County Employees Management Association

Bylaws

Effective September 27, 2024

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Article I: General

Section 1: Name

The name of this union is County Employees Management Association ("CEMA").

Section 2: Office

The principal office of this union ("CEMA Office") shall be located in Santa Clara County, California. The CEMA Executive Board (Board) may establish such other CEMA offices as it deems necessary to the effective conduct of CEMA business.

Section 3: Affiliation

CEMA is fully affiliated with the International Union of Operating Engineers, Operating Engineers Local 3, AFL-CIO (OE3) and shall be subject to all policies adopted pursuant to the Affiliation Agreement between CEMA and OE3.

Article II: Mission and Vision

Section 1: Mission

To be the most respected, problem-solving, and member responsive union.

Section 2: Vision

A diverse union that supports its members' dignity and security in their workplace, where dedicated work is recognized with strong wage increases and comprehensive benefits, and members are afforded expert individual representation.

Article III: Membership

Section 1: Jurisdiction

The jurisdiction of CEMA shall be for all employees within Santa Clara County, San Mateo County, Santa Cruz County, Monterey County and San Benito County including neighboring jurisdictions as approved by the Board, classified and unclassified coded classifications within the Supervisory, Administrative, Journey Level, Professional and Confidential bargaining units.

Section 2: Eligibility

Any person employed in a bargaining unit represented by CEMA within the above described jurisdiction of CEMA shall be eligible for membership within CEMA in accordance with these Bylaws. There shall be no discrimination against any member or applicant for membership for reason of age, race, color, gender, creed, national origin, disability, religion, ancestry, political opinion, affiliation, sexual orientation, familial status or family and relationship structure.

Section 3: Members

(a) Members in good standing are members who are currently paying dues, which is deducted from each paycheck, are denoted on a separate line on the employee's paystub (e.g. "CEMA DUES", "COUNTY EMPLOYEES MANAGEMENT ASSOCIATION").
(b) Members in good standing are eligible to receive all benefits of CEMA representation and membership in OE3 for negotiations and grievances, have voting rights, receive all communications, have union interests represented politically, and receive legal consultation on matters related to their represented employer.
(c) All Members and Employees shall comply with and conform to the Code of Ethics of CEMA and OE3.
(d) Upon joining CEMA as a member, membership dues are required to continue for a minimum period of 12 months, barring separation from a CEMA represented position.
(e) In the event of a hardship, the member may apply to the Board for the OE3 Waiver.
(f) CEMA members are OE3 members, and as such are eligible to receive all the benefits associated with both CEMA and OE3.

Section 4: Representation

The Board will represent, and will advocate for its Business Agents, Staff or Liaisons to represent dues paying members. Dues paying members shall be provided services to which they are legally entitled, including but not limited to representational activities, advocacy, professional services, advice and political or legal representation. The Board expressly directs that non-dues paying members shall not be provided the services listed above.

Article IV: Dues

Section 1: Establishment

Effective January 1, 2026, the CEMA union dues will be $39.00 per pay period.

Dues will be paid through biweekly payroll deductions.

Section 2: Increase in Dues

On January 1st of each leap year, beginning 2028, the union dues may be adjusted as appropriate by the Board. Any dues increase over 10% of the current dues rate must be approved by a majority vote (of the members who voted). This vote shall be subject to all rules and guidelines found in Article IX (Elections).

Dues changes may occur normally outside of leap years if approved by a majority vote (of the members who voted).

Section 3: Political Contributions

(a) The Board will review and approve a budget for political contributions as part of the budget process.
(b) Political Contributions will be funded through member dues.
(c) A separate designated account shall be maintained for political purposes.
(d) Members that elect to opt out of political contributions must do so in writing by email to the CEMA email address help@sccema.org. Any member who selects this option shall have one dollar per pay period of their dues directed to the CEMA scholarship fund. These funds shall be tracked separately on a yearly basis when the budget is adopted.

Article V: Meetings

Section 1: Frequency, Time, and Place

(a) General Membership Meetings
General Membership meetings for each chapter shall be held annually at such time and place as determined by the Board. These meetings shall include a State of the Union report, and a financial report.

