



Bay Area Rapid Transit Supervisory and Professional Union AFSCME Local 3993 Bylaws

Article I: Name

The name of this Union is the Bay Area Rapid Transit (BART) Supervisory and Professional Union, AFSCME Local 3993, the "Union" or "AFSCME Local 3993."

Article II: Objectives

Section 1 -Objectives

The objectives of this Union shall be:

- A. To encourage high standards of professional competence in its membership.
- B. To promote and maintain effective working relationships among members; with employees under their supervision; and, with others associated in administrating, operating and maintaining the BART system.
- C. To develop and sponsor suggestions for improvement in BART administration, operations, safety and service.
- D. To secure fair and equitable terms and conditions of employment for its members through collective bargaining.
- E. To provide appropriate support and assistance to members whose welfare may be affected by findings of boards, or individuals inquiring into disciplinary matters or causative aspects of accidents or other service disorders.
- F. To do all other things necessary and appropriate for the advancement of these objectives and the welfare of its members.

Article III: Membership

Section 1 -Eligibility

Any person, without regard to race, creed, color, national origin, sex or political belief, who meets one or more of the requirements hereafter listed shall be eligible for membership in the Union.

Article III: Membership, Section 1 Continued:

- A. All employees of BART not represented by Amalgamated Transit Union (ATU 1555), Service Employees International Union, (SEIU 1021), BART Police Officers' Association, (BPOA) or BART Police Managers' Association (BPMA) are eligible for membership.
- B. All other employees of BART are eligible for membership.

Section 2 -Initiation Fee

There will be an initiation fee of two hundred (\$200.00) dollars to join the Union.

Section 3 -Dues

- A. Monthly dues shall be based on one and one-tenth percent (1.1%) of the members' monthly salary effective June 2011.
- B. Membership dues shall be payable before the end of each calendar month.
- C. Members on an authorized Leave of Absence shall be responsible to submit her/his full monthly dues directly to the Union per "B" above.
- D. Members on disability for thirty (30) days or more shall be responsible to submit her/his dues directly to the Union per "B" above.
- E. S/he shall only pay twenty dollars (\$20.00) a month while on full time disability.

Section 4 -Special Assessments

Should it become necessary for Local 3993 to assess the members for expenses exceeding the treasury accounts due to arbitrations, legal expenses, and/or other unanticipated costs, the President shall place the issue on the Agenda at either a Special or Regular General Membership meeting to provide the membership with a complete accounting of the books. The membership may be assessed up to twenty thousand dollars (\$20,000.00) per calendar year.

Section 5 -Withdrawal Card

- A. Members in good standing transferred or promoted out of the bargaining unit or terminated for any reason, may upon application to the Executive Board, obtain an honorary withdrawal card.
- B. This honorary withdrawal card entitles a member in good standing to reactivate membership without payment of an initiation fee should s/he return to an AFSCME position.

Section 6 -Members in Good Standing

Only members in good standing may attend and vote at any Union meeting. A member in good standing is a person who:

- A. Has signed and submitted the official AFSCME Local 3993 "Application for Membership/Authorization for Representation" card to the Union.
- B. Is not in arrears on payment of dues.
- C. Is eligible to attend any Union meeting;
- D. Is eligible to vote on motions/issues

Article III: Membership, Section 6 Continued:

E. Is eligible to run for Union office in accordance with Article IX, Section 1B.

Section 7 -Resignations from the Union

Members who resign from the Union shall:

- A. Not be eligible to attend any Union meetings;
- B. Not be eligible to vote on any motion/issue;
- C. Not be eligible to run for any Union office.

Section 8 -Reinstatement in the Union

Should a member ask to be reinstated in the Union, s/he shall:

- A. Be eligible to participate in all union functions after s/he has signed and submitted a new "Application for Membership/Authorization for Representation" per Section 6 above.
- B. Insure that the new card is submitted to the Secretary of Local 3993.
- C. Insure the "new" card reflects the current date.
- D. Be eligible to participate in Union functions once compliance with A through C above has been met and the card has been filed with Council 57 per Article V, Section 3D.
- E. Be eligible to run for office per Article IX, Section 1B.

Article IV: Officers

Section 1 -Officers

The Officers of this organization shall be a President, Vice-President, Secretary, and Treasurer.

Section 2 -Elections of Officers

Officers shall be elected in accordance with Article IX, Election Procedures.

