

**BART CHAPTER BYLAWS  
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## **1. NAME**

This Union Chapter shall be known as the Bay Area Rapid Transit District Chapter, Local 790 SEIU, referred to hereafter as the BART Chapter.

## **2. PURPOSE AND OBJECTIVES**

It shall be the object and duty of this Chapter to organize its jurisdiction completely and fully. This Chapter shall, as an affiliate of the International Union, carry out all of the objectives and purposes of the International Union.

## **3. MEMBERSHIP**

Persons eligible for membership in the Chapter shall be BART employees who are employed within the classifications described in Employee Representation Units, and such other employees as are approved by the Chapter.

## **4. TRANSFERS INTO UNION**

This Chapter is permitted to make agreements with unions of other rafts in their respective districts to accept into membership members of such unions without payment of initiation fees. Such members must, upon initiation, present to the Chapter a withdrawal card from said local union, from which s/he is transferring, showing himself/herself to be in good standing in said union. Agreement herein provided must grant like concession of interchange to members of this Chapter/Local.

## **5. OFFICERS**

Chapter Officers will be:

- A. President
- B. Vice President (2)
- C. Chapter Secretary
- D. Chapter Treasurer
- E. Chapter Sergeant-at-Arms

## **6. ELECTIONS**

- A. The Election shall be carried out by Secret Ballot. Listing of candidates on the Ballot shall be in alphabetical order with incumbency noted.
- B. Ballots shall be numbered twice, with one section to be retained by the voting member as a receipt.
- C. Sufficient copies of a "Sample Ballot" shall be reproduced and posted on all Union Bulletin Boards.

- D. The Ballot shall be prepared on the 3<sup>rd</sup> Saturday in March and placed in the U.S. Mail and mailed First Class by the Election Team in an envelope marked **“Important Ballot Enclosed”**. Enclosures shall include: (1) The Ballot; (2) a small enveloped marked **“United Public Employees BALLOT”** (3) a larger, postage guaranteed envelope; (4) a Candidates Statement pamphlet; and (5) a copy of these procedures.
- E. Any member who fails to receive a Ballot in the mail by the 1<sup>st</sup> Saturday in April shall immediately contact any Election Team member for a Ballot. Members requesting a Ballot shall first sign for such Ballot with the member of the Team. Xeroxed or otherwise duplicated Ballots not issued by the Team shall not be valid.
- F. No member of the Team shall engage in partisan politics. To do so shall be a violation of these Bylaws and one shall be subject to the provisions of Section 23, *“Disciplinary Action”*.
- G. Members of the Team shall be authorized to take such time needed and be compensated for same for the proper conduct of the Election. Additional time off needed shall first be approved by the Executive Council.
- H. The Election Team shall make prior arrangements with the Oakland Post Office or mail service to retain all returned and undeliverable ballots with only the Election Team Chairperson or Chairperson alternate having access to same at the end of the election. **(As amended 05/18/04)**
- I. Voting members shall mark their Ballot, seal the entire Ballot in the “Ballot” envelope, and place and seal said envelope in the postage guaranteed envelope. The name and address and employee number of the voting member must appear on the back of the postage guaranteed envelope in order to be counted and must be received by the Post Office no later than the 2<sup>nd</sup> Saturday in April.
- J. Campaign Material:
- (1) Candidates may avail themselves of Union services for the purpose of preparing and distributing campaign material provided any request for said services is made to the Union’s Administrative Director. All costs of such services will be borne by the candidate, payable in advance.
  - (2) Enclosed in each ballot will be a “Candidate’s Statement” pamphlet. Each candidate shall be allowed to submit a three hundred (300) word statement pertaining to their candidacy. Any remarks that are defamatory in nature shall be deleted from the pamphlet. The Election Team shall determine if the contents of any candidate’s statement are in violation of these Bylaws. Said statements must be filed no later than thirty (30) days prior to the mailing of the ballots. If any statement is ruled to be in conflict with these Bylaws, the candidate submitting the statement shall be

contacted within twenty (20) days of the mailing of the ballot. The candidate shall have five (5) days to resubmit a revised statement.

- (3) All material sent out by the BART Chapter shall contain the following disclaimer: **“This material is distributed through the offices of the BART Chapter for the purpose of equal access and accommodation in the democratic election process. The BART Chapter does not endorse any candidate nor vouch for the accuracy of his/her statement.”**
- (4) Cost of said Candidate’s Statement pamphlet shall be borne by the Chapter.

K. Following the closing of polls on the 2<sup>nd</sup> Saturday in April, 9 a.m., the Election Team shall proceed in the following manner:

- (1) The Team Chairperson, Team Secretary and one other Team member shall proceed to the Post Office to pick up returned ballots in a secure container and return with same to the Union Headquarters. **(As amended 05/18/04)**
- (2) The secure container shall be opened in the presence of the Candidates/Observers, and the returned envelopes shall be checked against the membership roster to insure there is no duplication. Any returned ballots not so validated shall be set aside as “Challenged Ballots” unless, following tallying of Ballots, use of “Challenged Ballots” could effect the outcome of the Election. In such case, the Team shall convene immediately following the tallying of valid Ballots to determine whether any or all of the “Challenged Ballots” should be counted.  
**(As amended 05/18/04)**
- (3) The outer envelopes of the valid returned Ballots shall be opened, and the inner envelopes containing the Ballots shall be separated. The outer envelopes shall be retained.
- (4) Ballots shall be removed from the inner envelope, placed in numerical order and shall be recorded by Ballot number to insure no duplication.
- (5) Valid Ballots as determined by the Team shall be placed in stacks of 25 prior to the tally by the Team.
- (6) A group of four members of the Team shall tally half of the Ballots, with another group of four Team members tallying the other half. Following such tally, each group will tally the other’s Ballots as a double check for accuracy.
- (7) A listing will be kept of all returns, indicating the number of Ballots returned those valid and those invalid, the number returned by the postal service as undeliverable, etc.

- (8) Following the tally, the Team shall certify the results of the Election, disseminate same via normal fax, email and bulletin board means, and to have an installation of Officers on the Wednesday immediately following the counting of the Ballots. **(As amended 05/18/04)**
- L. Prior to such certification, the following procedure regarding protests against the conduct of the Election shall apply:
- (1) Should any candidate or other member believe that irregularities have taken place prior to the opening of the Ballot envelopes on the 2<sup>nd</sup> Saturday in April, at 9 a.m., such protests, in order to be considered, must be in writing and specific as to the nature of the complaint and must be accompanied by supporting documentation as to the allegations. Prior to the opening of the Ballots, the Team shall determine whether any such protest warrants further investigation before proceeding to the count and, if so, the counting shall be delayed.
- (2) Should any candidate or other member believe that irregularities are taking place during the count, such allegations shall immediately be brought to the attention of the Team, and the Team shall immediately cease operations in order to rule on the allegation.
- M. Each candidate, or his/her designated observer, shall be allowed to witness the counting of the ballots. However, the name of the observer must be submitted in writing by the candidate, to the Secretary of the Team prior to the closing of the polls.
- N. Ballots shall be logged and retained for two years. A posting of the election results shall be made on each union bulletin board by the responsible Chief Steward. The Ballot log shall be available for any member's inspection with a properly numbered receipt at the Local Headquarters.
- O. Election of Chief Stewards shall be carried out within the area to be represented. The process shall commence within ten (10) days of the installation of the Chapter Officers. All members of the area, or shift if applicable, shall be afforded ample opportunity to cast a secret vote. The responsibility of these elections shall remain within the area. If trouble occurs or if any questions should arise, the elections shall be suspended pending the outcome of the investigation of the Election Team. The Nomination and Election process must be completed during the month of May.
- P. Election of Area Stewards shall be carried out within the area to be represented. The process shall commence within ten (10) days of the installation of the Chief Steward. All members of the area, or shift if applicable, shall be afforded ample opportunity to cast a secret vote. The responsibility of these elections shall remain within the area. If trouble occurs or if any questions should arise, the elections shall be suspended pending the outcome of the investigation of the Election Team. The Nomination and Election process must be completed during the month of June.

