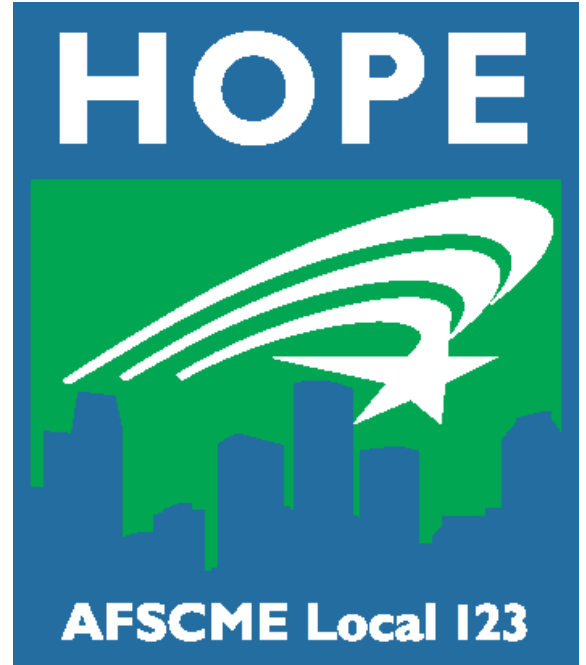


HOPE Local 123

Constitution and Bylaws



Using our collective strength to improve the
lives of workers and their families.

“Where we go one, we go all!”

This Constitution and Bylaws was drafted over a period of eight months by a committee of elected HOPE members called the Committee on the Future. The following Constitution and Bylaws allow for members to govern HOPE so that we all may have a brighter future through our collective strength.

“Where we go one, we go all.”

March 2009

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CONSTITUTION AND BYLAWS OF
HOUSTON ORGANIZATION OF PUBLIC
EMPLOYEES (HOPE), LOCAL 123

MISSION STATEMENT

*HOPE's vision, values,
and mission.*

We are a diverse community of municipal employees dedicated to improving the lives of workers and their families through access to equal opportunity, economic growth, education, liberty and justice for all.

We shall achieve respect and fair work practices by organizing for growth, gaining political strength and participating in the collective bargaining process.

As HOPE members, moving forward in the 21st century, we shall lead and engage in innovative ways to enhance community involvement, safeguard our environment and advocate for the success of future generations.

ARTICLE I - NAME

Name and Organization.

The name of this organization shall be Houston Organization of Public Employees (HOPE), Local 123.

ARTICLE II - JURISDICTION

*Our jurisdiction over
employees of the City of
Houston. Procedure for
any change.*

HOPE shall have exclusive jurisdiction over employees of the City of Houston. Any change or expansion of that jurisdiction shall be requested by HOPE, and approved by the two International Unions—AFSCME and SEIU.

ARTICLE III - AFFILIATIONS

*HOPE is affiliated with
both AFSCME and SEIU.*

This Local Union shall be affiliated with: The American Federation of State, County and Municipal Employees International Union (AFSCME) as Local 123 and with the Service Employees International Union (SEIU) as Local 123, the Texas State American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and the proper central labor body of the AFL-CIO and any affiliations required by the Change to Win (CTW) Federation.

The Executive Board may, subject to the approval of the membership, affiliate with other organizations deemed beneficial to the missions and goals of HOPE.

ARTICLE IV - MEMBERSHIP CATEGORIES

Defines membership categories and rights of such members.

Section (1) Eligibility

Any person employed within the jurisdiction of this Local Union shall be eligible for membership in accordance with these bylaws.

Section (2) Non-Discrimination

HOPE shall not discriminate based on political opinion, race, gender identity, color, creed, citizenship status, national origin, disability, marital status, age, religion, ancestry, affiliation, sex or sexual orientation.

HOPE adheres to non-discrimination of membership.

Section (3) Active Member

Active members are members employed in a jurisdiction represented by HOPE or employed by HOPE and paying the prescribed regular dues. In order for a member to be an active member (member in good standing), he/she must fulfill current dues obligation. All such members enjoy full rights. Only active members shall serve as elected Local Executive Board Officers and District Representatives.

Definition of Member in good standing.

Section (4) Staff and Elected City Officials

Members in good standing that are employed by the Local Union or elected to city office are not eligible to hold Local Union Executive Board Officer positions or District Representative positions.

HOPE Staff and Elected City Official Members are not eligible to run for HOPE office.

Section (5) Retired Members

Retired members are any persons retired from any employment of which HOPE has jurisdiction and who elects to pay the retiree fees. Retired members must have been members in good standing of HOPE continuously for a period of one year prior to retirement except those City of Houston Employees who retired before HOPE's charter date of July 1, 2006. Retired members shall not have the right to vote or hold office in HOPE. Retirees shall have the right to participate as non-voting members of HOPE committees, subject to approval by the Executive Board.

Definition of Retired Member.

Section (6) Associate Members

Associate members are persons not working under a collective bargaining agreement but electing to pay the associate membership fee shall be eligible for Associate Membership status in HOPE. Associate Members shall not have the right to vote or hold office in HOPE.

Definition of Associate Member.

Section (7) Organized Members

Definition of Organized Member.

Organized members are persons working in a recently organized jurisdiction that has not signed a collective bargaining agreement and has not yet started paying regular dues. Such members shall not have the right to vote or hold office in HOPE.

Section (8) Other Representational Categories

In the event that applicable law or collective bargaining changes right to work laws, the process for non-member representation will be established by HOPE’s Executive Board

Service fees for non-member representation will be established according to applicable law and both International Unions.

