 (4) to provide, maintain, and operate a central office and to furnish services to all
27 individuals, groups, or bodies as required to further the aims and purposes of the Union;
28 and
29

30 (5) To maintain a relationship of mutual assistance with organized labor and other
31 organizations and individuals interested in promoting the efficiency, professionalism,
32 and well-being of its members.
33

34 **ARTICLE III: LOCATION**
35

36 The central office of the Union shall be located in the Lansing metropolitan area.
37

38 **ARTICLE IV: GOVERNMENT**
39

40 **Section 1: Governing Body**

41 The governing body of the Union shall be the elected representatives of the general membership
42 meeting, hereinafter referred to as the General Assembly.
43

44 **Section 2: Administration**

45 The administration of the affairs of the Union is vested in the State Board of Directors which
46 is composed of the State Officers of the Union, and the Regional Directors.
47

48 **Section 3: Executive Council**

49 Between meetings of the State Board of Directors, the administration of the Union is the
50 responsibility of the Executive Council which is composed of the State Officers.
51

1
2 **Section 4: State Officers**

3 Between meetings of the Executive Council, administration of the affairs of the union is the
4 responsibility of the State Officers, whose duties and responsibilities are described herein.
5

6 **Section 5: Regions, Committees, Caucuses**

7 All regions, committees, caucuses and other subdivisions of the Union are subject to the
8 administration of the Union.
9

10 **ARTICLE V: LIMITATIONS**

11
12 **Section 1: Actions**

13 Neither the General Assembly, State Board of Directors, nor any region, committee, caucus,
14 officer, member, or any other subdivisions of the Union shall take any action which is
15 incompatible with the purpose of the Union.
16

17 **Section 2: Publications**

18 No region, committee, or member shall publish or disseminate any position which relates
19 to Civil Service, compensation, conditions of employment of state employees or employees
20 of other governmental agencies, declaring or implying the endorsement of such position by
21 the Union, unless approval is obtained from the General Assembly in session, or from the
22 State Board of Directors when General Assembly is not in session, unless otherwise herein
23 provided.
24

25 **Section 3: Debt**

26 No debt shall be incurred in excess of the funds in the treasury of the Union.
27

28 **Section 4: Right of Appeal**

29 No person or body claiming to be aggrieved by any action of the Union or any agency
30 thereof shall be denied a right of appeal as provided in the Constitution nor shall such
31 person or body resort to any other court or administrative body until the remedies,
32 procedures and appeals provided in the Constitution have been pursued and exhausted.
33

34 **Section 5: Affiliation/Disaffiliation**

35 (a) Any proposal for MSEA to affiliate or disaffiliate itself with another association or
36 organization shall be brought before the General Assembly, whereupon a majority of the
37 General Assembly must approve the referral of the proposition to the membership. If
38 approved by a majority of the membership voting on the questions, the proposal shall be
39 adopted.
40

41 (b) Any proposal for another association or organization to affiliate or disaffiliate itself
42 with MSEA shall be brought before the State Board of Directors. If approved by a
43 majority of the State Board of Directors voting on the question the proposal shall be
44 adopted.
45

46 **Section 6: Exclusive Representation:**

47 The Union, when acting as an exclusive representative, shall not enter into any agreement
48 (excluding ground rules, letters of intent, and letters of understanding) unless the agreement
49 has been ratified by the State Board of Directors and by a majority of the ballots cast by the
50 Union members affected by the agreement.

1
2 **ARTICLE VI: MEMBERSHIP**

3
4 **Section 1: Qualifications**

5 Any non-supervisory rank and file state or public sector employee, or retired or disabled state
6 or public sector employee, is entitled to become or remain a member of the Union upon
7 payment of dues established in the Constitution.

8
9 **Section 2: Discrimination**

10 No discrimination shall be made against a member or applicant for membership because of
11 color, race, sex, age, religious belief, national origin, handicap, or political activity and belief.
12

13 **Section 3: Membership**

14 Membership in the Union shall begin upon the receipt of a signed application and
15 authorization for payroll deduction in Central Office, or upon receipt of a signed application
16 and direct payment of dues in Central Office.
17

18 **Section 4: Certificate of Membership:**

19 Each fiscal year a certificate of membership shall be issued by the Union to each of its
20 members.
21

22 **Section 5: Region Membership**

23 A member may not hold membership in more than one region at the same time.
24

25 **Section 6: Termination of Membership**

26 Membership in the Union shall be terminated by:
27

- 28 (a) Failure to pay dues, except as otherwise herein provided;
29
30 (b) Resignation of an employee-member from state or public service.
31
32 (c) Resignation from the Union;
33
34 (d) Final dismissal of an employee-member from state or public service;
35
36 (e) Death;
37
38 (f) Ceasing to be a non-supervisory rank and file state or public sector employee. This
39 provision shall not apply to retired or disabled members.
40
41 (g) Dismissal from the Union by a three-fourths (3/4) vote of the State Board of Directors, after
42 not less than ten (10) days notice and an opportunity to be heard before the Board shall have
43 been given the member, for action found to be contrary and detrimental to the principles,
44 purposes, and goals of the Union.
45

46 **Section 7: Termination Provisions**

47 A membership terminated under the provisions of Section 6:

- 48
49 (a) Subsection (a) or (c) shall be reinstated upon the payment of dues for the full period of non-
50 membership for those members exclusively represented;

1
2 (b) Subsection (b) or (d) shall be reinstated upon receipt of an application from the employee;

3
4 (c) Subsection (g) may be reinstated by a three-fourths (3/4) vote of the State Board of
5 Directors.

6
7 **Section 8: Retiree Membership**

8 Any retired Union member age fifty (50) years or older or with at least ten (10) years of
9 membership, or a disabled Union member, shall be entitled to retain membership in the Union
10 for \$1.00 per month, to be paid in advance at the rate of \$12.00 per year. Retiree's dues are
11 to be pro-rated from the date of retirement to the next January 1st. Thereafter, the retiree's
12 dues shall be payable on January 1st, with thirty days advance notice given by MSEA Central
13 Office.

14
15 **Section 9: Per-capita Tax**

16 Any Union member on layoff, leave of absence or otherwise removed from state or public
17 sector employment while maintaining membership rights shall be entitled to retain membership
18 in the Union with cash payment of dues equal to AFSCME per-capita tax for union members.

19
20 They shall be further entitled to full participation in the Union. They may extend that period
21 upon written request submitted to and approved by the State Board of Directors at least
22 sixty (60) days prior to the expiration of the initial period.

23
24 (a) The AFSCME per-capita tax required by Article VI, Section 9, of the MSEA Constitution
25 will be paid by MSEA for members who are "suspended pending employment related
26 charges", or; suspended or dismissed with grievance or arbitration pending (regarding their
27 suspension or dismissal). Payment of the AFSCME per-capita tax under this resolution shall
28 continue only while the member is not collecting a state pay check.

29
30 (b) The MSEA Board of Directors shall determine if the AFSCME per-capita tax for
31 these members will be paid from the Regional funds where the membership resides,
32 or from other designated Association funds.

33
34 **Section 10: Fair Representation**

35 Any Union member is entitled to fair representation.

36
37 **Section 11: Handicap Accessibility**

38 All meetings and functions of the Union shall, if geographically and economically feasible, be
39 held in barrier-free locations. If such a location cannot be obtained, the Union shall arrange
40 such assistance as may be needed by handicapped members.

41
42 **ARTICLE VII: FISCAL YEAR AND DUES**

43
44 **Section 1: Fiscal Year**

45 The fiscal year of the Union shall extend from June 1st of each year through May 31st of the
46 following year.

47
48 **Section 2: Payments**

49 Each member, except as otherwise herein provided, shall pay Union dues biweekly in an
50 amount equal to one (1) hour of the member's base hourly wage. Except, however, that the

1
2 union dues for all members who are not in exclusively represented units shall be biweekly
3 an amount equal to 60% of the member's base hourly wage. Dues for permanent
4 intermittent, seasonal, temporary or part-time employees will be deducted when each eighty
5 (80) hours of employment has been completed. These dues shall be budgeted and
6 processed in the following manner:
7

8 (a) First be deposited in a separate account to insure timely payment of the AFSCME
9 International per capita tax.