- Q. Upon completion of election the Chief Steward shall advise, in writing, the Chapter Secretary and the Election Team of the results. No Chapter Officer as enumerated in Section 5 “Officers”, may serve in more than one (1) elected BART Chapter position.
- R. In the event any nominated candidate is incapable and/or unable to serve prior to the taking of office, the election process, for that position only, should revert to the open nomination stage and be under the direction of the Election Team.
- S. For each election year, the Chapter Secretary will provide a six month calendar of events (January through June) highlighting the specific dates for the election process. The calendar shall be made available prior to January 1<sup>st</sup> and shall be posted on all Union bulletin boards. The calendar shall have the Officer Nomination date, when ballots will be mailed, when ballots shall be returned, when duplicate ballots shall be made available to members, when the ballots are counted, when Officers are installed, when Chief Steward elections shall commence, and when the Negotiator nomination/election process occurs.

## **7. CANDIDATES**

- A. Nominations for Chapter Officers shall take place at the February General Membership meeting. In the even the chapter elections and chapter negotiations occur in the same year, chapter nominations will be held in February of the following year.
- B. Candidates must be members in good standing at least two (2) years immediately preceding nominations for Chapter Officer or Chief Steward.
- C. Area and shift stewards shall be members in good standing at least one (1) year immediately preceding nominations.
- D. All persons to be nominated must have agreed to be a candidate. If a candidate to be nominated from the floor is not present, his/her acceptance, in writing, must be presented to the Chapter Secretary within one week following the nomination.
- E. All Chapter Officers positions as enumerated in Section 5 “*Officers*”, shall appear separately on the ballot.
- F. In the event there are more than two (2) candidates seeking election to the office of BART Chapter Vice President(s), those two candidates that receive the most votes shall be duly elected to the office.

## **8. TERMS OF OFFICE**

The term of the Chapter Officers, the Chief Stewards and Area Stewards shall not exceed three (3) years. Elections and installations must be completed at least eight

(8) months prior to the expiration of the labor agreement. All election time lines to be adjusted to accommodate this article. (eg; Elections and installations are not to occur in the same year of the labor agreement's termination). This article is to take effect immediately, but in no case later than October 1, 2004.  
**(As amended 6/15/04)**

## **9. VACANCIES**

A. Permanent vacancies occurring during the regular term will be filled as follows:

- (1) **Chapter President** - If a vacancy occurs, the Senior Chapter Vice President shall assume the office *on a temporary basis pending the election results of the Replacement Procedures.*  
*(amended 2007 – Gordon)*
- (2) **Chapter Vice-President(s)** – If a vacancy occurs, the Chapter Secretary shall assume the office on a temporary basis pending the election results of the Replacement Procedures.
- (3) **Replacement Procedures** – If a vacancy occurs in the offices of Chapter Vice President, Chapter Secretary, Chapter Treasurer, or Chapter Sergeant-at-Arms, nominations shall take place at the next regularly scheduled General Membership meeting first occurring after the vacancy. All persons to be nominated must have agreed to be a candidate. If a candidate to be nominated from the floor is not present, his/her acceptance in writing must be presented to the Chapter Secretary within one week following the nomination. Said election shall take place and be by secret ballot under the direction of the Election Team. The Election Team will either use U.S. mail or use the Chief Stewards to deliver a copy of the ballot to the membership during the week following the next General Membership meetings. *Ballots may also be picked up at the Union Hall. Members must show proof of appropriate BART Chapter membership and sign for their Ballot.* Instructions for voting and the actual date for return and counting will be reference by the Election Team.  
*(amended 2007 – Gordon)*
- (4) **Chief Steward** – If a vacancy occurs, a replacement shall be elected by a vote of the members of the Area in which the vacancy occurs.
- (5) **Steward** – If a vacancy occurs, a replacement shall be elected by a vote of the members of the shift in the Area in which the vacancy occurs.
- (6) **Chapter Executive Council Member** – If a vacancy occurs, a replacement shall be elected by a vote of the membership of the Subchapter in which the vacancy occurs.

- (7) **Emergency Measures** – If a vacancy in the offices of either Secretary or Treasurer occurs, the Chapter President shall appoint a temporary replacement to serve until an election can be held.
- (8) **Local 790 Executive Board Members** – The Chapter will elect their Local 790 Executive Board delegates from the general membership at large during the elections for Chapter Officers. Nominations will be made at the General Membership meeting of February and candidates will be listed on the mail ballot. The number of delegates will be prescribed by the Local’s By-laws. If a vacancy should occur, the Chapter President shall appoint a replacement until an election process for a permanent replacement is held.

B: Temporary vacancies occurring during the regular term will be filled as follows: (amended 2007 – Gordon)

- (1) Chapter President – If a temporary vacancy occurs, the Senior Chapter Vice President shall assume the office, temporarily. If the temporary vacancy is known that it will be longer than 9 months, the procedure for permanent vacancy shall be followed. After a 9-month absence, the vacancy shall be considered permanent and replacement shall be conducted per 9.3 a.
- (2) Chapter Vice-President (s) – If a temporary vacancy occurs, the Chapter Secretary shall assume the office on a temporary basis. If the temporary vacancy is known to be longer than 9 months, the procedure for permanent vacancy shall be followed. After a 9-month absence, the vacancy shall be considered permanent.
- (3) A temporary vacancy that occurs, due to the upgrade to Vice President, by the Chapter Secretary, a temporary Chapter Secretary shall be appointed by the President and ratified by a simple majority vote of the Chief Stewards Council. Temporary vacancies of the Treasurer and Sergeant at Arms shall be followed as in A (3) above.

**10. RECALL**

- A. An officer of the chapter may be recalled by a simple majority vote cast in a special election for recall.
- B. A recall may be initiated by a petition filed with the BART Chapter Election Team Chairperson stating: **“The undersigned members of BART Chapter of Local 790 SEIU request a special election for the recall of \_\_\_\_\_, duly elected to the office of \_\_\_\_\_.”**
- C. The petition must contain the signatures and employee number of not less than 35% of the total membership on the first day of the month in which the petition is filed with the BART Chapter.

- D. The petitions will be turned into the Executive Director of Local 790, or his/her designee, and he/she shall cause his/her staff to verify the validity of the signatures. An election shall be set within sixty (60) days of receipt of said petitions by the Executive Director by secret mail ballot to determine if the officer shall be recalled.
- E. Nominations for successor will be received at the next General Membership meeting following a successful recall. The Election Team shall be charged with running a secret mail ballot as per Section 6, “*Elections*”.
- F. Any Chief Steward/Area Steward may be recalled by a simple majority vote cast in his/her Area of responsibility. Prior to the vote, a petition must be filed with the President or one of the Vice Presidents containing no less than 35% of the membership in the Area of responsibility. The receiving Officer will, in turn, verify the signatures of those members and then forward the petition to the Election Team Chairperson for action.
- G. Upon completion and filing of said petition, and the successful recall of the Chief Steward/Area Steward, the election of a new Chief Steward/Area Steward shall take place to fill the existing term. The Election Team shall inform the Chapter Secretary of all such actions.
- H. Executive Council member(s) may be recalled by a process similar to the recall of the Chief Steward/Area Steward; however, as the Executive Council member is elected by and represents his/her subchapter, all recall action will be contained within the subchapter.