Section (9) Membership Application

Application for membership shall be made on a standard HOPE membership card/application which includes authorization for dues payment.

Any person who desires to become a member of HOPE must truthfully and completely fill out the card/application and sign his or her full name.

Section (10) Exclusive Representative

Member representation rights.

Every member by virtue of membership in HOPE authorizes HOPE to act as his/her exclusive bargaining representative. HOPE may decline to process any such grievance, complaint, or dispute that, in its sole judgment, lacks merit, subject to appeal to the Executive Board.

Members have the responsibility not to engage or promote disaffiliation, the duty not to slander or libel this Local Union, its members or its officers, the duty not to be a party to any activity to secure the disestablishment of this Local Union as the collective bargaining agent for members in any bargaining unit. A member who engages in any conduct described in this paragraph at an assembly or meeting of members shall be subject to removal from such assembly or meeting and such violation may also be subject to charges.

Members’ duty not to slander or libel HOPE.

ARTICLE V - MEMBER BILL OF RIGHTS AND RESPONSIBILITIES

We are a diverse community of municipal employees dedicated to improving the lives of workers and their families through access to equal opportunity, economic growth, education, liberty and justice for all. Therefore, we, the members of HOPE Local 123 adopt this member Bill of Rights.

Section (1) Eligibility

Eligibility and non-discrimination rights.

Any person employed within the jurisdiction of this Local Union shall be eligible for membership in accordance with these by-laws.

HOPE shall not discriminate based on political opinion, race, gender identity, color, creed, citizenship status, national origin, disability, marital status, age, religion, ancestry, affiliation, sex or sexual orientation.

Section (2) Members' Rights

Members shall have the following rights:

The right to be represented in contractual and employment issues as provided in the contract and HOPE's Constitution and Bylaws. *Right to representation.*

The right to have opinions heard/respected. The right to be informed of union activity, to be educated in union values and union skills. *Right to be informed & educated.*

The right to choose the leaders of the Union in a fair and democratic manner. The right to be a candidate for office, subject only to constitutionally specified qualifications, which shall be uniformly applied. *Right to elect leaders and run for office.*

The right to a union that functions in full compliance with HOPE's code of ethics as established by HOPE's Executive Board. *Right to an ethical union.*

The right to a full accounting of union funds and the proper stewardship over union resources. *Right to an honest accounting of union resources.*

The right to participate in the Union's decision-making processes, through discussion and vote, and to pertinent information needed for the exercise of that right. *Right to participate and have issues fairly addressed.*

The right to have members' concerns resolved in a fair and expeditious manner.

The right for all members in good standing to be delegates to the AFSCME and SEIU International Conventions in accordance with the procedures of the International Unions. *Right to serve as convention delegate.*

Section (3) Members' Responsibilities

Members have the following responsibilities:

The responsibility to help build strong and more effective labor-management committees to support the organizing of potential members, to help build a political voice for working people and to stand up for one's co-workers and all workers. *Responsibility to organize new members and build a political voice.*

The responsibility to be informed about the internal governance of the Union and to participate in the conduct of Union affairs.

Responsibility to participate to stay informed.

The responsibility to contribute to support the Union.

The responsibility to treat all workers and members fairly.

The responsibility to offer constructive criticism to the Union.

ARTICLE VI - HOPE STRUCTURE

Explanation of who has decision-making power. Membership is the supreme authority of HOPE.

Section (1) Membership

The membership body is the supreme body of the Local Union. It has the authority to adopt and amend the Constitution and Bylaws, elect the Executive Board, set dues, vote on contracts and elect negotiating teams, as well as affect decision making as set forth in this Constitution and Bylaws in ARTICLE XII, MEETINGS, Section (3), including the establishment of new policies or overturning decisions made by the Executive Board.

Section (2) Executive Board

Executive Board governs HOPE subject to the membership and is elected to 3 year terms. Executive Board is composed of 4 officers and district representatives based on 1:300 membership per district.

The Executive Board is the governing body of the Local Union, subject to the membership. The Executive Board shall be elected every 3 years and shall consist of a President, Vice President, Secretary, Treasurer, and district representatives.

The number of district representatives elected to the Executive Board shall be based on one representative for every 300 members per district.

The districts of community of interest will be as follows:

The seven (7) districts are communities of interest.

Downtown District

- Administrative & Regulatory Affairs
- Affirmative Action
- Building Services
- City Controller
- City Council
- City Secretary
- Convention Center
- Finance
- Housing & Community Development
- Human Resources
- Information & Technology
- Legal
- Library
- Mayor's Office
- Planning & Development

Public Safety/Criminal Justice District

Fire
HEC
Police
Municipal Courts—Admin
Municipal Courts Justice

Aviation District

Public Works District

Solid Waste District

Health District

Parks & Recreation District

The Executive Board shall establish policies and procedures for the addition of any new district(s). *Executive Board establishes policies for districts.*

No more than two (2) at-large officers shall be elected from any one district.

A district representative who transfers to a different district shall automatically be disqualified to represent said district unless there is 90 days or less remaining in the term.

Section (3) Duties and Responsibilities

a) President

President is presiding officer and primary spokesperson for HOPE.

It shall be the duty of the Local Union President to:

- Represent the Union before all officials, boards, committees, departments, commissions and other governmental bodies.
- Serve as the primary spokesperson at events that promote HOPE’s objectives of organizing, political action, member and community engagement and innovation.
- Recommend appointments to vacancies in officer positions with the approval of the Executive Board and consistent with this Constitution.
- Present the HOPE’s program to the membership.
- Represent the Union at labor federation meetings and conferences.
- As presiding officer of HOPE, chair all Executive Board and general membership meetings.
- Serve as first delegate to the AFSCME and SEIU International Conventions in compliance with both International Unions’ Convention delegate election procedures.
- Serves as ex-officio officer of all Union committees.

