

Dayton Metro Library Staff Association

Constitution

Approved November 25, 2007

Amended October 19, 2008

Article I. Name

Section 1.01 The name of this organization shall be Dayton Metro Library Staff Association aka DMLSA.

Article II. Purpose

Section 2.01 The purpose of this non-profit Association shall be to act as the sole and exclusive bargaining representative for the employees of the Dayton Metro Library.

Article III. Membership

Section 3.01 All employees of the Dayton Metro Library Bargaining Unit, as defined by the Collective Bargaining Agreement, are eligible to become members of the Association.

Section 3.02 A voting member is an employee whose dues are paid and a signed Association membership application is on file with the Association. A membership card will be issued to each voting member.

Section 3.03 A non-voting member (fair share) is an employee whose dues are paid, but who has declined Association membership or who has not returned a signed Association membership application.

Section 3.04 Dues are paid through payroll deduction. The amount paid by each bargaining unit member is set forth in the Bylaws and transmitted to the Library Board of Trustees as stated in the Collective Bargaining Agreement. There shall be no initiation fee charged by the Association.

Section 3.05 Discrimination on the basis of race, color, religion, national origin, age, sex, handicap, marital status, or status as a disabled veteran is prohibited. Sexual harassment is a form of sex discrimination and is thus prohibited.

Section 3.06 Classification of employees:

- (a) Support Staff (Grades 1 – 9);
- (b) Professional Staff (Grades 10 +).

Article IV. General Membership Meetings

Section 4.01 The highest authority of the Association shall be held by the membership, which shall exercise its will through the General Membership meeting, then the Executive Council, and then by Referendum.

Section 4.02 General Membership meetings shall be held as the Bylaws direct.

Section 4.03 The members attending the General Membership meetings may, by majority vote, order the Executive Council to take any action on any issue so long as the action is in accord with federal and state law, the Collective Bargaining Agreement, the Constitution and Bylaws.

Section 4.04 Special General Membership meetings may be called with at least a 48 hour notice. Reasons for these meetings include, but are not limited to, an emergency or a change in the Constitution. The meetings may be called by:

- (a) The Executive Council;
- (b) The President;
- (c) The membership by a written petition of twenty (20) percent or more Association voting members. This petition must state the reason for the General Membership meeting.

Section 4.05 The General Membership meeting shall have no quorum.

Article V. Executive Council

Section 5.01 The voting membership shall elect the Executive Council.

Section 5.02 Any voting member may be a candidate for the Executive Council, provided they have completed their initial probationary period with the Dayton Metro Library.

Section 5.03 The Executive Council shall be composed of the President, Vice President, Treasurer, Secretary, and Communications/Membership Officer.

Section 5.04 The President, Secretary, and Communications/Membership Officer shall be elected in October and take office on November 1st in odd numbered years for a period of two (2) years.

Section 5.05 The Vice President and Treasurer shall be elected in October and take office on November 1st in even numbered years for a period of two (2) years.

Section 5.06 In the event of a vacancy, their successors will be elected by the general membership to fulfill the unexpired term.

Section 5.07 It is recognized that demands by membership of their Executive Council far exceeds the time allowed on paid Library time, therefore the Executive Council shall be compensated for their time on behalf of the Association. Refer to the Bylaws for compensation rates.

Section 5.08 The duties and responsibilities of each officer on the Executive Council are outlined in the Bylaws.

Section 5.09 The Executive Council shall be empowered to communicate with legal counsel.

Section 5.10 The Executive Council has the power to act for the membership between General Membership meetings.

Section 5.11 The Executive Council shall meet as the Bylaws direct.

Section 5.12 Special meetings of the Executive Council may be called by a majority of Executive Council members.

Section 5.13 The quorum for the Executive Council meetings shall be a majority of council members.

Section 5.14 Directors & Officers Liability insurance will be purchased for the Executive Council by the Association.

Section 5.15 No member of the Executive Council shall on his or her individual capacity be liable for any debt or liability of the Association.

Section 5.16 No loans will be made to members.

Section 5.17 Neither the elected officers of the Association nor their spouses, children, parents, or otherwise, shall have business or financial interests that conflict with the fiduciary obligations of such persons of the Association.

Section 5.18 The Executive Council may create such standing committees it deems necessary.

Section 5.19 The Executive Council shall establish such ad hoc committees as it deems necessary.

Section 5.20 The fiscal year of the Association shall be the calendar year or such other period established by the Executive Council.

