

Constitution of the Foothill-De Anza Association of Classified Employees

Article 1 - Name, Purpose and Objectives

1.1 Name

Foothill-De Anza Association of Classified Employees (ACE) is the name of this employee organization.

1.2 Purpose

The purpose of ACE is to represent its members who are classified employees in Unit 1 employed by Foothill-De Anza Community College District (District) pursuant to the Educational Employment Relations Act, commencing with Section 3540 of the Government Code (EERA).

1.3 Objectives of ACE

The objectives of ACE shall be to improve the wages, work hours and working conditions of its members, to promote active participation of its members in the decision-making processes of ACE and District; to promote the economic, intellectual and social welfare of its members; and to represent them in all disputes with their employer.

1.4 Objective of the Constitution

The objective of this Constitution is to provide rules of acceptable self-government not in conflict with any higher authority.

Article 2 - Incorporation

ACE is incorporated as a not-for-profit corporation pursuant to the laws of the State of California.

Article 3 - Membership and Membership Dues

3.1 Eligibility

When an employee of the District is employed in a position exclusively represented by ACE pursuant to EERA, that employee is eligible to become a member.

3.2 Becoming a Member

The eligible employee shall complete an ACE payroll deduction authorization form to have his or her ACE membership dues deducted from his or her pay by the District.

a. Membership Starts

ACE membership starts the calendar day of the calendar month the first payroll deduction of ACE membership dues is made from the pay of the new member by the District. Except and unless expressly required by law, the membership of that new member does not entitle him or her to ACE representation on any matter occurring prior to his or her ACE membership.

3.3 Maintenance of Membership

A member shall remain an ACE member and pay his or her ACE membership dues pursuant to EERA as long as the collective bargaining agreement (agreement) between ACE and the District is effective and for as long as he or she remains a member of the bargaining unit, unless he or she has timely exercised his or her right to be a fair share service fee payer.

3.4 ACE Membership Dues

a. Dues Rate

ACE membership dues are 1.05 % of the member's base pay.

b. Dues Payments

ACE membership dues are paid in advance by District payroll deduction in consecutive equal payments, one each pay period during the regular annual District work schedule of the member each fiscal year.

c. ACE Fiscal Year

The fiscal year of ACE is July 1 through the following June 30.

d. Required Continuing Payroll Deduction

Except as expressly otherwise provided by this constitution, a member paying his or her ACE membership dues by District payroll deduction shall, as long as he or she continues to pay his or her ACE membership dues by that payroll deduction process, be considered a member in good standing in ACE.

e. Payroll Deduction Delay

When the processing of a payroll deduction authorization form is delayed past the cutoff date for the pay period in which ACE membership dues deduction should have started, the remaining ACE membership dues payments and amount of those payments shall be adjusted for that fiscal year. This will ensure full payment of ACE membership dues for each member during the first year of membership.

f. Service Fee Payer Becoming a Member

Notwithstanding any other provision of this constitution, when a non-member (fair share service fee payer) who pays a fair share fee (fee) to ACE during a fiscal year and then becomes an ACE member during the same fiscal year, he or she shall, for the remainder of that fiscal year, pay ACE membership dues in full.

g. Member Becoming a Service Fee Payer

Notwithstanding any other provision of this constitution, if a member of ACE becomes a fee payer during a fiscal year, he or she shall pay a fair share fee to ACE when the membership status changes and thereafter, as long as the employee remains a fee payer.

h. EERA Organizational Security

Notwithstanding any other provision of this constitution, each member shall comply with EERA and express terms of the agreement regarding organizational security and the payment of ACE membership dues and/or service fees.

i. Adjusting Annual ACE Membership Dues

The annual amount of ACE membership dues shall only be adjusted by a vote of the General Membership of ACE, with each member having one vote. A majority of the members voting shall determine the outcome of the vote. The vote shall be taken by secret ballot at a regular or special General Membership meeting. Pursuant to this constitution, members must receive proper advance notice as described in Article 4.1e.

Article 4 - Organization: Meetings and Locations

4.1 General Membership and Site Meetings

a. Regular Meetings

ACE shall conduct a General Membership meeting at least once a year on a date and at a location and time determined in advance by the Executive Board of ACE. The meetings shall alternate between the two locations, one being at the Foothill-Central Services location and the next being at the De Anza location. Meetings cannot be held on Mondays, Fridays, the first week of a quarter or during breaks.

b. Site Meetings

Site meetings shall be held each month at each location and facilitated by the VP at that location. The VPs shall inform the membership of any new business and collect any new information or suggestions from the members to report back to the Board at the next Executive Board meeting.

c. Special Meetings Called by the Executive Board

Nothing herein shall be deemed to prohibit the Executive Board from calling a special meeting of the General Membership to discuss and take action on matters of an urgent nature requiring immediate attention. Such meetings shall be held on a date and at a location and time determined in advance by the Executive Board of ACE, and are subject to meeting notice described in 4.1e

d. Special Meetings Called by Membership

When there is a written request for a General Membership meeting by ten percent (10%) of the membership in good standing, the ACE President must call a membership meeting within ten (10) calendar days after receipt of such a request. The membership must be notified in writing five (5) calendar days prior to the meeting with time, place, date and purpose of the meeting.

e. Meeting Notice

Notice of General Membership and Site meetings will be delivered to members by e-mail, voicemail or other appropriate means, not less than five (5) calendar days before the meeting. A calendar showing the schedule of more than one meeting delivered to the members on an annual or semi-annual basis is sufficient for such notice requirement.