- Sign all correspondence notifying both the AFSCME and SEIU International Unions in writing when any collective bargaining negotiations and memoranda have been completed together with the number of employees covered and the expiration of the contract.
- He/she shall be one of the persons authorized to sign checks as well as co-sign contracts.

b) Vice President

Vice President presides in the absence of the President.

It shall be the duty of the Local Union Vice President to:

- In the absence of the President or in the President's inability to serve, preside at all meetings and perform all duties otherwise performed by the President.
- Assist the President in the work of the President's office.
- He/she shall be one of the persons authorized to sign checks as well as co-signing contracts.

c) Secretary

Secretary keeps HOPE records and official correspondence.

It shall be the duty of the Local Union Secretary to:

- Keep a record of proceedings of all membership meetings and all Executive Board meetings.
- Notify both the AFSCME and SEIU International Unions of all elected to office within fifteen (15) days of the Executive Board elections.
- Review and keep a record of the official correspondence of HOPE, except as the Executive Board may direct otherwise.
- Act as a custodian of all non-financial properties of the HOPE.
- He/she shall be one of the persons authorized to sign checks as well as co-signing contracts.

d) Treasurer

Treasurer prepares regular monthly financial reports for the membership.

It shall be the duty of the Local Union Treasurer to:

- Review and keep an accurate record of receipts and disbursements and, once each month, to submit to the membership a monthly operating statement of the financial transactions of HOPE for the previous month.
- Prepare and submit the monthly membership report to the AFSCME and SEIU International Union offices and, each month, to ensure that per capita tax checks are sent to the International Secretary Treasurer of both International Unions.
- Ensure that any financial reports required by the AFSCME and SEIU International Union Constitutions are submitted as required under the International Unions' Constitutions.

- Give a surety bond for an amount to be fixed by the Executive Board of HOPE, at the expense of the Local Union and through the AFSCME and SEIU International Unions.
- Review and keep record of all deposits so received in the name of the Local Union in a bank or banks selected by the Executive Board.
- Act as a custodian of all financial properties of HOPE.
- He/she shall be one of the persons authorized to sign checks as well as co-signing contracts.

e) Executive Board

The Executive Board of the Local Union shall:

- Establish goals and a long term strategic program to meet those goals in keeping with HOPE’s Mission Statement and Constitution and Bylaws.
- Develop and review plans to carry out the Union’s programs.
- Establish the HOPE plans, policies and procedures required for the direction and operation of HOPE’s program.
- Authorize an annual budget and monitor the finances of HOPE.
- Establish consistent procedures for at least two signatures from those authorized to sign checks.
- Make changes in policy, operation and goals.
- Set and hold regular meetings at least once every month at a place and time made known to the membership.
- Ratify all appointments to vacancies of elected offices, and review all resolutions to be voted on prior to membership vote at a regular or special membership meeting.
- Develop and take positions on issues for participation in central labor councils, AFSCME and SEIU International Unions and affiliated bodies.
- Review recommendations from committees and decide on positions, programs and expenditures that promote HOPE’s objectives.
- Approve the contract of the Executive Director.
- Hire, fire, and evaluate the Executive Director in accordance with the Local Union’s contract with the Executive Director.

Executive Board establishes HOPE goals, plans, programs, and policies.

Executive Board authorizes HOPE annual budget and monitors finances.

Executive Board hires Executive Director.

Section (4) Executive Director

An Executive Director shall be established as the chief administrative officer of HOPE. The duties and responsibilities of the Executive Director shall be as follows:

- Direct HOPE’s program including organizing, political action, member engagement, community engagement and innovation.
- Direct HOPE’s relationship with employers.
- Develop procedures as it relates to day to day affairs to facilitate the implementation of the programs and goals of the HOPE union.

Executive Director is chief administrative officer and conducts day-to-day operations of HOPE and is accountable to the Executive Board .

- While operating within an approved budget, he/she shall have the sole authority to manage his/her staff including employing, evaluating, or disciplining/terminating and directing the activities of such staff as are needed for the efficient administration of HOPE.
- Report on the Local Union’s activities to the Executive Board and general membership.
- He/she shall be one of the persons authorized to sign checks as well as co-signing contracts.
- Prepare an annual budget and monthly reports in conjunction with the Treasurer, and present it to the Executive Board for approval.
- Serve as a non-voting member of all Union committees.
- On behalf of HOPE shall receive all official communications and correspondence.
- Draft all correspondence notifying both the AFSCME and SEIU International Unions in writing when any collective bargaining negotiations and memorandums have been completed together with the number of employees covered and the expiration of the contract.
- May delegate any functions of the position except the power of acting as Chief Administrative Officer of the Union or co-signing all contracts to any members of the Union staff as may be deemed necessary and in the best interest of the Union.
- Perform other such duties as the Executive Board may require.

Executive Director hires and manages the staff.

ARTICLE VII - MEMBER LEADERSHIP

Member engagement is one of our objectives.

It is in our own best interest to have a strong, democratic and effective union that is built on a solid foundation of member leaders in the workplace and in the community.

Member Leaders in the workplace and in the community are essential for a strong union.

The diversity and complexity of HOPE--and the challenge for member leaders in a “right to work for less” state--allow for a description of principles for member leader roles and responsibilities in this Constitution and Bylaws.