## 11. DUTIES OF THE OFFICERS

- A. **Chapter President** – Shall be the presiding officer of the Chapter and shall preside over all Chapter Council and General Membership meetings. S/he shall be an alternative countersignature on checks, all orders on funds, contracts and agreements authorized by the General Membership; and s/he shall be an ex-officio member of all committees and coordinate all of their activities. In the event of a tie vote on committee business, his/her vote shall be cast.

S/he shall appoint or cause to be appointed all committees. S/he shall have the appointments of committee chairpersons confirmed by a simple majority vote of the Chief Stewards Council.

His/her term shall be as outlined in Section 8, “*Terms of Office*”, of these Bylaws. S/he shall give a full report of her/his activities at each Chapter Council and General Membership meeting.

- B. **Chapter Vice-President** – The Chapter Vice-President shall perform the duties of the President in his/her absence in the operations of all the affairs of the Chapter; s/he shall be an alternative counter signature on checks, all orders on funds, contracts and agreements authorized by the General Membership. S/he

shall act as a liaison for committee assignments and shall assist the Committee Chairpersons in the fulfillment of their duties.

S/he shall give a full report of his/her activities at each Chapter Council and General Membership meeting.

The Vice-President with the most seniority in the position of Vice-President shall be the Senior Vice President. The Senior Vice-President shall serve in the capacity of President in her/hi absence. The Senior Vice-President shall be the Vice-President that serves the Chapter on a full time basis in accordance with the appropriate Sections of the labor agreement with the employer.

If two newly elected Vice-Presidents assume office at the same time, then the Vice-President with the highest vote total will be considered as the Senior Vice-President.

- C. **Chapter Secretary** – The Chapter Secretary shall be the Chapter’s Recording Secretary and shall receive all official communications and correspondence. S/he shall countersign all checks whenever possible. S/he shall keep a correct record of proceedings of all Chapter, Council and General Membership meetings. The Secretary shall keep all records and files regarding Chapter membership.

The Chapter Secretary shall record all minutes of all meetings, prepare agendas, and maintain chapter files and records under his/her control. Other secretarial administrative duties may be assigned as necessary through the Chapter President.

- D. **Chapter Treasurer** – Shall be duly elected by the General Membership. S/he shall also be bonded by a recognized bonding agent. The Treasurer shall be responsible for all funds collected from the General Membership. S/he shall deposit all funds in a federally chartered bank or savings and loan company named by the Executive Council of the Chapter, such funds to be deposited in the name of the Chapter. The Treasurer shall make disbursements authorized by the membership; such disbursements to be made by check of the Chapter and two of the following signatures: Chapter President, Chapter Vice-President, Chapter Treasurer or Chapter Secretary.

S/he shall keep an accurate record of all funds received and disbursed and submit a report on a monthly basis of all funds received from newly initiated members, readmitted members, suspended members, withdrawals, transfers and all other from which income is derived. The Treasurer shall make a full and comprehensive financial report to the General Membership at each and every General Membership meeting.

- E. **Sergeant-at-Arms** – Shall act additionally as parliamentarian. Meetings will be conducted in accordance with the Rules of Debate, page 78-83, of the Constitution and Bylaws, SEIU, dated June 1, 1972. S/he shall have the

authority to appoint additional assistance as necessary for the proper conduct of General Membership meetings.

- F. **Chief Stewards** – Will represent the members of their areas of responsibility in support of the Area Stewards and in addition to the duties of a Steward, they shall represent the members at higher levels of grievance handling. In addition, the Chief Steward shall be responsible for Union communications within their area of responsibility and shall maintain bulletin boards for the purpose.
- G. **Stewards** – Will represent the members in their areas of responsibility for all Union business. They shall disburse information on all activities relating to the Union to their members. They work with the members on solutions of grievances and shall be expected to be versed in the contents of the contract, the Chapter Bylaws, the Local Bylaws and the International Constitution and Bylaws.

**All Officers and Chief Stewards** who come under the Super-Senior clause of our contract shall revert to their normal seniority status upon termination from their office.

## 12. MEETINGS

- A. Chapter meetings will be held on the third Wednesday of each month at 9:00 a.m., 12:00 p.m. and 5:30 p.m. The normal meeting place for the 9:00 and 5:30 meetings will be at the Local Union Headquarters except when timely notice of a change of location is announced. The 12:00 meeting shall be held at the Lake Merritt Administration Building. The 9:00 a.m. and the 12:00 p.m. meetings shall be considered as a continuation of the evening's membership meeting.
- B. Notice of the meeting and the agenda will be posted on the area bulletin boards at least ten (10) days prior to the meeting.
- C. Any change in time or place as authorized by a two-thirds vote of the Chief Steward Council must be posted at least ten (10) days prior to the meeting.
- D. All reports of the Officers and Committee Chairpersons will be in writing. The President will coordinate all reports to be made in the General Membership meetings at least five (5) days prior to said meetings.
- E. New members shall attend the first General Membership meeting after their applications are made to be sworn in and to be considered members of this Chapter and Local.
- F. Special meetings may be called by the Chapter President or by a petition clearly stating the purpose of the meeting and signed by at least 10% of the membership.

- G. Members shall be advised of time, place and purpose of special meetings at least ten (10) days prior to the meeting. No business except that contained in the notice of the meeting shall be conducted at a special meeting.
- H. All issues involving disbursement of Chapter funds by the Executive Council are subject to approval by the General Membership.
- I. Emergency meetings – The Chief Stewards Council may authorize an emergency meeting and waive the 10-day notice. Maximum effort will be made to notify the membership.
- J. Any Team member, Chief Steward or elected officer shall show cause before the Chief Stewards Council as the reasons that any two consecutive General Membership meetings were missed or unattended.

### 13. QUORUM

- A. Twenty (20) members who are not elected Officers and at least two (2) elected Officers shall constitute a quorum for the transaction of business at any regular or special membership meeting. **Exception:** When a daytime session of a regular or special meeting is held to accommodate swing shift or grave yard workers, it shall be counted as part of the regular meeting.

### 14. COMMITTEES

- A. Committee or Team meetings may be held at a time and place chosen by the Committee or Team.
- B. The Chapter will have the following contractual committees:
  - (1) **Civil Rights Committee**
  - (2) **Health and Safety**
  - (3) **Training**
  - (4) **Investment Plans**
  - (5) **Foreperson Evaluation**
- C. The Chapter will also have the following standing committees:
  - (1) **Bylaws**
  - (2) **Service Awards**
  - (3) **Strike Action**
- D. Each Chapter Committee with all committee members' names, work locations, and telephone extensions shall be posted on all Union bulletin boards. The Chapter Secretary shall update these lists on a quarterly basis.
- E. All standing committee members must be a member in good standing for at least one (1) year immediately prior to becoming a member of any committee. The Committee Chairperson at the General Membership meeting shall report activities of a committee.

- F. Other Committees as needed shall be established and operate under the guidelines of Section 16 *“Duties of Committees”*.

**15. TEAMS**

- A. The Chapter will have the following teams:

- (1) Election
- (2) Negotiation
- (3) Organizing Team (**Added 05/18/04**)

- B. All teams will be **ELECTED** from their respective Sub Chapters.