1) Notice of Vote

When the General Membership of ACE is asked or required to vote on a matter to be discussed at a General Membership meeting, the meeting notice for that meeting shall include, in clear and concise language, a description of the matter to be voted on, the cost of implementation if any, the person(s) responsible to pay that cost and time frame when payment will be due. Elections and voting for ACE Executive Board positions are subject to election procedures described elsewhere in this constitution.

4.2 Executive Board Meetings

The Executive Board shall meet at least monthly on dates and at locations and times they determine. Notice of such meetings shall be delivered to the membership within a reasonable period of time in advance of the meeting being called to order. If a majority of the members of the Executive Board submit a written request for a special meeting, a special meeting of the Executive Board shall be convened within five (5) working days of the written request, or the time specified in the written request. The Board may hold a closed session with the stewards to discuss confidential information prior to regular Board meetings. Only personnel issues are considered confidential information.

4.3 Chief Steward Meetings with Stewards

The Chief Steward and Stewards shall meet together on an as-needed basis, on dates, locations and times determined by the Chief Steward.

4.4 Meeting Quorum

For purposes of calling a meeting to order and to take any official action the following quorum shall be established:

a. General Membership Meeting

Ten percent (10%) of the General Membership in good standing shall be present at the meeting when it is called to order and when official action is taken. In the event that there is no quorum at the General Membership meeting, the business scheduled for that meeting may be decided by the Executive Board, with input from the members who attended the meeting.

b. Executive Board Meeting Attendance

A majority of Executive Board members, excluding vacancies, shall be present when the meeting is called to order and when official action is taken.

c. Steward and Site Meeting

These meetings do not require a call to order, and no official action can be taken at such meetings, so a quorum is not required.

4.5 Robert's Rules of Order

For General Membership meetings and Executive Board meetings, Robert's Rules of Order, latest revision, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this constitution, and with the official policies and procedures of ACE.

4.6 Attendance at Meetings

Members are encouraged to attend all General Membership and Site meetings, and if possible Executive Board meetings. The Executive Board Members and the Chief Stewards are required to attend all General Membership and Site meetings in their respective jurisdictions and meetings of the Executive Board unless the absence is excused by the President or a majority of the Board.

Immediately upon the second unexcused absence of an Executive Board Member or Chief Steward during a term, that position may automatically and immediately be vacated without any hearing or notice required. Stewards are required to attend all meetings called by the Chief Steward unless the absence is excused by official action of the Chief Steward.

Article 5 - Organization: Executive Board

5.1 The Executive Board

The Executive Board consists of President, Treasurer, three (3) Vice Presidents, four (4) Board Members, three (3) Chief Stewards and the Chair of the Negotiating Team, all of whom are nominated from and elected by the General Membership. The General Membership elects all of the negotiators. Once the team of negotiators is formed, the group itself decides who will be the Chairperson. If a majority of the Executive Board approves, the Past President can be asked to serve in an advisory capacity to the Board for a period of one (1) year. The Executive Board is charged by the membership to attend in good faith to the business of ACE and is empowered by the membership to represent their best interests in all the Board actions and activities.

5.2 Officers and Board Members

The officers are a President, three (3) Vice Presidents (De Anza campus, Foothill campus and

Central Services, representative of each location), and a Treasurer. A Recorder shall be appointed by the Executive Board and is present at each meeting, but is not a voting member of the Executive Board. The four (4) Board Members shall consist of one (1) member from Foothill, two (2) members from De Anza, and one (1) from Central Services.

a. Duties of the President

- 1) The President shall preside over all meetings of ACE.
- 2) The President shall report at General Membership and Executive Board meetings regarding the progress and standing of ACE and the official actions he or she has taken between regular meetings of the Executive Board.
- 3) The President, in conjunction with the Executive Board, shall appoint members for all standing and ad hoc committees.
- 4) The President shall have authority to represent ACE with such action affecting policies, aims and means of accomplishing ACE's purpose, subject to approval of the Executive Board.
- 5) The President shall serve on the Chancellor's Advisory and District Budget committees, and attend the FHDA Board of Trustee meetings.
- 6) The President shall serve as an ex-officio member of all committees, including the Negotiating Team.
- 7) The President shall countersign all checks drawn against ACE funds.