The roles and responsibilities of HOPE member leaders shall be defined by this Constitution and Bylaws (ARTICLE VI , HOPE STRUCTURE), Union policies and programs, and the provisions of meet and confer agreements that are negotiated with employers.

The Executive Board shall set out policies and a program for member leaders, including:

Executive Board shall develop a program for training members in leadership opportunities.

- Procedures for achieving leadership roles (e.g. election, appointment, volunteer)
- Description of the roles and responsibilities of member leaders
- Standards and training required
- Recognition of member leaders for their leadership work

Principles Regarding Member Leaders

The roles & responsibilities for member leaders in HOPE include but are not limited to:

Member Leaders are required for a variety of leadership roles to build a strong union.

- Attending training and/or workshops to enhance leadership skills
- Participating regularly in general membership meetings
- Assisting in resolving injustices in the workplace
- Organizing workers and signing them up into the Union
- Chairing and serving on union committees
 - Chairing and/or serving on labor-management teams (e.g. Municipal Employee Consultation Committee [MECC] & Departmental Employee Consultation Committees [DECC]) and on committees that support those teams (e.g. Departmental Action Teams [DAT])
 - Serving on negotiating teams and on committees that support those teams by mobilizing around negotiations (e.g. Bargaining Council)
- Working with community leaders on projects that benefit the community
- Electing, working with and holding politicians accountable to HOPE's mission

Additional Principles

- A member leader has no greater rights than any other member. However, the responsibilities of a member leader do outweigh those of other members.
- Member leaders serve without compensation, however, the Executive Board shall establish guidelines for use of the community leave pool (CLP), HOPE leave pool (HLP), or other leave time that may be negotiated or utilized, and for reimbursement of certain expenses.
- As member leaders, we understand that our personal positions are secondary to positions that represent the greatest good to the greatest number of members.

Members Leaders represent the greatest good to the greatest number, and serve without compensation.

As member leaders, we will promote unity and uphold the principles of democracy. *“Where we go one, we go all.”*

ARTICLE VIII - ORGANIZING COMMITTEE

The primary purpose of the organizing committee is to organize and unite members and/or potential members within the Local Union's jurisdiction.

To this end, the Organizing Committee will increase membership through development and support of the Local Union organizing program.

Organizing for growth is one of our objectives. The Organizing Committee organizes and unites members and potential members and supports HOPE's organizing program.

ARTICLE IX - POLITICAL COMMITTEE

Political Action is one of our objectives.

The name of the HOPE Political Committee is PATH (Political Action Through HOPE).

The purpose of this committee is to empower HOPE to be a positive political force at the local, state and national levels in compliance with the AFSCME PEOPLE program and the SEIU COPE program and applicable law.

The Political Committee—PATH—empowers HOPE as a positive political force.

Toward this end, PATH will educate members and the general public on specific issues and candidates, and monitor elected officials to hold them accountable. The committee will screen candidates, and recommend endorsements and support for qualified candidates who embrace the mission of HOPE. Our ultimate goal will be to build union-friendly coalitions that will assist with the process of eliminating the “Right to Work” law.

PATH recommends endorsements and support for qualified candidates to the Executive Board.

ARTICLE X - COMMUNITY

The Executive Board shall establish a committee to recommend programs of community engagement utilizing our community leave pool (CLP). In recognition of our unique vulnerabilities to man-made and natural disasters in one of the largest cities in America and the Gulf Coast Region: the Executive Board shall also establish a special standing committee to focus on emergency preparedness for members and the community. The Executive Board shall lead HOPE as an example that others look to as a model of union community involvement on a local, state, and national level.

Community Engagement is one of our objectives.

Community Committee recommends programs to improve our community.

Emergency preparedness will be one example of community service.

Working with our community is an important objective for HOPE because:

- We are a part of our community working to establish and maintain a positive rapport with our citizens.
- We provide valuable services for the community
- We are not just about ourselves—we strive to make a difference on and off the job
- We are a bold leader for social change

Innovation is one of our objectives.

ARTICLE XI - ELECTIONS

Section (1) Term of Office

The term for all Executive Board officers and district representatives is three (3) years, beginning with the election held in April, 2009.

Term of office is three (3) years.

Officer term officially begins 10 business days after certification of the election for the 2009 election. Beginning with the 2012 election, those elected shall be installed in office immediately upon HOPE’s acceptance of the Election Committee report.

Definition of the official beginning of term.

Section (2) Eligibility

A member shall be eligible to be nominated and to serve as an elected Executive Board officer or district representative if he/she has been a member of HOPE in continuous good standing for at least one year at the date of the election.

One year of continuous good standing at date of election required for eligibility for office.

The one year membership requirement for eligibility to run for district representative shall not apply to members from a new jurisdiction added to the Union within one year prior to the election.

Section (3) Nomination

Nominations shall take place in March of the election year, beginning in March, 2009.

Nominations take place in March of election years.

The Union shall announce the opening of nominations by mail to the last known home address of each member at least 15 days before nominations begin. That notification shall provide the date(s), time(s), place(s), deadlines and process for nominating candidates.

Members shall receive notice by mail at least 15 days in advance of nomination time.

Any eligible member can nominate herself/himself or be nominated by another member.

Members can nominate themselves or other members.

All eligible candidates who accept the nomination have a right to submit a candidate statement no later than five (5) days after the opening of nominations. Candidate statements will be mailed to each member with election information.

No member shall be a candidate for more than one local-wide office at a time.

No member can run for more than one office at a time.

