



PROVISIONAL CONSTITUTION AND BYLAWS

California United Homecare Workers Union
affiliated with
American Federation of State, County and Municipal
Employees and Service Employees International Union

Effective December 21, 2005

Article I – Purpose

In order to form a strong and democratic structure in which to organize and unite California homecare workers, this Local Union has been established by the Service Employees International Union (herein “SEIU”) and the American Federation of State, County and Municipal Employees (“AFSCME”) in accordance with each international’s respective constitution.

Article II – Creation, Jurisdiction & Dual Affiliation with AFSCME and SEIU

A. AFSCME and SEIU agree and do hereby establish a new labor organization, which shall be known as California United Homecare Workers Union (CUHW).

B. CUHW shall be a subordinate body of each International Union with all the rights, privileges and responsibilities conferred upon such bodies by their respective constitutions.

C. Within the AFSCME structure, CUHW shall be part of the UDW District of NUHHCE, AFSCME’s healthcare affiliate, which shall consist of UDW and CUHW.

D. Within SEIU, CUHW shall be chartered as a directly-affiliated local union.

E. CUHW shall be obligated to remain in good standing at all times with AFSCME and SEIU.

F. CUHW shall be entitled to representation at the International Conventions of AFSCME and SEIU in accordance with the representation formulas set forth in their respective constitutions.

G. At each International Convention, the voting strength of the delegates representing CUHW shall be based on the number of per capita tax units paid to each International, consistent with their constitutional methods for calculating voting strength. In the case of the AFSCME convention, delegates representing CUHW will be part of the NUHHCE delegation.

H. CUHW shall have jurisdiction over all IHSS homecare workers in the following California counties: Imperial, Butte, Shasta, Humboldt, Tehama, Lake, Tulare, Kings, Nevada, Del Norte, Siskiyou, Glenn, Plumas, Trinity, Colusa, Inyo, Sierra, Lassen, Modoc, Alpine, Madera, Mariposa, Mono, Sutter, and Tuolumne. CUHW shall also have jurisdiction over such other homecare workers as SEIU and AFSCME may assign to CUHW.

Article III – Membership & Rights as International Union Members

A. Membership in CUHW is open to persons working in the above jurisdiction including a unit that is encompassed by a collective bargaining agreement between CUHW and an applicable employer or to anyone performing service within CUHW as an officer or employee.

B. All members of CUHW shall be members of both AFSCME and SEIU.

C. Members of CUHW shall be afforded full membership rights in the International Unions, as defined in the International Union Constitutions, including election of delegates to International Conventions, eligibility to seek and hold office in one of the International Unions, and eligibility to serve on committees, advisory boards and other bodies of the International Unions, except as limited by this Temporary Constitution and Bylaws.

D. There shall be a review board established by the International Union Presidents to hear appeals from the CUHW on internal union elections, internal union charges and other matters involving membership rights in CUHW. Such matters shall be decided initially by CUHW in accordance with these Bylaws and applicable law and with due process to all interested parties.

E. Within three years of the issuance of these Bylaws, CUHW will conduct an election of officers.

Article IV – Dues, Initiation Fees and Per Capita Payments to the International Unions

A. All members shall pay dues according to a schedule mutually agreed to by AFSCME and SEIU that is adequate to fund CUHW and to provide for payment of all per capita taxes.

B. CUHW shall pay a uniform per capita tax to AFSCME and SEIU International Unions as jointly determined by the International Unions. The International Unions shall remit rebates to CUHW pursuant to the terms of the Strength in Unity Agreement dated September 15, 2005. As used herein, CUHW's obligation to pay per capita tax covers all "dues-paying" members, as well as other persons from whom CUHW receives an "agency fee", "fair share fee", or other similar form of payment for representation.

Article V – CUHW Officers

A. General

1. During the lawful term of this Temporary Constitution, the SEIU and AFSCME International Presidents shall have the power to appoint a President, Secretary/Treasurer, Executive Vice President, and two Executive Board members, and their successors, such officers to conduct CUHW's affairs pending the holding of elections for office. The allocation of these officer appointments per union shall continue to be made pursuant to the parties' original union designations reflected in their Strength in Unity Agreement.

2. During the period of their appointments, the officers shall have full authority to manage the affairs and conduct the business of CUHW in accordance with CUHW's Constitution.

3. The International Presidents of AFSCME and SEIU shall approve an election schedule and procedures, consistent with the requirements of LMRDA.

4. The Executive Board of CUHW will consist of the President, Secretary/ Treasurer, Executive Vice President and two Executive Board members.

B. President

1. The President shall have the following duties and shall exercise these duties in consultation with the Executive Vice President:

- a. To ensure overall compliance with contract standards of CUHW to insure quality representation for all California homecare workers within CUHW's jurisdiction.
- b. To hire, fire, supervise, direct, and determine compensation and benefits of the staff employed by the Union in accordance with policies adopted by the Executive Board and to assign additional duties to CUHW Secretary/Treasurer, as he/she may deem necessary.
- c. To employ or retain counsel, accountants, or such other assistants or personnel as a President may require to assist in the operation and administration of CUHW.
- d. To exercise general supervision and direction over the organizing, political, education, training and community activities of CUHW.
- e. To direct and be in charge of collective bargaining on behalf of CUHW and shall sign all collective bargaining agreements on behalf of CUHW after ratification of the affected members.
- f. To enlist members in the work of building the Union, including creating committees and naming members to such committees.
- g. To serve as CUHW's first delegate to all conferences, conventions and any other bodies for which CUHW is eligible to participate and for which no election of delegates is required; provided that he/she is eligible for participation in such body. The President shall appoint all other delegates where, and only where, elections of delegates to such conventions, conferences and other bodies are not required.
- h. The President shall have such other authority and responsibility as his/her office requires and as are consistent with the Constitution and Bylaws of CUHW.

