

# **Philadelphia Security Officers Union**

## **Constitution and By-Laws**

### **ARTICLE I. NAME**

The name of this organization shall be the Philadelphia Security Officers Union, herein referred to as "PSOU" or the "Union."

### **ARTICLE II. OBJECTIVES**

The objectives of PSOU shall be to represent workers employed by security agencies or companies; to improve the working conditions for security officers through collective bargaining and other means; and to show respect for the lives of all workers.

### **ARTICLE III. OFFICERS**

#### **Section 1. Role of the Officers**

The role of the officers shall be to represent the membership and to manage the affairs of the Union in accordance with the terms of the Constitution and By-Laws, and to enforce the terms of collective bargaining agreements covering bargaining units in which members of PSOU are employed. Accordingly, the officers shall attend all general membership and special meetings (as appropriate) of this Union except for absences beyond the control of the officer, when reasonable (e.g., sickness, bereavement, etc.), or when otherwise conducting business for the Union.

#### **Section 2. Officers**

The officers of PSOU shall consist of the President, Vice-President, Secretary, Treasurer, Assistant Secretary and Sergeant-at-Arms. These officers and the elected Shop Stewards comprise the **Executive Board**, herein referred to as the "Board". An officer or steward may hold only one elective office at a time, except that an officer or steward may concurrently serve on an elected or appointed committee.

#### **Section 3. President**

The President shall preside over meetings, in accordance with the Constitution and By-Laws, and shall enforce the terms of collective bargaining agreements covering bargaining units in which members of PSOU are employed. The President shall co-sign all checks drawn against funds of PSOU. The President may delegate any duties not specifically listed. The President may, as needed, appoint special committees, subject to approval of the membership, when an election is not called for. The President shall sit as ex-officio member of all special and standing committees, but shall have no vote at the meetings at which he or she presides as an ex-officio member, except to break a tie, unless otherwise provided by this constitution and by-laws.

#### **Section 4. Vice President**

The Vice President shall assist the President in his or her duties. The Vice President shall preside in the absence of the President. The Vice President shall co-sign all checks drawn against funds of PSOU.

#### **Section 5. Secretary**

The Secretary shall keep a record of the proceedings of all Union meetings, including general and special membership meetings, as well as meetings of the officers. The Secretary shall assist the President in his or her duties.

### **Section 6. Assistant Secretary**

The Assistant Secretary shall serve as an assistant to the Secretary and shall keep a record of the proceedings of all Union meetings in the Secretary's absence.

### **Section 7. Treasurer**

The Treasurer shall receive and account for all monies of PSOU, including but not limited to all dues, initiation fees and contributions. The Treasurer shall co-sign all checks drawn against funds of PSOU. The Treasurer shall open and maintain a bank account in a bank selected by the Board. The Treasurer shall prepare and co-sign checks for such purposes as authorized by the officers or the membership. The Treasurer shall prepare and maintain monthly reports accounting for all funds of PSOU, and shall present a report at each monthly membership meeting. The Treasurer shall, at the expense of PSOU, obtain a surety bond for an amount to be fixed by the officers.

### **Section 8. Sergeant-at-Arms**

The Sergeant-at-Arms shall be responsible for maintaining order during all Union meetings and performing other tasks as directed by the President.

## **ARTICLE IV. INITIATION FEE AND DUES**

### **Section 1. Initiation Fee**

All members of PSOU shall pay an initiation fee in the amount of \$150.00. The Executive Board may waive the initiation fee when the Board deems it appropriate.

### **Section 2. Dues**

All members of PSOU shall pay monthly dues at the rate of one and one-half percent (1.5%) of gross wages. Dues shall be due with weekly or bi-weekly pay and shall be paid to the "Philadelphia Security Officers Union" by payroll deduction or any other legal method.

### **Section 3. Delinquency**

Any member who is thirty (30) days in arrears shall be considered delinquent. In the event that a member is delinquent, PSOU shall issue a statement by certified mail to the home address of the bargaining unit member outlining the amount due, and setting a due date for payment of the arrearage. In the event that the arrearage is not paid, the member shall no longer be considered in good standing, and the member shall be suspended from membership.

### **Section 4. Reinstatement**

A member may be reinstated upon payment of all arrearages, plus a collection fee in an amount to be determined by the Board.

### **Section 5. Dues Reimbursement**

All Executive Board members and shop stewards shall be reimbursed dues on a quarterly basis. Assistant shop stewards shall be reimbursed 50% of dues on a quarterly basis.