Section (4) Election Committee

An election committee of at least 3 members and no more than 9 shall be appointed by the Local Union President no later than February 1 of the election year. No member of the Election Committee may be a candidate for office or member of the Executive Board in accordance with this Constitution. The duties of the Election Committee are as follows:

President appoints an Election Committee to oversee the conduct of the election.

- Validate eligibility of nominees
- Act as initial judge in all matters arising from election procedures
- Tabulate results of election
- Certify results of election
- Set dates, times and locations for site elections
- All other duties necessary and appropriate to the proper conduct of HOPE's elections.

Responsibilities of the Election Committee.

Section (5) Election Procedures

a) On-Site Elections

The election of officers and district representatives shall be conducted at sites. The Election Committee will determine the sites, dates, and times for the election so as to afford all members a reasonable opportunity to vote.

Elections shall be conducted at sites.

b) Notification

The election of officers and district representatives shall be conducted by secret ballot vote. At least 15 days' advance notice shall be mailed to the membership in good standing at their last known home address prior to the holding of the election.

Members receive at least 15 days advance notice by mail of election details. Election is by secret ballot.

The notice will include the officers to be elected, candidates nominated, candidate statements, election procedures, election timetable and other rules as determined by the Election Committee.

c) Election Timing

Local elections will be conducted at a separate time after nominations are verified to allow at least a two-week campaign period for candidates.

Elections are conducted at least two weeks after nominations close.

d) Election Certification

In the event that a member running for a position is unopposed, that member shall be declared elected.

An unopposed candidate shall be declared elected.

e) Record Retention

All election records, including ballots, shall be retained by HOPE for at least one year after the election.

Section (6) Declaration of Election

Upon completion of voting, the ballots shall be tabulated and the candidate for each office receiving a majority of the votes cast shall be declared elected. Any remaining unfilled office shall be filled through a run-off election in which there shall be a ballot bearing two (2) names for each office to be filled, such names being those nominees who received the greatest number of votes in the first balloting and the candidates receiving the highest number of votes in the run-off election shall be declared elected.

Election is by majority vote—candidates must receive a majority of votes cast to be declared elected.

Section (7) Fair Election Safeguards

a) Prohibition of use of Union funds and equal treatment

No funds or other resources of HOPE, any other local union, or any International Union shall be used to support the candidacy of any member for any elective office.

No union funds can be used to support any candidate.

The Local Union shall refrain from discriminating in favor of or against any candidate. The Union will comply with all reasonable requests of any candidate to distribute by mail or otherwise, at the candidate's expense, campaign literature in aid of that person's candidacy. All clerical work for this request shall be done by the Union and no home address or telephone numbers will be released to any candidate for office. In addition, any such assistance given to any candidate shall also be made available to all other candidates, at their own expense.

Union must provide equal treatment to all candidates.

b) Candidate's Observers' Rights

Any candidate whose name is to appear on the ballot shall have the right to have present an official observer of the candidate's own choosing, who must be a member of HOPE in all places where ballots bearing the candidates' name are to be cast or counted.

Candidates have a right to have an observer at election sites.

c) Campaign contributions

Candidates for any HOPE elective office may not solicit or accept financial support or any other direct or indirect support from non-members of HOPE, AFSCME, SEIU, or the International Unions' affiliated local unions.

Non-members cannot contribute to candidates.

Section (8) Vacancies of Office

In the event of a vacancy in the office of President by reason of death, resignation, or temporary absence, the Vice-President assumes the duties of the President for the remainder of the term or until the temporary absence ends.

Procedures for filling vacant offices.

The President shall have the authority to recommend appointments to vacancies in officer positions with the approval of the Executive Board and consistent with this Constitution and Bylaws no later than 30 days after the vacancy occurs.

In the event of a district representative vacancy or the creation or expansion of a district, the District in which the vacancy, creation or expansion occurs shall be notified in writing by the Executive Board within 24 hours of the board receiving notice.

Members of that district shall nominate qualified candidates for District Representative at the next Executive Board meeting.

The President shall appoint a District representative from among those nominated to the vacancy, creation or expansion with the approval of the Executive Board at the same meeting.

Section (9) International Convention Delegates

HOPE delegates to the AFSCME and SEIU International Conventions shall be elected in accordance with the procedures of each International Union.

ARTICLE XII - MEETINGS

Section (1) Executive Board

The Executive Board shall meet at least once every month at a place and time made known to membership. The meeting shall take place at a consistent time and date as established by the Executive Board.

Executive Board will hold monthly meetings at a time and place known to the membership.

Special Meetings

Special Executive Board meetings may be called by the President or a majority of currently seated board members. The International Presidents or an authorized representative of the International Presidents may also call a special meeting.

Quorum

A majority of the filled seats on the Executive Board shall comprise a quorum.

Meeting Procedures

The President develops an agenda prior to each meeting. A copy of the agenda and pertinent documents shall be distributed with notification of meeting to Executive Board members by electronic or other means.

Attendance

All Executive Board members shall make every effort to attend all Executive Board meetings.

Absence from an Executive Board meeting shall be considered unexcused unless prior notification is made to the President and Secretary. All notification shall be made in writing, by electronic communications, or direct telephone call. The President shall make determination of excused absences. In the event that any member of the Executive Board has an unexcused absence for three (3) meetings from May 1st to April 30th of any year, or a total of five (5) excused and unexcused absences, that member's seat shall be declared vacated by the President subject to approval by the Executive Board.

Section (2) General Membership Meetings

Regular general meetings shall be held monthly at a consistent time and date as established by the Executive Board.

General membership meetings will be held monthly.

The President shall develop an agenda prior to each meeting.