(b) Special Meetings requested by Membership
Special meetings may be called by petition to the Board of at least ten percent (10%) of dues paying members to take feedback on a specific topic. The agenda of the special meeting shall be limited to the specific topic for which it is called. The topic may be introduced as an agenda item at a future board meeting. Special meetings shall not require Board action on the matter discussed. The Board shall attend the special meeting.

The meeting must be held within 90 calendar days of when the Board received the petition. Petitions shall be addressed to the President and Secretary and delivered to the CEMA Office by postal mail or in person.

(c) CEMA Executive Board Meetings
The Board shall hold scheduled meetings at least once per month. All Board meetings shall be held at the CEMA Office and/or virtually, unless otherwise specified. The Board may approve additional executive board meetings as necessary. Closed Board meetings may occur with notification to membership limited to the noticed topics.

(d) Committee Meetings
Standing Committees shall hold scheduled meetings at least once per month, unless otherwise specified in Article VII (Committees). Ad Hoc Committees shall hold scheduled meetings on an as needed basis, unless otherwise specified in Article VII (Committees). All committee meetings shall be held at the CEMA Office and/or virtually, unless otherwise specified.

Section 2: Notification of Meetings

The date, time, place, and agenda of general membership, special meetings, CEMA Executive Board meetings, and committee meetings shall be posted to the website at least three (3) calendar days before the meeting.

Section 3: Quorum

A quorum for a CEMA Executive Board meeting shall be a majority of members of the Board.

Section 4: Procedure and Debate

(a) All CEMA Executive Board meetings shall be governed by Robert's Rules of Order. Every member shall follow and be subject to such rules governing debate.
(b) CEMA Bylaws shall supersede Robert’s Rules of Order.
(c) All Board members shall receive training in Robert’s Rules of Order within the first year of their first term.
(d) The Board may conduct time sensitive motions, debate, discussions and voting electronically with the following stipulations:
    i. An e-mail must be sent out to the Board with the motion being proposed
    ii. All Board members must confirm receipt of the motion
    iii. A second to the motion must be made
    iv. After a second, discussions and debates will be allowed prior to the vote
    v. Vote will be accepted if all Board members vote

vi. The motion will be added to the agenda and noted in the Board minutes of the following CEMA Executive Board meeting
vii. No matter of affiliation, dues, stipend(s) or board member removal may be moved or considered using this exception

Article VI: CEMA Executive Board

Section 1: Role

Subject to the provisions and limitations of any applicable laws, and the provisions of these bylaws, CEMA's activities and affairs are exercised by or under the direction of the Board.

The CEMA Executive Board:

(a) Develops policy and be responsible for all administrative functions of CEMA, except for amending these bylaws or electing officers.
(b) Plans the union strategy of CEMA.
(c) Develops and promotes activities that will upgrade the well-being and professionalism of the membership.
(d) Establishes financial procedures for CEMA to facilitate effective operations and protect CEMA.
(e) Organizes and coordinates with the At-Large-Executive Board members and CEMA Committees special projects helpful to the CEMA membership.

Section 2: Composition

The Board is composed of the following:

(a) A President, a Senior Vice-President, a Vice-President, a Secretary, and a Treasurer, who each serve a term of three (3) years;
(b) Three Members-at-Large to be elected from Santa Clara County Chapter/unit, who each serve a term of three (3) years;
(c) A Member-at-Large to be elected from Santa Clara County Superior Court Chapter/unit, who each serve a term of three (3) years;
(d) A Member-at-Large to be elected from the Monterey County Chapter/unit, who each serve a term of three (3) years;
(e) Any additional Members-at-Large to be elected from each new Chapter/unit consisting of 200 or more dues-paying members, who each serve for a term of three (3) years.

Members of Board hold office until their successors are elected and qualified. Any members of the Board who are appointed or elected to fill a vacancy shall serve the remainder of the term.

Section 3: Election

Refer to Article IX (Elections).

Section 4: Resignation

Any resignation is effective upon receipt in writing by the CEMA President, unless a later date is specified in the letter.

Section 5: Vacancy and Line of Succession

Any vacancy that has been filled would commit to serve the remaining term of the office.