10
11 (b) Then three (3) percent to the Region Operations Fund will be deposited in a separate
12 account(s); and,
13

14 (c) Then two (2) percent to the Region Contingency Fund will be deposited in a separate
15 account(s); at the end of the fiscal year and any monies left in excess of \$10,000 the
16 Contingency Fund be rendered to the general administration fund; and
17

18 (d) Then ninety-five (95) percent to the General Administration and Reserve Fund for general
19 operations.
20

21 (e) These funds shall not be co-mingled, and funds will be rendered to these accounts on a
22 biweekly basis.
23

24 **Section 3: Funding**

25 The General Administration and Reserve Fund shall be used for the general operating budget
26 and necessary capital expenditures of the Union as proposed by the Finance and Operations
27 Committee and adopted by the State Board of Directors.
28

29 **Section 4: Regional Operations Fund**

30 (a) The distribution of the Regional Operations Fund shall be on a biweekly basis, said
31 biweekly installments to be credited to each individual Region's account within the Central
32 Accounting for Regions (CAR), according to the following formula: Biweekly, 50% of the total
33 rebate for that period shall be divided equally among the regions as a base allocation; the
34 remaining 50% shall be divided on a per capita basis. No region shall exceed \$10,000. Any
35 monies due in excess of the \$10,000 cap shall be transferred into the Region Contingency
36 Fund.
37

38 (b) Monies in Region Operating Fund will be deposited in a guaranteed principal account.
39 Interest earned on Region funds will be credited to the Region Contingency Fund.
40

41 (c) Within thirty (30) calendar days of each expenditure, the region shall submit to the State
42 Treasurer a voucher authorized by the Region Director and any receipt(s) detailing the
43 expense. Additionally, if the expenditure is initiated by a vote at a region's meeting, the
44 region's minutes of the meeting shall accompany the authorized voucher.
45
46
47
48
49

1
2 **Section 5: Financial Standards Code:**

3
4 (A) PURPOSE

5
6 1. To establish minimum standards to be met by the Central Association of MSEA and its
7 subdivisions in the handling of funds and other assets, and in the maintenance of their financial
8 records.

9
10 2. To assist the officers in carrying out the responsibilities of their elected offices.

11
12 (B) EXPENDITURE OF MONIES DERIVED FROM DUES

13
14 1. Permissible: - including but not limited to:

15
16 (a) Food and refreshments for a meeting (documented by minutes);

17
18 (b) Travel expense for authorized union business;

19
20 (c) Postage, copying, purchase of office equipment for authorized union business;

21
22 (d) Annual leave buy-back, reimbursement of payroll cost including wages, taxes, benefits and
23 retirement contributions "as billed" for appropriate and authorized union business to be handled
24 by Central Office and the State's respective department or agency only; (GA18)

25
26 (e) Long distance phone calls for union business with phone log showing nature and purpose
27 of call and phone bill receipt;

28
29 (f) Caring expressions for members and their families in behalf of the Union.

30
31 (g) Approved expenditures by an authorized governing body which are in compliance with this
32 code;

33
34 (h) Cash advances, up to 80% of the estimated cost to member, for travel expenses for
35 authorized union business which requires overnight accommodations;

36
37 (i) Promotional items, e.g., hats, mug, cups etc.

38
39 2. Non-permissible expenditures of monies derived from union dues, including, but not limited
40 to:

41
42 (a) Alcoholic beverages including beer and wine;

43
44 (b) Charitable contributions;

45
46 (c) Food and refreshments or any other expenses for social events such as, campouts, picnics,
47 pig roasts, etc., are not permissible expenses unless a meeting is held and documented by
48 minutes;

49
50 (d) Cash payments in lieu of annual leave buy back;

- 1
2 (e) Imprudent or unnecessary expenditures for travel, lodging, meals, and/or phone calls.
3
4 (f) Checks made payable to cash.

5
6 (C) ACCESSIBILITY OF FUNDS:
7

8 1. Region Operations Fund - Regions shall access their funds via a voucher system
9 recommended by the Finance and Operations Committee and approved by the Board of
10 Directors. Advances for Regional functions must be requested via voucher to Central Office in
11 a timely manner. Payment of vouchers shall be made in an expeditious manner.

12
13 2. Region Contingency Fund - Regions shall submit in writing a detailed request to the
14 Finance and Operations Committee for approval of additional funds from the Region
15 Contingency Fund.

16
17 (d) Monies held locally by a Region, shall be referred to as Petty Cash. The maximum amount
18 in Petty Cash shall not exceed \$500.00 for each Region.

19
20 (e) Central Office will provide to the Regions monthly financial statements reflecting income,
21 disbursements and current balance of their CAR Accounts.

22
23 (f) Upon the receipt of an authorized and documented voucher in accordance with Section 4
24 (c) of this Article, a Region's Petty Cash shall be replenished for the expenditure.

25
26 **Section 6: Representation Fees**

27 Any monies received by the Union through the payment of Representation Fees under Agency
28 Shop provisions shall be distributed under a formula to be developed by the Finance and
29 Operations Committee and approved by the State Board of Directors. Such formula shall
30 recognize all areas of representation for non-members and shall be equitable.

31
32 **Section 7: Changes in Dues:**

33 (a) The Finance and Operations Committee shall prepare and submit a recommendation to the
34 State Board of Directors prior to each General Assembly which shall call for either a change or
35 no change in the dues structure or distribution formula for the apportionment of Union dues.

36
37 b) Such recommendation shall be published in the MSEA News at least thirty (30) days
38 prior to the convening of General Assembly.

39
40 **ARTICLE VIII: GENERAL ASSEMBLY**

41
42 **Section 1: Triennial and Special Sessions**

43 (a) The General Assembly shall meet triennially in June, July, August or September, beginning in
44 2012, on a date and at a place determined by majority vote of the State Board of Directors. The
45 membership shall be informed of the date and place of the General Assembly by the State
46 Board of Directors not later than January first of the year of the General Assembly.

47
48 (b) Special sessions of the General Assembly may be called upon a majority vote of the State
49 Board of Directors, with not less than ten (10) days written notice given to each General
50 Assembly Delegate. Notice of a special session must specify the subjects on which action by

1
2
3 the General Assembly is sought, and subjects not specified in the call may not be considered.

4
5 (c) When a vote of the General Assembly is required between sessions, the State Board of
6 Directors shall formulate the question and cause it to be stated clearly and legibly on a ballot
7 which shall have separate spaces for yes and no votes, and which shall inform the voter of
8 the date on or before which, and the place to which, the ballot must be returned. The
9 Constitution and Election Committee shall provide means for identification of the voter
10 consistent with the secrecy of the ballot and shall cause the ballots so prepared to be mailed
11 simultaneously to all Delegates of the General Assembly. The Constitution and Election
12 Committee shall provide for the opening and tallying of ballots on a fixed date, and for the
13 announcement of the vote.

14
15 **Section 2: Representation**

16
17 (a) Subject to the right of every Region to a minimum of one delegate and one alternate,
18 representation in the General Assembly - Regions with 25 - 74 members are entitled to 1
19 elected delegate and 1 alternate; 75 - 124 members, 2 delegates and 2 alternates; 125 - 174
20 members, 3 delegates and 3 alternates, etc. Such representation shall be based on
21 each Region's enrollment of dues-paying members as reflected in the Central Office on the
22 first day of the fourth month immediately preceding the convening of each triennial session of
23 the General Assembly. The full name and residence address of each delegate and
24 alternate delegate to the General Assembly shall be furnished to the Central Office not later
25 than the first day of the second month immediately preceding the convening of the triennial
26 session of the General Assembly to which he/she is to be accredited. The delegate or
27 alternate delegate will be accorded membership in the General Assembly upon presentation
28 thereat and acceptance of credentials signed by the Regional Director and Secretary of
29 his/her Region holding office at the convening of the General Assembly. If both the
30 delegate and his/her alternate delegate are absent from the General Assembly, another
31 member of said region may be accredited by the General Assembly as a delegate from
32 that region. A delegate and alternate delegate shall continue as such until the convening of
33 the next triennial session of the General Assembly.