## **ARTICLE V. MEMBERSHIP**

### **Section 1. Eligibility**

All employees employed in bargaining units in which PSOU is the certified or recognized bargaining representative shall be eligible for membership.

### **Section 2. Application for Membership**

Application for membership shall be made on a prescribed application form or a prescribed authorization for payroll deduction signed by the individual.

### **Section 3. Member in Good Standing**

A member in good standing shall be any member who has made timely initiation fee payments and dues payments, and payment of all arrearages following notice from PSOU except as subject to any discipline as prescribed by these by-laws.

### **Section 4. Authority**

The general membership is the body consisting of all members in good standing. This body is the ultimate and final authority in all matters. Decisions and actions taken by any member serving in an elected capacity are subject to review and may be changed by a majority vote of the general membership in accordance with these by-laws.

### **Section 5. Non-discrimination**

We shall not tolerate discrimination based on race, creed, color, religion, gender, gender identity, sexual orientation, marital status, national origin, citizenship status, ancestry, age, disability, or political persuasion.

## **ARTICLE VI. FINANCES**

PSOU shall maintain a bank account at a bank selected by the officers. The President, Vice President and Treasurer shall be co-signers on the bank account. Any expense in excess of \$1,000.00 must be approved by a majority of the membership in attendance at a general membership meeting.

## **ARTICLE VII. MEETINGS**

Meetings of this Union shall be governed by the current edition of Robert's Rules of Order. Every member shall follow and be subject to such rules governing debate at all meetings of the Union.

### **Section 1. General Membership Meetings**

PSOU shall conduct a general membership meeting bi-monthly on a Monday chosen by the Executive Board. The attendance of any member outside the Executive Board shall constitute a quorum in order to conduct the business of the Union at a general membership meeting except as otherwise provided by this constitution and by-laws. The President shall preside over the general membership meeting.

### **Section 2. Executive Board Meetings**

The Executive Board shall meet monthly, in advance of the General Membership meeting, in order to set the agenda and conduct the routine business of the Union.

A simple majority of the members of the Board shall constitute a quorum in order to conduct the business of the Board. The President, or if absent the Vice President, shall preside. All decisions of the Executive Board shall be by a majority vote of the members present except as otherwise provided by this constitution and by-laws.

### **Section 3. Special Meetings**

PSOU may conduct special meetings in addition to general membership meetings if needed. A special meeting may be called by the President with fifteen (15) days advance notice to the membership. Members of the union can call a special meeting by submitting to the President a petition signed by ten percent (10%) of the members in good standing. If called by members, the President shall convene the meeting within ten (10) days of the receipt of the petition, at which the matters of concern to the initiating members shall be addressed.

## **ARTICLE VIII. SHOP STEWARDS**

### **Section 1. Duties**

A. The Executive Board shall set policies as necessary on all matters relating to stewards, except the basic policies that stewards shall be members in good standing, and that they be elected, by ballot or petition, by members of the shift or other work area they will represent.

B. A steward may be elected by submitting to the President a petition signed by a majority of the members on her/his shift.

C. The Board will ensure that stewards receive appropriate training.

D. The responsibilities of a steward include, but are not limited to:

1. Mobilizing members to action. Supporting the Union's efforts to process grievances and resolve worksite issues;
2. Orienting new workers to the Union;
3. Maintaining the Union's internal organization at the worksite;
4. Completing steward training
5. Participating in the grievance appeal process, as appropriate;
6. Distributing and posting all appropriate information from the Union and updating the Union bulletin board;
7. Collecting dues or other monies if so authorized by the Union;
8. Representing her/his worksite in appropriate meetings of the Union, including but not limited to serving as a member of the Union's Executive Board, and representing the interests of the members in their absence;
9. Attending facility, worksite, and other appropriate meetings;
10. Communicating with members regarding all appropriate matters relating to the Union and employer relations.

### **Section 2. Number**

Each bargaining unit represented by PSOU shall have one (1) shop steward elected on each shift or distinct work site. Each steward is a member of the Executive Board by virtue of office.

## **ARTICLE IX. BARGAINING COMMITTEES**

Bargaining Committees shall be elected by members in the bargaining unit, upon the recommendation of the Board. The size and method of selecting a Bargaining Committee will vary based on various representational factors.

The results of any collective bargaining session shall be subject to ratification by the members affected, with sufficient notice given to the membership and in accordance with other policies and procedures as determined by the Bargaining Committee and/or the Executive Board. If a contract is to be ratified at a meeting, that meeting must be held after a reasonable opportunity for members to be fully informed.

The Board shall establish policies regarding the reimbursement of lost time wages and “out of pocket” expenses by members of a Bargaining Committee or for any other Union related meetings or activities.