**16. DUTIES OF COMMITTEES**

**A. Committee Chairperson:**

- (1) The Chapter President shall appoint all Committee Chairpersons.
- (2) **Term of Office** – The term of Office shall be for three (3) years. The senior committee member will fill any midterm vacancy for the remainder of the normal term. If there are two or more members with equal longevity, the Chapter President shall make the final selection.
- (3) **Removal from Office** – Any Chairperson or Committee member may be removed from their position by a simple majority vote of the Chief Stewards Council. The Chapter President shall bring such action forward to the Chief Stewards Council with written reasons for requested removal. Any Committee Chairperson shall be afforded the right to address the Chief Stewards Council to show cause as to why their removal is unjust.
- (4) No individual may serve in more than one (1) Contractual Committee Chair position.

**B. Committee Members**

- (1) The Chairperson of each contractual committee will select the additional members of the Joint Union Management Committees as defined in the Labor Agreement.
- (2) There shall be one committee member from the Clerical sub unit and one committee member from the Maintenance sub unit. Each of the permanent members will have an alternate, from the same sub unit, who will fill in for the permanent member on a temporary or permanent basis.
- (3) Additional members may be selected to the committees by the Chairperson for the conduct of committee business as required.

- (4) A Committee member may be removed from their position by a simple majority vote of the Chief Stewards Council. The Committee Chairperson shall bring such action forward to the Chief Stewards Council with written reasons for requested removal. Any Committee Member shall be afforded the right to address the Chief Stewards Council to show cause as to why their removal is unjust.

## 17. CONTRACTUAL COMMITTEES

### A. Civil Rights Committee:

- (1) **Purpose of Committee:** The objective of this Committee is to develop, evaluate, monitor and implement an affirmative action policy relevant to the needs of all minorities, women and the handicapped within the BART District. In addition, this Committee will develop, evaluate, monitor, and implement any program that pertains to the civil rights of our membership.
- (2) **Members of Committee:** In addition to the members of the Joint Union/Management committee, the Civil Rights Committee will be composed of other Union members as prescribed by the Chief Stewards Council representing all work categories associated with the Maintenance and Clerical units of BART.
- (3) **Duties of Committee:**
  - (a) This Committee will work in conjunction with all local union's Affirmative Action Committees affiliated with the BART District.
  - (b) The committee will work with BART's Office of Civil Rights.
  - (c) The committee will entertain all efforts for the implementation of Affirmative Action as necessary to carry out the mandate of the rank and file.

### B. Health and Safety Committee

- (1) **Purpose of Committee:** The purpose of the committee will be to set:
  - (a) Safety Rules
  - (b) Procedures
  - (c) Guidelines

The committee will also deal with system-wide safety subjects, conditions and problems of employees and passengers alike.

- (2) **Members of Committee:** In addition to the members of the Joint Union/Management Committee, the Health and safety Committee will be composed of other Union members as prescribed by the Chief

Stewards Council representing all work categories associated with the Maintenance and Clerical units of BART.

**(3) Duties of Committee:**

- (a) The BART Chapter Health and Safety Committee will work in conjunction with the Local 1555 ATU Health and Safety Committee in creating safe working conditions throughout the District.
- (b) The Health and Safety Committee will initiate and maintain a Job Safety Analysis program, a First Aid program, and an Accident Investigation program.
- (c) The committee will meet on a monthly basis. The chairperson will be empowered to schedule special meetings to meet the needs and demands of the Safety Committee.

**C. Training Committee**

(1) **Purpose of Committee:** The prime function of this Committee is to set up and maintain programs of training, in coordination with BART's Training Division, to maintain the high quality of BART Clerical, Technical and Administrative employees.

(2) **Members of Committee:** In addition to the members of the Joint Union/Management Committee, the Training Committee will be composed of other Union members as prescribed by the Chief Stewards Council representing all work categories associated with the Maintenance and Clerical units of BART.

**(3) Duties of Committee:**

- (a) The BART Chapter Training Committee is responsible for the Union's portion of New Hire Orientation. The Training Committee will work in conjunction with Chief Stewards to ensure that management complies with the Labor Agreement's provision to send New Hire employees to Orientation within the first 120 days of employment.
- (b) The Training Committee shall be responsible to establish and maintain all chapter training programs.
- (c) The committee will meet with District management to discuss any issues pertaining to training.

**D. Investment Plans Committee**

- (1) **Purpose of Committee:** The committee's prime goal is to ensure that the membership has sound choices regarding investments to MPPP and Deferred Compensation Plans.
- (2) **Members of Committee:** In addition to the members recognized by the District in the Labor Agreement's Side Letter pertaining to Investment Plans; the Investment Plans committee will be composed of other Union members as prescribed by the Chief Stewards Council representing all work categories associated with the Maintenance and Clerical units of BART.
- (3) **Duties of Committee:**
  - (a) The Committee shall represent the BART Chapter's interests in relation to the 5-Party Committee established September 30, 1980.
  - (b) The Committee will ensure that the guidelines established on September 30, 1980 and agreed to as a Side Letter in our Labor Agreement with the District are followed.

#### **E. Foreperson Evaluation Committee**

- (1) **Purpose of Committee:** The Committee will participate in the Joint Union/Management Committee to evaluate candidates for promotion to Foreworker.
- (2) **Members of Committee:** The Chapter President will appoint Members.
- (3) **Duties of the Committee:** The members of this committee will follow the guidelines established by the committee in the compliance of the Labor agreement regarding FOREWORKER EVALUATION COMMITTEE.

### **18. STANDING COMMITTEES**

#### **A. Bylaws Committee**

- (1) **Purpose of Committee:** The Bylaws Committee shall be available for study of Bylaw changes as presented in writing from any of the members.
- (2) **Members of the Committee:** The Bylaws Committee will be composed of Union members who wish to participate.  
(As amended 05/18/04)
- (3) **Duties of Committee:**

- (a) They shall draft any proposed Bylaw amendments in proper language and present them to the Chapter President. The Chapter President shall present them at the General Membership meeting as per Section 27 “Amendments”.
- (b) The committee shall make recommendations to the author but will not, without the author’s permission, make revisions thereto. The committee will prepare these proposed amendments, taking into account other sections affected, and they shall clear any changes with the author, for his/her approval, prior to the membership vote.
- (c) The Chairperson will announce the recommendation of the Committee on proposed Bylaw changes at the General Membership meeting. If the recommendation is not unanimous, the vote count will be announced. If requested by any member of the general membership, committee members will state how they voted and the justification for their decision. **(As amended 05/18/04)**
- (d) It will be the Chairperson or designee’s responsibility to forward any proposed Bylaw changes to the Local for their review in order to fulfill any requirements of the Local. After approval of the Local and presentation to the membership, the Committee Chairperson will forward the proposed changes to the Election Team Chairperson for mail ballot as per Section 27 “Amendments” or by Chief Steward distribution. **(As amended 05/18/04)**
- (e) The Chairperson will ensure that all Chief Stewards are given a copy of all proposed Bylaw changes. **(As amended 05/18/04)**
- (f) Any questions or controversy regarding the content or the intent of any Bylaw will be referred back to the committee for interpretation and clarification. (As amended 5/19/98).

## **B. Service Awards Committee**

- (1) **Purpose of Committee:** The Service Awards Committee shall be responsible for the implementation and maintenance of the Chapter’s Service Awards Program.
- (2) **Members of the Committee:** The Service Awards Committee will be composed of Union members as prescribed by the Chief Stewards Council representing all work categories associated with the Maintenance and Clerical units of BART.
- (3) **Duties of Committee:**

- (a) The committee will be required to draft guidelines for the program. These guidelines will be submitted to the Executive Council for approval.
- (b) The Service Awards Committee shall submit a proposed annual operating budget, review the program, and make the necessary adjustments to insure that the program meets its initial intent.
- (c) They shall receive and process applications and issue the awards as determined by the committee.