34
35 (b) Whenever a delegate is absent during any session of the General Assembly, or ceases
36 to be a member of the region from which he/she was elected, or becomes a delegate-at-
37 large, an alternate delegate from his/her region may serve in his/her stead.

38
39 (c) Members of non-state Civil Service Employees in units exclusively represented by
40 MSEA shall hold a meeting and elect their Delegate at Large by the first day of the fourth
41 month immediately preceding the convening of each triennial session of the General
42 Assembly. The full name and residence address of the Delegate-at-Large to the General
43 Assembly shall be furnished to the Central Office not later than the first day of the second
44 month immediately preceding the convening of the triennial session of the General
45 Assembly to which he/she is to be accredited.

46
47 **Section 3: Accreditation**

48
49 All State officers of the Union, and Regional Directors, and one (1) representative from groups
50 of non-state Civil Service Employees exclusively represented by MSEA shall be accredited
51 Delegates-at-Large to the General Assembly. A Delegate-at-Large shall be accorded

1
2 membership in the General Assembly upon presentation of credentials signed by the Secretary
3 of the Union. Membership of a Delegate-at-Large in any region shall not reduce that region's
4 representation as provided in Article VIII, Section 2(a). Delegates-at-Large shall not be elected
5 as region delegates, but shall be allowed to vote in their region's elections.
6

7 **Section 4: Membership Qualifications**

8 Membership in the General Assembly shall be restricted to persons who are members in good
9 standing of the Union, and are recorded as such in Central Office on the first day of the second
10 month preceding the convening of the General Assembly in which membership is claimed.
11

12 **Section 5: Voting**

13 Only Delegates and Delegates-at-Large of the General Assembly may vote in the General
14 Assembly. Each Delegate and Delegate-at-Large is entitled and limited to a single vote on
15 each issue. No proxies or fractional votes shall be recognized.
16

17 **Section 6: Quorum**

18 A quorum for the transaction of business shall consist of not fewer than 50% plus one of the
19 Delegates seated in the Convention.
20

21 **Section 7: Order of Business**

22 The order of business of the General Assembly in session shall be as follows, provided that in
23 the absence of any objections, the presiding officer may vary the order of business at his/her
24 discretion:
25

26 Call to Order and Invocation

- 27 Call for the General Assembly
- 28 Roll Call and Report of General Assembly Committee
- 29 Approval of Agenda
- 30 Report of the President
- 31 Report of Treasurer/Finance and Operations Committee
- 32 Nominations of Officers
- 33 Election of Officers
- 34 Referral of Resolutions
- 35 Regional Meetings
- 36 Departmental/Agency Caucuses
- 37 Reports of Committees
- 38 Unfinished Business
- 39 New
- 40 Business
- 41 Final Roll
- 42 Call
- 43 Installation of State Officers and Regional Directors
- 44

45 **Section 8: Resolutions**

46 (a) Resolutions may be submitted for consideration at General Assembly by:
47

- 48 1. a majority vote of the State Board of Directors,
- 49
- 50 2. a majority vote of a committee or departmental/agency caucus of the Union at

1
2 an announced meeting of the committee or departmental/caucus,

3
4 3. a majority vote of the Executive Council,

5
6 4. a majority vote of members of a region attending a regional meeting,

7
8 5. a majority vote of the Board of Directors of a region, or

9
10 6. a member of the Union provided that such resolution be accompanied by the
11 signatures of not less than twenty-five (25) members of the Union.

12
13 (b) A resolution intended for consideration at the triennial session of the General Assembly
14 must be prepared in writing on a form available from the Central Office or in a letter
15 prepared in similar style, in duplicate, and be delivered or postmarked and addressed to the
16 Central Office ninety (90) days prior to the convening of the General Assembly.

17
18 (c) A resolution prepared or submitted less than ninety (90) days prior to the
19 convening of the General Assembly may be presented at the triennial session of the
20 General Assembly if signed by twenty-five (25) or more accredited delegates and if it
21 specifically designates the sponsor.

22
23 (d) All resolutions shall be forwarded to the Resolutions Subcommittee of the General
24 Assembly Committee

25
26 (e) Each resolution to be submitted to the General Assembly must be accompanied by a
27 certification signed by the Secretary of the Board, committee, region, or
28 departmental/agency caucus submitting the resolution, or by the member of the Union who
29 is responsible for the preparation of the resolution and obtaining the required additional
30 members' signatures.

31
32 (f) Each resolution presented to the General Assembly shall be referred to a committee by
33 the presiding officer, unless immediate consideration is ordered by a two-thirds (2/3) vote of
34 the General Assembly.

35
36 (g) Each resolution adopted by the General Assembly which calls for the expenditure of
37 funds not provided for in the annual budget shall be referred to the Finance and Operations
38 Committee for method of implementation.

39
40 (h) A resolution adopted by the General Assembly shall become the policy of the Union, and
41 may only be changed by the vote of the General Assembly Delegates.

42
43 (i) A resolution rejected by the General Assembly shall not become the policy of the Union,
44 and may only be adopted in whole or in part by a vote of General Assembly delegates.

45
46 **Section 9: Nominations for State Office**

47 (a) Whenever any member of the Union proposes to become a candidate for any
48 statewide Union office to be filled by election at the General Assembly, and to actively
49 seek election to such office, he/she shall give written notice of such intention to the
50 Constitution and Election Committee through the Central Office on a printed form

1
2 approved by the State Board of Directors, naming the office sought, setting forth in
3 reasonable detail the qualifications of the candidate for the office named, and
4 expressing willingness to serve for the duration of the specified term if elected.
5

6 Such notice shall be given at least ninety (90) days prior to the General Assembly at
7 which election to such office shall be sought.
8

9 (b) Central Office shall confirm each candidate's membership in good standing as of the
10 first day of the fourth month preceding the convening of General Assembly. Central
11 Office staff shall then forward the verified applications for candidacy to the Constitution
12 and Election Committee.
13

14 (c) In the event that no applications are received for an office, the Constitution and Election
15 Committee shall recruit from the membership a candidate(s) for that office.
16

17 (d) The Constitution and Election Committee shall submit the names and qualifications of
18 candidates as stated on the applications for candidacy to the MSEANews for publication in the
19 issue preceding the General Assembly.
20

21 (e) Applications for candidacy not received at least ninety (90) days prior to the convening of
22 General Assembly shall not be accepted by the Constitution and Election Committee until
23 General Assembly convenes, and such candidates shall not have their candidacy published in
24 the MSEANews.
25

26 (f) At the call of the presiding officer of General Assembly, the chairperson of the Constitution
27 and Election Committee shall present to the General Assembly the names of declared
28 candidates. Following the presentation of the chair, other applications for candidacy shall be
29 accepted from the floor for any other office to be elected by the General Assembly.
30

31 (g) When all applications for candidacy have been received, the Constitution Election
32 Committee shall verify that each candidate is a member in good standing as specified in
33 subsection (b) above. The chairperson of the Constitution and Election Committee shall then
34 place in nomination the names of all candidates for office. A seconding speech for each
35 candidate shall be in order.
36

37 **Section 10: Elections**

38 (a) The election of State Officers shall occur as ordered in Section 7, provided however,
39 that such election shall become the first order of business following the noon hour on the
40 final day of the triennial session of the General Assembly if not held prior thereto.
41

42 (b) Election shall be held by secret ballot, except that when no more than one nomination
43 for an office is presented to the General Assembly, the candidate may be elected by
44 acclamation. The Election Committee shall determine the method of balloting, and shall
45 submit that method to the Rules Subcommittee of the General Assembly Committee.
46

47 (c) Any member of the General Assembly seeking to vote in an election must present at the
48 place of polling his/her delegate credentials before voting.
49
50
51

1
2 **Section 11: General Assembly Regional Meetings**

3 (a) During the triennial meeting of the General Assembly, a separate meeting of each
4 region shall be held. The Delegates and Alternate Delegates to General Assembly from
5 each region shall constitute a General Assembly Region Meeting, and shall elect a Region
6 Director, an Alternate Region Director, and a member of the Constitution and Election
7 Committee.