(a) In the event of a vacancy of a President, Senior Vice President and/or Vice President, the line of succession shall automatically be Senior Vice President to President, Vice President to Senior Vice President, Member-at-Large to Vice President in order of longevity on the Board. If all Members-at-large decline, the Board may appoint a CEMA member in good standing to the vacant position, or it may hold an election appropriate to fill the vacancy, whichever is deemed most appropriate by the Board at the time of the vacancy. Such an appointment or election would be noted in the Board minutes.
(b) In the event of a vacancy of a Treasure or Secretary, the Board may appoint an existing Board member. In the event no Board Member is appointed, a CEMA member in good standing may be appointed to the vacant position, or it may hold an election appropriate to fill the vacancy, whichever is deemed most appropriate by the Board at the time of the vacancy. Such an appointment or election would be noted in the Board minutes.
(c) In the event of a vacancy of a Member-at-Large, the CEMA Executive Board may appoint a CEMA member in good standing from the affected Chapter or County or it may hold an election appropriate to fill the vacancy, whichever is deemed most appropriate by the Board at the time of the vacancy. Such an appointment or election would be noted in the Board minutes.

Section 6: Policies

The Board may adopt policies as it deems necessary, and which are not inconsistent with these bylaws. In the event of an inconsistency, these bylaws shall prevail.

Section 7: Duties of Officers

(a) President

The President:

i. Officiates at all CEMA Executive Board meetings, General Membership meetings and Special Meetings.
ii. Oversees the implementation of directives voted on by the Board or membership.
iii. Presents the Board with an annual budget and statement of CEMA goals and objectives.
iv. Annually convenes a special meeting of the Board for the purpose of goal setting and to establish strategy. Items should include goals, objectives, budget, membership recruitment and retention, board processes and routine membership communication. Additionally, the roles and responsibilities of each Board member shall be discussed and assigned relating to the above items including Committee Chair assignments.
v. Maintains relationships with CEMA membership and OE3.
vi. Has signature authority.
vii. Maintains a stipend when completing the following duties:
    1. Be a delegate of all associated labor councils.
    2. Attend AFL-CIO Conferences.
    3. Participates in outside meetings and activities that move the CEMA goals forward, functioning as a representative.
    4. Attends at least one meeting annually in all CEMA Committees.
    5. Attends the OE3 semi-annual and at least two (2) OE3 District 90 Meetings annually.

(b) Senior Vice President

The Senior Vice President:

i. Acts as President in the absence of the President.
ii. Assists the President in overseeing the implementation of directives voted on by the Board or membership.
iii. Chairs at least one of the following committees: Political Action Committee, Professional Development Committee or Communications Committee.
iv. Maintains relationships with CEMA membership and OE3.
v. Does not have signature authority.
vi. Maintains a stipend when completing the following duties:
    1. Be a delegate of an associated labor council.
    2. Attend AFL-CIO Conferences.
    3. Participates in outside meetings and activities that move the CEMA goals forward, functioning as a representative.
    4. Attends at least one meeting annually in all CEMA Committees.
    5. Attends the at least two (2) OE3 District 90 Meetings annually.

(c) Vice President

The Vice President:

i. Assists the President and Senior Vice President in overseeing the implementation of directives voted on by the Board or membership.
ii. Chairs at least one of the following committees: Political Action Committee, Professional Development Committee or Communications Committee.
iii. Maintains relationships with CEMA membership and OE3.
iv. Does not have signature authority.
v. Maintains a stipend when completing the following duties:
    1. Be a delegate of an associated labor council.
    2. Participates in outside meetings and activities that move the CEMA goals forward, functioning as a representative.
    3. Attends at least one meeting annually in all CEMA Committees.
    4. Attends the at least two (2) OE3 District 90 Meetings annually.

(d) Secretary

The Secretary:

i. Keeps accurate and timely records of the proceedings of all CEMA Executive Board meetings and actions.
ii. Creates and posts the agenda, takes minutes, tracks motions, and maintains all documents in an organized manner.
iii. Receives notification of all correspondence and communications on behalf of CEMA and ensures the preparation and dissemination of all routine CEMA correspondence.
iv. Maintains relationships with CEMA membership and OE3.
v. Has signature authority.
vi. Maintains a stipend when completing the following duties:
    1. Participates in outside meetings and activities that move the CEMA goals forward, functioning as a representative.
    2. Attends at least one meeting annually in all CEMA Committees.
    3. Attends the at least two (2) OE3 District 90 Meetings annually.