Serving as the President requires subordination of personal interests to those that represent the highest good of the members. The President shall have no greater rights than any other member of ACE.

b. Duties of the Vice Presidents

- 1) The Vice Presidents shall assist the President in the work of the President's office.
- 2) In the absence of the President or if the President is unable to serve, one of the Vice Presidents appointed by the Board shall perform all duties of the President.
- 3) Upon resignation of the President, one of the Vice Presidents appointed by the Board shall become the President.
- 4) Upon approval of the Board, the Vice Presidents may be authorized to co-sign checks drawn upon ACE funds in place of either the President or Treasurer, and shall perform such other duties as assigned by the President or the Executive Board.
- 5) The Vice Presidents shall serve on the College Council, Round Table, College Budget committees and other District committees as assigned.
- 6) The Vice Presidents shall hold and facilitate site meetings each month at their respective sites.
- 7) The Vice Presidents shall assign ACE representatives to hiring committees for classified workers in Unit 1.

Serving as a Vice President requires subordination of personal interests to those that represent the highest good of the members. Vice Presidents shall have no greater rights than any other member of ACE.

c. Recorder(s)

The Recorder(s) shall keep records of the proceedings at Executive Board, site and general membership meetings. The Recorder(s) are appointed by the Executive Board at the January Executive Board meeting and serves from January 1 of the current year to January 31 of the next year for a period of thirteen (13) months.

- 1) The Lead Recorder:
 - a) shall also carry on the official correspondence of ACE as directed by the President or Executive Board.
 - b) shall make available a draft copy within seven (7) calendar days following an Executive Board meeting and make corrections as directed by the Executive Board members. The final draft of minutes shall be distributed to the Executive Board within three (3) days prior to the next Executive Board meeting. After approval of the minutes, the recorder shall forward them to the tech team to be posted on the ACE Web site.
 - c) shall notify the General Membership of Executive Board meeting(s).
 - d) shall conduct preliminary election duties as described in Article 10.
 - e) shall regularly request updated lists of Unit 1 members from Human Resources, which shall include contact information in order to ensure that those who vote at all meetings are members in good standing.
 - f) shall maintain custody of official ACE records placed in such custody by the President, Executive Board or this Constitution.

- 2) The Site Recorder
 - a) shall also carry on the official correspondence of ACE as directed by the President or Executive Board.
 - b) shall maintain custody of official ACE records placed in such custody by the President, Executive Board or this Constitution.
 - c) shall make available a draft copy within seven (7) calendar days following a site meeting and make corrections as directed by the Vice President. The final draft of minutes shall be distributed to the members within three (3) days prior to the next site meeting. After approval of the minutes, the recorder shall forward them to the tech team to be posted on the ACE Web site.

Serving as a Recorder requires subordination of personal interests to those that represent the highest good of the members. The Recorder shall have no greater rights than any other member of ACE.

d. Duties of the Treasurer

The Treasurer shall present the Executive Board's recommended annual budget at the General Membership meeting, immediately following the Board's creation of the budget, for approval by the members. A majority of the members attending is required for approval. Any substantial changes to the annual budget must be brought to the members for their approval at a General Membership meeting. Substantial changes must be approved by the members prior to their taking effect.

- 1) The Treasurer shall receive and receipt ACE money and deposit all money so received in the name of ACE to a financial institution selected by the Executive Board.
- 2) Money so deposited shall be withdrawn only by check signed by the President and Treasurer, or a Vice President if approved by the Board.
- 3) The Treasurer shall prepare and sign checks for such purposes as required by this constitution or authorized by the membership or Board.
- 4) The Treasurer shall keep and accurately record receipts and disbursements.
- 5) The Treasurer shall also submit to the Executive Board a monthly operating statement that contains records of ACE's financial transactions since the previous report.
- 6) The Treasurer shall further arrange an annual audit of ACE finances by a certified public

accountant approved by the Executive Board, and shall report to the Board the results of such annual audit at the first Board meeting after the audit is made.

- 7) The Treasurer shall adhere to legal reporting requirements and arrange preparation and filing of all required federal and state tax reporting forms.

Serving as a Treasurer requires subordination of personal interests to those that represent the highest good of the members. The Treasurer shall have no greater rights than any other member of the ACE.

e. Duties of the Board Members

There are four (4) Board Members nominated from and elected by the General Membership. The Board Members shall:

- 1) ensure that the interests and directives of the General Membership are represented at Board meetings.
- 2) serve on two (2) College or District Committees pertinent to ACE business and report back to the Board.
- 3) attend the Classified Senate meeting at each location. At least one Board Member from each site should attend, but two (2) members should not serve on the same Senate.

f. Responsibility of Executive Board Member

The Executive Board Member is directly responsible for:

- 1) the operation of ACE.
- 2) assuring appropriate expenditure of funds.
- 3) proper and legal administration and implementation of the constitution.
- 4) any representation of ACE that has been authorized by the Board in order to bind ACE or agree to any issues subject to collective bargaining and EERA.

Serving as a Board Member requires subordination of personal interests to those that represent the highest good of the members. Board Members shall have no greater rights than any other member of ACE.