Section (3) Special Meetings

The right and the procedures for members to call special meetings.

Whenever ten percent (10%) of the regular membership in good standing, including signatures of at least 25 members from each district, requests a special meeting in writing by petition, the President of HOPE shall call a special meeting within fifteen (15) calendar days after the receipt of such a request. The petition shall be called ‘Request for Special Meeting’ and shall contain the purpose of the special meeting on each page of the petition. The petition shall contain the members’ signatures, printed names, and dates. The membership must be notified in writing at least five (5) business days prior to the special meeting of the time, date, place and purpose of the meeting.

a) Quorum

Definition of quorum Required for a special meeting.

A quorum shall consist of at least ten (10%) percent of the members in good standing, with members from at least 5 different districts being present, and they shall be qualified to transact business as may properly be considered at such meeting. Membership in good standing shall be determined on the last day of each month prior to the meeting.

Section (4) Special Meetings for Constitution & Bylaws Amendments

Procedures and quorum required for special meetings to change the Constitution and Bylaws.

This Constitution and Bylaws may be amended in the following two ways:

(a) Any member may propose an amendment to this Constitution by submitting a petition, including the text of the proposed amendment, containing the signatures of at least 10 percent of the members in good standing and of at least 25 members from each district. The petition shall contain the members’ signatures, printed names, and dates.

A special meeting shall be called as provided by this Constitution to consider only the proposed amendment(s). A quorum shall consist of at least 20 percent of the membership in good standing with members from at least 5 different districts being present. Vote shall be by secret ballot.

(b) Within each election year, the Executive Board may propose amendments by majority vote of the board to be included on an election ballot.

In all cases, approval of a constitutional amendment shall require at least 2/3 of those voting.

Two-thirds vote required to amend the Constitution and Bylaws.

ARTICLE XIII - REVENUE

Section (1)

The revenues of this Local Union shall be derived from but not limited to dues, assessments, agency shop or fair share fees, and such other sources as may be approved by the Executive Board.

Definition of revenue sources for HOPE.

Section (2) Dues Collection

All members of HOPE are under a positive duty to see that their dues are paid. *Members have a duty to pay dues.*

Membership dues shall be payable monthly in advance to HOPE. Dues shall be paid through a system of regular payroll deduction. Members in good standing shall pay one (1) hour of pay per pay period but no more than \$35 per month. In the event that a system of payroll deduction is not available, membership dues shall be payable monthly no later than the 15th day of the month in which they become due. Any member who fails to pay dues by the 15th day of the month in which they become due shall be considered delinquent. Upon failure to pay dues for two consecutive months, the member shall stand suspended. *Current dues amount payable through payroll deduction.*

A member suspended under the above section may be reinstated to membership in HOPE upon payment of all arrearages and upon payment of a reinstatement fee of \$25.00 plus the current month's dues. *Suspension for non-payment of dues.*

In the event payroll deduction is not available, the Executive Board will establish a method for dues collection.

Section (3)

Any increase in the rate of dues or the levying of any general or special assessment, which has not been mandated by a Convention of the International Unions, shall, as required by applicable law, be made in accordance with Article XII, MEETINGS Section (3). *Dues increased only by member vote or by mandate of AFSCME and SEIU Conventions.*

The Executive Board shall establish a dues schedule for all membership categories except for active members.

Section (4) Financial Obligations

HOPE shall pay per capita taxes to each International Union based on its entire membership. HOPE's effective monthly per capita tax will be equal to the lesser of the per capita tax of SEIU and AFSCME then in effect. The International Union with the higher per capita tax shall rebate to HOPE the difference between the two per capita tax rates. In addition, each International Union shall rebate to HOPE 50% of the effective per capita tax. The parties agree that all applicable per capita tax rebates will be issued to HOPE within three (3) business days. *HOPE obligation to pay per capita tax to AFSCME and SEIU for HOPE members to have full membership rights in both unions but rebate procedure returns 50% so effective per capita tax is equal to the lesser of the two.*

HOPE shall have no right to pay any bills before it pays its full obligations to the International Unions each month.

ARTICLE XIV - PROPERTY RIGHTS

All officers shall deliver to their respective successors at the conclusion of their term of office, all property in their possession belonging to this Union. All the funds and property of this Union shall be deemed held in trust for the benefit of the members, to be used in accordance with the direction of the Executive Board or the membership.

Protection of union funds and property.

The title of all property, funds and other assets of this Union shall at all times be vested in this Union for the joint use of the general membership of this Union, but membership in this organization shall not vest any member with any severable proprietary right, title or interest in or to the funds, property or other assets of this Union, now owned or possessed or that may hereafter be acquired and each member hereby expressly waives any right, title or interest in or to the property of this Union, including the funds of this Union.

The funds or property of this Union shall not be divided among the members but shall remain intact for the use of this Union for its legal and legitimate purposes while this Union exists.

ARTICLE XV - MEET AND CONFER

The authority for meet and confer shall be vested in the negotiating team which shall be elected by the membership.

Members elect the Negotiating Team.

- A meet and confer agreement also creates a framework of rules that are binding on the employer and contains a grievance procedure or other dispute resolution mechanism if a problem arises as to the meaning or interpretation of the contract.
- Meet and confer is intended to involve members directly and actively in determining their wages, hours and working conditions.
- We achieve success in meet and confer through organization, united action, legislative and political activity and the use of creative strategies and tactics.
- The size and method of selecting a negotiating committee will vary based on factors such as the number of facilities, number of shifts, variety of classifications, the demographics of the members, and other factors that should be considered in assembling a committee that reflects the needs and diversity of the members.