### C. **Strike Action Committee**

- (1) **Purpose of Committee:** The Committee will be tasked with the responsibility of ensuring that the membership is prepared for any Strike Action that may become necessary during a Labor Dispute. They will also be tasked with the responsibility of researching and formulating various avenues for members to use during the strike.
- (2) **Members of the Committee:** The Strike Action Committee shall consist of Chief Stewards, Stewards and any other concerned members. The Strike Committee will be formed during the same time period as the Negotiation Team.
- (3) **Duties of Committee:**
  - (a) They will maintain close liaison with the Negotiation Team during contract negotiations and will recommend action to the general membership.
  - (b) They will chair the necessary ad hoc committees in event of imminent strike action.
  - (c) The Strike Action Committee will distribute any bulletins or written information issued by the Negotiation Committee.
  - (d) They will assimilate Strike Action packages for the members. The packets of information shall contain information regarding mortgages, food stamps, how to pay outstanding debts, etc.
  - (e) Insure that an up-to-date roster of all Union Representatives' addresses and telephone numbers is on file.
  - (f) Insure that all members of the BART Chapter addresses, with proper zip codes and telephone numbers are on file and are up to date. Periodic checks, by using the Chief Steward's structure shall be made.

- (g) They will ensure that, within a minimum of five (5) days before a ratification vote, the complete language (not a summary) of the proposed contract changes is distributed to the membership. It will be the responsibility of the Chapter President and Vice Presidents to ensure that this is properly carried out prior to the contract ratification vote.
- (h) All actions of any Strike activity shall be coordinated through this Committee.

## 19. DUTIES OF TEAMS

### A. Election Team (As amended 05/18/04)

- (1) **Purpose of Team:** The Election Team is tasked with the responsibility of overseeing all elections, recalls, filling of vacancies and other duties within our Chapter as spelled out in the various sections of these Bylaws.
- (2) **Team Members:** The Election Team shall consist of the following members from the different Sub Chapters:
  - (a) Maintenance: Five (5) members
  - (b) Clerical: Two (2) members
  - (c) Forepersons: Two (2) members
- (3) **Selection of Team Members:** Each Sub Chapter will elect the prescribed number of members to the Election Team. These team members will serve in this capacity for a three- (3) year term. The Chairperson (or Alternate, in case of absence) may select temporary team members for special projects, such as counting ballots.
- (4) **Duties of Team: (As amended 05/18/04)**
  - (a) This team will elect a Chairperson, Secretary and Alternate Chairperson and Alternate Secretary during the month of February of an Election Year.
  - (b) The Election Team will follow the duties as described in Section 6 of these Bylaws titled "*Elections*".
  - (c) The Election Team will oversee all Recall actions with the Chapter.
  - (d) The Elections Team will be responsible for the filling of any Chapter vacancies as related in Section 9 "*Vacancies*".
  - (e) The Election Team will be responsible for Chapter Bylaws Amendment votes.

- (f) Any matter relating to election to, or removal from, a Chapter position shall be under the direction of the Election Team. The Election Team may delegate this authority to the area/section to conduct, as it deems appropriate.
- (g) When the Election Team conducts any less formal election the Election Team is in total control of the election including:
  - 1) Retaining custody of ballots.
  - 2) Attempting to notify all members eligible to vote by means such as posted flyers and telephone calls.
  - 3) Making balloting available to members.
  - 4) Counting and releasing election results at the close of the balloting period. **(Added 05/18/04)**
- (h) Note that the Election Team will attempt to inform all eligible members, including temporarily upgraded employees, of their right to vote. However; the Election Team does not notify employees that are “off the property.” (“Off the property employees” are those that are on vacation, sick leave, disability, and business travel, technical schooling, etc.)  
**(Added 05/18/04)**

## B. Negotiation Team

- (1) **Purpose of Team:** The Negotiation Team is tasked with the responsibility of compiling information attained from various sources such as surveys of the membership, documentation from the Chief Stewards Council, etc. in order to prepare the Chapter’s Contract proposal to the District.

In addition, the Contract Negotiators will meet fact to face with the District representatives to negotiate the Labor Agreement.

- (2) **Team Members:** The Negotiation Team shall consist of the following members from the different Sub Chapters:

- (a) Maintenance: Up to one member per Chief Stewardship
- (b) Clerical: Up to four (4) members
- (c) Forepersons: Up to two (2) members

- (3) **Selection of Contract Negotiators:**

- (a) The Negotiation Team will elect the Contract Negotiators from the Team to negotiate the contract. The negotiators shall be comprised of representatives from each subchapter in the following manner:

- (b) Maintenance is allowed a maximum of eight Negotiators. One slot will remain unfilled in order to bring in a Team member who was not elected as a full time Negotiator to address those issues that are relevant to his/her area of responsibility.
- (c) Clerical will be allowed two (2) Contract Negotiators, and Forepersons will be allowed one (1) Contract Negotiator.

**(4) Duties of the Team:**

- (a) The Negotiation Team will prepare a survey to be distributed to the membership. This survey will request information that will be utilized in the preparation of the Chapter's contract proposal. This information will be compiled in order of importance, and the result of the survey will be made available to the membership. The survey will be distributed and collected by members of the Strike Action Committee.
  - (b) The Contract Negotiators will prepare regular bulletins updating the progress of the Negotiation process for distribution to the membership. The Strike Action Committee will distribute the bulletins.
  - (c) The Contract Negotiators will meet together at all times in obtaining or renewing our contract with BART. At least twenty five percent (25%) of the Negotiators will be present at all meetings, face-to-face confrontations, behind door instructions, facing news media, etc. No meetings with BART management will be held without at least twenty five percent (25%) of these negotiators present.
  - (d) Each Contract Negotiator will give a verbal recommendation, pro or con, to the General Membership during any Contract Ratification meeting.
  - (e) A minimum of three (3) Contract Negotiators will assist in the proof reading of the contract prior to the document going to the printers.
- (5) Other Requirements:** Any supporters to our interest will be observers only. They will not cause to eliminate or reduce the number of negotiators at any time. Anything that is inconsistent with this provision will terminate the support and best interest of the membership and demand a recall. Any member accepting a nomination to the Negotiation Team must agree to attend all negotiation meetings until negotiations are terminated. Each member of the team will serve in this capacity until a Contract settlement is attained.

**C. Organizing Team**

**(1) Duties of Team:**

- (a) Work with leadership to develop and execute strategic campaigns.
- (b) Act as liaison between Chapter and Local 790 organizing efforts.
- (c) Coordinated distribution of information (i.e. newsletters, flyers, surveys, reports, bulletins, etc.).
- (d) Work with New Hire Training Committee to incorporate “union organizing” into new hire packet.
- (e) Work with Chief Stewards to ensure that members who are off work due to extended illnesses or industrial injury are contacted and assisted.
- (f) Work with Chief Stewards to forward names to the Local of those members that are to receive remembrances as per Local policies.
- (g) Insure that all BART Chapter members have correct addresses, telephone numbers, work sites on file at the Union Hall.
- (h) Assemble and assist Strike Action Committee.

**20. SUBCHAPTERS**

**A. Purpose of Sub Chapters:**

- (1) Sub chapters shall be for internal administrative Chapter purposed only. Sub Chapters will elect their representatives for the following:
  - (a) Election Team
  - (b) Negotiation Team
  - (c) Executive Council
- (2) Sub Chapters shall not interpret or enforce any sections of the Labor Agreement or of these Bylaws.