(e) Treasurer

The Treasurer:

i. Be responsible for oversight of bank deposits and disbursements and for carrying out the duties described in Article XI.
ii. Presents a quarterly financial statement to the Board and ensures that an annual financial summary is prepared for review by the Audit Committee or submitted to an outside auditor for review and submittal to the Board.
iii. Ensures that annual federal and state tax returns for CEMA are prepared and filed timely including the Fair Political Practices Commission (FPPC). These documents may be prepared and submitted by an outside service, but the Treasurer oversees these responsibilities.

iv. Prepares the annual budget for the President to present to the Board in January.
v. Submits authorized check signatories to the appropriate banks following a change to the offices with signature authority.
vi. Chairs the Finance Committee and provides oversight to all financial policies and procedures.
vii. Maintains relationships with CEMA membership and OE3.
viii. Has signature authority.
ix. Maintains a stipend when completing the following duties:
    1. Participates in outside meetings and activities that move the CEMA goals forward, functioning as a representative.
    2. Attends at least one meeting annually in all CEMA Committees.
    3. Attends the at least two (2) OE3 District 90 Meetings annually.

(f) Member-at-Large
The Member-at-Large:
i. Serves as Co-Chair~~person~~ or Chair of a committee as appointed by the Board and noted in the Board minutes.
ii. Maintains a stipend when completing the following duties:
    1. Participates in outside meetings and activities that move the CEMA goals forward, functioning as a representative.
    2. Attends the at least one (1) OE3 District 90 Meeting annually.

Section 8: Right to Inspect Records

Every member of the Board has a right at any reasonable time to inspect and copy all CEMA books, records and documents of every kind and to inspect CEMA's physical property.

Article VII: Committees

Section 1: General

The Board may establish committees to conduct the business of CEMA.

Section 2: Membership

Committee membership is open to all interested CEMA members in good standing.

Upon recommendation by a committee's Chair, the Board may vote to remove a committee member.

Section 3: Committee Chairs and Co-Chairs

The Board appoints the Chair of all committees, unless otherwise stated in these bylaws. The Board may appoint Co-Chairs for such committees, as deemed necessary. All Committee Chairs must be a member of the Board. Every Committee will have at least one CEMA Business Agent to attend meetings.

Section 4: Standing Committees

CEMA shall have a series of standing committees, whose charge shall be to make recommendations to the Board on matters within the committees' jurisdiction, as well as fulfill other duties specified in these bylaws.

(a) Communications Committee
The Communications Committee:
   i. Examines and recommends ways to improve communication with CEMA members.
   ii. Provides strategic oversight of the website, general IT support, general e-blast information and feedback, text alerts, social media, and other communication techniques, and assists with member surveys.

(b) Finance Committee
The Finance Committee:
   i. Chaired by the Treasurer, with two (2) or four (4) additional members in good standing appointed to the committee by the Board.
   ii. Convenes at least four times per year.
   iii. Drafts and reviews policies and procedures for financial operations of CEMA, internal financial controls, bookkeeping and accounting procedures.
   iv. Reports the status of any investments to the Board.

(c) Liaison Committee
The Liaison Committee:
   i. Will be composed of individuals from various sites to assist CEMA in communicating information to its members and to help with membership recruitment ("Liaisons").
   ii. Liaisons:
      1. Link the membership to the Board and participate in the promotion and advocacy of CEMA-wide goals at the departmental level.
      2. Communicate CEMA information with members.
      3. Recruit new members of their work area.
      4. Promote professional development activities.
      5. Participate in Liaison Committee Meetings.
      6. Attend labor management meetings in their department.

7. May act as a resource person for members but do not act as a “steward” and are not expected to file grievances or handle disciplinary issues. Such matters must be forwarded to the CEMA Business Agent for action.
8. Agree to sign and follow the CEMA Liaison Job Description prior to appointment. A member volunteering to be a liaison must submit their interest via e-mail to the Liaison Committee Chair for approval.

(d) Membership Committee

The Membership Committee:

i. Oversees all membership recruitment efforts undertaken by CEMA.
ii. Advises and executes annual goals for membership growth
iii. Provides oversight for the membership recruitment and retainment plans that are undertaken by Liaisons, Board and Business Agents.