8
9 A Region Secretary and Treasurer, or Secretary/Treasurer, may be elected or appointed at
10 this meeting or at the first regional meeting following General Assembly. Such
11 determination shall be made by the delegates and alternate delegates present at the region
12 meeting. NOTE: Nothing in this resolution gives the Alternate Delegates the right to vote on
13 General Assembly Resolutions or in State Officer elections or mandates any change in the
14 funding of Alternate Delegates.

15
16 (b) The member of the Constitution and Election Committee shall also be the chairperson
17 of the Regional Election Committee.

18
19 (c) Should a position on the Constitution and Election Committee become vacant because
20 of resignation, termination of employment, or incapacity of the elected member, the
21 Regional Director shall appoint a member within the region to serve for the balance of the
22 unexpired term.

23
24 (d) Whenever a member of the Union proposes to seek election to a regional office he/she
25 shall give written notice of such intent to the Regional Election Committee on a form
26 approved by the State Board of Directors, naming the office sought, and setting forth in
27 reasonable detail the qualification of the candidate for the office named, such notice to be
28 given at least ninety

29 (90) days prior to the General Assembly at which election to such office will be sought.
30 Candidates nominated from the floor shall complete the prescribed form.

31
32 **Section 12: Department Caucus Meeting**

33 During the triennial meeting of the General Assembly, a separate meeting of the delegates
34 within a single department/agency represented by the Union shall be held. The delegates
35 at each of these meetings shall be included in, but not limited to, the membership of the
36 General Assembly Departmental/Agency Caucus. Such membership shall be
37 determined by the Caucus guidelines, as approved by the State Board of Directors of the
38 Union.

39
40 **Section 13: Installation of Officers**

41 Prior to the adjournment of the General Assembly the officers-elect and directors-elect shall be
42 installed by some person designated by the president-elect.

43
44 **Section 14: Term of Office**

45 (a) Term of office shall be from the adjournment of the General Assembly at which the person
46 is elected until the adjournment of the General Assembly at which a successor is elected.

47
48 (b) The term of State Officers shall be three (3) years.

49
50 (c) Regional Directors and Alternate Regional Directors shall serve for a term of three (3)
51 years.

1
2 (d) State Standing Committees shall be elected and/or appointed for three (3) year terms with
3 the exception of the General Assembly Committee.
4

5 **Section 15: Delegate Expenses**

6 Expenses of delegates to the General Assembly occasioned by their attendance at any
7 session of the Assembly shall be paid by the Union in manner and form prescribed by the
8 State Board of Directors upon presentation of proper voucher to the Central Office within 30
9 days of receipt of voucher.
10

11 **ARTICLE IX - STATE OFFICERS**
12

13 **Section 1: The President**

14 (a) The President (or designees) shall preside at all meetings of the General Assembly, the
15 State Board of Directors, and the Executive Council, and shall be an ex officio member of each
16 MSEA standing committee with the exception of the Constitution and Election Committee, the
17 Litigation and Arbitration Committee, the Audit Committee, and the Steward and Training
18 Committee.
19

20 (b) Shall appoint all members of standing committees, except as otherwise herein provided;
21 and designate the chairpersons of committees subject to confirmation by the State Board of
22 Directors, except as otherwise herein provided.
23

24 (c) Shall appoint and dissolve all special committees subject to the approval of the State Board
25 of Directors.
26

27 (d) Shall be the chief spokesperson for the Union, except as herein otherwise provided.
28 The President may delegate such authority at his/her discretion.
29

30 (e) Shall be the chief negotiator for the union during the collective bargaining process,
31 subject to approval by a majority of the bargaining team/committee.
32

33 (f) Shall appoint, within thirty (30) days, subject to confirmation by the State Board of
34 Directors, persons to fill vacancies occurring in State Offices for the duration of the unexpired
35 term.
36

37 (g) Not less than fifteen (15) days prior to the triennial session of the General Assembly,
38 shall render to the General Assembly delegates-elect a report of his/her administration with
39 such recommendation as he/she deems advisable.
40

41 (h) Shall cease, on installation to the presidency, to hold any other office in the Union.
42

43 (i) The MSEA President will automatically be the first delegate to the AFSCME International
44 Convention.
45

46 j) The MSEA President, as first delegate will be the Chairperson of all the delegates to the
47 AFSCME International Convention from Local 5.
48

49 (k) The expenses for the MSEA President, as delegate, to AFSCME International
50 Convention will be funded from Central Association funds.
51

1
2 **Section 2: The Vice President**

3 (a) Shall sit in place and stead of the President in the latter's absence or at his/her request.
4 In the event of the death, incapacity, resignation, or removal of the President, the Vice-
5 President shall become President for the remainder of the unexpired term.
6

7 (b) Shall perform such duties as may be assigned by the President.
8

9 **Section 3: The Treasurer**

10 (a) Shall supervise the accounting of the financial records of the Union.
11

12 (b) Shall, when authorized by the State Board of Directors, disburse funds of the Union by
13 check.
14

15 (c) Shall designate, by written authority filed with the State Board of Directors, those
16 employees of the Union bonded to sign checks.
17

18 (d) Shall prepare for publication and presentation, prior to the General Assembly, an
19 annual written report of the finances of the Union in sufficient detail for delegates to
20 ascertain the sources of monies received, the purposes of allotments and expenditures, the
21 amounts on hand in various funds, and the financial status of the Union.
22

23 (e) Shall insure that the financial records of the Union are maintained in Central Office and
24 kept open and available at reasonable hours for inspection and audit.
25

26 (f) Shall be Chairperson of the Finance and Operations Committee.
27

28 (g) The Treasurer shall be released as needed with Board approval for the purpose of
29 fulfilling the Treasurer obligation. (GA18)
30

31 **Section 4: The Secretary**

32 (a) Shall supervise and insure the creation and distribution of documents as directed by the
33 President and State Board of Directors.
34

35 (b) Shall, in consultation with the President, supervise and ensure the maintenance and
36 distribution of the governing documents.
37

38 1. Shall review the minutes and proceedings of the General Assembly and the
39 constitutional resolutions adopted and prepare and insert conforming language in
40 the MSEA Constitution.
41

42 2. Shall review the minutes and proceedings of the General Assembly and the State
43 Board of Directors and the resolutions and motions adopted and prepare and
44 insert conforming language in the Board Policy.
45

46 (c) Shall supervise and insure the maintenance of a file in Central Office containing the
47 bylaws of all regions in the Union.
48

49 (d) Shall supervise and insure the maintenance of a file in Central Office containing all past
50 and current agreements with the employer.
51

1
2 (e) In the event of death, incapacity, resignation, succession and removal of the President and
3 Vice President, the Secretary shall call an emergency State Board of Directors meeting within
4 15 days upon vacancy of said offices to elect a President for the remainder of the uncompleted
5 term.

6
7 (f) Shall take Roll Call for establishing a quorum at all Board of Directors meetings and
8 General Assembly.

9
10 **ARTICLE X - STATE BOARD OF DIRECTORS**

11
12 **Section 1: State Board of Directors**

13 The State Board of Directors shall consist of the State Officers of the Union, and the Regional
14 Directors.

15
16 **Section 2: State Board of Directors Authority**

17 The State Board of Directors shall have all those powers expressly granted herein and also
18 general authority not inconsistent therewith to formulate the program and administer the affairs
19 of the Union in a manner not in conflict with policy adopted by the General Assembly. The Board
20 may add rules and delegate powers as it deems expedient, consistent with the limitations herein
21 and the resolutions adopted by the General Assembly.

22
23 **Section 3: Training of Board Members**

24 Ninety (90) days after every General Assembly, the Board of Directors receive training on
25 the MSEA Constitution, MSEA Board Policies and financial statements and that any officers
26 elected or appointed after General Assembly, said training shall be given and received
27 according to the aforementioned.

28
29 **Section 4: Meetings of the State Board of Directors**

30 (a) The State Board of Directors shall meet the day preceding and following
31 adjournment of the triennial General Assembly and shall meet not less than once in
32 each quarter of the calendar year at the call of the President upon not less than ten
33 (10) days' written notice to each member of the Board.

34
35 (b) Special meetings may be called by a majority of the State Board of Directors. At least five
36 (5) days' written notice shall be given to each member containing the names of those
37 calling the meeting. Action shall be limited to those matters specified in the call.

38
39 (c) A majority of the membership of the State Board of Directors shall constitute a quorum.