Section 5.21 The Executive Council may authorize any officer(s), or agent(s), of the Association to enter into any contract or execute or deliver any instrument in the name of and on behalf of the Association. Such authority may be general or confined to specific instances.

Article VI. Stewards

Section 6.01 There shall be a maximum of six (6) stewards, including the Vice President, which shall comprise the Stewards Council.

Section 6.02 The Stewards Council shall be responsible for the enforcement of the Collective Bargaining Agreement. The Stewards shall handle all grievances brought against management.

Section 6.03 Stewards shall be elected in October and take office November 1st for a two (2) year term. Two (2) Stewards shall be elected in even years and three (3) Stewards shall be elected in odd years.

Section 6.04 The Stewards Council shall meet regularly as outlined in the Bylaws. Refer to the Bylaws for compensation rates for attendance at Stewards Council meetings.

Section 6.05 Stewards shall be empowered to communicate with legal counsel.

Section 6.06 Stewards shall review any and all contract/labor issues to be addressed prior to the start of negotiation. One (1) Steward and the Vice President will meet with the Negotiation Committee and submit a full report in preparation for negotiations.

Section 6.07 Stewards are allowed paid release time for attending to the investigation and processing of grievances per the Collective Bargaining Agreement. When additional time is required beyond the allowed paid release time, Stewards will be compensated by the Association at the hourly rate as described in the Bylaws.

Section 6.08 Additional duties and responsibilities for Stewards are outlined in the Bylaws.

Section 6.09 In the event the Stewards Council falls below four (4) Stewards an election will be held by the general membership to fill the unexpired terms.

Article VII. Arbitration

Section 7.01 The Stewards Council shall decide which grievances shall be taken to arbitration. This decision shall be based on information provided by the Grievant, the Steward, and, if necessary, the legal counsel.

Section 7.02 If the Stewards Council decides not to proceed to arbitration, the Grievant may appeal this decision to the full Executive Council. Such a request must be made in writing to the President. The President shall convene a special meeting of the Executive Council to hear the appeal in person by the Grievant. The Executive Council shall meet in Executive Session to make its determination, which shall be final.

Section 7.03 This appeal must be filed no later than 72 hours prior to the time limit set forth in the grievance procedure of the Collective Bargaining Agreement.

Article VIII. Negotiation Committee

Section 8.01 The Negotiation Committee, assisted by the Association's legal counsel, shall be responsible for the negotiation of the Collective Bargaining Agreement. In the event a Negotiation Committee member fails to perform his/her duties the Executive Council can

remove him/her. The Executive Council will appoint a new Committee member in the appropriate classification.

Section 8.02 The Negotiation Committee shall be composed of six (6) bargaining unit members, and legal counsel, and others as deemed necessary. They are the President who acts as chairperson, the Vice President, a Steward from the Stewards Council, two (2) members at large, and a sixth member appointed by the Executive Council if deemed necessary. Only the bargaining unit members shall be voting members.

Section 8.03 The two (2) members at large shall be elected as follows:

- (a) One (1) support staff member shall be elected from the support staff of the Library;
- (b) One (1) professional staff member shall be elected from the professional staff of the Library.

Section 8.04 Upon completion and ratification of the Collective Bargaining Agreement, the Negotiation Committee shall be disbanded. If a situation arises, the original Negotiation Committee may be reconvened during the life of the contract they negotiated. If any member of the original Committee has been dismissed from office or is unable to sit on the reconvened Committee, then the Executive Council will appoint another voting member of the Association in the appropriate classification.

Section 8.05 The Negotiation Committee shall be responsible to the Executive Council.

Section 8.06 During the negotiation process the Negotiation Committee shall communicate no less than weekly with the Executive Council. The Communications/Membership Officer shall report no less than weekly to the membership on the progress of negotiations.

Section 8.07 Individual responsibilities of Negotiation Committee members shall be established by the Committee members.

Section 8.08 Negotiation Committee members are expected to attend all scheduled negotiation sessions.

Article IX. Reprimands, Dismissal and Removal from Office

Section 9.01 For the good of the body of the Association, a majority of the Executive Council, by secret ballot, can reprimand or dismiss any member of the Executive Council or Stewards Council. In all cases, the member being brought up for reprimand or dismissal shall have no vote.

Section 9.02 Reprimands for the Executive Council will be based on:

- (a) Failure to attend three (3) meetings in any twelve (12) month period without satisfactory cause:

- (i) If an officer misses three (3) meetings in any twelve (12) month period they will forfeit one-twelfth (1/12) of their annual compensation;
 - (ii) For each additional meeting missed, they will forfeit another one-twelfth (1/12) of their annual compensation.
- (b) Failure to comply with duties and responsibilities as outlined in the Bylaws.