5.3 Steward(s)

Up to six (6) stewards are appointed by the Executive Board for each location. Stewards serve until they resign their position or are removed by action of the Executive Board and/or the Chief Steward. Stewards are members in good standing.

a. Duties of the Chief Steward(s)

- 1) chair the Stewards Council and report activities of Stewards to the Executive Board in closed session.
- 2) be responsible for recruiting stewards and presenting candidates to the Executive Board for approval.

b. Duties of the Stewards

- 1) represent their respective jurisdiction in all membership meetings in the absence of the members.
- 2) be the first line of contact with administrative or supervisory staff subject to this Constitution.
- 3) be responsible for the enforcement of all applicable collective bargaining agreements in their respective jurisdictions.
- 4) be responsible for holding management accountable for all applicable safety and occupational health laws, rules and regulations, and are responsible for notifying appropriate administrative or supervisory staff of unsafe working conditions.

- 5) shall have copies of the Constitution and all necessary working agreements available at all times.

Stewardship requires subordination of personal interests to those interests that represent the highest good of the members. Stewards shall have no greater rights than any other member of the ACE.

5.4 Executive Board Terms of Office

a. Executive Officers, Board Members and Chief Stewards

The term of the President, Vice Presidents, Board Members and Stewards is twenty-four (24) consecutive calendar months commencing on January 1 immediately following their election, and ending twenty-four (24) months later.

1) Additional Terms

An officer or Board Member may be nominated for election to additional terms if otherwise eligible, pursuant to this Constitution. The Chief Steward(s) may be elected for additional terms as long as they remain eligible to serve. A person may only serve in one position (Executive Board, Chief Steward or Steward, negotiator inclusively) at any time.

5.5 Negotiating Team

The Negotiating Team shall consist of six (6) members and the President of the Executive Board, who have been nominated from and elected by the General Membership from each area, and any labor consultant(s) currently under contract to ACE whose services include assisting with negotiations. Negotiators shall have no greater rights than any other member of ACE.

- a. The structure of the Negotiating Team shall be subject to the collective bargaining agreement. The Negotiating Team shall consist of an equal proportion of members from Foothill, De Anza and Central Services. That proportion shall be one percent (1%) of the members in good standing at each location rounded up to the nearest whole number (at this time that equates to two (2) members from Foothill, three (3) members from De Anza, and one (1) from Central Services).
- b. The Executive Board will designate sites within the ACE structure from which representatives shall be chosen in accordance with Section 5.5a above.
- c. The President shall serve as a member of the Negotiating Team. However, in an effort to allow for a broader share of authority within the Unit, the President shall not be considered eligible to be elected as the Negotiations Chair.
- d. Negotiating Team members must attend all of the planning and negotiating meetings, unless the absence is excused by the Chair of the team or the majority of the team. Immediately upon the second unexcused absence they will be removed from the team.
- e. Negotiators must serve on the District Benefits Committee.
- f. The negotiators choose a Negotiations Chair by secret ballot after a new team is elected.

Serving as a Negotiating Team Member requires subordination of personal interests to those that represent the highest good of the members. Negotiators shall have no greater rights than any other member of ACE.

5.6 Replacement of Negotiating Team Members

If a position on the Negotiating Team becomes vacant, the Executive Board will appoint a replacement from the area to be represented. This appointment shall be submitted at the next Site meeting for concurrence.

5.7 Term for Negotiators

Members of the Negotiating Team shall serve until the next contract is ratified by the membership. Next election of negotiators shall commence within 30 days of ratification and Foothill-De Anza Community College District Board of Trustees approval in accordance with Article 10.

Article 6 - Standing and Special Committees

6.1 Chairpersons of Standing Committees shall be appointed by the Executive Board. Committee members may be nominated appointed or may be volunteers. The following committees, and other committees created at a future time, may be formed and appointed by the Executive Board:

a. Technology Support Committee

The Technology Support Committee shall be responsible for keeping communication lines open between ACE and its members. The committee maintains communication resources, such as Web pages, listservs, telephone groups and any other technology used in communicating with the membership and maintaining the business of ACE.

b. Constitution Committee

The Constitution Committee of ACE shall be convened as necessary to review the Constitution and shall draw up and report proposed amendments to the Executive Board and General Membership.

c. Election Committee

The Election Committee is responsible for the efficient and democratic procedures of internal elections as described in Article 10.

6.2 Joint ACE/Management Committees

a. Chancellor's Advisory/District Finance Budget Committee

The ACE representative on this Committee and subcommittee shall be the President.

b. President's Advisory/Campus Budget Group

The ACE representatives on this Committee shall be the elected campus Vice Presidents in their respective jurisdictions.

c. Safety Committee

The President shall solicit nominations and/or volunteers from among the membership at large for ACE representatives to this Committee. The representatives shall be appointed, from among those names submitted to the President or by the President, with the approval of the Executive Board.

d. Contract Review Committee

The Contract Review Committee shall consist of the President, Chief Stewards, Negotiations Chair or his or her designee from the Negotiating Team, and the Labor Consultants. Additionally, anyone who has expertise of a contract review issue may be invited by the committee to attend a meeting as a resource.