2. The President shall have the following further responsibilities:

- a. To serve as the chief executive officer and representative of CUHW.
- b. To sign all agreements and co-sign on behalf of the Union all checks and other orders of disbursement drawn on the funds of CUHW, as long as such expenditures are in accordance with this Constitution and Bylaws and applicable law.

- c. To authorize strikes subject to the approval of the members directly involved.
- d. To call meetings of the Executive Board and of the members of the Union.

C. Secretary/Treasurer

1. The duties of the Secretary/Treasurer shall include the following:
 - a. To be the chief financial officer of the Union with responsibilities for maintaining the books and records of the Union.
 - b. To shall ensure an accurate accounting of receipts and disbursements of all monies of CUHW. The Secretary-Treasurer shall forward to the International Unions copies of any and all annual audit reports, or other financial statements, as well as LM-2 and other required filings.
 - c. To maintain accurate membership records of CUHW.
 - d. To notify the International Unions of all activities and actions of CUHW that are required to be reported to the International Unions.
2. The Secretary-Treasurer shall perform such other duties as assigned by CUHW President.

D. Executive Vice President

1. The duties of the Executive Vice President shall include the following:
 - a. To assist the President in integrating CUHW operations and achieving first contracts in counties formerly assigned to the AFSCME homecare affiliate, UDW/NUHHCE/AFSCME.
 - b. To assist the President in carrying out the legislative and political program of CUHW.
 - c. To assist the President in developing and strengthening relationships between CUHW and with the disability rights and senior communities.
 - d. To co-sign all checks and other orders of disbursement drawn on the funds of CUHW for expenditures that are authorized in accordance with this Constitution and Bylaws and applicable laws.
 - e. The Executive Vice President shall serve as one of CUHW's delegate to all conferences, conventions and other bodies in which CUHW is entitled to representation by more than one delegate and for which no election of delegates is required; provided that he/she meets the eligibility requirements for participation in such body.

E. Executive Board

1. The President, Secretary/Treasurer, Executive Vice President and the two Executive Board members shall constitute the Executive Board of CUHW. The Executive Board shall be the highest decision-making body in CUHW.
2. The Executive Board shall have the following powers and responsibilities:
 - a. To approve an annual budget authorizing and governing the expenditure of CUHW funds.
 - b. To approve or ratify any expenditures not provided for in the approved budget as may be necessary to promote the legitimate aims and objectives of CUHW.
 - c. To approve collective bargaining agreements prior to their submission to the affected membership for ratification.
 - d. To adopt policies governing the employment of staff employed by CUHW.
 - e. To formulate plans, programs and policies of CUHW.
 - f. To call meetings of the membership.
 - g. To serve as the trial body for any internal union charges filed against members of CUHW. Any directly interested party shall be disqualified, and the presiding officer of the trial body shall then appoint a disinterested member to serve instead.
 - h. Meetings of the Executive Board shall be held monthly at the call of the President, with adequate and proper notice to all Executive Board members.
 - i. Special meetings of the Executive Board shall be held upon reasonable notice at the call of the President or of any two members of the Executive Board.

Article VI -- Disbursements

No check or other disbursement shall be issued from CUHW unless properly authorized. All checks and other orders to disburse the funds of CUHW must have the signatures of the President and the Executive Vice President.

Article VII -- Bonding

All officers of CUHW and employees handling any monies of CUHW shall be bonded in the amounts and in the form required by applicable statutes and determined by the International Union Presidents. The bond shall be procured immediately upon assuming office or employment, the premiums of which shall be paid for by CUHW.

Article VIII – Founding Assembly

A founding assembly for the CUHW shall be held at a time and place to be determined by the International Presidents. The founding assembly shall be co-chaired by the International Presidents or their designees. The International Presidents shall appoint such committees as may be needed for the proper conduct of the founding assembly.

Article IX – Permanent Constitution and Bylaws

The International Presidents of AFSCME and SEIU, after the recommendation of CUHW officers, shall appoint a committee to prepare and recommend a draft of a new permanent Constitution and Bylaws and a procedure for their adoption. The founding assembly shall adopt a constitution and conduct such other business as may be set forth in the notice issued by the International Presidents. Consistent with the requirements of the AFSCME and SEIU constitutions, the permanent constitution of CUHW shall not take effect until it has been approved in writing by the International Presidents. The constitution of CUHW shall be subordinate to the Constitution and Bylaws of both AFSCME and SEIU. The International Presidents shall set the date and procedures of the first election of officers, according to the time period and manner required by the Labor Management Reporting and Disclosure Act.

Article X – Amendment

Until a permanent Constitution and Bylaws of CUHW can be adopted by the membership, this Temporary Constitution and Bylaws may be amended only by the International Presidents of AFSCME and SEIU. The International Presidents shall have ultimate authority to decide all points of law and interpretations arising under this Constitution when such questions are presented to them.

No amendment to CUHW constitution and bylaws shall become effective without the approval of the Presidents of SEIU and AFSCME.