**B. Responsibilities of Sub Chapter:**

- (1) They shall hold their meetings at times that do not conflict with the Chapter, the Local Union’s Executive Board or General Membership meetings.
- (2) Each Sub Chapter shall keep a record of the transactions of the Sub Chapter and shall forward copies of the minutes of each Sub Chapter meeting to the Chapter Secretary.
- (3) Sub Chapters will be comprised of members of the Chapter with common contractual provisions.

C. **Duties of Sub Chapters:** Sub Chapters shall convene within thirty (30) days of the conclusion of the Chapter's Officers general election. They shall convene for the following purposes:

- (1) The election of a Sub Chapter Facilitator
- (2) The election of a Sub Chapter Secretary
- (3) The election of BART Chapter Executive Council delegate(s)
- (4) The Sub Chapter shall convene, when called upon, to fulfill its obligations in the election of the Sub Chapter.
- (5) The Sub Chapter shall convene, when called upon, to fulfill its obligations in the election and/or notification of the Sub Chapter's Negotiation Team representative.

D. **Quorums:** Sub Chapter quorums shall consist of five (5) members or five percent (5%) of the members of the Sub Chapter, whichever is greater. However: this number shall not exceed seven (7)

E. **Election Process for Clerical, and Foreperson sub Chapters:**

- (1) **Election Team:** Each Sub Chapter will elect two (2) members to serve on the Chapter's Election Team. The term of office will be for a period to include three years commencing with the General Election process (January) and ending with the beginning of the next General Election cycle.
- (2) **Negotiation Team:** The Negotiation Team shall be elected one year prior to expiration of the current labor agreement. At least forty-five (45) days prior to election, prospective candidates for the negotiation team shall submit to their respective Sub Chapter Facilitator a letter, to be posted, stating their desire to serve and listing their qualifications. This letter will be posted in all areas covered by the Sub Chapter. An example of qualifications would indicate Chapter, Sub Chapter and Committee activities and participation. Said election shall be carried out by secret ballot and shall conclude no later than June 15<sup>th</sup>.

F. **Election Process for Maintenance Sub Chapter**

- (1) **Election Team:**
  - (a) The Sub Chapter will elect five (5) members to serve on the Chapter's Election Team. The term of office will be for a period to include three years commencing with the General Election process (January) and ending with the beginning of the next General Election cycle.

- (b) In order to provide total and adequate coverage, the five (5) members will be elected from the following geographical locations: Concord, Daly City, Hayward, Oakland, and Richmond.

**(2) Negotiation Team:**

- (a) At least forty-five (45) days prior to election, prospective candidates for the negotiation team shall submit to their respective Chief Steward a letter, to be posted, stating their desire to serve and listing their qualifications. This letter will be posted in all areas covered by the involved Chief Stewardship. An example of qualifications would indicate Chapter, Sub Chapter and Committee activities and participation.
- (b) Said election shall be carried out by secret ballot and shall conclude not later than June 15<sup>th</sup>.
- (c) Upon conclusion of the election process for Negotiation Team member, the Chief Steward shall inform the Maintenance Sub Chapter Facilitator of the results. The Facilitator of the Sub Chapter shall submit, in writing, a listing of all Negotiation Team members who were elected within their Chief Stewardships to the Chapter Secretary no later than the last day of June.

**G. Eligibility for Negotiation Team member – all Sub Chapters:**

- (1) To be eligible to be elected to the Negotiation Team, a candidate must be either an Officer, Executive Council member, Chief Steward, Area Steward, or active member of one or more of the Committees as outlined in Section 14, “Committees”. The candidate must have served in this capacity for a minimum of a six (6) month period during the current labor agreement.
- (2) In the event that an area will not be represented due to qualified members electing not to participate, then any other member from the area may serve as a Negotiator. If there are more than one interested individual, then an election process will be held to select the Team Member.

**21. COUNCILS**

The Executive Council and the Chief Stewards Council shall establish and maintain an Operations Policy Manual. Policies shall be developed and accepted by the respective Councils and shall remain in effect until modified and/or terminated by the involved Council. All policies shall be written and retained in The Manual with date of implementation noted.

A policy shall be implemented by a simple majority vote of the involved Council. Any policy may be amended or terminated by a simple majority vote of the involved Council.

**A. Chief Stewards Council:**

**(1) Purpose of Council:**

- (a) The Chief Stewards Council is responsible for the interpretation and enforcement of the Contract. The Council will hear all matters regarding Disciplinary Action as defined in Section 23, “*Disciplinary Actions*”, brought against Chapter members.

**(2) Members of the Chief Stewards Council:**

The Chief Stewards Council shall consist of the following Officers and Chief Stewards:

- (a) Chapter President (acting as president)
- (b) Chapter Vice President (2)
- (c) Chapter Secretary
- (d) Chapter Sergeant-at-Arms
- (e) Chief Stewards

**(3) Responsibilities of Council:**

- (a) The Chief Stewards Council shall meet at least once in each month. Date, time and number of meetings each month to be set by the Chief Stewards Council. Special meetings of the Chief Stewards Council shall be called by the Chapter President upon written request of five (5) members of the council. Written notification with an indication of the reason for the meeting shall be given five (5) days in advance except in the case of an emergency.
- (b) The Chief Stewards Council shall act as a committee for complaints of individual members who wish to contest actions of Officers or employees of this chapter or union. In the event that the individual members are not satisfied with the ruling of the Council, the member shall act according to the provisions of XII- CHARGES & APPEALS Constitution & Bylaws, Local 790.

**(4) Executive Session:**

The Chief Stewards Council meetings shall be open to all members

The Chief Stewards Council shall only enter into Executive Session if and when one or both of the following conditions exist:

- (a) A request is made by a member or the member's representative for Executive Session in order to keep his/her issue(s) confidential.
- (b) A majority vote by the members of the council who are in attendance at the involved council meeting vote to close the meeting and enter into Executive Session.

Executive Session is defined as that portion of any given meeting that is closed to all those who are non-members of the council.

Said member shall be entitled to remain during any presentation that pertains to their case. However, members of the Chief Stewards Council shall be the only persons present during deliberations of any case that was presented during as Executive Session. The member may request the final vote count in regards to their case, i.e., unanimous or a split decision such as 15-6.

**(5) Duties of Council:** The Chief Steward Council shall have all the authority granted to it by these Bylaws including, but not limited to the following:

- (a) Contract enforcement
- (b) Side Letters of Agreement

Any and all Side Letters of Agreements that clarify redefine the parameters, classification, duties, entitlements of a specific Pick or Pick Unit Classification(s), before being presented to any Chapter Committee or Council or Board for acceptance shall be firstly presented, in its entirety and completed form to the members of the affected group, classification or Pick Unit Classification(s). All members of the affected group will be given reasonable opportunity to study, discuss and make comment and recommendation on the proposal for a period of 30 days. The members of the group shall vote on the proposal by secret ballot at the end of the 30 days. The balloting may be conducted by the Units Chief Steward or his/her designee or upon request or dispute, the balloting will be handled by the Election Team. Upon acceptance of the proposed Side Letter, by the affected group, the President of the Chapter in concert with the Chief Steward or Chief Stewards Designee, of the affected area, may proceed to the Chief Stewards Council for recommendation to the General Membership and then to the General Membership for acceptance or rejection of the proposed side letter.

MOU's

Any and all Memo's of Understanding (MOU's) that clarify, redefine the parameters, classifications, duties, entitlements of a specific Pick Unit or Pick Unit Classification(s), before being

presented to any Chapter Committee or Council or Board for acceptance shall be firstly presented, in its entirety and completed form to the members of the affected group, classifications of Pick Unit Classification(s). All members of the affected group will be given reasonable opportunity to study, discuss, and make comment and recommendation on the proposal for a period of 30 days. The members of the group shall vote on the proposal by secret ballot at the end of the 30 days. The balloting may be conducted by the Units Chief Steward or his/her designee or upon request or dispute, the balloting will be handled by the Election Team.