6.3 Other Committees

The Executive Board shall appoint representatives to college standing committees, committees created by the ACE contract and other committees as needed. The Executive Board shall review committee appointments on an annual basis and immediately after every election. The Executive Board shall appoint representatives to the following committees' current governance committee pertaining to the health, welfare and well-being of the unit.

6.4 Special Committees

A Special Committee is a committee appointed by the President, the Vice President or the Executive Board to work on a specific issue or task. All committee representatives shall report to the Executive Board when requested to do so.

Article 7 - Organization: Staff and Consultants

7.1 The President, in conjunction with the Executive Board, has authority to hire and fire staff and contract for services necessary to carry out the purpose of ACE.

7.2 Retirees may not hold officer positions but may serve as advisers or content experts to the Board with no voting rights. Advisers may participate by invitation only.

Article 8 - Conflicts of Interest

No officer may be involved in any ACE matters involving a Supervisor or Administrator who is a family member (parent, offspring, sibling, spouse or other relation). Should a related officer be in attendance at a meeting when a possibly conflicting issue is discussed, they shall excuse themselves from that portion of the meeting.

Article 9 - Charges, Hearings and Appeals

9.1 Charges

Members may be charged with violating any provision of this Constitution. Members may also be charged with wrongful taking or retaining of money, books, papers, records or any other property belonging to ACE; the wrongful destruction, erasure, mutilation or use of any books, papers, records, bills, receipts, vouchers or other ACE property. Further charges may include bringing false charges against a member without good faith or with malicious intent. For the purpose of this article, the term "member" includes both full dues paying members and service fee payers.

9.2 Presentation of Charges

Charges against a member shall be filed in writing with the Lead Recorder. The Lead Recorder shall serve a copy thereof to the accused member, either personally or by certified U.S. mail directed to the last known mailing address of the accused, at least ten (10) calendar days before the start of any hearing on the charges.

9.3 Hearings

At any hearing held by ACE pertaining to such charges, the Executive Board shall act as the hearing body. The accused may appear in person and with witnesses to answer the charge(s) and shall be afforded a fair hearing. The accused may select another member, or an attorney, to

represent him or her in the presentation of the defense. ACE may be represented by an attorney or consultant, or any member assigned by the Board Members, in prosecuting the charge(s). If the accused is unable or unwilling to be present at any hearing provided for herein, her or his defense may be presented in writing prior to the hearing, but the hearing body shall proceed with the hearing regardless of the presence of the accused.

a. Charges Filed Against a Member of the Executive Board

Should the charges be filed against a member of the Executive Board, that member shall not act as part of the hearing body.

b. Impartial Hearing Officer

Nothing herein shall prohibit the Executive Board from choosing an impartial party to hear the matter. If this occurs, the Executive Board may treat the written recommendation of that impartial party as either binding or advisory. ACE shall bear the cost of the impartial party.

c. Other Costs

The total cost of any attorney or other person representing the accused or charging party shall be borne by that respective party; however, ACE shall bear all costs incurred by the Executive Board in prosecuting or defending any matter. ACE shall select and provide a hearing room for the hearing and shall pay any required rental cost.

d. Outcome of Hearing

If the charges or any portion of the charges are sustained, the Executive Board shall render a judgment and impose disciplinary action as provided herein. If the charges are not sustained, they shall be dismissed.

e. Disciplinary Action

Any disciplinary action imposed upon a member found guilty of any charges shall relate to the rights and duties of membership in ACE. Disciplinary action may, as the case requires, consist of a reprimand, suspension of specified membership benefits or privileges, suspension from membership, expulsion from membership, or removal from an appointed or elected position. As part of the disciplinary action, the member may be given duties to perform or may be asked to refrain from performing specific acts.

f. Appeal of Disciplinary Action

Appeal of any Executive Board decision with respect to charges may be taken to the next regular or special meeting of the General Membership. Such appeal must be filed with the Lead Recorder within five (5) calendar days of the Executive Board's decision. Pending such an appeal, the decision shall remain in full force and effect. The appeal shall be made to the members at the General Membership meeting in the same manner as it was made to the Executive Board. The action of the membership on such appeals shall be final and binding.

g. Exhaustion of Internal Appeal Process

Subject to provisions of applicable statutes, every member against whom disciplinary action has been taken agrees as a condition of membership not to file or prosecute any action in court, tribunal or other agency until all procedures referred to in this Constitution have been exhausted.