Section 3-Vacancies

- A. In the event of a vacancy in any office, except for the President's office, the President shall appoint a member in good standing until the Union fills the vacancy in accordance with Article IX, Election Procedures.
- B. In the event the President's office becomes vacant, Article V, Section 2 shall apply.
 - 1. Article IX, Election Procedures, shall be implemented within 180 days of the President's vacancy or until the next scheduled election, whichever occurs first

Article V: Duties of Officers

Section 1 -President

The President shall:

- A. Preside at all meetings of the Union and of the Executive Board.
- B. Appoint the Chairperson and members of special committees and shall serve as an ex-officio member of all such committees.
- C. Represent and speak for the Union to other organizations.
- D. Obey all lawful orders of the membership and be thoroughly familiar with the bylaws and adopted Parliamentary Procedures and act as Parliamentarian.

Section 2 -Vice President

The Vice-President shall:

- A. Assume and perform the duties of the President in the absence or disability of the President.
- B. Perform special assignments and duties as directed by the President.
- C. Be thoroughly familiar with the bylaws and adopted Parliamentary Procedures and act as Parliamentarian.

Section 3 -Secretary

The Secretary shall:

- A. Maintain accurate records of the minutes at all meetings of the Union and the Executive Board.
- B. Maintain a complete up-to-date roster of the members in good standing.
- C. Maintain a complete roster of members who have resigned or have not filed the "Application for Membership/Authorization for Representation" card with the Union per Article III, Section 8.
- D. File the "Application for Membership/Authorization for Representation" card within three (3) business days after said card from the member who wishes to be reinstated has been received per Article III, Section 8.
- E. Call the roll when required.
- F. Notify the Executive Board members of meetings.
- G. Assist the President as required.

Section 4 -Treasurer

The Treasurer shall:

- A. Be the custodian of the Union funds, except as otherwise may be provided.
- B. Deposit Union funds in a banking institution as authorized by the Executive Board within ten (10) working days of receipt of funds from the District/member.

- C. Open the accounts in the name of the Union.
- D. To be valid, all checks and requests for withdrawal of funds from the accounts of the Local shall be signed by two (2) officers.
 - 1. The Treasurer shall sign all checks and request for withdrawals.
 - 2. The President shall sign all checks and request for withdrawals. The President may delegate this responsibility to the Vice President.
 - 3. The checks or withdrawals must always bear the signature of either the Treasurer or the President.
 - 4. The remaining officers shall be authorized to sign checks and must be registered accordingly with the bank in case of delegation, the Vice President, or in the event of an emergency, the Secretary.
 - 5. It will be the Treasurer's responsibility to insure the bank signature card is maintained and updated as elections occur.
- E. Provide a monthly Treasurer's report to the Executive Board at the monthly Executive Board meetings.
- F. Provide and present a quarterly Treasurer's Report at the Quarterly General Membership meetings.
- G. Provide and present the Union's yearly budget for review and approval by the members at the January Quarterly Membership Meeting.

Section 5.

All Officers have the right to vote and debate a question the same as any other member.

Article VI: Executive Board

Section 1 -Executive Board

There shall be an elected Executive Board consisting of four (4) Officers and eight (8) Board members.

- A. Four Board (4) positions shall be designated "Executive Board Member at Large"
- B. Four Board (4) positions shall be designated "Line/Yard Executive Board Member". (L/YEBM).
 - 1. The Line/Yard Representative must be elected from the Line/Yard that s/he is currently working.
- C. The current BART Line/Yards are designated as follows:
 - 1. Alameda/Livermore Lines (A/L-Lines)
 - 2. Contra Costa Line (C-Line)
 - 3. Keystone Line (K-Line)
 - 4. Mission/West Bay Lines (M/W-Lines)
 - 5. Richmond Line (R-Line)

Section 2 -Board Quorum

Four (4) members shall constitute a quorum of the Board, including at least two Officers.

Section 3 -Participation

All members may participate freely in discussion, debate, and voting on issues at Executive Board meetings, except that the President may only cast a vote to break a tie.

Section 4 -Board Meetings

- A. Regular meetings of the Executive Board shall be held once each calendar month.
- B. The President may call special meetings.
- C. Members in good standing shall be allowed to attend Executive Board meetings.
 - 1 A member may request to place an item on the agenda at least one (1) week from the meeting date.
 - 2 The member may be recognized and allowed to participate only on the item s/he requested to be placed on the agenda.
 - 3 The member may be asked by the President to leave if confidential matters are to be discussed by the Board, i.e., a member at large grievance or issue.

Section 5 -Board Authority

- A. The Executive Board shall have the power and authorization to act for the membership between meetings, except that all collective bargaining agreements, or changes to same, must be ratified by a majority vote of voting members at a regular or special meeting.
- B. The Board shall have the power to recommend to the Union any proposals including amendments to the bylaws.
- C. The members assembled can always rescind, repeal, or amend any action of the Executive Board except when that action is no longer with the control of the members or has been specifically assigned as a power or duty of the board.