Members win good contracts through united action.

Ratification of a meet and confer agreement shall be by secret ballot of the affected members. Modifications or additions to a meet and confer agreement shall be voted on by a secret ballot vote by the affected members.

Members vote on contracts by secret ballot.

The Secretary shall submit all meet and confer agreement information to the AFSCME and SEIU International Unions.

HOPE shall preserve the right to bargain under meet and confer, not to be compromised at any given meeting or time, or by any political entity.

ARTICLE XVI - COMPLIANCE WITH TEXAS STATE LAW

HOPE does not claim the right to strike when it is not permissible under Texas State Law governing the represented members.

HOPE members who are Houston municipal public employees and are prohibited from striking under Texas State law may not strike.

ARTICLE XVII - CHARGES, TRIALS & APPEALS

Any HOPE member filing charges or appeals must exhaust the remedies provided internally by HOPE prior to filing any charges and/or appeals with either International Union.

Members must use internal procedures to resolve serious charges involving other members or officers.

Section (1) Filing Charges

In order to insure members' protection from the filing of frivolous charges the following procedure should apply.

Procedures for members to file responsible charges against members or officers.

Whenever charges are proffered against any member or officer of this Local Union, the charges shall be filed in writing in duplicate with the Secretary of the Union

No charges may be filed more than 6 months after the charging party learned of or could have reasonably learned of the act(s) which are the basis of the charges.

A written copy of such charges specifying the nature of the offense of which the charged party is accused and which sub-section(s) of Section 7 is/are alleged to have been violated shall be served by the Secretary upon the accused by registered or certified mail, return receipt requested, to the last known address of the accused within 5 business days. In no event shall the charged party be served an exact and full copy of the charges less than 30 days prior to the date of the hearing on the charges.

The charged party shall receive notice of the hearing date at least 15 days before the hearing.

Section (2) Trial Body

The Executive Board of HOPE shall act as the trial body. The Executive Board may, by a majority vote, delegate to a subcommittee of the Executive Board the responsibility of investigating charges, and reporting to the Executive Board the results of its investigation, prior to a trial being conducted.

Executive Board serves as trial body.

If the member filing charges or the accused is a member of the trial body or a conflict of interest exists as defined by the policies of the HOPE Executive Board, he or she shall be ineligible to participate in the Executive Board's consideration of and decision concerning the charges. The HOPE Executive Board shall appoint a disinterested member of HOPE to the trial body to replace the ineligible member.

The decision of the Executive Board shall be deemed final, however, the member(s) against whom said decision shall have been rendered, may then file an appeal pursuant to Section (3).

Section (3) Appeals to the International Union

Appeal process.

Any member appealing a decision of the Local Executive Board shall file that appeal in writing by certified mail within 15 days of the date of the decision. Such member shall be permitted to present their case to the AFSCME/SEIU Review Board.

Section (4) Representation

Right to representation.

Any member under charges has the right to choose any person to act as her/his representative or counsel in the case.

Section (5) Judgment

If the charges, or any portion thereof, are sustained, then the trial board shall render judgment and impose disciplinary action as provided for in this Constitution and Bylaws and impose such penalty as it deems appropriate, including but not limited to suspension, expulsion, or removal from office. If the charges are not sustained, the charges shall be dismissed and the accused shall have full rights of membership or office in HOPE.

However, such penalties shall not include any monetary fines or penalties except in the case of reimbursement of any financial losses to the Local Union directly attributable to the member or officer.

Section (6) Exhaustion of Internal Remedies

All internal remedies must be exercised.

As a condition of membership, every member or officer of this Local Union agrees not to file or prosecute any action in any court, tribunal or other agency until all internal remedies have been exhausted.

Section (7) Chargeable Offenses

The Chargeable Offenses:

1. Violation of any specific provision of this Local Union Constitution and Bylaws, the AFSCME Constitution, or the SEIU Constitution.
2. Violation of an oath of office or the duties and responsibilities of that office.
3. Gross disloyalty, including but not limited to: strikebreaking, aiding a rival labor organization or advocating secession.
4. Financial malpractice, including but not limited to: misappropriation, embezzlement, or improper or illegal use of union funds.
5. Engaging in corrupt or unethical practices or racketeering.
6. Wrongful taking or retaining of any money, books, papers, or other property belonging to the Local Union, or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers or other property of the Local Union.
7. Violating or refusing to carry out the democratically established decisions, rules, regulations and policies of the Local Union or the International Unions, unless carrying out the decisions, rules, regulations and policies would violate a member's ethical, moral or religious beliefs.
8. The bringing of false charges against a member or officer without good faith or with malicious intent.
9. Acting in collusion with management to the detriment of the Union.
10. Accepting bribe(s) from an employer, member or any firm conducting business with the Union.
11. Conviction of a crime that brings the Union into disrepute.
12. Willfully violating a collective bargaining agreement.
13. Using the Union name or officially representing the Union without authorization by the Executive Board and/or the Executive Director.
14. Obtaining membership through fraud.
15. Knowingly submitting a false per capita tax report, other financial or audit report to either International Union or to any subordinate body, or knowingly and intentionally making any false financial report or statement to any lawfully constituted body of the Union.

ARTICLE XVIII - AMENDMENTS

Section (1) The Constitution and Bylaws of HOPE may be amended according to the provisions in Article XII, MEETINGS , Section(3).

Section (2) The Constitution and Bylaws of HOPE shall at all times be in compliance with, and subordinate to, the AFSCME and SEIU International Constitutions and Bylaws.

Members may call for a special meeting to amend the Constitution and Bylaws.