40
41 (d) The order of business of the Board in meetings as provided in Section 3(a) shall be, as
42 far as applicable, as follows: Call to Order, Roll Call, and Corrections to Minutes,
43 Communications Reports of Officers and Directors, Committee Reports, Unfinished
44 Business and New Business.

45
46 **Section 5: Executive Council**

47 (a) The Executive Council shall consist of the elected State Officers of the Union. A majority
48 of the members shall constitute a quorum at a meeting of the Council.

49
50 (b) Under authority of the State Board of Directors, the Council may ad for the Board to
51 carry out Union policies between meetings of the Board.

1
2 (c) The Executive Council shall meet at the call of the President or any majority of the
3 members, provided that not less than twenty-four (24) hours' notice shall have been given
4 to each member of the Council.

5
6 (d) Action taken at any meeting shall be limited to the matters specified in the call for the
7 meeting.
8

9 **Section 6: Compensation**

10 (a) State Officers and Regional Directors of the Union shall be reimbursed, in a manner
11 and form as prescribed by the State Board of Directors, for expenses incurred for travel
12 or other business expenses of the Union.
13

14 (b) The office of President shall be a paid, full-time position. The President's compensation
15 shall be a flat rate of \$2,000 a month, to be paid directly to the President by MSEA regardless
16 of any state salary, retirement payment or any other income. The compensation rate shall take
17 effect on the day following the certification of the election to the Office of the President or on
18 the date a person assumes the Office of the President (GA/04).
19

20 (c) The President's vehicle will be replaced no sooner than 100,000 miles or when deemed
21 unsafe by a Michigan certified auto mechanic and from this point forward will not buy a four
22 wheel drive vehicle. (GA/02).
23

24 (d) The State Board of Directors is empowered to compensate any other officer or member of
25 the Union, not to exceed that person's usual compensation from employment, for whatever
26 period of time is deemed necessary to accomplish the objectives of the Union, to the extent
27 provided for in current agreements with the employer.
28

29 **ARTICLE XI - STANDING COMMITTEES**

30 **Section 1: Standing Committees**
31

32 The standing committees of the Union shall be:

- 33 Audit
 - 34 Bargaining
 - 35 Constitution and Election
 - 36 Finance and Operations
 - 37 General Assembly
 - 38 Health and Safety
 - 39 Legislation, Political Action and Retirement
 - 40 Litigation and Arbitration
 - 41 Steward and Training
- 42

43 **Section 2: Standing Committee Membership**

44 (a) Membership on any standing committee shall be open to any member in good
45 standing and shall be by appointment, or election as herein provided.
46
47
48

1
2 (b) All appointments to standing committees shall be subject to approval by a majority of State
3 Board of Directors.

4
5 **Section 3: Audit Committee**

6 The committee shall consist of five (5) members with staggered terms of five (5) years per
7 term. The State Treasurer serves the committee in an advisory role only.
8

9 (a) The auditing duties of the committee shall be:
10

- 11 1. To conduct an audit for the fiscal year of regions' financial records, and have the
12 authority to conduct and review all financial records within the structure of MSEA.
13 MSEA will continue to have a yearly independent audit;
- 14 2. To review and verify that biweekly rebate checks are properly deposited and recorded;
- 15 3. To insure that disbursements are recorded and entries supported by receipts;
- 16 4. To verify the current balance of each funded body's treasury;
- 17 5. To report audit findings to the State Board of Directors in writing;
- 18 6. To insure that all financial records maintained by sub-divisions of MSEA shall
19 become the property of MSEA, and furthermore, that these records shall be turned
20 over in their entirety to Central Office no later than sixty (60) days from the end of
21 MSEA's fiscal year.
- 22 7. The Audit Committee will elect a committee chairperson, when a vacancy of the
23 chairperson exists. (7/10)
- 24 8. The Audit Committee shall meet within 60 days of the MSEA General Assembly.
25
26
27

28
29
30
31
32
33 **Section 4: Bargaining Committee**

34 (a) The Committee shall consist of a chairperson and other bargaining unit members
35 appointed by the President subject to approval by a majority vote of the State Board
36 of Directors.

37
38 (b) The duties of the Bargaining Committee shall include the following:
39

- 40 1. Bargaining the primary contract(s) and economic agreement(s) with the Office of
41 State Employer.
- 42 2. Act in an advisory capacity to the President and Board of Directors in all matters
43 regarding bargaining including letters of agreement, letters of understanding, and
44 letters of intent.
45
46

47 **Section 5: Constitution and Election Committee**

48 (a) The Committee shall consist of one (1) union member elected by and from each region as
49 herein provided. No state officer, regional officer, or candidate for state or regional office may
50

1
2 be a member of this committee. Members of the Constitution and Election Committee are not
3 considered regional officers. Should a member of this committee become ineligible to serve,
4 or should a vacancy otherwise occur, the appropriate Regional Director shall be responsible
5 for appointing a replacement for the duration of the term. The President shall, within 30 days
6 of knowledge of the vacancy of the Chairperson, call a Constitution and Election Committee
7 Meeting for the purpose of the committee members to elect a new chairperson. The
8 Committee shall elect a chairperson and such other officers as it deems necessary at its first
9 meeting.

10
11 (b) The Committee shall, upon written request of the General Assembly, State President,
12 Regional Director, or Committee of the Union, provide within sixty (60) days a constitutional
13 interpretation of issues referred to it by those individuals or groups.

14
15 (c) The Committee shall review all bylaws and revisions of bylaws of regions, for
16 compliance and compatibility with the Constitution of the Union. It shall either reject
17 and return to the region for further revision, or accept and submit to the State Board of
18 Directors for approval, all such proposed bylaws and revisions within sixty (60) days of
19 the date of receipt.

20
21 (d) Additional duties of the committee shall be:

- 22 1. To recruit from the membership, if necessary, candidates for offices to be filled
23 by election at the General Assembly as herein provided;
- 24
25 2. To receive and submit to Central Office the names and qualifications of candidates for
26 offices to be filled by election at General Assembly as herein provided;
- 27
28 3. To collect and verify all applications for candidacy received from the floor of the
29 General Assembly as herein provided;
- 30
31 4. To determine the voting procedures to be used in elections at General Assembly;
- 32
33 5. To be responsible for the printing, distribution, collection, and security of ballots cast in
34 elections at General Assembly.
- 35
36 6. To conduct recall elections at the direction of the State Board of Directors as herein
37 provided;

38
39 **Section 6: Finance and Operations Committee**

40 (a) The Committee shall consist of the Treasurer and six (6) additional members and two
41 (2) alternates. Three (3) members and one (1) alternate appointed by the President.
42 Three (3) members and one (1) alternate appointed by the Treasurer. The Committee shall
43 meet not less than four (4) times during the Union fiscal year.

44
45 (b) The Committee shall develop, and recommend to the State Board of Directors, plans
46 through which the Union will be adequately and properly financed, and submit and
47 recommend to the Board at a regular meeting held not later than April 1 a budget of
48 estimated receipts and expenditures for the forthcoming fiscal year. Any activity
49 contemplating or requiring expenditures of funds not provided in the approved annual
50 budget shall be referred to the Finance and Operations Committee, and a report of the

1
2 Committee shall be filed with the State Board of Directors. No obligation may be incurred or
3 expenditure made in connection with any activity of the Union without the approval of the
4 State Board of Directors.

5
6 (c) To develop long-range goals of the Union and means of achieving those goals.

7
8 (d) To investigate proposals referred to the Committee by the State Board of
9 Directors for further development.

10
11 (e) To refer proposals to other Committees of the Union for feasibility studies as
12 appropriate.

13
14 (f) Shall be responsible for making recommendations to the State Board of Directors relative
15 to the operations of the MSEA Office and work with staff to improve same.

16
17 (g) The Committee shall serve as financial consultants to the State Board of Directors
18 and such other assignments as the State Board of Directors may request. At least
19 one member of the Committee shall be in attendance at each meeting of the State
20 Board of Directors for the purpose of assisting in the review of the monthly financial
21 statements, participating in the preparation of budgets, and advising on any other
22 financial matters that should arise.

23 24 **Section 7: General Assembly Committee**

25 (a) The Committee shall consist of a chairperson and six (6) Union members appointed by
26 the President.