Upon acceptance of the proposed Side Letter, by the affected group, The President of the Chapter in concert with the Chief Steward, or Chief Stewards Designee, of the affected area, may proceed to the Chief Stewards Council for recommendation to the General Membership and then to the General Membership for acceptance or rejection of the proposed MOU.

(c) The Chief Steward Council shall be responsible for the proper processing and recording of all grievances handled by any member of this Chapter. They will be responsible for a proper numbering and filing of all such matters and will have a file on each grievance indexed to the section of our contract which is applicable. This file will be made available to Chief Stewards and to the Negotiation Team prior to contract renewal.

(c) All actions on seniority;

(d) Disciplinary action as listed in Section 23, "*Disciplinary Action*", brought against any member of the Chapter.

#### **(6) Quorum:**

Fifty (50) percent of the Council shall comprise a quorum. The Chapter Secretary shall prepare an Agenda for the meetings of the Council prior to the holding of the meeting. A copy of the Agenda shall be mailed, together with a notice of the meeting, to all areas for posting on Union Bulletin Boards ten (10) days prior to the meeting.

#### **(B) The Executive Council**

(1) **Purpose of Council:** The Executive Council is responsible for the Chapter's funds. They are tasked with the overseeing of how our Chapter's funds are distributed.

(2) **Members of Council:** The Council shall consist of the following Officers and representatives:

(a) Chapter President (acting as president)

- (b) Chapter Vice President (2)
- (c) Chapter Secretary
- (d) Chapter Treasurer
- (e) Representatives from the Subchapters

Each Subchapter shall elect their representative on the following basis: Each Subchapter shall be entitled to one (1) delegate on the Executive council for up to one hundred (100) valid members. One additional delegate shall be entitled each Subchapter for a membership of 101 to 200, and a third delegate for a valid membership of 201 or over.

### **(3) Responsibilities of Council:**

- (a) **Meetings:** The Executive Council shall meet at least once in each calendar month. Special meetings of the Executive Council shall be called by the Chapter President upon written request of four members of the Council. Written notification with an indication of the reason for the meeting shall be given five (5) days in advance in the case of an emergency.

The Executive Council meetings shall be open to all members. The executive Council shall meet at least one week prior to the General Membership meeting on a monthly basis. The Executive Council members shall decide the day by a simple majority vote.

- (b) **Motions:** Each Motion in its entirety will be published as part of the minutes. The entire notation to include the following:

- 1) The actual wording of the motion.
- 2) The name of the person making the motion and the name of the person seconding the motion.
- 3) The voting record of each member of the Council. This to include the Yes, No, Abstain, or Absent notation next to their name.
- 4) All motions, whether they passed or not, be given a numerical notation.
- 5) The Chapter Secretary shall publish and fax a listing of the motions passed at the Executive Council within 2 days of the Chief Stewards Council meeting for posting in the various work locations.
- 6) All motions passed by the Executive Council involving the disbursement of Chapter funds must be approved at the following General Membership meetings. Each

motion will be read to the membership prior to the vote being taken.

- (c) **Requests for Funds:** Any requests for funds from the BART Chapter that are not directly related to the operations of the Chapter such as suppliers, computer programs, microwaves, etc. will not be voted upon until the next months' Executive Council meeting.
- (d) **Assistant to the Treasurer:** The Council members shall have one member (not an Officer) be assigned as the Assistant to the Treasurer. This person will work in conjunction with the Treasurer in the performance of the Treasurer's duties.

**(4) Duties of the Council:**

- (a) Preparation of a calendar year annual operating budget.
  - 1) Formal budget hearings shall be held during the month of September preceding the calendar year budget. Said budget shall be prepared by the Chapter President and presented to the Executive Council no later than the following October Executive Council meeting for its acceptance. Said budget shall be presented to the General Membership for its approval at the November General Membership meeting.
  - 2) Each April, the chapter's Treasurer shall present an annual financial report of the previous year's operating budget.
- (b) Supervising the handling of all Chapter funds.
- (c) Determining when a Subchapter is considered a functioning subchapter for the purpose of representation on the Council.
- (d) Make a quarterly audit of the books and affairs of the Treasurer.
- (e) Submit a summary of the audit findings to the members every quarter at the regular General Membership meeting.
- (f) Make, or cause to be made such supplementary audits, as it deems necessary.
- (g) Every two years the Executive Council will cause to be made an audit by an outside auditing firm.
- (h) The council will perform a physical inventory of all BART Chapter property on an annual basis. They will be responsible

for seeing that each piece of equipment, furniture, etc. be assigned an alpha/numerical property tag as they deem proper.

- (i) In the event any member of the Executive Council fails to attend two consecutive meetings, the Council shall notify the Subchapter and request the Subchapter to select a new delegate. All elected Officers and delegates shall exert every effort to attend all Executive Council meetings. Any member of the Council who cannot appear at a bona fide meeting shall notify the Chapter Secretary or the Chapter President that they will be absent and state a bona fide reason for such absence to eliminate their replacement.

- (5) **Quorum:** One-third of the Council shall comprise a quorum. The Chapter Secretary shall prepare an Agenda for the meetings of the Council prior to the holding of the meeting. A copy of the Agenda shall be mailed, together with a notice of the meeting, to all areas for posting on Union Bulletin Boards ten (10) days prior to the meeting.

### (C) **Joint Leadership Council**

- (1) **Purpose of Council:** The purpose of this council is to provide leadership for the Chapter in time of an emergency. The council will also make recommendations to the membership regarding any course of action that they deem necessary.
- (2) **Members of the Council:** The Joint Leadership Council shall consist of the following Officers and representative:
  - (a) All elected Officers (Chapter President acting as president)
  - (b) Executive Council representatives
  - (c) Chief Stewards and Area Stewards
  - (d) Committee Chairpersons
  - (e) Negotiation Team Members

### (3) **Responsibilities of Council:**

- (a) The Joint Leadership Council meeting shall not be missed, but a member may be excused by a majority vote of the council. Unexcused absence of meetings shall be cause for disciplinary action.
- (b) The Joint Leadership Council shall have all of the authority granted to it by these Bylaws including, but not limited to the following:
  - 1) Recommendation for acceptance of proposed contract before submitting of said contract to the membership or the District.

- 2) Recommendation for acceptance of the new labor agreement before submitting for final approval by the General Membership.
  - 3) The authority granted the Chief Steward and Executive Council.
  - 4) The authority to set strike dates or extension of strike dates after the General Membership has granted approval.
- (c) Meetings of the Joint Leadership Council shall only be held to carry out its functions as set forth in these Bylaws.
- (d) Fifty (50) percent of the Council shall comprise a quorum.

## **22. APPEALS OF COUNCIL ACTIONS**

(A) The action of any Council may be appealed by any member to any one of the next two (2) Chapter General Membership meetings immediately following the Council meeting in which the action was taken. Thus allowing the member ample time to prepare their appeal. The General Membership shall have the authority to override any action of the Councils.