Article 10 - Elections

10.1 Nominations and Election of Officers, Chief Stewards, Negotiators and Board Members

- a. Nominations for all Officers, Chief Stewards, Board Members and Negotiators (in applicable years) must be made at General Membership meetings held in October. For convenience, there may be nominating meetings at both Foothill and De Anza.
- b. The Lead Recorder shall notify the membership at least five (5) business days before the nomination meeting.
- c. The Nomination meeting shall be a time to inform the membership of positions available for nomination, what the roles and responsibilities of the positions are, and to make available the Nomination Forms.
- d. Nominations will be made at the nominating meeting from the floor by a member in good standing, or members may nominate themselves. Nomination petitions shall be presented to the Lead Recorder no later than three (3) business days after the Nomination meeting.
- e. There shall be two (2) separate nomination forms: one (1) for each location.
- f. The Nomination Forms shall list the positions available for nomination and space for nominees' names to be written in.
- g. Nomination Forms shall include space for the nominator's name and work phone number and/or e-mail address.
- h. Nomination Forms may be submitted at the end of the Nomination meeting or by the end of the third (3rd) business day following the Nomination meeting to the Lead Recorder.
- i. The Lead Recorder shall then confirm the nominations within six (6) working days by:
 - 1) Verifying that all nominators are members in good standing.
 - 2) Contacting the nominators to verify that they did indeed submit the Nomination form(s).
 - 3) Verifying that all nominees are eligible for the positions they were nominated for according to Section 10.3
 - 4) Contacting the nominees to determine whether or not they accept their nominations.
- j. Once the Lead Recorder has confirmed all nominations, the list of nominees shall be made public by the Recorder.
- k. Once the list of nominees has been made public, the candidates may begin campaigning for their positions.

10.2 Schedule for Nominations

Nomination of candidates shall occur at the October Site Membership meetings held during the appropriate year. Nominations will close at the end of the third (3rd) working day after the October meeting.

10.3 Eligibility of Candidates Nominated

A member is eligible to be a candidate if he or she is a non-probationary, permanent, classified employee in the District and is a member of ACE in good standing for one (1) full year. The candidate must maintain that good standing as a member if nominated and elected for as long as he or she remains in the elected position.

10.4 Nomination Meeting

At the October General Membership meetings, the President shall call for nominations from the floor for candidates for each Officer and Board Member(s) position scheduled for election that

year. Nominations shall be closed three (3) business days after the Nominations meeting.

10.5 Candidate Statements

Candidate statements may be solicited by the Board for each open position and shall be distributed by the Board to all members.

10.6 Election Committee

Upon the close of nominations, the Recorder shall appoint a committee with approval of the Board comprised of members in good standing of ACE who are not candidates for election that year to administer and supervise the election.

10.7 Election Ballot

The Elections Committee shall prepare an election ballot including the name of each eligible candidate nominated for each position. Candidates shall be listed under the title of the position for which they were nominated. A space shall be provided next to the name of each candidate where the voting member may mark the ballot for the candidate of his or her choice.

10.8 Elections

The Executive Board shall determine the date for the elections. Virtual electronic or online elections may be implemented upon completion of an approved secure voting system. Until then, the locations for ballot boxes in the District where members may cast their respective ballots, the hours those ballot boxes will be available, the procedure for verifying membership and distribution of election ballots, supervision of the ballot boxes and other matters related to voting, are subject to the following:

a. Ballot Boxes

Secured ballot boxes will be placed throughout the District such that members may vote in proximity to their respective regular District work locations. All ballot boxes will be available at the same time during the election. Election notices listing the locations of the ballot boxes shall be distributed to the general membership at least seven (7) business days before the election.

b. Verification of Membership and Distribution of Election Ballots

The Election Committee shall prepare a list of all members who are eligible to vote. A double envelope system will be used for ballots and the ballot boxes will be available for at least 4 (four) business days for members to vote.

c. Voting

On the election ballot each member shall vote for only one candidate for each position. The Negotiating Team may have more than one position open.

d. Tie Vote

In the event of a tie vote among candidates receiving the highest number of votes cast for an office, the election shall be repeated among those tied candidates until one of them receives a majority of votes cast. When that occurs, the candidate receiving the majority is elected. In the event that two or more candidates for any position receive the same number of votes, and there is not a clear outcome, the election shall be repeated until the appropriate number of candidates has received the highest number of votes.

e. Counting Ballots

Immediately upon close of the election, the members of the Election Committee shall take the

secured ballot boxes containing the ballots to a central location. When all ballot boxes are accounted for at that central location, the ballots shall be counted by the committee. When the ballots from all the ballot boxes are counted, the committee members counting them shall prepare a written tally of the votes cast, sign and date that tally, and deliver that signed and dated tally with the ballots to the Recorder. The Recorder shall publish the election results to the membership within two (2) working days of the vote count. The ballots shall be retained by the Recorder for a period of three (3) months. During this time any member may review the ballots upon request. A member of the Election Committee shall be present when the member reviews the ballots.

10.9 First Election

During the first election cycle after the adoption of this Constitution, it is understood that the time frame as stipulated herein does not apply. The following will apply until the first regular set of elections is held:

a. Immediately upon adoption of these Articles, those ACE members serving in elected and appointed as the temporary Board positions will continue in their respective offices (regardless of whether or not said office exists under this Constitution) until the regularly scheduled election of Officers, Board members and Negotiating Team members, as stipulated herein, is accomplished.