## **ARTICLE X. ELECTIONS**

In all union elections for Executive Board positions or a bargaining committee, the candidates receiving the highest number of votes cast by eligible members for each contested position shall be certified the winner and will assume the duties of the position in accordance with this constitution and by-laws. Candidates for Executive Board positions who are uncontested will be declared the winner by acclamation at the nomination meeting and notice of same will be included in the election notice.

### **Section 1. Nominations**

- A. All nominations for elective office shall take place in a meeting at least forty-five (45) days before the election, and will be conducted by the Election Committee.
- B. A member is eligible for nomination if s/he has been a member in good standing throughout the year prior to the date of the nomination being certified. [The exception is for the first elections for truncated terms. See the Appendices.]
- C. A candidate member must be nominated by a member in attendance at the nomination meeting, and must be seconded by a different member in attendance. A candidate member must accept the nomination either while in attendance at the nomination meeting, or in writing and made available to the presiding member before nominations are closed, in order to be a qualified candidate for office.

### **Section 2. Terms of Officers and Shop Stewards**

All officers, including President, Vice President, Secretary, Assistant Secretary, Treasurer, and Sergeant at Arms and shop stewards shall have a term of three (3) years. Installation of officers and shop stewards shall be at the next regular general membership meeting following the election.

### **Section 3. Elections**

Elections for officers and shop stewards shall normally be conducted every three (3) years in April. Elections shall be conducted by secret ballot at a time and place convenient to all members eligible to vote. Any member in good standing has the right to observe the counting of the ballots in any Union election.

### **Section 4. Election Committee**

A. An Election Committee shall be established at least two (2) months prior to a general election. The committee will consist of at least five (5) members appointed by the Executive Board. The President shall name a chairperson of the committee. The election committee shall:

1. Conduct the nominations and election;
2. Establish safeguards to ensure a fair and democratic election;
3. Validate the qualifications of the nominees for candidacy;
4. Validate the eligibility to vote;
5. Tabulate the results and certify the election;
6. Determine the method of voting.

B. No incumbent member of the Executive Board shall be eligible to be a member of the Election Committee.

C. Members of the Election Committee may not be nominated for any office.

D. Any lost wages or out-of-pocket expenses may be paid by the Union for members of the Election Committee if approved by a majority of the Executive Board.

### **Section 5. Notice of Election**

Notice of candidates certified by the Election Committee shall be mailed to all members in good standing at least thirty (30) days before the election. Notice shall include the names of the candidates and the offices sought, the date, time and place of the election, and that proper identification will be required in order to vote.

### **Section 6. Appointment of Officers**

In the event of a vacancy in a position, the President shall appoint, with the advice and consent of the Executive Board, a new officer to serve the remainder of the term. In the event of a vacancy in the office of President, the Vice President shall complete the term.

## **ARTICLE XI. STRIKES**

The Executive Board shall establish policies regarding strike authorization procedures. The members of the affected bargaining unit must vote in order to authorize a strike. A majority of those voting is required to authorize a strike.

## **ARTICLE XII. DISCIPLINE AND REMOVAL OF OFFICERS**

### **Section 1. Discipline**

A. Any member in good standing may file a charge against another member or an officer for violations of the Constitution or By-Laws. Any charge(s) must be in writing and submitted in duplicate to the Secretary. The Secretary, or another member designated by the President or Executive Board, shall serve a copy of the charge(s) to the accused member either personally or by registered or certified mail to the last known address of the accused at least ten (10) days before any hearing shall commence.

B. Any member, against whom charges have been preferred or disciplinary action taken, agrees, as a condition of membership or affiliation, to exhaust all remedies provided in the Constitution and By-laws of the Union, and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

C. In order to ensure members' protection from frivolous charges, the Union, its officers or members may be charged with:

1. Violation of any specific provision of the Constitution and By-laws;
  2. Violation of an oath of office;
  3. Gross disloyalty or conduct unbecoming a member;
  4. If serving in an elected capacity, gross inefficiency which might hinder and impair the interests of the Union;
  5. Financial malpractice;
  6. Engaging in corrupt or unethical practices or racketeering;
  7. Violation of democratically or lawfully established rules, regulations, policies or practices of the Union;
  8. The wrongful taking or retaining of any money, books, papers or any other property belonging to the Union;
  9. Working as a strike breaker or violating wage or work standards established by the Union;
- and