### **(B) Route of Appeals:**

- (1) BART Chapter General Membership
- (2) Local 790 Executive Board
- (3) SEIU President

## **23. DISCIPLINARY ACTION**

A. Charges may be brought against any member or officer of the Chapter or affiliated body.

B. Charges against any member or officer of the Chapter or affiliated body shall be filed with the Secretary of the Chapter who shall serve notice of charges on the accused personally or by registered mail at his/her last known address at least 10 days before the hearing of said charges. Charges must be specific and in writing. These violations listed, but not limited to are subject to charges:

- (1) Violation of the oath of office and loyalty
- (2) Violation of the Constitution and Bylaws of the Local Union or Chapter
- (3) Gross disloyalty or conduct unbecoming a member
- (4) Inefficiency of an officer
- (5) Financial malpractice
- (6) Engaging in corrupt or unethical practice or racketeering
- (7) Engaging in dual unionism
- (8) Disobedience of the regulations of the Local or Chapter of the Union
- (9) Wrongfully taking monies, books, papers or cause destruction of receipts, papers, books etc. of Local Union or Chapter.

(10) Bringing false charges against members or Officers with malicious intent.

- C. The accused may appear in person and with witnesses before the Chief Stewards Council to answer the charges against him/her. They shall be afforded a full and fair hearing. The accused may select a member of the Local Union or Chapter or an attorney to represent him/her or them in the presentation of his/her defense.
- D. If any charges or portion of charges are sustained, only the charges or portion of charges sustained shall be subject to disciplinary action. If not sustained, the same shall be dismissed.
- E. Charges against a member or Local Chapter may be scrutinized by the International Union to determine if any charges may jeopardize the interest of the Local or International Union. The International Union may elect to exercise the authority of its office accordingly.
- F. Any person filing charges against a member or officer or Local Union/Chapter may not participate as a member of the trial body.
- G. Decisions and penalties imposed on members, Officers or Chapter may, as the case requires, consist of: reprimand, fines, suspensions, expulsions or removal from office, deprivation of privileges or benefits, or command to do or perform or refrain from same specific acts.
- H. No member of the Chapter (after a fair hearing and found guilty) will be made to pay any fine exceeding a maximum of two hundred dollars (\$200.00). Any monies derived from disciplinary actions shall be credited to the Chapter General Fund.
- I. The right of appeals shall be afforded the accused. Any such appeal shall be filed in writing with the Local Executive Director by registered or certified mail within fifteen (15) days after the decision.

## **24. STRIKE ACTION**

During the term of a Labor/Management agreement no strike action will be used as a result of a labor dispute. The International President must grant authority for strike action.

## **25. MEMBERSHIP ASSIGNMENTS, DUTIES AND RESPONSIBILITIES**

- A. During strike action the members will be assigned specific duties by their Stewards who will keep strict records to ascertain that each member devotes a fair share to time and effort to the common cause. Each member will either perform the duties assigned him/her by the respective steward or pad a fine into the General Fund. The amount is not to exceed two hundred (\$200) per month.

- B. In the case of an AFL-CIO sanctioned BART Chapter strike, the Strike Action Committee is responsible for gathering the names and any other pertinent information about any member who crosses our Chapter's picket line for the purpose of assisting the employer in exchange for economic compensation (hereafter referred to as "scabbing"). This information, along with the names of witnesses or other evidence, is to be turned over to the BART Chapter Chief Stewards Council for the appropriate action.
- C. After the conclusion of any sanctioned BART Chapter strike, the Chief Stewards Council shall meet and discuss any information given to it about any member accused of scabbing. If the Council decides by majority vote that there is sufficient evidence to warrant further action, it shall set a date and time for a Hearing. Each day that scabbing is alleged may be considered as a separate charge. The accused member shall be informed of the specifics of the charge(s), the Hearing date, and their rights, as outline in Section 23, "*Disciplinary Action*", of these Bylaws.
- D. After a full and impartial Hearing, the Council may declare the member guilty of scabbing. This declaration will be posted on all Union Bulletin boards for a period of at least a year.
- E. The Council may also, by a separate two thirds vote, take one or more of the following actions:
  - (1) Adjust the member's seniority classification date to the date the membership voted to return to work.
  - (2) Fine the member, not to exceed \$200.00 for each incident of scabbing if they are found guilty of it.
  - (3) Any disciplinary action allowed by Section 23, "*Disciplinary Action*", of these Bylaws.
- F. The Chief Stewards Council's decisions are subject to appeal as set forth in these Bylaws.

## **26. CHAPTER FUNDS**

Chapter funds and finances are to be derived from the following sources:

- A. Initiation fees - \$200.00 plus Local Initiation fees effective July 1, 1982.
  - (1) All Initiation fees must be paid in total prior to completion of the initial probation period.
- B. Monthly Dues - \$1.00 plus Local Dues (\$1.00 is for the Chapter Building Fund).
- C. Fines and Assessments

## **27. AMENDMENTS**

Status Date: 7/1/2008

- A. No amendment shall be valid or become effective until approved by the Local Union and the International Union.
- B. The Constitution and Bylaws of this Chapter shall at all times be subordinate to this Local Union and the International Constitution and Bylaws, as they may be amended. If any conflict should arise between the Constitution and Bylaws of this Chapter, or any amendments thereto, and the International Constitution and Bylaws, or any amendments thereto, the provisions of the International Constitution and Bylaws shall control.
- C. This Chapter cannot dissolve, secede or disaffiliate while there are seven (7) dissenting members. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of this Chapter shall become the property of this Local Union. Under no circumstances shall this Chapter distribute its funds, assets, or properties individually among its membership.
- D. The title to all property, funds and other assets of this Chapter shall at all times be vested in the Chapter Executive Council for the joint use of the membership of this Chapter, but no member shall have any severable proprietary right, title, or interest therein.
- E. Membership in this organization shall not vest any member with any right, title, or interest in or the property of this Chapter, including the funds of this Chapter.
- F. All Bylaw amendments will be submitted to the Bylaws Committee for inclusion into the change process.
- G. The proposed Bylaw changes will be voted on in either an issue by issue basis or in groups as deemed appropriate by the Bylaws Committee. The proposed Bylaw amendments will be voted on by secret ballot. To be accepted, an amendment must be approved by a two-thirds majority of the members voting.
- H. The following procedures will be utilized for Bylaw Amendment changes:
  - (1) Any proposed change must be received by the Bylaws Committee Chairperson by February 1<sup>st</sup> or August 1<sup>st</sup> of each calendar year. During a contract negotiation year, the General Membership shall have the authority to suspend the Bylaws amendment cycle until after the ratification of the labor agreement.
  - (2) The Chairperson will forward the proposed changes to the Local for their comments/approval.
  - (3) The Chapter President shall ensure that the proposed changes are published by March 1<sup>st</sup> or September 1<sup>st</sup>. In addition, s/he (or his/her designee) shall present the proposed changes orally during the General Membership meetings of March and September.

- (4) The election team is responsible for supervising the Bylaws balloting process. They will meet prior to the March and September General Membership meetings to decide the method of balloting – either mail or utilizing the Chief Stewards structure. This choice must be approved at the March or September General Membership meeting. If the Chief Stewards structure is chosen, locked ballot boxes with keys held by the Election Team must be provided at work locations and the neutrality of the Chief Steward or their designee is mandated during the balloting distribution process. The Election Team will either mail or use the Chief Stewards to deliver a copy of the proposed change along with the recommendation(s) of the Bylaws Committee to the membership during the week following the General Membership meetings of March and September. The Election Team will reference instructions for voting and the actual date for return and counting.
- (5) Returned ballots must be received by the Saturday immediately preceding the General Membership meetings scheduled for April and October. The Election Team will count the ballots and the results will be forwarded to the Bylaws Committee Chairperson.
- (6) The Bylaws Committee Chairperson will issue the results of the election at the General Membership meetings of April and October.
- (7) In the event the balloting shall be conducted by mail, said balloting process shall be conducted in a similar manner as reference in Section 6, “*Elections*” of these Bylaws.