(e) Political Action Committee

The Political Action Committee (PAC):

i. Prepares and executes a Political Action Plan that reflects wide member involvement in political activities that promote and enhance the status of CEMA members and union members in general.
ii. Makes recommendations to the Board regarding endorsements, resources, and campaign contributions. The CEMA Executive Board makes all final decisions regarding the political action efforts of CEMA based on the work of the PAC.
iii. Recommends endorsement of candidates in County races and Superior Court judge seats. The PAC also tracks and recommends support for city, state and federal candidates and legislation or ballot measures that have a direct effect on the CEMA membership.
iv. Is responsible for developing and maintaining the operating policies and procedures that govern the endorsement of a candidate subject to approval by the Board.
v. Coordinates with other Unions and Labor Councils.
vi. PAC members are encouraged and invited to represent CEMA at political and community functions and to attend lobbying sessions with elected office holders and decision makers.
vii. Will comply with all local, state, and federal election laws and regulations as it pertains to their activities.

(f) Professional Development Committee

The Professional Development Committee:

i. Examines and recommends ways to improve professional development tools and resources for CEMA members.

ii. Provides learning opportunities through professional development events and collaborates with Learning and Development staff to identify needs, opportunities, and methods of delivery for training.
iii. The Chair is responsible to submit expenses for reimbursement as required.

(g) Scholarship Committee
The Scholarship Committee:
i. Annually updates the general rules and instructions for the CEMA scholarship program, with Board approval.
ii. Updates all standardized correspondence, including applications
iii. Announces and invites applications from the CEMA membership.
iv. Follows a transparent evaluation and selection process
v. Reports results of the evaluation process to the Board for approval and announces the winners to the CEMA membership.
vi. The Chair will solicit CEMA members to evaluate the applications, however, no Scholarship Committee member may have a child who currently is applying for that year's scholarship(s).
vii. The Chair will ensure that checks are prepared and distributed.

(h) Strategic Planning Committee
The Strategic Planning Committee:
i. Annually, upon Board approval, a committee with no less than three (3) Board members will evaluate the current work plans to be implemented for the year.
ii. By February of every year the committee will present the annual work plan for Board approval.
iii. The committee is required to report back to the Board at a minimum of once a quarter.

(i) Retiree Committee
The Retiree Committee:
i. CEMA members, who have been paying dues for the 6 months prior to retirement, have the option to join the Retiree Committee.
ii. May participate in all committees as described in Article VIII (Committees).
iii. May participate in political actions community/charitable events, membership drives and organizing new units.
iv. May represent CEMA on SBLC and SBLC affiliated organizations like CARA and Forum.
v. Will have access to the CEMA Website, union discounts and benefits, use of office space (as available) for CEMA-related functions, and time/resources of designated staff on their respective committees.
vi. Annual dues will be determined in January of each year by the CEMA Executive Board.

Section 5: Ad Hoc Committees

CEMA shall have a series of ad hoc committees, but unlike standing committees, ad hoc committees are temporary in nature and will dissolve once its purpose/goals have been fulfilled. Ad hoc committees' charge shall be to make recommendations to the Board on matters within the committees' jurisdiction, as well as fulfill other duties specified in these bylaws.

(a) Audit Committee
The Audit Committee:
   i. Consists of no more than three (3) members in good standing.
   ii. Audits CEMA finances and expenditures to ensure compliance and makes recommendations to the Board on ways to improve record keeping and accountability.
   iii. Meets every January to review the prior year fiscal reports and processes.
   iv. Convenes upon any changes in who holds the Treasurer position.

(b) Bylaws Committee
The Bylaws Committee:
   i. Consists of no more than three (3) members in good standing.
   ii. Convenes upon approval of the Board, and all efforts should be made to present bylaw amendments during regular election events (i.e. executive board elections, contract ratifications).
   iii. Evaluates the current bylaws and assesses if any changes need to be made.
   iv. Reviews proposed amendments to these bylaws for conformity to the existing bylaws and compliance with local, state, federal laws, and the OE3 Constitution and Bylaws

(c) Election Committee
The Election Committee:
   i. Consists of no more than three (3) members in good standing.
   ii. Assembles for the sole purpose of conducting an election.
   iii. Committee members are selected by the Board or the President.
   iv. Committee members cannot be seeking office as they set the rules and parameters of the election, administer timelines, and certify candidates to be eligible to run.
   v. This committee may also nominate candidates for vacant offices.