10. The bringing of false charges against a member or officer without good faith or with malicious intent.

## **Section 2. Hearing**

- A. Upon receipt of the charge, the Executive Board, excluding any member named in the charge, shall serve as the trial body. The Executive Board, at its discretion, may have counsel present during the hearing. The accused shall be afforded a full and fair hearing.
- B. Both the accused and the member filing the charge will be afforded an opportunity to appear in person with witnesses as appropriate, and to present evidence. The accused may select a member of the Union or an attorney to represent the accused in the presentation of a defense.
- C. If the President of the Union believes that the charges filed against a member serving in an elected capacity involve a situation which may seriously jeopardize the interests of the Union, the President may suspend such member from serving in that capacity until a decision is reached.
- D. In all trials, if a member filing charges is a member of the trial body, s/he may appear and be heard in support of the charges, but shall be ineligible to participate in the consideration of or decision regarding such charges.

## **Section 3. Penalty**

If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose appropriate disciplinary action up to and including suspension from membership or removal from office. If the charges are not sustained, the same shall be dismissed and the accused restored to full rights of membership or office in the Union.

The decision of the trial body shall be reported to the next regular membership meeting of the Union.

## **Section 4. Appeal**

A member who is subject to a penalty as the result of a charge and following a hearing, may appeal the decision of the trial body at the next membership meeting. The decision of the trial body will only be overturned by a vote of the majority of the members at the membership meeting.

## **Section 5. Recall**

- A. Any officer, shop steward or bargaining committee member may be recalled by a vote of the constituency that elected her/him to office.
- B. A vote to recall shall be held within sixty (60) days of receipt of a petition signed by at least thirty-five percent (35%) of the membership of the constituency that elected her/him to office.
- C. All signatures shall be dated and shall be no more than ninety (90) days old at the time of submission in order to be considered a valid signature.
- D. A special election committee shall be designated by the Executive Board to conduct the recall election pursuant to provisions decided upon by the Executive Board.
- E. If an Executive Board member or officer is recalled, her/his office shall be declared vacant and filled in accordance with the provisions contained within this Constitution and By-laws.
- F. Recall shall not be scheduled if a petition is received within one hundred eighty (180) days of a general election.

- G. If a recall is not approved by a majority of those voting in the recall election, no new petition shall be considered valid if received prior to one year from the date that the recall results were certified.
- H. The recall process shall not be used to merely overturn the results of a bona fide election to office.

**Section 6. Appointment of Officers**

In the event that an officer is removed, and any appeal is denied, the vacancy shall be filled in accordance with Article X. Section 6.

**ARTICLE XII. AMENDMENTS**

The Constitution and By-Laws of PSOU may only be amended after the Executive Board reads and reports on the proposed amendment at a general membership meeting, and allowing a vote on the proposed amendment at the following monthly general membership meeting. A vote of the majority of members of the Union who cast valid ballots shall be necessary to adopt any amendment(s) to this Constitution and By-laws.

Any proposed amendment shall be submitted in writing to the Executive Board for consideration and recommendation.

Should a majority of the Board fail to support taking a proposed amendment(s) to a vote of the membership, no vote will be scheduled on the proposed amendment(s) unless a petition supporting the proposed amendment(s) is signed by at least twenty-five percent (25%) of the members in good standing of the Union and is submitted to the Board.

The Executive Board may propose an amendment(s) to this Constitution and By-laws at any time.

**ARTICLE XIII. NON-LIABILITY**

Except as otherwise specifically provided in this Constitution, no officer, representative, or member of this Union shall be authorized to make contracts or incur liabilities for, or in the name of the Union unless authorized in writing by the President and Treasurer, their designee(s), or by action of the Executive Board.

**ARTICLE XIV. PROPERTY RIGHTS OF MEMBERS**

The title to all property, funds, and other assets of this Union except for real property, which may be held by a corporation created pursuant to Internal Revenue Code Section 501(c)(2), shall at all times be vested in the Executive Board for the joint use of the membership of the Union. No member shall have any severable proprietary right, title or interest therein.

Membership in this Union shall not vest any member with any right, title or interest in or to the property of this Union, including the funds of this Union.