Section 6 -Budget

The Board shall, at the January General Membership meeting, present a budget for the ensuing year, which shall be open to amendment and debate. The budget shall be approved by a majority vote of members, a quorum being present. The quorum being established by the sum total of members attending the scheduled sessions per Article VIII, Section 3.

Section 7 -Negotiations

The Board shall constitute the Union's negotiating team.

- A. The Board shall have the responsibility of presenting to the membership the Side Letters of Agreement and all contract negotiation changes to the Agreement.
 - 1. The Board shall provide the written Side Letters of Agreement to the membership thirty (30) days prior to scheduling a ratification meeting.
 - 2. In the event the Executive Board and the President unanimously agree that a Side Letter proposal is of such magnitude that it constitutes exigent circumstances, the Board is

authorized to act in a timely fashion giving no less than seven (7) days notice to the membership to ratify said Side Letter.

3. In order for the membership to determine whether or not the Side Letter "matter" actually warranted negating the thirty (30) day requirement, the Board shall present a written explanation to the membership at the time the Side Letter is to be voted on.
- B. The Board shall provide the members with a precise written synopsis of the contract proposal at least seven (7) days prior to the scheduled ratification meeting. \. Should contract negotiations run to the "eleventh hour", the membership shall be provided, at the ratification meeting, the full text of the proposed Agreement in addition to a written synopsis and be given sufficient time to study same.
 - C. At all ratification meetings the full text of all Agreements shall be provided to the members and sufficient time given to study same.
 - D. The ratification vote shall be by secret ballot at the scheduled Special General Membership meeting.

Section 8 -Lawful Orders

The Board shall carry out all lawful orders and instructions of the membership.

Section 9 -Attendance

Elected Officers and Board Members that miss two out of three consecutive executive meetings, without a valid excuse, may be removed from the Board.

- A. By secret ballot, the Executive Board shall determine the validity of the excuse and take the appropriate action.
- B. If the excuses are deemed valid, the action to remove from office is null and void.
- C. The Board may elect to place the Board member on probation for an agreed period of time. Afterwards, the Board will again review her/his case and appropriate action shall be taken at that time.

Article VII: Committees

Special committees may be appointed by the President to achieve purposes as may be in the best interests of the Union.

Article VIII: Meetings

Section 1 -Regular General Membership Meetings

- A. There shall be four (4) regular General Membership meetings scheduled each year in the months of January, April, July and October.

- B. The Board shall schedule three sessions for each regular meeting to accommodate a 24-hour operation. (The Board may schedule less than three sessions should the need arise.)
- C. The annual Union budget shall be presented at the January General Membership meeting per Article VI, Section 6.
- D. Election results shall be announced at the October meeting per Article IX, Section 2D.

Section 2 -Special General Membership Meetings

- A. The President may call special membership meetings as may be deemed necessary with as much advance notice to the members as possible.
- B. The President shall call a special membership meeting whenever five percent (5%) or more of the members in good standing make a written request at which no business shall be transacted except that for which the meeting was called.
- C. The member(s) making the request for the special meeting shall obtain the number of signatures required from the Secretary to comply with "B" above. Signatures may include e-mails or other written communications from members indicating their support for a special meeting.
- D. All members in good standing shall be notified of special the meetings.

Section 3–Quorum

The quorum for a meeting shall consist of at least 1 10th of the membership, including at least two (2) Officers and two (2) Executive Board members. The quorum is established by the sum total of members attending the scheduled sessions.

Article IX: Election Procedures

Section 1 -Eligibility Requirements

- A. Any member in good standing is eligible to run for any Board position provided s/he meets the following eligibility requirement.
- B. S/he must have been a member in good standing in Local 3993 for two years proceeding the day nominations are open. This is pursuant to the AFSCME International Constitution.

Section 2 -Election Committee

- A. An Election Committee shall be appointed by the President.
- B. The Election Committee shall be comprised of four (4) members of the Union, none of whom are running for an elective position on the Executive Board.
- C. Two (2) members of the Election Committee shall be on the Executive Board and two (2) members shall be from the general membership.
- D. The chairperson of the election committee shall make a full report of the election results at the October General Membership meeting.