Article VIII: Chapter Advisory Councils

Section 1: General

All Chapters/units, other than Santa Clara County, shall elect a Chapter Advisory Council from amongst their membership. The election shall be held during the elections for the Board.

Section 2: Membership

Council membership is open to all interested CEMA members in good standing of that respective unit.

Chapter Advisory Councils shall be comprised of five (5) members, excepting that fewer than 5 apply for the position, including the respective Member-at-Large who will act as the Chair.

Section 3: Meetings

The Chapter Advisory Councils shall meet at least quarterly.

Section 4: Charge

The Chapter Advisory Council will consult on labor management issues.

The Chapter membership will ratify its own Chapter Memorandum of Understanding.

Article IX: Elections

Section 1: Elections Schedule

Elections shall be held in August every three (3) years beginning August 2020. The CEMA Elected Officers and Board members shall be seated January 1 of the next year.

Section 2: Eligibility and Conditions of Office

To run for and serve as a Board member, candidates shall be members in good standing and employed within a bargaining unit represented by CEMA for at least twelve months immediately prior to nominations and shall remain in good standing for the term of their office. Members of a newly admitted sub chapter are not subject to this requirement for the first election following sub chapter admission.

The term of the office for elected and appointed committee members shall be for three years. The term shall begin on January 1st. Newly elected Board members shall be required to attend CEMA Executive Board meetings starting in October following an election as a period of training and hand off by the previous board. During this time, newly elected Board members shall not have voting authority unless they were already serving members of the Board.

Newly elected Board members shall be given training on CEMA history, policies, procedures, bylaws, and parliamentarian rules.

Board members shall attend regularly scheduled board meetings in person or via tele/video conferencing.

If any Board members absents themself from four (4) or more consecutive regular CEMA Executive Board Meetings without a satisfactory excuse accepted by the Board, their office may be declared vacant in accordance with the CEMA bylaws.

Section 3: Election Notice

Notice of the election shall be given to each CEMA member in good standing at least thirty (30) calendar days prior to the date set for the election by written notice and/or newsletter. The notice must include method of nomination, deadline for nominations, deadline for submission of candidates' petitions and statements, method of election (meeting, mail ballot, etc.), date, time, and place of voting, and challenge procedure. The Election Committee and staff, prior to publication, must review all official election materials and communications.

Section 4: Nominations for Office

Nominations will be made by petition signed by at least ten (10) members in good standing (dues paying members). The nominating petition must be filed with the Chairperson of the Election Committee and received in the CEMA office no later than ten (10) calendar days prior to such election or the mailing of the ballot. The nomination petition must include name, employer, job title, e-mail address, phone number, employee ID number, signature, and the office the member wishes to serve. The Election Committee will verify each nomination eligibility and completeness of the petition and will respond to the nominated member with acceptance or rejection of the nomination. A statement from the nominated person indicating their willingness to serve if elected must accompany any petition. Should no one submit a petition by the deadline, the Election Committee may nominate a candidate(s) without a petition.

Section 5: Voting

Elections shall be conducted by secured secret ballot, either electronically, in person or by post. Only members in good standing are eligible to vote. Proxy voting is prohibited. A majority of valid ballots cast shall determine the elected candidates for each office. In the event of a tie vote, a run-off election shall be conducted. The Election Committee will submit a written report to the Board with a summary of election results within ten (10) days of the election and agendize in the next CEMA Executive Board Meeting. The Election Committee summary will be shared with membership and made available on the website. The elected officers shall assume office on the first calendar day of the new year or in the case of a run-off, at the first Board meeting following the run-off election.

Section 6: Challenges

Challenges to or disputes arising from an election must be submitted to the Election Committee within three (3) business days of the submission of the Board agendized discussion of the committee's election report to the Board. Challenges must be submitted in writing and must cite specific violation(s) of the election rules and procedures. Challenges to the election will be considered valid only if they cite specific violations of election rules and procedures and if the alleged violation may have affected the outcome of the election. The Election Committee shall investigate and resolve challenges within ten (10) business days of receipt of the challenge. The Election Committee may order a rerun of all or part of the election.