27
28 (b) The Committee shall insure proper and adequate housing, registration, meeting
29 facilities and instructions to delegates.

30
31 (c) The Committee shall insure timely publication and distribution of the General
32 Assembly delegate book and other necessary mailings to delegates and alternate
33 delegates.

34
35 (d) The chairperson shall appoint the following subcommittees:

36 1. A Resolution Subcommittee, which shall review and recommend
37 consolidation and clarification of those resolutions submitted for
38 consideration at the General Assembly in a timely manner.

39
40 2. A Rules Subcommittee which shall devise the rules by which the General
41 Assembly shall operate and submit such rules to the General Assembly for
42 adoption.

43
44 3. A Credentials Subcommittee which shall verify the credentials of delegates and
45 alternate delegates elected to the General Assembly, and distribute such other
46 information as delegates and alternate delegates may require performing their
47 duties at the General Assembly.

48
49 4. Such other subcommittees as may be deemed necessary to deal with signs
50 and maps, special services, tickets and information, and other issues relating to
51 the operation of the General Assembly.

1
2 **Section 8: Health and Safety Committee**

3 (a) The Committee shall consist of a Chairperson and five (5) union members appointed by
4 the President.

5
6 (b) The Committee shall insure timely meetings and follow-ups as pertains to the
7 Collective Bargaining Agreement section referring to the State-Wide Committee.

8
9 **Section 9: Legislation, Political Action and Retirement Committee**

10 (a) Regions shall elect one contact person from each region at its meeting held at General
11 Assembly.

12
13 (b) The Committee shall consist of a Chairperson and four (4) members
14 appointed by the President from the ten (10) region contact persons. At least
15 one member, if possible, should be a retiree in good standing.

16
17 (c) The purpose of this Committee shall be that of monitoring and reviewing
18 legislation which affects or impacts upon the employment and interests of the
19 members. This Committee shall also be charged with determining appropriate
20 methods of lobbying for or introducing legislation vital to the interests of the Union and
21 its members, and recommend to the State Board of Directors of the Union positions or
22 actions which appear advisable.

23
24 (d) The Committee shall recommend to the State Board of Directors ways and means
25 to achieve the goals of the Union through political processes.

26
27 (e) Each region shall be responsible for providing appropriate coverage of the
28 activities of legislators in their area, and for devising telephone and letter-writing
29 networks to lobby elected officials.

30
31 (f) The contact person may be, but is not required to be, a member of the Committee. Each
32 region may form a subcommittee to provide input to this Committee, assist it with its duties,
33 and determine appropriate courses of action at the region level.

34
35 (g) The Committee shall advise the State Board of Directors, and negotiating teams
36 of the needs and objectives of retired state and public sector employees.

37
38 **Section 10: Litigation and Arbitration Committee**

39 The Litigation and Arbitration Committee shall consist of four (4) members and a
40 chairperson all of whom are appointed by the President. Appointment shall be subject to the
41 approval of the State Board of Directors.

42
43 (a) The Committee shall screen potential court cases and present their recommendations to
44 the State Board of Directors. The Committee shall pursue charges of unfair labor practices
45 and civil rights violations and make appropriate recommendations.

46
47 (b) The Committee shall approve or deny requests for arbitration including appeals of
48 grievances within Civil Services related to prohibited subjects of bargaining in a
49 timely manner under guidelines approved by the State Board of Directors. (GA18)

1
2 **Section 11: Steward and Training Committee**

3 (a) Regions shall elect one contact person from each region at its meeting held at the
4 General Assembly.

5
6 (b) The Committee shall consist of a chairperson appointed by the President. Six (6)
7 additional members shall be appointed by the President from the ten (10) regional
8 contact persons.

9
10 (c) The committee shall formulate, maintain and administer a steward policy and
11 shall be responsible for the training of all stewards subject to review and approval by
12 the State Board of Directors.

13
14 (d) The Committee shall prepare material and implement programs for the training
15 and education of the membership-at-large.

16
17 (e) The Committee shall promote techniques of organization and education,
18 knowledge of labor history, and develop the implementation of plans as determined
19 by the governing bodies of the Union.

20
21 (f) The Committee shall have the following duties and responsibilities:

- 22 1. To supervise the election of chief stewards and selection of stewards;
23
24 2. To certify chief stewards and stewards upon notification from the Agency
25 Caucus Spokesperson, and to submit a list of certified chief stewards and
26 stewards to the Central Office;
27
28 3. To develop and coordinate the training of chief stewards and stewards;
29
30 4. To receive, review and forward for payment, vouchers submitted by chief
31 stewards and stewards for expenses incurred in the performance of their duties.
32
33 5. To investigate all complaints pertaining to the performance of chief stewards and
34 stewards as directed by the State Board of Directors, and;

35
36 (g) Contact Person(s) Duties:

- 37 1. 1. Communicate information to and from the region to the committee; and
38
39 2. Serve on sub-committee(s) when necessary.

40
41 **ARTICLE XII - REGIONS**

42
43 **Section 1: Membership Composure**

44 The basic organizational entity of the Union is the region, which is composed of individuals
45 qualified for membership in the Union within a geographic area as defined herein.

46
47 **Section 2: Representation**

48 A region shall be represented on the State Board of Directors by a Regional Director.
49
50
51

1
2 **Section 3: Region Designations**

3 Regions are designated and constituted as follows:

4
5 Region I: Counties of Alger, Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, Marquette,
6 Iron, Dickinson, and Menominee.

7
8 Region II: Counties of Schoolcraft, Luce, Chippewa, Delta, and Mackinac.

9
10 Region III: Counties of Emmett, Cheboygan, Presque Isle, Charlevoix, Otsego, Montmorency,
11 Alpena, Crawford, Oscoda, Alcona, Roscommon, Ogemaw, Iosco, Clare, and Gladwin.

12
13 Region IV: Counties of Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Gratiot,
14 Ottawa, Kent, Ionia, Allegan, and Barry.

15
16 Region V: Counties of Midland, Bay, Huron, Saginaw, Tuscola, Sanilac, Shiawassee,
17 Genesee, Lapeer, St. Clair, and Arenac.

18
19 Region VI: Counties of Clinton, Eaton, Ingham and Livingston.

20
21 Region VII: Counties of Van Buren, Kalamazoo, Calhoun, Jackson, Berrien, Cass, St. Joseph,
22 Branch and Hillsdale.

23
24 Region VIII: Counties of Oakland, Macomb, Washtenaw, Lenawee, Monroe, and the
25 following Wayne County facilities - Northville State Hospital, Hawthorn Regional Center,
26 Northville State Police Post, Phoenix Correctional Facility, Western Wayne Correctional
27 Facility, and Scott Correctional Facility.

28
29 Region IX: Wayne County except the following facilities - Northville State Hospital, Hawthorn
30 Regional Center, Northville State Police Post, Western Wayne Corrections Facility, and
31 Scott Correctional Facility.

32
33 Region X: Counties of Leelanau, Benzie, Grand Traverse, Kalkaska, Manistee, Wexford,
34 Missaukee, Mason, Lake, Osceola and Antrim.

35
36 **Section 4: Region Membership**

37 (a) Membership in a region shall be determined by the county that the member works in. If a
38 member works in multiple counties within different regions, then the member's region shall
39 be the primarywork site county.

40
41 (b) In no event shall a member belong to more than one region at the same time.

42
43 (c) A member holding a position in a region who is reassigned to an adjoining region
44 or exercises bumping rights to an adjoining region may continue to remain a member
45 of said region.

46
47 (d) Members in good standing who are not currently employed either full or part time
48 by the State of Michigan may choose membership in a region other than the county in
49 which they live.