Article IX: Election Procedures Continued:

Section 3 -Election Process

- A. The election shall be completed in the month of October.
- B. The Committee shall send out the notice of "Nominations Are Now Open for Executive Board Position(s).
- C. The nomination form shall contain the following information:
 - 1. Positions open on the Executive Board, (i.e., Officer, Executive Board Member at Large or Line/Yard position.)
 - 2. Term of Office.
 - 3. Clear instructions on completing and returning the form.
 - 4. Date nominations close.
- D. Time Line -Nomination
 - 1. The membership shall have a minimum of fifteen days (15) days to respond/return the nomination form to the Election Committee.
 - 2. Nominations received by facsimile or after the deadline shall not be accepted by the Election Committee and shall be deemed null and void.
 - 3. The Committee shall accept all nomination forms filled out correctly.
- E. All election ballots shall be sent to members in good standing through the U.S. Mail.
 - 1. The Committee, based on D-3 above, shall prepare the voting ballot and mail it to the members within the fourth (4) day after the nominations are officially closed.
 - 2. A member shall have fifteen (15) days to complete and return her/his respective ballot as indicated by the committee's instructions.
 - 3. The ballot shall contain clear voting instructions and the date and time elections are officially closed.
 - 4. At no time shall the return address for the ballot be the business address of Local 3993 or that of any individual union member.
 - 5. The return address for the election ballot shall be a neutral location such as AFSCME Council 57's address or a special accounting firm, should the Board choose to hire one.
 - 6. As ballots are being received by the designated receiving party, they shall be deposited in a locked box with Local 3993's identification clearly marked on the locked box.

Section 4 -Majority Vote

All members of the Executive Board shall be elected by majority vote of valid ballots received. In the event of a tie vote, further balloting for the office shall continue until one candidate is selected by majority vote in accordance with the AFSCME Election Manual.

Section 5 -Terms of Office

All Executive Board Members shall serve a two (2) year term of office.

- A. Officers -President, Vice President, Secretary and Treasurer:
 - 1. The President and Secretary shall be elected in even years, 2002, 2004, 2006, et cetera.

Section 5—Terms of Office, Cont’d.

2. The Vice-President and Treasurer shall be elected in odd years, 2003, 2005, 2007, et cetera.

B. Executive Board Members at Large:

1. Two of the four positions shall be elected in even years, 2002, 2004, 2006, et cetera.
2. Two of the four shall be elected in odd years, 2003, 2005, 2007 et cetera.

C. Executive Board Members-Line/Yard Representatives: These elected positions must come from the respective Line/Yard.

1. The A/L and M/W-Line representatives shall be elected in even years, 2000, 2002, 2004, et cetera.
2. The C and R-Line representatives shall be elected in odd years, 2001, 2003, 2005 et cetera.

Article X: Parliamentary Procedures

The rules contained in the most current edition of Roberts Rules Order shall be the Parliamentary Procedures in all cases not covered by these bylaws.

Article XI: Affiliation with Other Organizations

Section 1 -Affiliation

The Union may, by a 2/3 vote of the voting members present at a regular or special meeting, affiliate with any organization for purposes of collective bargaining. In the event of such affiliation, the Union shall retain its sole right to make decisions concerning strikes and all strike related matters, without consultation or approval of the affiliating organization.

Article XII: Amendments to Bylaws

Section 1.

- A. Proposed changes to the bylaws approved by the Executive Board shall be submitted to the General Membership through the U.S. mail.
- B. Pursuant to the AFSCME International Constitution, the bylaws may be amended at any regular or special meeting by a 2/3 vote of the members present and, provided a thirty (30) day notice, including the subject of the proposed amendment, has been given in the call for the meeting.
- C. After adoption of the bylaws by Local 3993, the amended bylaws shall be forwarded to the AFSCME International President for approval.
- D. If a conflict between the Local bylaws and the International Constitution is found, the International Constitution shall prevail and the Local bylaws shall be amended accordingly.

Article XIII: Removal from Office And Charges Against Officers and Executive Board Members

Section 1 -Charges

- A. Whenever any charges are made against any Officer or Executive Board member by a member in good standing, said charges shall be specific and submitted to the Executive Board in writing.
- B. Any charge(s) will be confirmed and signed by at least ten (10) members in good standing.
- C. Such charges shall be brought before the next Executive Board meeting, and shall be heard and considered at that meeting.
- D. The President (if not being charged) shall appoint a committee per Section VII, to investigate said charges.
- E. The committee shall make a recommendation to the Executive Board whether to sustain or rescind said charge(s).
- F. A majority vote of the Executive Board present is all that is required to sustain the charge(s).
- G. Should the Board sustain the charges, the Secretary shall notice the membership at least 30 days before the ensuing General Membership meeting.
- H. To remove the Officer or Executive Board member from office shall require a 2/3 vote of the members present and voting at the noticed General Membership meeting.