HOPE Constitution and Bylaws must be in compliance with AFSCME and SEIU International Constitutions and Bylaws.

ARTICLE XIX - DISSOLUTION

Protections to maintain a united union, and protection of union resources.

This Local Union 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 Local Union shall become the property of the International Unions. Under no circumstances shall this Local Union distribute its funds, assets, or properties individually among its membership.

APPENDIX 1

Regular Order of Business for Executive Board Meetings

- I. Call to Order
- II. Roll Call of District Representatives and Officers
- III. Reading of Minutes
- IV. Reading of Correspondence
- V. Officer Reports
- VI. Staff and Committees Reports
- VII. Unfinished Business
- VIII. New Business
- IX. Good and Welfare
- X. Adjournment

Regular Order of Business for Membership Meetings

- I. Call to Order
- II. Roll Call of District Representatives and Officers
- III. Reading of Minutes
- IV. Reading of Correspondence
- V. Officer Reports
- VI. Staff and Committees Reports
- VII. Unfinished Business
- VIII. New Business
- IX. Member Speakout
- X. Adjournment

APPENDIX 2

How the Committee On the Future decided and voted on “Local 123” for HOPE as its identifier:

- (1) HOPE is the first municipal employees union in Texas to win a collective bargaining agreement
- (38) Number on the HOPE negotiating team
- (21) Number of members on the Committee On the Future
- (5) The date meet and confer / tentative agreement signed – 03-05-08
- (26) Date contract ratified by City Council – 3-26-08
Four events divided by 90 = 23

HOPE HISTORY TIMELINE

2005

- June 19, 2005 HB 2866 passed & signed by Governor Perry; amends Texas Local Government Code to add Chapter 146
- November 2005 Sue Lovell & Peter Brown elected to city council

2006

- June 6, 2006 AFSCME & SEIU Leadership Meeting
- June 14, 2006 Press Conference with Mayor White
- July 1, 2006 HOPE Chartered
- July-Oct 2006 Re-signing of petitions in HOPE name
(Oct 2006 membership: 1455)
- Oct 2006 File 7000 petitions for HOPE
Launch Membership Drive
- Nov. 2006 Bargaining Strength Kick-Off Conference
November Membership: 1783
- Dec. 2006 City Council Vote 9-5 Recognizing HOPE

2007

- Jan. 2007 Negotiation Team/Bargaining Council Nominations
Bargaining Survey
MLK Day Parade
Jan. Membership: 2072

Feb. 2007	Bargaining Conference/Team Elections Bargaining Preparations: Team & Council Training Feb. Membership: 2311
March 2007	Bargaining Preparation: Set Four Pillar Goals Something for our Union; Our Community: Our Future; for Us
March 22	City Hall Rally – 500 workers get city to set bargaining dates March membership: 2653—Member leaders now signing members
April 10	Opening Day of Bargaining – 200 workers participate April membership: 3038
May	Bargaining on Pay: HOPE wage survey: 31% below other cities City of Houston Wage Survey: 21% below other cities City has \$190M surplus Elect Melissa Noriega to City Council May membership: 3440
June	Juneteenth –HOPE Rising event with Rev. Lawson 450 members participate (1200 dues payers)
July 2007	Meet with City Council to get support for our proposals
August 2007	Worker action at airport regarding unfair work scheduling; airport workers testify at city council Anise Parker issues report on unfair city compensation HOPE Presents First Contract Proposals
Sept 2007	City Counter Offer Launch Houstonwehaveaproblem.com website
Oct. 2007	Document lowest city earners—Propose “living wage” for contract—State Rep. Rick Noriega endorses HOPE Billboard on I-45 HOPE Radio Ads Peter Brown—“Live on City Worker Wage” Week
Nov. 2007	March & Vigil – 600 workers participate- Rev. Steel from SCLC speaks
Dec. 2007	Elect Wanda Adams to City Council Revelation of HEC Issue: Unsafe Staffing HOPE Radio Ads

2008

- January 2008 HOPE agenda part of The Metropolitan Organization (TMO) agenda
Leaflet “State of the City” Meeting
Plan Escalate till April
HOPE marches in MLK Parade
- February 2008 Letter to Mayor from 30 Church Leaders
Postcards from congregations
Feb. membership: 3905
- March 2008 5—Sign Tentative Agreement
20—Members Ratify Contract at 100+ meetings @ 70 worksites in two weeks—
growth of 1558 members and 1300 community cards

26—City Council Vote on Contract: 13-2 approve

March membership: 5463
- May 23 HOPE Committee on the Future elected to recommend HOPE’s future program
including drafting a permanent HOPE Constitution & Bylaws
Committee on the Future Members: David Bales,
Larry Batiste, Chanelle Clark , Robbie Eldridge, Jeffery Floyd, Henry Herber,
Diane Hosey-Williams, Lutricia Hughes, Robert Joseph, Rory Lister, Sheray
McKinney, Adam Mena, James Moore, Willie Moore, Nicolle Sanders, Roy
Sanchez, Wanda Sterling, Bobbie Jo Taylor, Clarence Stevens, Jere Talley, Doug
Weiskopf
- August First time ever two HOPE members—Lenard Polk and Terrence Ardis—elected to
the City Pension Board by a HOPE election campaign
- September HOPE for Houston Hurricane Relief Program launched to provide short term and
long term relief to members after Hurricane Ike
- December 3 City Council passes holiday pay ordinance improving holiday pay for city
employees—won by HOPE’s Municipal Employee Consultation Committee (MECC)



For liberty and justice for all...

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