1
2 (e) Any disputes concerning proper region membership shall be referred to the Constitution
3 and Election Committee. The Committee shall within ninety (90) days render a decision to
4 the State Board of Directors for action.
5

6 **Section 5: Region Administration**

7 (a) The affairs of a region shall be administered by the Region Director, subject to the
8 provisions of this Constitution, Board Policies, and the bylaws of the region.
9

10 (b) The Region Director:

- 11 1. Shall become familiar with the current contract, Civil Service rules and regulations,
12 the MSEA Constitution, arbitration decisions, all policies and guidelines adopted by
13 the State Board of Directors regarding representation fees, arbitration committee
14 guidelines, stewards, and any pertinent matter affecting members within the region. It
15 shall be the responsibility of the Regional Director to develop an in-depth
16 understanding of all aspects of MSEA functions in order to carry out his/her duties
17 on the State Board of Directors and to better communicate and represent the
18 members of the region.
- 19
20 2. Shall disseminate information from the State Board of Directors to the region,
21 transmit region issues and positions to the State Board of Directors, and
22 represent the region's objectives and views to the State Board.
23
- 24 3. Shall promote participation of the members within the region in the program of
25 the Union, and encourage full democratic participation of all members in the
26 region.
27
- 28 4. Shall submit, as required or requested by the President of the Union, or Audit
29 Committee, a report on the pertinent affairs and activities of the region within
30 thirty (30) days.
31
- 32 5. Shall formulate a plan of action and establish priorities for his/her term of office.
33 This plan shall be submitted to the region for approval at the regional meeting
34 following the adjournment of General Assembly.
35
- 36 6. Should the Alternate Regional Director become Regional Director or the
37 position of Alternate Regional Director otherwise become vacant, call for the
38 election of an Alternate Regional Director by a vote of the General Assembly
39 delegates and Alternate delegates from the region within thirty (30) days of the
40 occurrence of the vacancy, said election to be held at a regional meeting. The
41 Regional Constitution and Election Committee member shall insure adequate
42 notice to the delegates and Alternate delegates of the region, and shall call for
43 nominations for that office within fifteen (15) days from the occurrence of the
44 vacancy. A majority of the ballots cast shall elect.
45

46 (c) The Alternate Region Director:

- 47
48 1. Shall become familiar with the duties of the Region Director as prescribed in
49 Article XII, Section 5(b)
50

1
2 2. Shall serve as assistant to the Region Director and perform such other duties
3 as may be assigned by the Region Director.

4
5 3. Shall serve as Region Director in the absence of the Region Director. In the event of
6 the death, incapacity, resignation, or removal of the Region Director, shall become
7 Region Director for the remainder of the unexpired term.

8
9 (d) The Region Secretary shall record and maintain minutes of region meetings,
10 maintain the region bylaws, forward minutes to the State Secretary and bylaws to the
11 Constitution and Election Committee and perform other duties as assigned by the
12 Regional Director.

13
14 (e) The Region Treasurer shall maintain financial records of the region, disburse
15 funds as authorized by the Region Director and assure that expenditures of both the
16 Region's CAR and Petty Cash funds are vouchered in accordance with the MSEA
17 Constitution and Board of Director's Policies.

18
19 (f) In the event a Region Secretary-Treasurer is elected or appointed, the duties as
20 enumerated in subsections (d) and (e) shall be combined.

21
22 **Section 6: Region Bylaws**

23 A region shall file with the Secretary of the Union a copy of the bylaws by which it intends to
24 operate within one hundred twenty (120) days of the formation of the region. A region shall
25 file with the Secretary of the Union a copy of any amendment to its bylaws within one
26 hundred twenty (120) days of the region's adoption of the amendment. In either case, the
27 region shall receive a written approval or rejection within one hundred eighty (180) days
28 from the date of receipt. A region's bylaws and amendments thereto shall be in effect upon
29 approval of the State Board of Directors of the Union.

30
31 **Section 7: Region General Assembly Delegates**

32 Region delegates and alternates to the General Assembly shall be elected not less than ninety
33 (90) days prior to the convening of the triennial session of the General Assembly.

34
35 **Section 8: Region Meetings**

36 Each region shall meet at least quarterly.

37
38 **Section 9: Region Expenses**

39 No region shall commit itself to expenditures to be borne by MSEA General Administration
40 and Reserve Fund without authorization by the MSEA State Board of Directors.

41
42 **ARTICLE XIII – DEPARTMENTAL / AGENCY CAUCUS AND LOCAL CAUCUSES**

43
44 **Section 1: Caucus Administration**

45 The Departmental/Agency caucus shall exist to administer the labor relations affairs of
46 union members who work for the same department/agency. The local caucus is a
47 subdivision of a Departmental/Agency Caucus and is defined by a Division/Bureau of a
48 Department.

1
2 **Section 2: Labor / Management and Secondary Negotiations Teams**

3 The Departmental/Agency caucus shall have a labor/management team, who shall also act
4 as the secondary negotiation team. Local Caucuses within a Department may have a
5 Labor/Management team to address issues specific to their work location(s).
6

7 **Section 3: Caucus Guidelines and Budgets**

8 Each Department/Agency caucus must file caucus guidelines for both with the Constitution
9 and Elections Committee and an annual budget each January with the Finance and
10 Operations Committee. Both Caucus Guidelines and annual budget are subject to approval
11 by the State Board of Directors.
12

13 **Section 4: Caucus Spokespersons**

14 Each Departmental/Agency caucus shall elect a spokesperson and any other members as
15 stated in caucus guidelines at the triennial General Assembly or first meeting thereafter.
16 Each Local Caucus shall elect a Chief Steward according to contractual provisions. Each
17 Departmental/Agency Spokesperson shall provide a written report of activities to the State
18 Board of Directors prior to each Board Meeting.
19

20 **Section 5: Caucus Meetings**

21 The department/agency caucus spokespersons shall meet quarterly prior to each meeting of
22 the State Board of Directors. Spokespersons meetings shall be chaired by the President or
23 his/her designee. There shall be an agenda and minutes for all spokespersons meetings.
24

25 **ARTICLE XIV - APPEALS**

26
27 **Section 1: Appeals**

28 Any member claiming to be aggrieved by the action by his/her region or agency of the Union
29 shall have the right to appeal to the Executive Council in writing stating the facts or the
30 occurrence of the event giving rise to the alleged grievement.
31

32 **Section 2: Executive Council Recommendation**

33 The Executive Council shall investigate the complaint, and make a recommendation within
34 30 days of receipt of complaint. A copy of the recommendation shall be sent to the State
35 Board of Directors for a decision to be made at the next regularly scheduled Board of
36 Directors meeting. Notice of this meeting and a copy of the Executive Council
37 recommendations shall be sent to the aggrieved member at least ten (10) days prior to the
38 Board of Directors meeting inviting him/her to present any other facts of the matter.
39

40 **Section 3: Appeal to President**

41 After a decision of the Board of Directors, if the aggrieved member wishes to appeal further
42 he/she may do so in writing to the President to place the appeal on the agenda of the next
43 regular meeting of the General Assembly.
44

45 **Section 4: Further Appeal**

46 After a decision of the General Assembly, if the aggrieved member wishes to appeal further
47 he / she may do so in writing to the International Union Judicial Panel in accordance with
48 AFSCME International Constitution.
49
50

1
2 **ARTICLE XV - CHARGES**

3
4 **Section 1: Filing of Charges**

5 Any member in good standing of the Union may file charges against an individual, region or
6 any other group within the Union.

7
8 The following and no others may constitute the basis of such charges:

- 9
- 10 (a) Violation of this Constitution or of any officially adopted and approved Constitution or
11 Bylaws to which the individual or body is subject
 - 12
 - 13 (b) Misappropriation, embezzlement, or improper or illegal use of Union funds.
 - 14
 - 15 (c) Actions in collusion with management to the detriment of the Union or its
16 membership.
 - 17
 - 18 (d) Any activity which assists or is intended to assist a competing organization within
19 the jurisdiction of the Union or espousing dual unionism.
 - 20
 - 21 (e) Refusal or deliberate failure to carry out legally authorized decisions of the General
22 Assembly, the State Board of Directors, the Executive Council, the President, or the
23 governing body of the subordinate group of which the accused is a part; deliberate
24 interference with any official of the Union in the discharge of such official's lawful
25 duties; misfeasance, malfeasance or nonfeasance of a union official.
 - 26
 - 27 (f) Solicitation or acceptance of a bribe or the acceptance of any gift of more than
28 \$10.00 value from an employer, member, and group of members or employees of
29 the Union, or from any firm or person which would establish a conflict of interest
 - 30
 - 31 (g) Institution of, or urging others to institute action outside the Union, against the
32 Union, a subordinate body, or any officer of the Union without first exhausting all
33 internal remedies within the Union, provided that the foregoing shall not apply
34 where the action was instituted in order to prevent the loss of rights under an
35 applicable statute of limitations and the member has diligently pursued available
36 internal remedies.