Section 7: Appeals

Challenges or disputes, which are denied or cannot be resolved by the Election Committee, may be appealed in writing to the Board within five (5) business days of receipt of the Election Committee's decision. The Board shall investigate and respond within ten (10) business days of receipt of the challenge.

Challenges to the election will be considered valid only if they cite specific violations of the election rules, procedures, and bylaws and if the alleged violation may have affected the outcome of the election. The Board may order a rerun of all or part of the election.

Article X: Recall Process

Section 1: General

All members of the Board are subject to recall for cause by a recall.

Section 2: Recall Petition

Recall of a Board Member may be originated by a petition to the President or the Board that presents the facts in writing and signed by at least ten percent (10%) of the current dues-paying membership. The petition must be headed "Recall Petition" and must specify on each page for signature the person to be recalled and the charge that is the basis for the recall. Should the Board Member be from a Chapter Advisory Council, ten (10%) of the Chapter shall trigger a recall.

Section 3: Election Recall Committee

The Board will select an Election Recall Committee consisting of one Board member and two non-CEMA Executive Board members who will conduct a secret ballot election of the General Membership. No one on this committee may be a member being recalled.

Section 4: Recall Meeting

A notice of a Recall Meeting shall be noticed by the Secretary, stating the time and place of the Recall Meeting, and must be noticed at least ten (10) calendar days prior to the meeting. No business other than the recall shall be conducted at this meeting. At the Recall Meeting the Board member will have the opportunity to respond to the allegations of the recall petition.

Section 5: Recall Vote

Except for the following, the voting should be conducted as stated in Article IX, Section 5: Voting.

The recall vote shall be by secret ballot and requires a two-thirds (2/3) majority of all dues-paying membership to remove the elected Board member from office.

Section 6: Surrender of Office

Upon being relieved of office, the Board member will immediately surrender all office related materials.

Article XI: Finances

Section 1: Fiscal Year

The fiscal year of CEMA shall be from January 1 to December 31.

Section 2: Annual Budget

The Board shall approve the annual budget. The approved budget shall be presented to the general membership.

Section 3: Funds

All funds shall be kept in a financial institution (bank, brokerage, credit union, savings, and loan, etc.) in the official name of the County Employees Management Association (CEMA). The officers authorized to sign checks shall be the President, the Treasurer, and Secretary. All checks shall be signed by two (2) authorized officers.

Section 4: Expenditures

The President and/or Treasurer shall have the power to authorize in advance any expenditure up to five hundred dollars ($500.00). These expenditures, however, must be documented and have the subsequent approval of the Board.

Any expenditures in excess of more than five hundred dollars ($500.00) must have the prior approval of the Board.

No contracts and/or encumbrances may be signed or authorized without Board approval, as noted in the Board minutes.

No person or persons shall obligate CEMA for an amount more than the total current funds in the treasury.

Section 5: Reserve Amount

A reserve amount shall be maintained for the purpose of meeting the expenditure requirements of CEMA. The amount held in reserve shall be at least twenty-five percent (25%) of dues collected in the previous calendar year.

Section 6: Allowances

Recognizing that the Board should participate in cultural, civic, public, fraternal and educational activities in addition to their specific duties as provided in these Bylaws, and that such activities tend to secure and obtain the objects and purposes of this Union and benefits its Members; and recognizing that the time spent on such activities is unpredictable and unascertainable, such CEMA Executive Board Members may be granted a monthly stipend with the consent of the Board and noted in the Board minutes.

Section 7: Expense Reimbursement

If prior approval is granted by the Board, expenses incurred by the Board Members for or on behalf of this Union may include, but not be limited to mileage, parking, conferences, lodging, travel, events, meals, and supplies will be reimbursed. The mileage reimbursement will adhere to the Federal Guidelines for mileage reimbursement.

Article XII: Contract Negotiations

Section 1: Negotiations Committee Composition

(a) Santa Clara County Negotiations Committee
The Santa Clara County Negotiations Committee shall be composed of members of the Board and member representatives from the affected CEMA chapter(s). The

Board shall have right of first refusal for participation. Remaining positions shall be appointed from amongst dues paying members as agreed upon by the board and business agents. The Negotiations Committee will include at least one Business Agent. There is no predetermined size for the Negotiations Committee.