2. The procedures for elections as stated in these Articles will apply to the initial elections of officers, Board members and Negotiating Team, only the time frames are altered as follows:

1) The nominations for all positions will be open from the June 2009 meeting and for three (3) days thereafter, at which point the nominations will be closed. There will be staggered terms; therefore,

Group 1 – Term to January 1, 2012

- President
- Vice President – De Anza Campus
- Vice President – Central Services
- Chief Steward – Foothill Campus
- Board Member – De Anza Campus/Seat 1
- Board Member – Foothill Campus

Group 2 – Term to January 1, 2011

- Treasurer
- Vice President – Foothill Campus
- Chief Steward – De Anza Campus
- Chief Steward – Central Services
- Board Member – De Anza Campus/Seat 2
- Board Member – Central Services

- 2) Winners in the election will begin serving their terms on July 1, 2009.
- 3) The election will be held June 23, 24, and 25, 2009.
- 4) The first Lead Recorder will be appointed at the first Executive Board meeting, to be held in July, 2009.
- 5) The first Lead Recorder(s) will serve until January 31, 2010. The next Recorder(s) will be appointed and begin serving as outlined in Article 5.2c.

10.10 Vacancies and Appointments

The Executive Board shall appoint an eligible member to fill vacant elected positions in the event of resignation or removal from office. The appointment shall remain valid for the remainder of an un-expired term. However, if no eligible member is willing to serve in the position it shall remain vacant until it is filled pursuant to the elections procedures outlined in this Constitution.

Article 11 - Recall of Officers

11.1 President, Chief Steward, Negotiators, Treasurer and Board Members

The President, Vice Presidents, Board Members, Chief Stewards, Negotiators or Treasurer may be removed from office at a recall meeting to be called in the following manner:

- a. Upon presentation to the Executive Board of a written petition signed by 20% of the General Membership, members in good standing of ACE, a recall meeting shall be initiated. A notice shall be distributed to each member, by the Recorder, stating the date, time and place of the recall meeting. This notice must be distributed ten (10) working days prior to the meeting.
- b. The petition must be titled "Recall Petition" and must specify the person to be recalled and the charge(s) on each page.

11.2 Stewards

A Steward may be removed from office by petition to the Executive Board of at least 20% of the membership in good standing. However, the petition shall consist only of members in the Steward's representational area. Stewards may also be removed by a majority vote of the Executive Board.

11.3 Recall Meeting

No business other than the recall shall be conducted at this recall meeting. No action can be taken if a quorum of 20% of the membership in which the individual represents, in good standing, is not present. The recall vote shall be by secret ballot and shall require a two-thirds (2/3) majority of those voting to remove the elected official from office.

11.4 Opportunity to Address

The person designated for recall shall be afforded an opportunity to address all charges being made against him or her at the recall meeting prior to the recall vote.

Article 12 - Collective Bargaining

12.1 EERA

ACE shall adhere to the requirements of EERA regarding its collective bargaining relationship with the District and when representing its members in the bargaining unit.

12.2 Negotiating Proposal

a. Tentative Agreement

1) Notice

When ACE's Negotiating Team has reached a tentative agreement with the District on all matters being negotiated it shall, through the Executive Board, provide each member with a clear and concise summary of that tentative agreement.

2) Ratification

ACE shall conduct a special General Membership meeting to discuss and vote on the tentative agreement reached by the Negotiating Team with the District. This meeting shall be held not less than five (5) calendar days and not more than ten (10) calendar days from the date the summary of the tentative agreement was delivered to the membership pursuant to 12.2a(1) above in this Constitution.

b. Discussion of Tentative Agreement

The President shall, at the meeting held to discuss and vote on the tentative agreement, prior to a

vote on the tentative agreement, allow a reasonable amount of time for members to address their questions regarding that tentative agreement.

c. Voting

Votes to ratify a tentative agreement must be by a majority of members voting for that purpose. Votes will be made on a written or secure electronic ballot. Membership shall be advised of such a meeting at least five (5) working days prior to the meeting. The balloting process shall be determined by recommendation of the Executive Board.

d. Tally of Votes for Ratification

Prior to the vote on the tentative agreement, the President, with approval of the Board, shall appoint a committee of members who are not on the ACE Negotiating Team, to count and tally the ballots. When that tally is prepared, the results shall be announced to the members within three (3) days following the tallying, and the District shall be notified promptly thereafter.

e. Concerted Action

If ACE's Negotiating Team determines a need for concerted action against the District, and, in the case of a strike, ACE has exhausted the impasse procedure of EERA, it shall promptly notify the Executive Board of the dispute. Notification shall include recommendation on the type(s) of concerted action ACE proposes.