37
38 **Section 2: Statement of Charges**

39 (a) All charges made under this Article shall be filed in writing and signed by the member or
40 members bringing the charges.

41
42 (b) The body receiving the charge(s) for determination of merit shall only consider the written
43 signed charge(s). At no time shall any additional oral or written arguments be
44 allowed from either the charging or charged party during the discussion of a charge.
45 (GA18)

- 46
- 47 1. Charges against stewards shall be filed with the Steward and
48 Training Committee.
 - 49
 - 50 2. Charges against members of the State Board of Directors shall be filed with the
51 Constitution and Election Committee.

1
2
3 3. All other charges shall be filed with the Executive Council.
4

5 (c) The charges are to be specific about the facts and include reference to the provision(s)
6 which were allegedly violated. Within 30 days of receiving such charges, the body the
7 charges were filed with may dismiss the charges as being without sufficient merit or upon
8 finding sufficient merit shall order a trial. The body the charges were filed with will appoint,
9 select the trial body. An exact copy of all charges and supporting-documents as well as
10 the trial body selection will be sent to the accused by certified mail, immediately after the
11 selection of the trial body. (GA18)
12

13 (d) The trial body shall seek appropriate legal advice prior to the rendering of a
14 conclusion. All decisions must be rendered by the trial body within thirty days
15 following completion of the trial, except by mutual consent of the accuser and the
16 accused. Such decision shall be in writing and shall be transmitted by certified mail,
17 return receipt requested, to the person bringing the charge and to the accused
18 simultaneously.
19

20 The trial body may recommend penalties to be imposed against the accused if the
21 accused is found guilty and penalties may be imposed against the accuser if it is
22 found that the accuser acted in bad faith.
23

24 The trial body may recommend the following penalties for either the accused or the accuser:
25

- 26 1. A formal reprimand warning against future acts;
- 27
- 28 2. Full or partial restitution;
- 29
- 30 3. Removal from office in the Union;
- 31
- 32 4. Suspension from the right to hold office for a period not to exceed four (4) years;
- 33
- 34 5. Suspension from membership for a specified period not to exceed two (2) years;
- 35
- 36 6. Expulsion from membership, or
- 37
- 38 7. Receivership of the accused group.
39

40 **Section 3: Right to Defend**
41

42 (a) The accused will have the right to file a written response, the right to confront the accuser,
43 the right to cross-examine the accuser and any witnesses; the right to present witnesses,
44 the right to compel the presentation of documents pertinent to the case, the right to choose a
45 person to act as counsel, the right to be presumed innocent unless proven guilty, the right to
46 refuse to testify, and the right to choose an open or closed hearing.
47

48 (b) The accuser will have the right to receive a copy of any written answer to the
49 charges made by the accused; the right to give personal testimony, the right to
50 present witnesses and to cross examine witnesses presented by the accused, and
51 the right to compel the presentation of documents pertinent to the case. The accuser

1
2 is obligated to file the charges in sufficient detail to afford the accused full opportunity
3 to prepare a defense, to appear in person at the trial and to assume the burden of
4 proof.

5
6 **Section 4: Trial Body Recommendation**

7 The State Board of Directors will consider the report of the trial body and its
8 recommendation at the next regularly scheduled meeting or at a special meeting called for
9 that purpose; provided that both the accused and the accuser are provided with at least ten
10 (10) days written notice that the matter will be on the agenda. The State Board of Directors
11 may sustain the recommendations of the trial body, overturn or modify the
12 recommendations of the trial body, or suspend the recommended penalty. However, any
13 recommendation to expel a member must be passed by three-quarters (3/4) of the State
14 Board of Directors.

15
16 **Section 5: Appeal**

17 The decision of the State Board of Directors on such charges and any other actions of the
18 State Board of Directors may be appealed to the General Assembly. Such an appeal will be
19 made in writing to the President within thirty (30) days of the action.

20
21 **Section 6: Further Appeal**

22 The decision of the General Assembly on such charges may be appealed in writing to the
23 International Union Judicial Panel in accordance with the AFSCME Constitution.

24
25 **Section 7: Conflict of Interest**

26 Any individual on the trial body shall disclose any potential conflict of interest. The charged
27 party shall have the right to request removal of any person from the trial body based on a
28 conflict of interest. The Executive Council shall rule on the conflict of interest and shall
29 remove any official involved in a conflict of interest from the trial body. A conflict of interest
30 consists of a direct involvement or relationship with the matter in question.

31
32 **ARTICLE XVI - RECALL**

33
34 **Section 1: Union Officers**

35 A union officer shall be considered any individual holding an elective office, whether he/she
36 obtains office by election, appointment, or any other legitimate means.

37
38 **Section 2: Recall of Union Officers**

39 Recall of Union officers may be initiated by a petition setting forth in reasonable detail the
40 reasons for the proposed recall. To be valid, a petition must be signed by twenty-five (25)
41 percent of the membership under the jurisdiction of the office, and must be submitted to the
42 State Board of Directors.

43
44 **Section 3: Certification of Recall**

45 Within thirty (30) days of receipt of such a petition, the State Board of Directors shall certify
46 that there are sufficient valid signatures to cause a recall election to be held.

47
48 **Section 4: Written Response**

49 Following certification of the recall petition, the Union officer facing recall shall be provided
50
51

1
2 fifteen (15) days to submit a written response to the charge set forth in the recall petition.
3 The electing constituency shall be provided a copy of the charges and the officer's responses
4 to the charges no later than one (1) week prior to the recall election.
5

6 **Section 5: Recall Election**

7 The State Board of Directors shall direct the Constitution and Election Committee to conduct a
8 recall election no later than sixty (60) days from the date of certification of the recall petition.
9 Two-thirds (2/3) of the ballots cast shall be required for the officer to be recalled.

10
11 **Section 6: Election of Replacement Officer**

12 If the officer is recalled, the membership under the jurisdiction of the office shall hold an
13 election within thirty (30) days of the effective date of recall, unless succession to the office is
14 otherwise provided.
15

16 **ARTICLE XVII - PARLIAMENTARY AUTHORITY**

17
18 Robert's Rules of Order, Newly Revised, latest edition, is the parliamentary authority by which
19 the proceedings of the Union, its boards, councils, regions, and committees in meetings and
20 sessions shall be conducted. Each accredited member of any subdivision of the Union is
21 entitled and limited to a single vote on each issue addressed by that subdivision of the Union.
22 No proxies or fractional votes shall be recognized.
23

24 **ARTICLE XVIII - AMENDMENTS TO THE CONSTITUTION**

25
26 **Section 1: Amendments**

27
28 This Constitution may be amended, repealed, or new provisions adopted when the General
29 Assembly is in session by not less than two-thirds (2/3) vote of the delegates registered at that
30 year's triennial General Assembly. Resolutions calling for amendment to the Constitution at
31 the triennial session of the General Assembly must be submitted in the same fashion as
32 described herein for resolutions to the General Assembly.
33

34 **Section 2: Resolutions**

35
36 Any resolution may be acted upon between sessions of the General Assembly by mail ballot.
37 Such a resolution must be accompanied by the signatures of twenty-five (25) delegates to the
38 preceding triennial General Assembly, and submitted to the President no later than one
39 hundred twenty (120) days prior to the convening of the next triennial session of the General
40 Assembly. Such resolution must set forth specific language and the reasons for adoption.
41 Within fifteen (15) days of receipt of such a resolution, the Standing Committee on Constitution
42 and Election will meet to consider the resolution and prepare it for the vote. Within thirty (30)
43 days thereafter, validly submitted resolutions will be mailed out for the vote under the direction
44 of the Standing Committee on Constitution and Election. General resolutions will require a
45 majority vote of the legally cast ballots for adoption. Resolutions calling for amendment,
46 repeal, or additions to this Constitution require two-thirds (2/3) vote of the delegates accredited
47 to the preceding session of the General Assembly. Changes to this Constitution shall take
48 affect only upon written approval of the AFSCME International President.
49