(b) Chapter Negotiations Committees
Chapter Negotiations Committees shall be composed of the members of the Chapter's respective Chapter Advisory Council. Sub Chapter Advisory Council members shall have the right of first refusal for participation on their respective Negotiations Committees. Remaining Negotiations Committee members will be selected amongst dues-paying members within the appropriate chapter as agreed upon by the appropriate council and business agents. The Negotiations Committee will include at least one Business Agent.

Article XIII: Contract Ratification

Ratification or rejection of a tentative agreement shall be referred to the General Membership at a membership meeting(s) called for that purpose or through a mail ballot or electronic ballot. The contract ratification vote shall be conducted by secured secret ballot, either electronically, in person or by post. At least five (5) days' notice must be given prior to a contract ratification vote.

Article XIV: Work Actions

No CEMA Chapter may initiate a strike without a majority concurrence vote of the total dues-paying membership of said chapter by secret ballot, either electronically or by post.

The strike vote shall be conducted by secured secret ballot, either electronically, in person or by post. Proxy voting shall be prohibited. At least five (5) business days written notice shall be given prior to a meeting at which a strike vote is in order.

Strike sanction shall be received from the appropriate bodies prior to a strike.

Other forms of work action may be authorized by a majority of those participating in a properly noticed vote or contract ratification.

Article XV: Membership Appeal Process

CEMA dues-paying members may contact the CEMA Business Agent with work-related problems. The CEMA Business Agent will discuss the problem with the member. A grievance, appeal, or other appropriate action may be filed by the CEMA Business Agent on behalf of the member if it is deemed appropriate. The member may appeal the CEMA Business Agent's decision by notifying the CEMA Executive Board in writing within five (5) business days of receipt of the CEMA Business Agent's decision by sending to help@sccema.org. Once an appeal is filed the CEMA Business Agent shall preserve timelines in the dispute. At the appeal with the CEMA Executive Board (or designee of the CEMA Executive Board) the CEMA member may bring a support person, but not an attorney retained by the member.

Article XVI: Member to Member Charges

Member to member charges must follow Operating Engineers Local 3 Bylaws, Article XVIII: Member to Member Charges.

Article XVII: Bylaws Amendment Process

Section 1: Amendment Proposals

(a) Amendments to these bylaws may be proposed by a majority vote of the Board. Amendments to these bylaws may also be proposed by a CEMA member who presents a petition for a proposed amendment signed by at least ten percent (10%) of dues-paying membership.

(b) Proposed amendments to these bylaws shall be submitted to the CEMA Office to be reviewed by the Bylaws Committee for conformity to the existing bylaws and compliance with local, state, federal laws, and the OE3 constitution and bylaws, be recorded in the Board minutes and be kept on file.

(c) The Board or CEMA member will be notified if a proposed amendment is in conformity and compliance.

   i. If the proposed amendment is in conformity and compliance, the amendment will go through Article XVII, Section 2: Amendment Ratification.

   ii. If the proposed amendment is not in conformity and compliance, the proposal is rejected with an explanation by the Bylaws Committee.

Section 2: Amendment Ratification

Proposed amendments deemed in conformity and compliance will be presented to dues-paying members for a vote.

Members must be notified and provided with the proposed amendments and the original sections of the bylaws at least ten (10) business days prior to the vote.

These bylaws may be amended by majority vote of dues-paying members who cast ballots by secured secret ballot, electronically, in person or by post affirming/approving ratification/adoption of the proposed amendments.

Section 3: Compliance

The Board may amend the bylaws to comply with local, state, or federal laws and the constitution or bylaws with or without submission to the General Membership as long as those amendments do not:

(a) Materially and adversely affect the rights, privileges, preferences, restrictions or conditions of that class as to voting, dissolution, redemption, or transfer in a manner different than such action affects another class;
(b) Increase or decrease the number of memberships authorized for such class;
(c) Increase the number of memberships authorized for another class;
(d) Effect an exchange, reclassification or cancellation of all or part of the memberships of such class; or
(e) Authorize a new class of memberships.