**ARTICLE XV. INSTALLATION PLEDGE**

Each member elected to serve the members of this Union shall, upon election and normally at the next general membership meeting, be sworn in to her or his position through the administering of the following pledge by the chairperson of the Election Committee or an appropriate alternate:

*“I, \_\_\_\_\_, accept my responsibility as an elected representative of the Philadelphia Security Officers Union. I pledge upon my honor that I will faithfully observe the Constitution and By-laws of the PSOU. I pledge to do everything in my power to properly represent the members. I will not knowingly wrong a member or see a member*



*wronged if it is in my power to prevent it. I also pledge that I will work to the best of my ability to provide effective and responsible leadership to the members I am privileged to represent.”*

## **ARTICLE XVI. Obligations of Members**

Members are encouraged to be sworn in according to the following pledge in order to demonstrate an understanding of the obligations of membership and the support that members give to one another:

*“I, \_\_\_\_\_, do solemnly promise, on my most sacred word of honor, that to the best of my ability, I will: Bear true and faithful allegiance to PSOU and will advance its programs and policies, and preserve, protect and defend its Constitution and By-Laws. I will conduct myself at all times in a manner that will bring credit upon this Union and that will contribute toward its success. I will never defraud nor misrepresent this Union or allow any other member to do so if in my power to prevent it.”*

## **APPENDICES**

### **APPENDIX A. ADOPTION OF THIS CONSTITUTION AND BY-LAWS**

A call to adopt this constitution and by-laws shall be issued by leading members of the unit at the earliest possible date convenient to all employees eligible for union membership. A committee of volunteers from *Philadelphia Jobs with Justice* shall assist in the preparation and conduct of the voting to adopt this constitution and by-laws.

Notice of the date and place for voting to adopt this constitution and by-laws shall be as widely distributed throughout the worksite as practicable a minimum three (3) workdays before, and shall include the nature and time and place of the vote, how to obtain a free and readily available copy of the proposed constitution and by-laws, who can answer questions about the proposal, who is eligible to vote, and that proper identification will be required at the time of voting.

The committee shall ensure proper identification of eligible voters, that each voter signs next to their name on the list of eligible voters, that the votes are tabulated and certified, and will maintain custody of the ballots and signed list of eligible voters until the assumption of duties by elected officials.

After a majority of members of the union who cast valid ballots have voted to adopt this constitution and by-laws, it shall become effective immediately, and any appropriate notice shall be forwarded to the Department of Labor. The nomination and election of *interim* officers who will serve a truncated term will proceed as described in Appendix B. Interim officers will be identical in all respects to the officers and stewards as described in this constitution and by-laws with the exception that their term of office is limited.

### **APPENDIX B. NOMINATION AND ELECTION OF INTERIM OFFICERS AND STEWARDS AND A BARGAINING COMMITTEE**

Volunteers of *Philadelphia Jobs with Justice* will comprise the Election Committee to manage the nomination and election for interim officers and stewards and the initial contract bargaining committee. A candidate for any interim elective office may not serve on the Election Committee.

The first nominations of eligible members for officers, stewards and bargaining committee shall be held at a meeting called for this purpose to be held on November 9, 2009. Notice of this meeting shall be widely distributed throughout the worksite and include the reason for the meeting, who is eligible, and that a nomination and a second by eligible members will be required.

Any member may nominate a candidate for elective office. A candidate’s nomination must be seconded by another member. To qualify, a candidate must accept a properly seconded nomination either in person or in writing submitted to the Election Committee before nominations close.

Officers and stewards may hold only one position at any time, but may also serve on the bargaining committee.

The first election for officers and stewards shall be held by secret ballot on November 30, 2009 at a time and place convenient to all eligible members.

The Election Committee shall ensure proper identification of eligible voters, that each voter signs the *list of eligible voters*, tabulate and certify the ballots, and will maintain custody of all nomination and election records and materials until the result of the election and the assumption of duties by elected officials.

The elected Secretary shall take custody of all records and materials relating to the adoption of this constitution and by-laws, nominations and the election, upon assuming office.

Elected interim officers and stewards and the bargaining committee will assume their duties immediately upon certification of the voting results by the committee. At this time, the permanent provisions of this constitution and by-laws govern with the exception that the interim officers and stewards serve until May, 2011. After the election and assumption of duties of regular-term officers and stewards in May, 2011, these Appendices A and B become moot and shall be considered archived and without further effect.

#### **APPENDIX C. Miscellaneous**

The Executive Board shall develop in due course recommendations on specific amendments to this constitution and by-laws which would further the efficiencies of the Union and the interests of the membership, and report same to the membership for appropriate action. Specific matters to be addressed shall include but not be limited to: standing committees, an elected Chief Steward position, compensation for officers and stewards, and setting automatic dues increases to track inflation and/or pay increases acquired through collective bargaining.

#### **APPENDIX D. PSOU MEETING AGENDA (Recommended)**

1. Call to Order
2. Roll Call of Officers
3. Reading of Minutes
4. Correspondence
5. Financial Report
6. Report and Recommendations from the Executive Board
7. Report of Committees
8. Unfinished Business
9. New Business
10. Good and Welfare
11. Adjournment