Section 9.03 Reprimands for the Stewards will be based on:

- (a) Failure to attend three (3) meetings in any twelve (12) month period without satisfactory cause;
- (b) Failure to comply with duties and responsibilities as outlined in the Bylaws.

Section 9.04 Dismissal will be based on:

- (a) Continuation of behavior which has been previously reprimanded;
- (b) Unethical behavior.

Section 9.05 A motion for a vote of no confidence must be proposed by a written petition signed by one-third (1/3) of the eligible voting membership of the Association.

Section 9.06 A vote of no confidence passed by two-thirds (2/3) of the eligible voting membership by secret ballot may take place to remove from office any member of the Executive Council or the Stewards Council.

Section 9.07 The motion for a vote of no confidence must state:

- (a) The name and office of the official to be removed;
- (b) The reason for the removal of the official;
- (c) The name of a challenger to replace the official.

Section 9.08 The officer/steward for whom the vote of no confidence is to take place shall be notified within three (3) days of its submission to the Executive Council.

Section 9.09 The vote of no confidence must take place within thirty (30) days of its submission to the Executive Council.

Section 9.10 If the vote of no confidence is passed, the officer/steward is removed and the challenger assumes the duties of the office.

Section 9.11 The challenger elected to office in this way shall complete the incumbent's term only. The new officer/steward may also be subject to a vote of no confidence.

Article X. Referendum

Section 10.01 The membership may vote directly on issues through the use of the Referendum.

Section 10.02 The Referendum may be called:

- (a) By at least twenty (20) percent of the total voting membership at a General Membership meeting;
- (b) By the Executive Council;
- (c) By the President;
- (d) By a petition with the names of twenty (20) percent or more Association voting members. The petition must state the specific issue to be voted on.

Section 10.03 The issue to be decided must be formally published for the membership thirty (30) days before the vote is taken.

Section 10.04 The Referendum shall take place by secret ballot. The Executive Council may choose to appoint an Election Committee to be in charge of the voting process.

Section 10.05 The Referendum shall be adopted by two-thirds (2/3) of the entire voting membership.

Section 10.06 The members attending the Referendum meeting may, by majority vote, order the Executive Council to take any action on the Referendum issues(s) so long as the action is in accord with federal and state law, the Collective Bargaining Agreement, the Constitution and Bylaws.

Article XI. Standing Committees

Section 11.01 All standing committees shall be responsible to the Executive Council. All standing committees' representatives serve at the pleasure of the Executive Council.

Section 11.02 All standing committees' representatives shall be reviewed at the end of each contract negotiation. The Executive Council reserves the right to appoint or remove its representatives on the standing committees at any time.

Section 11.03 The Executive Council, or its designated representative(s), shall survey Association voting members to identify potential candidates to serve on standing committees.

Article XII. Merger or Dissolution

Section 12.01 No merger of the Association with any other organization or any dissolution of the Association shall be valid unless a Referendum vote of the voting members of the Association approves such action by a two-thirds (2/3) vote with more than 50 (fifty) percent of the current voting members casting a ballot.

Section 12.02 In the event of a proposed merger of the Association the terms of the merger, including disposition of the Treasury, shall be set out with reasonable particularity in the Referendum ballot.

Section 12.03 In the event of a proposed merger of the Association, the Association's legal counsel shall review the proposed affiliation agreement between the Association and the other organization.

Section 12.04 In the event of the dissolution of the Association the Executive Council shall distribute pro rata the assets of the Association to the current voting members at the date of dissolution, after satisfying any debts or legal obligations of the Association.

Article XIII. Amendments

Section 13.01 This Constitution may be amended, revised, or replaced by an affirmative vote. A change or amendment or revision to the Constitution shall be adopted by an affirmative vote of two-thirds (2/3) of the entire voting membership.

Section 13.02 The proposed amendment, revision or replacement of the Constitution will be published for the membership thirty (30) days before the vote is taken by secret ballot.

Section 13.03 Amendments when approved take effect immediately.

Article XIV. Parliamentary Authority

Section 14.01 The Executive Council shall adopt a modified version of Roberts Rules of Order.

Article XV. Statutory Provision

Section 15.01 This Constitution shall at all times be interpreted to comply with all state and federal statutes and regulations.

Article XVI. Adoption

Section 16.01 This Constitution will be ratified and become effective upon a majority vote at a General Membership meeting or a Special General Membership meeting.