1) Special Meeting of the Executive Board

Within forty-eight (48) hours of receiving notice from ACE's Negotiating Team, the Executive Board shall hold a special meeting to discuss the matter and take official action on its recommendation. At this meeting, the Executive Board shall schedule a special meeting of the general membership to discuss and vote on the proposal to take concerted action. This meeting shall be scheduled to occur within ten (10) calendar days of the Executive Board meeting.

2) Special Meeting of the General Membership

The Executive Board shall provide each member with a description of the proposal regarding concerted action and the express reason(s) for the proposal. The concerted action proposal shall be delivered to membership no less than forty-eight (48) hours before the meeting is called to order. Members attending this meeting shall be provided a reasonable opportunity to discuss the proposed concerted action.

3) Voting on Concerted Action

Within two (10) working days of the General Membership meeting regarding the proposed concerted action, the membership shall vote on the proposed concerted action. The vote may take place either at a membership meeting, or by separate ballot, as determined by the Board. Each member in good standing shall have one vote, with two-thirds (2/3) of voting members determining the outcome of that vote. The vote shall be conducted by secret ballot, with the ballots counted and tallied by an independent party on the same day the vote is completed. Results will be announced upon completion of the vote tally.

Article 13 - Amendments and Policies

13.1 Proposals to amend this Constitution shall be made at a regular or special meeting of the Executive Board. Membership shall thereupon be promptly notified, and the proposed amendment shall be read and voted upon by the General Membership at the next regular or special meeting. The vote shall be taken by secret ballot, each member in good standing having one vote. A majority of the members voting shall determine the outcome of the vote.

13.2 Policies and Procedures

The Executive Board may enact policies and procedures consistent with this Constitution, allowing for the efficient operation of ACE. Such policies and procedures shall be provided to members of ACE upon adoption by the Executive Board.

Article 14-Discrimination and Sexual Harassment Prohibited

ACE shall comply with applicable federal and state law regarding discrimination and sexual harassment.

Article 15 - Miscellaneous

Restriction on Actions

Except to the extent specified by this Constitution or the Executive Board, no member or group of members, including but not limited to members of the Executive Board, the Chief Steward, members appointed as Stewards, and members at large, shall have the power to act as agent for or otherwise bind ACE in any way whatsoever, except to the extent specifically authorized in writing by the Executive Board.

Approved: __/__/2009

APPENDIX

GLOSSARY

Full Dues Paying Employee (a.k.a. Member in Good Standing): ACE members who pay the full membership dues and are entitled to all rights and privileges of membership. Dues are determined by ACE according to Constitution Article 3.2. Member Rights: ACE Support, Receive Communications, Attend Meetings, Ask Questions, Give Input, Vote, Hold Office

Service Fee Paying Employee: ACE members who excused themselves from the governance and voting rights of full dues paying membership. Service fees are determined by ACE according to Constitution Article 3.4 and shall not exceed the cost of full membership dues. Member Rights: ACE Support, Does Receive Communications, Can Attend Meetings, Can Ask Questions, Can Give Input, Cannot Vote, Cannot Hold Office

Absentee Ballots: A ballot marked and mailed in advance by a voter away from the actual polling place.

District Offices: The District Office Building and the immediately surrounding buildings including Plant Services, Purchasing, ETS, etc.

Ex-officio Member: By virtue of an office or position; an ex-officio member has full speaking and voting rights on committees, unless otherwise indicated in the Constitution

Impasse: Bargaining impasse occurs when the two sides negotiating an agreement are unable to reach agreement and become deadlocked.

Mediation: Mediation consists of a process of alternative dispute resolution in which a (generally) neutral third party, the mediator, using proper techniques, assists two or more parties to help them negotiate an agreement, with concrete effects, on a matter of common interest.

PERB: The Public Employment Relations Board is a quasi-judicial administrative agency charged with administering the collective bargaining statutes covering employees of California's public schools, colleges, universities, employees of the State of California, employees of California local public agencies (cities, counties and special districts), trial court employees and supervisory employees of the Los Angeles County Metropolitan Transportation Authority.

EERA: The statutes administered by PERB include the Educational Employment Relations Act ([EERA](#)) of 1976 establishing collective bargaining in California's public schools (K-12) and community colleges.

Proxy Voting: When a member who is entitled to vote at a meeting authorizes another member to vote on his or her behalf at a specific meeting and under specified circumstances

Quorum: The minimum attendance required to conduct business at a meeting. The percentage needed for a quorum may be modified in the organization's Constitution.

Reopener: With the exception of years when the entire Agreement is open for negotiation, either party may reopen negotiations on Article 8 (Pay and Allowances), Article 18 (Paid Benefits) and one additional article of either party's choice.

Simple Majority Vote: A straightforward form of voting where a simple majority of votes wins (greater than 50%)

Straw Vote: An unofficial vote taken to determine opinion on some issue

Strike: To stop working as a collective form of protest against an employer

Uncontested Race: During an election, a position which has only one (1) candidate running for that office

Working Days: For the purposes of this Constitution Working Days shall be defined as Monday through Friday, September through June and Monday through Thursday, July through August, excluding holidays.